

Address:	59 Maygrove Road London NW6 2EE		
Application Number:	2009/4598/P	Officer: Bethany Arbery	
Ward:	Fortune Green		
Date Received:	25/09/2009		
<p>Proposal: Erection of part four, part five storey building to provide 15 x 1-bedroom supported housing units and 14 self-contained flats (1 x 3 bedroom, 6 x 2 bedroom and 7 x 1 bedroom) all affordable housing (Class C3) (following demolition of existing two-storey building previously used as a car repair workshop).</p>			
<p>Drawing Numbers: H08/735/PL 090; /PL 091; /PL096; /PL 097; /PL 098; /PL 099; /PL 100B; /PL 101B; /PL 102B; /PL 103B; /PL 104B; /PL 105B; /PL 106B; /PL 107B; /PL 108A; /PL 109A; /PL 110A; /PL 111; /PL 112; Daylight and Sunlight Assessment by Nathaniel Lichfield & Partners Ltd dated 22/09/09; Statement of Community Involvement by Nathaniel Lichfield & Partners Ltd dated September 2009; Environmental Assessment Factual Desk Study Rev B by Worley Parsons dated 05/08/09; Noise Assessment by Sharps Redmore Partnership dated 24/09/09; Design & Access Statement by Peter Taylor Associates Limited dated 23/09/09; Economic Statement by Nathaniel Lichfield & Partners Ltd date September 2009; Planning Statement by Nathaniel Lichfield & Partners Ltd dated September 2009; Energy/Renewable Energy Statement and Sustainability Statement by SustainEnable Ltd dated 02/06/09; and Outline Construction Management Plan.</p>			
<p>RECOMMENDATION SUMMARY: Grant conditional permission subject to S106 agreement</p>			
Applicant:		Agent:	
Community Housing Association c/o Agent		Nathaniel Lichfield & Partners 14 Regents Wharf All Saints Street LONDON N1 9RL	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	B1(c)	Business (light industry)	660m ²
Proposed	C3	Dwelling Houses	2366.85m ²

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Flat/Maisonette	-	-	-	-	-	-	-	-	-
Proposed	Flat/Maisonette	22	6	1	-	-	-	-	-	-

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	No formal spaces but forecourt could accommodate up to 9 cars	0
Proposed	0	3

OFFICERS' REPORT

Reason for Referral to Committee: The proposal constitutes a Major Development which involves the construction of more than 10 residential units [Clause 3(i)]. Furthermore, it will involve the making of a planning obligation under Section 106 of the Town and Country Planning Act 1990 [Clause 3(vi)] in relation to matters outside the scheme of delegation.

1.0 SITE

- 1.1 The application site is 59 Maygrove Road which is located on the north side of the street, at its junction with Barlow Road. The existing building is a relatively low rise two-storey development which dates from the 1930s. Since the 1950s it has been used as a garage initially as a filing station and more recently for car repairs and MOT testing. The property has been vacant since at least 2007.
- 1.2 East of the site is a three-storey commercial property known as Handrail House (65 Maygrove Road) which also dates from the 1930s, the adjacent building (67 Maygrove Road) which provides a mix of commercial and residential accommodation is four-storeys in height. To the west is a modern three-storey residential property (Lauriston Lodge) which provides sheltered housing accommodation for the elderly. At ground floor level there is a commercial unit which is currently vacant. To the rear of the site the land rises steeply, immediately adjacent is a strip of undeveloped grassed land, owned by the Council, which separates the site from Brassey Road. North of Brassey Road is West End Sidings Estate a social housing development dating from the 1980s. This is a mix of two and three storey blocks, but on land more than a storey higher than Brassey Road. On the opposite side of Maygrove Road there is traditional three-storey Victorian terraced housing.
- 1.3 The site is located east of Kilburn Town Centre and has good access to shopping, leisure and other facilities. There are good public transport links to and from the site.

2.0 THE PROPOSAL

2.1 Original

- 2.1.1 It is proposed to demolish the existing vehicle repair workshop and to erect a building comprising ground and first to fourth floor to provide 29 residential units all Class C3. The proposal will provide 100% affordable housing. 15 of the 1-bedroom units are to provide supported housing operated by One Support for customers with mental health issues which will be affordable social rented. The remaining 14 units (7 x 1-bedroom, 6 x 2-bedroom and 1 x 3-bedroom) are to provide intermediate housing.
- 2.1.2 The proposed building is predominantly four-storeys in height. The parapet aligns with the lift overrun of the neighbouring property Handrail House (65 Maygrove Road) and the eaves of the buildings to the rear of the site on Brassey Road. The building incorporates a fifth floor which is set back from the main façades. The fifth floor is set back by 2m on Maygrove Road and Barlow Road, by 2.5m from the north elevation facing onto the

grassed embankment to the rear, and by 6.5m from Handrail House (65 Maygrove Road) to the east.

- 2.1.3 The existing building line on Maygrove Road is maintained, but to the rear the building line is altered becoming irregular in form and creating an L shaped building with a void above ground floor level adjacent to Handrail House. The proposed development (to the street) is to be constructed in brick. The walls within the external envelope are to be rendered as is the entire fifth floor. The entrances to the accommodation are to be located on Maygrove Road. They have projecting canopies formed of a steel frame with a toughened glass panel over and a perforated galvanised steel screen on the side. Window openings are predominantly floor to ceiling height with simple Juliette balconies. Recessed timber veneer panels have been incorporated adjacent to the glazing to increase the apparent area of openings. The building incorporates planted roofs.
- 2.1.4 The supported housing is accessed via an independent entrance off Maygrove Road. All the supported housing units are 1 bedroom self-contained flats which are set over the ground, and first to third floors. Two of the ground floor units have been specifically designed for wheelchair users. The accommodation includes a communal rear courtyard (27.15sqm) and front garden (115.16sqm). In addition, there is a manager's office, staff facilities and a residents' common room located at ground floor level (100.12sqm). There is an external refuse store located in front of the building adjacent to Maygrove Road.
- 2.1.5 The intermediate housing is accessed via a separate entrance off Maygrove Road. There are 14 units which provide a mix of 7 x 1-bedroom, 6 x 2-bedroom and 1 x 3 bedroom flats. The accommodation is set over ground, and first to fourth floors. The ground floor level 3-bedroom unit has been specifically designed for wheelchair users. This unit also has the benefit of private front and rear gardens (15.3 and 34sqm respectively). Units F2 (12.4sqm), F5 (7.9sqm) and F8 (7.9sqm) located at first, second and third floor have private balconies facing Brassey Road. There are private roof terraces for the 4 flats on the fourth floor (F11-F14) ranging in size from 13.90sqm to 33.79sqm. There is also a communal roof terrace (85.4sqm) for the remaining occupants of the intermediate housing. A refuse storage area and cycle parking has been provided within the building.
- 2.1.6 The existing footpath and the grassed embankment along the north boundary of the site have been maintained and are not affected by the development. The applicant does not own and has no right of access over this land.

2.2 Revisions

- 2.2.1 The following minor amendments have been made to the proposal during the course of the application:
- 6 visitors/staff cycle parking spaces provided in front of the building.
 - The layout of the internal cycle parking was amended to meet Camden Planning Guidance resulting in a reduction from 14 to 13 spaces.
 - Additional information was provided to demonstrate compliance with standard 10 of lifetime homes: A wheelchair accessible entrance level WC with drainage provision enabling a shower to be fitted in the future.
 - Reduction in floor level by 50mm (relative to natural ground level) to allow parking to have level access.
 - Adjustments to internal layout at ground floor level to ensure landing space of 1500mm x 1500mm in front of entrance to units S1 and S3.
 - Alterations to the refuse storage areas to ensure adequate provision for recycling.

- The first floor level flat roof has been amended from a brown to a green roof to improve outlook for the occupants.
- The ground cover along Barlow Road has been amended to shrub planting.
- The tree closest to the junction of Maygrove Road and Barlow Road has been repositioned 3m closer to Barlow Road.
- Ivy planting has been incorporated into the rear communal garden.

3.0 **RELEVANT HISTORY**

3.1 **G3/2/B/3307**

Planning permission was granted on 09/06/64 for the erection of an extension to the existing garage.

3.2 **5617**

Planning permission was granted on 11/09/68 for the installation of 5,000 gallon underground storage tank.

3.3 **18267**

Planning permission was refused on 09/05/74 for the erection of a 4-storey extension to provide additional office space in conjunction with the proposed use as a car distribution depot.

3.4 **19282**

Planning permission was refused on 29/11/74 for the erection of a 3-storey extension to the existing vehicle repair depot and petrol filling station, to provide vehicle storage and additional office and storage areas.

3.5 **22312**

Planning permission was granted on 05/05/76 for the installation of 4,000 gallon underground spirit storage tank beneath forecourt of existing garage premises.

3.6 **2007/4508/P**

Planning permission was refused on 21/12/07 for the erection of a part four, part five storey building to provide flexible business floorspace (Class B1) at ground floor level (part) and 27 residential flats/maisonettes (3 x 4-bedroom, 4 x 3-bedroom, 7 x 2-bedroom and 13 x 1-bedroom) at ground (part) to fourth floor level.

3.6.1 The reasons for refusal of the above application can be summarised as follows:

- Loss of employment floorspace was not adequately justified and did not outweigh the benefits of the scheme.
- Lack of incorporation of measures to conserve and enhance biodiversity.
- Height, bulk, mass and detailed design of the proposed development.
- Inadequate information on loss of daylight and sunlight, refuse and recycling storage arrangements.
- Lack of provision of wheelchair accessible housing;
- Unacceptable standard of accommodation (5 units);
- Lack of S106 to secure the following: sustainability measures; lifetime homes; car-free housing, construction management plan; public open space contribution; contribution to pedestrian, environmental and safety improvement initiative; and associated highways works.

3.7 **2008/0493/P**

An application was submitted on 24/01/08 for the erection of part four, part five storey building to provide flexible business floorspace (Class B1) at ground floor level (part) and 27 residential flats/maisonettes (3 x 4 bedroom 4 x 3 bedroom, 7 x 2 bedroom and 13 x 1 bedroom) at ground (part) to fourth floor level. The application was withdrawn on 10/03/08.

4.0 CONSULTATIONS

4.1 Consultation letters were sent to all statutory consultees and the occupiers of adjoining properties on 20/10/09. A site notice was displayed outside the property from 21/10/09 to 11/11/09. The application was also advertised in the Ham & High Newspaper on 29/10/09. The consultation period formally expired on 19/11/09. Minor amendments were made to the proposal during the course of the application (see paragraph 2.2), but these did not raise new issues and it was considered that reconsultation was not required.

4.2 Councillor Flick Rea - Objection

Supports local residents who are objecting to the proposal. Objects to the height and bulk of the proposal. It is at least a storey too high and is not appropriate to its setting.

4.3 Councillor John Bryant - Objection

Represents West Hampstead ward constituents on the opposite side of Maygrove Road. The principle of offering this accommodation here is acceptable, but the size and bulk of the proposed development is too big for the site.

4.4 Fordwych Residents Association (FRA) - Objection

Object to the bulk and mass. It is far higher than any neighbouring building. It allows for a very high level of housing density. It provides limited accommodation for families. The developer has not been open about the type of people who will occupy the 'supported housing units'. We have asked where these people will come from; we have asked what sort of mental health problems they will have and have received no answers. We are not convinced that the warden arrangements are robust enough. There is no plan for what happens if things go badly wrong. The developers say that this is not a material planning consideration for this application - we disagree. If this development goes ahead, it has the potential to bring a number of problems to the area, which will impact on local residents for years to come. It is therefore a key issue to consider when deciding whether or not to approve the plans. Any development of the site and its change of use will result in significant disruption to the neighbourhood; not least the work requiring infilling a 4000 gallon underground petrol tank. Maygrove Road is very narrow, with cars parked on both sides of the road. How will large construction vehicles get to the site? Where will they park if they do make it to the site? These questions have not been answered. There will be a significant loss of daylight experienced by the properties opposite the proposed development on the south side of Maygrove Road and a similar problem will be experienced by residents on the Sidings Estate behind the building. The FRA welcome the plan for car-free development. If the plans are approved, the FRA would like to be consulted on how the developer can contribute to community improvements via section 106 agreement.

4.5 Hampstead District Housing Office

No reply to date.

4.6 Primary Care Trust

No reply to date.

4.7 Adjoining Occupiers

Original	
Number of letters sent	125
Total number of responses received	43
Number of electronic responses	18
Number in support	0
Number of objections	43

4.7.1 43 letters of objection have been submitted in response to consultation from the occupiers of the following properties: Flat 1 41, 46a, 51, 51a, 51b, 56c, 68, Flat 2 and Unit 8 73, 73, 76a, 84, 88, 88a, 94a, 94b and 94c Maygrove Road, 7 and 9 Barlow Road, 1, 9 and 14 Brassey Road, Flats 1, 3, 4, 6, 7, 8, 11, 12, 13, 14, 16, 20, 21, 22, 23, Lauriston Lodge, Brassey Road, 12 Hall Oak Walk, the Manager of Sidings Community Centre and 3 x unknown address:

4.7.2 Land Use Issues

- The employment floorspace should be retained.
- Do not want flats opposite my house.
- There is enough Council housing in this area already.

4.7.3 Nature of Supported Housing

- Do not want flats for psychiatric patients on my doorstep.
- Drug users, convicted criminals and people with a history of social problems will have a right to a warden yet local residents will get no such support for the potential problems such residents could cause.
- Already suffer problems of drug abuse and anti-social behaviour, the development will add to this problem.
- I have been burgled several times and am worried that poorly designed housing of this nature will serve to attract more of this type of incident.
- We have had problems before with drug addicts frightening elderly people asking for money - with the new development Lauriston Lodge will be known as muggers paradise.
- We already have enough drug dealers and crooks in the area. I moved into a beautiful estate in 1982, since then it is fast becoming a slum. No more degenerates please.
- OHG specialise in housing offenders, substance abusers and people with mental health needs. Maygrove Road has enough social problems we don't need more distressed people imposed on us.
- It is already scary living here, this development would not help alleviate those fears and would make things worse.
- The proposed use, to house people with mental illness, does not fit with the area. This is already a deprived area with an elderly home neighbouring the proposed development and several issues with drugs, alcoholism, gangs and other people with mental illness. By building a development to house more people with mental illness, this may result in new residents becoming even more ill.
- Our public spaces are already unsafe to walk through at most times of the day and especially night.
- Kilburn is a poverty stricken, deprived and challenging place to live why are you planning to make it worse?
- Impact on security of existing residents.
- What security are you going to give to local residents to protect us when the patients don't take their medicine? Existing residents' safety should be a priority.
- We do not want ex-criminals or mental health patients on our doorstep.
- You do not put people with mental health issues near a nursery and old peoples home.

- Will these vulnerable people be adequately supported?
- If these residents are 'at risk' the number of them is too high for the support given.
- We do not know how much support the proposed new neighbours would have.
- Would you building this in Hampstead or another wealthy area?
- The occupants would move on after a couple of years and not form part of the community.

4.7.4 **Design Issues**

- The existing building could be adapted to create a residential development.
- Concerns about the height, going from 2 to 4/5 storeys it would be the highest building on the road.
- No buildings in the street exceed 3-storeys.
- Why can't it be 2-storeys.
- Height, bulk, mass and detailed design is detrimental to the character and appearance of the area.
- It is too large, unsightly and unsympathetic to the dwellings nearby.
- Out of character with the rest of the street.
- Detract from the appearance of the Victorian terraced houses.
- Overdevelopment and an eyesore.
- Excessive bulk, too boxy, hard rectilinear lines and no sloping roof to soften the impact.
- The front elevation is too heavy and lacks interest.
- There are already some ugly modern developments in this area which detract from the appearance of the area.
- It is too modern looking.
- Poor design.

4.7.5 **Amenity Issues**

- Inadequate information to demonstrate that the development will not result in loss of daylight and sunlight to neighbouring properties.
- An adequate analysis was not done of 1-9 Brassey Road.
- Not clear why 76-78 Maygrove Road are more affected than their neighbours 72, 74, 80 and 82 Maygrove Road.
- Loss of daylight and sunlight to neighbouring properties - Barlow Road, Lauriston Lodge, Brassey Road and Maygrove Road.
- Loss of privacy.
- Loss of view.
- Overbearing.
- Noise disturbance from use of terraces.

4.7.6 **Transport Issues**

- There is very limited parking along the street.
- Increased pressure on on-street parking and increased traffic congestion.
- More on-site parking should be provided.
- You say it will be car-free, but then they all get permits!
- Parking congestion will affect use of the community centre on Sunday when worshippers try to find parking.
- Parking problems due to construction traffic.
- How can old people be picked up from their door if there is construction traffic in the way?
- Builders vehicles, skips etc may block roads and cause traffic congestion.
- London does not really support cycling so despite the provision of cycle facilities there will be an inevitable increase in car parking.
- Have to negotiate a number of doors to access the bike parking.

- Reduced safety vision for vehicles and pedestrians on Brassey Road.

4.7.7 Other Issues

- Will cause noise and parking issues so soon after the entire road has been repaved and the commercial property next door has been redeveloped.
- Noise nuisance and dust/dirt from construction.
- The occupants of Lauriston Lodge would appreciate peace and quiet in their old age.
- Over-crowding in the street.
- All new development must meet new EEC criteria and be low carbon emission based.
- It could be dangerous to build on an old garage, potential contamination from the previous use.
- It would appear only one fire exit is planned.
- It is clear that the application has already been agreed as alterations to Handrail House are already underway.
- What we want is a children's wildlife sanctuary.
- Impact on micro-climate.
- Increased crime levels.
- Impact on the value of other peoples property.
- The accommodation is not adequately sized or lit.
- Small size of apartments – residents treated little better than battery fed chickens.
- Lack of private outdoor amenity space.
- Submitted plans do not show how the rooms for the supported residents will be sub-divided.
- All circulation spaces are tight.
- Lack of garden design.
- Refuse facilities should be integrated into the building.
- Increased pressure on public services – more rubbish, dog mess and fly-tipping as a result of the development.
- Increased population will overstretch services e.g. crèches, schools and parks.
- Were led to believe it would be developed with a building of 3-storeys, shops and housing for nurses and students.
- Demolition will affect the structure of surrounding buildings.
- Loss of green space, impact on wildlife and flooding.
- Will generate more refuse and recycling.
- Not enough space for staff.
- The accommodation is not good enough; residents will spend more time on the street or park. They will not respect or take pride in their environment and it will consequently become rundown and possibly vandalized.

Although the occupier of 94c Maygrove Road objects to the proposal they do state that they support the principle of erecting new housing as it would be visually more attractive than the existing derelict building.

5.0 POLICIES

- 5.1 Set out below are the UDP policies that the proposals have primarily been assessed against. However, it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

5.2 London Borough of Camden Unitary Development Plan 2006

S1/S2 Sustainable development
S8 Natural environment

- SD1 Quality of life
- SD2 Planning obligations
- SD3 Mixed use development
- SD4 Density of development
- SD6 Amenity for occupiers and neighbours
- SD8B Disturbance from demolition and construction
- SD9 Resources and energy
- H1 New housing
- H2 Affordable housing
- H7 Lifetime homes and wheelchair housing
- H8 Mix of units
- B1 General design principles
- N4 Providing public open space
- N5 Biodiversity
- N8 Ancient woodlands and trees
- T7 Off-street parking
- T3 Pedestrians and cycling
- T8 Car free housing and car capped housing
- T9 Impact of parking
- T12 Works affecting highways
- E2 Retention of existing business uses

5.3 **Camden Planning Guidance (2006)**

6.0 **ASSESSMENT**

6.1 **Background**

- 6.1.1 A considerable amount of objection has been received to this proposal from local residents and the FRA because of the nature of the supported housing that is proposed. In view of this it is considered necessary at the outset to provide some background information about the applicant, the accommodation they provide and more importantly to clarify how such housing should be assessed against planning policies.
- 6.1.2 Community Housing Association is one part of One Housing Group which was formed in September 2007 bringing together 3 housing associations (Community, Toynbee and Island Homes). One Housing Group together manage more than 12,000 homes across London and adjacent counties.
- 6.1.3 One Support are the housing, care and support arm of One Housing Group. It is one of the largest and fastest growing providers of housing, care and support services across London and the South-East employing over 300 staff and working with more than 3500 customers. Support is offered to a wide range of specialist customer groups including: young people; people with mental health needs; teenage parents; older people; offenders; and people with substance misuse issues. One Support is a major provider of mental health services in London delivering both specialist accommodation-based and floating support services to 1000 customers.
- 6.1.4 The current proposal by CHA is to provide 100% affordable housing. Of the 29 affordable housing units proposed, 15 are to provide specialist supported housing aimed at customers who have mental health issues. The supported housing provides self-contained independent living accommodation. Residents have social care and support from staff which includes 3 formal key worker sessions a week. Each resident will be allocated a

community mental health team and benefits from the support of a care co-ordinator and psychiatrist. The 7 full-time staff (manager and 6 support officers working on a rota basis) will provide 24-hour support. 15 units is optimum to ensure the right level of support and management. It is to replace an existing facility in King's Cross which is no longer fit for purpose.

- 6.1.5 Recent statistics estimate that 1 in 4 people will at some point in their lives have problems with their mental wellbeing. Mental issues can include depression, anxiety, schizophrenia, manic depression, phobia, obsession or an eating disorder to name but a few. There is much ignorance and stigma about mental health issues and the type of people who suffer from them. These are all forms of illness and could affect each and every one of us. Those that suffer from mental health issues require treatment and support to aid their recovery and rehabilitation. Supported housing provides the opportunity for those people recovering from mental health issues to regain independent living skills in a safe environment where there is support on hand. This is in line with Camden's pathway approach as outlined in the Mental Health Accommodation Strategy 2008-2011. Support can include helping keep a tenancy, dealing with bills, coping with change, accessing employment, education and training as well as managing health issues.
- 6.1.6 Supported housing of the nature provided by CHA in this application would for the purpose of the Town and Country Planning (Use Classes) Order 1987 (as amended) be classified as Class C3 residential accommodation. The accommodation is formed of self-contained units designed specifically for residential purposes for use by a single person/household and thus according to the guidance provided in Circular 03/05 would be deemed to be dwellinghouses (Class C3). The element of ancillary office accommodation for support workers is akin to warden accommodation provided within sheltered housing schemes, which the Circular specifically states fall within Class C3.
- 6.1.7 In planning terms the suitability of the proposed use of the development needs to be assessed in terms of its use class rather than the nature of any potential occupant. The proposed use class in this case is Class C3 residential dwellinghouses which is the predominant use of the surrounding area.

6.2 Land use

6.2.1 Loss of employment floorspace

The existing vacant building provides 660sqm of employment floorspace. The ground floor of 620sqm was last used as a car repair workshop and the remaining space above to provide ancillary office accommodation. The ground floor level accommodation has an internal height of approximately 4m, with roller shutters and internal vehicular access. There is a small forecourt in front of the building which can accommodate cars and small vehicles, but is not sufficient to accommodate large vehicles.

- 6.2.2 The applicant has stated that they consider the existing use as a car repair workshop to be Class B2 General Industrial. Such uses can often fall into either a Class B1(c) Light Industrial or Class B2 General Industrial use depending on the exact nature of the use. In this case the car repair workshop was a relatively small scale operation which only had 6 employees and therefore officers consider that it would be classified as Class B1(c).
- 6.2.3 Policy E2 of the Unitary Development Plan (2006) states that planning permission will not be granted for development that involves the loss of a business use on a site where there is the potential for that use to continue. In assessing whether there is the potential for a use to continue the policy states that consideration should be given to the following:

- whether the site is in or adjacent to the Industry Area;
- the size of the site and whether it could potentially provide for servicing by large vehicles;
- whether the site is particularly suitable for small firms;
- accessibility of the site by public transport and by service vehicles;
- relationship of the site to nearby land uses;
- demand, supply and variety of sites that are suitable for employment uses, in that use class and in business use in general; and
- retention of design features that enable flexible use, including use of light industry as part of schemes for the redevelopment or alteration of industrial premises for B1 purposes.

6.2.4 An earlier scheme for redevelopment of the site, which included re-provision of 207sqm of Class B1 flexible employment floorspace, was rejected by the Council in 2007. The applicant failed to provide adequate justification for the loss of business floorspace and the application was refused on this basis. The officer's report acknowledged that had the scheme satisfied housing objectives in every respect it might have presented compelling reasons to accept the loss of the employment floorspace. However, uncertainty about the affordability of the shared ownership element and the lack of provision of wheelchair housing meant that it was not considered that the housing benefits outweighed the loss of employment floorspace.

6.2.5 The proposed scheme does not include the provision of any replacement employment floorspace. Objection has been raised by local residents to the loss of the employment floorspace.

6.2.6 The applicant has submitted an economic statement prepared by Nathaniel Lichfield Partners in support of their proposal. The report provides a detailed appraisal of the site and the wider market for employment space within the local area. The report acknowledges that demand for premises suitable for vehicle repair use within Camden as a whole and the local area is strong and steady and outstrips supply, but there remains a strong case to justify the loss of the employment space. The reasons cited by the applicant are examined in detail below:

- The applicant refers to the fact that the site is not located within a designated industry area. Although this is a relevant factor to be considered, Policy E2 sets a general presumption in favour of the protection of employment space across the Borough not just in the designated industry area.
- The applicant is of the opinion that the existing use is not compatible with the surrounding land uses. There is a history within Camden of small garages being located within residential areas, and indeed such uses make up much of the urban fabric in and around Kentish Town and Kilburn. Some small scale car-repair workshops are classified as Class B1(c) which by their very nature should be able to operate in residential areas without harm to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, ash, dust or grit. It is considered that car repair workshops can often operate successfully within a residential environment.

6.2.7 Other concerns raised by the applicant are more plausible and do provide some credible justification for loss of the employment space. Access to, and servicing of the site by large vehicles is difficult because of the narrow forecourt and parking restrictions in the area. The existing building is nearly 80 years old, in poor condition, has been vacant for more

than 2 years and would require significant investment to bring it up to standard. When occupied, the site was under utilised, employing only 6 workers. Valuation office data indicates that the number of vehicle repair premises in Camden went down by only two from 2000 to 2005. The economic statement identifies over 20 existing vehicle repair premises in NW6, although it notes that the previous occupier of this site has relocated outside the Borough. Typically, vehicle repair premises occupy less than 0.2 ha, and are in railway arches, lock-up garages or small commercial estates. The proposed development would provide supported and affordable housing the benefits of which outweigh the loss of the employment space.

- 6.2.8 In summary, the economic statement acknowledges that there remains a steady demand for this type of employment space, notes that many vehicle repair workshops continue to operate in NW6 and across Camden, but claims that there is a lack of demand for this particular site given its constraints, and fails to support this with robust evidence such as a thorough marketing exercise sustained over a two year period. The acceptability of the scheme therefore hinges on the balance that producing supported and affordable housing is a more desirable planning objective than retaining the existing employment use.
- 6.2.9 Section 37(6) of the Planning and Compulsory Purchase Act 2004 states that '*if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise*'.
- 6.2.10 In this case the development plan policies pull in different directions. Whilst policy E2 of the Unitary Development Plan (2006) seeks to protect employment sites, policies H1 and H2 of the Unitary Development Plan (2006) seek to increase the amount of land and floorspace in residential use, particularly affordable housing. There is a need to give consideration to all the policies and to make a balanced judgement bearing in mind the importance of the policies which are being complied with or infringed.
- 6.2.11 The application site has now been vacant for more than 2 years. In order to demonstrate that there is no demand for the site the applicant would need to carry out a marketing exercise over a two year period; this could potentially leave the site vacant for another two years. This is obviously undesirable and there is a strong possibility that at the end of this period even if it were clear that there were no demand for the employment space the finance to deliver affordable housing on the site may no longer be available. Were the site to be sold on in this time it is possible that any resulting redevelopment scheme might bring forward private housing with only a proportion of affordable accommodation. Retention of some flexible employment space would also result in a reduction in the amount of supported and affordable housing that could be provided because of the scale of building that can be accommodated on the site and would have implications on the financial viability of the scheme. The proposed supported and affordable housing have been brought forward in conjunction with HASC to address an identified need. The proposal to bring forward affordable housing comes at a time when there is less scope in the private sector to provide such accommodation. A balance does need to be struck between competing aims and in this particular case it is felt that the social benefits of providing the supported and affordable housing outweigh the loss of B1(c) employment space involved in the development. However, this is dependent on the accommodation meeting all other housing objectives.
- 6.2.14 **New housing**
Objection has been raised by local residents to the provision of housing on this site. As stated above, Policy H1 of the Unitary Development Plan (2006) seeks to increase the

amount of land and floorspace in residential use, subject to that accommodation being of an acceptable standard. The proposed development will increase the number of Class C3 residential units on site from 0 to 29; the amount of Class C3 residential floorspace will be increased from 0sqm to 2366.85sqm. The proposed increase in residential units and floorspace on the site is welcomed and in accordance with policy.

- 6.2.15 A proportion of the housing to be provided is defined as 'supported housing'. On the basis of the layout and the information provided by the applicant about the nature and operation of this accommodation and taking into account the advice in Circular 03/05 it is considered to fall within Class C3 of the Town and Country Planning (Use Classes) Order 1987. Were the level of support facilities/care to change in the future then this could result in a change of use to a Class C2 residential institution. This would be a material change of use which would require planning permission. In order to prevent any ambiguity at a later date about the nature of the supported housing and its use class the applicant has agreed that if permission is granted a definition of supported housing will be included within the legal agreement. As this is not necessary in order to make the proposed development acceptable in planning terms and has only been included because of the willingness of the applicant it does not form a reason for refusal in the event that the legal agreement is not completed within the specified period.
- 6.2.16 The provision of solely residential accommodation on this site is considered to be acceptable (subject to compliance with other policies of the plan). Policy SD3 of the Replacement Unitary Development Plan (2006) normally seeks a mix of uses in developments, but it states that the Council will not seek secondary uses where the sole or primary use of the development proposed is housing.

6.3 Affordable housing

- 6.3.1 The proposed development is to provide 100% affordable housing. Objection has been raised by local residents to the provision of affordable housing on this site. Policy H2 of the Unitary Development Plan (2006) requires that all new residential developments with the capacity to provide 15 or more dwellings provide 50% affordable housing. Policy 3A.11 of the London Plan (consolidated with alterations since 2004) (2008) states that affordable housing should be sought on sites with a capacity to provide 10 or more units, this threshold supersedes that in the Unitary Development Plan (2006) although the rest of that policy remains extant. The proposed development is for 29 residential units all of which are to be affordable housing. The proposal therefore exceeds the requirements of this policy.
- 6.3.2 The split between affordable housing tenures should normally be 70/30 between social rented housing and intermediate housing (intermediate housing can involve a variety of housing types and tenures including shared ownership) in accordance with Policy H2 of the Replacement Unitary Development Plan (2006). Para. 2.18 of the policy states that if a scheme is affordable housing led, i.e. it provides substantially more than 50% affordable housing, then although the guideline proportions for social rented and intermediate housing will generally apply, they may exclude social rented or intermediate housing where this is warranted by the characteristics of the site or area or the economics of the development, provided that there is a demonstrable need for the type of housing proposed.
- 6.3.3 The proposed accommodation is to provide 15 social rented and 14 intermediate units. In terms of floorspace, the split is 1150.05sqm social rented and 1216.80sqm intermediate housing. This equates to a 51:48% split in terms of units and 49:51% split by floorspace. The proposal thus falls substantially below the policy requirement in terms of the provision of social rented housing. CHA state that the supported housing element has largely dictated the mix. The supported housing needs to be social rented and 15 is the optimum

number of units that can be provided with the level of staff support that would be available and in terms of ease of management. The supported housing and remaining affordable housing have to be managed separately and have separate cores. As there are only 14 units in the non-supported housing element of the proposal CHA have advised that it would not be practical from a management point of view to have more than one tenure in this part of the building.

6.3.4 HASC have advised that CHA's justification for the proposed tenure split is legitimate and consider that the proposed mix reflects need in the local area. They state that there is a priority need for supported housing, and that there is an existing concentration of social housing at the West End Sidings Estate. Information on housing supply and market need is now available that supersedes that used to formulate the policies contained within the Unitary Development Plan (2006). The Camden Housing Needs Survey Update 2008 indicates that over half of the households in need of affordable housing could afford more than the cost of social rent and could potentially be suitable for intermediate housing. The tenure mix is considered to meet the specific housing needs of this area and therefore is considered to be acceptable.

6.3.5 All accommodation should be secured as affordable housing by section 106 agreement (if permission is granted).

6.4 **Mix of units**

6.4.1 Policy H8 states that the Council will only grant planning permission for residential development that provides an appropriate mix of unit sizes. The Council will consider the mix and size of units best suited to site conditions and the locality, and the requirements of special needs housing.

6.4.2 The proposal is for 29 residential units; 22 (76%) of these units are proposed as 1 bedroom units. Only 1 unit (3%) in the proposed development is to be a family-sized unit (3+ bedrooms). The overall mix of units is skewed towards the provision of 1-bedroom units as these are required for the supported housing element of the scheme. Para. 2.60 of the Unitary Development Plan (2006) states that in assessing the appropriate mix within a housing scheme, consideration should be given to the requirements of special needs housing and the views of the Housing department and housing needs. HASC have advised that all the supported housing which is for social rent needs to be 1-bedroom accommodation.

6.4.3 If the supported housing units are taken out of the equation, then the overall mix of units is 7 x 1-bedroom, 6 x 2-bedroom and 1 x 3-bedroom. The mix remains quite heavily skewed towards the provision of smaller accommodation as is noted by the FRA. All of this accommodation is to provide intermediate housing. Para. 3.46 of Camden Planning Guidance (2006) acknowledges that intermediate housing is often generally focused on providing studio or 1-bedroom flats to keep the cost of provision low. It is often difficult to ensure the affordability of larger intermediate units. However, it states that research for the Keep London Working Partnership suggest that the need to provide housing for key workers is particularly one of retaining workers in the 25-35 age bracket. Workers in this age group are typically entering into longer term relationships and having children. If only small units are available, key workers attracted to the area will have to be re-housed when their requirements change if they are to be retained by their employer. Furthermore, there are potential issues arising from lack of social mix and the services and infrastructure needed to accommodate a concentration of single people at high densities. Consequently, the guidelines state that intermediate housing within a development should ideally include a proportion of units with 2 or more bedrooms. The proposed development includes intermediate housing providing 2 and 3 bedrooms. The exact mix of unit sizes for the

intermediate housing has again been developed in discussion with HASC and is considered to provide a good mix of accommodation.

6.5 Density

- 6.5.1 Objection has been raised to the proposal by local residents on the grounds that the proposal is too dense and represents overdevelopment of the site. Policy SD4 of the Unitary Development Plan (2006) provides guidance on the density of new development. Para. 1.33 states that residential development should conform wherever possible to the density ranges set out in table 4B.1 of The London Plan (2004). This table has been superseded by Table 3A.2 of the London Plan (2008). The density matrix provides advice on the number of habitable rooms/units that should be provided per hectare, based on the character/density of surrounding development and the accessibility of the site. The application site does not fall neatly into the 'setting' categorising within the matrix. The area could be described as lying somewhere between a 'central' and an 'urban' setting since it draws in characteristics of both. Central areas tend to be dominated by very dense development which are not characteristic of this area, but like the site are within 800 metres walking distance of a town centre. Urban areas have less dense development such as terraced houses which is more typical of this location. The site has a PTAL rating of 5 (very good).
- 6.5.2 Based on the density matrix in the London Plan (2008), it would be expected that new development in this location should provide between 200-700 (urban) and 650-1100 (central) habitable rooms per hectare. The proposed development provides 837.5 habitable rooms per hectare (67 habitable rooms on a 0.08ha site), which is more than would be expected in an urban area, but is in the middle of the range specified for central settings. The development provides an average of 2.3 habitable rooms per unit. This is quite low because of the large number of smaller units provided. Based on the minimum London Plan estimate of rooms per unit (2.7 to 3.0) within an urban setting, it would be expected to provide between 70 and 260 units per hectare and in a central setting between 215 and 405 units. The proposed development provides 362.5 units per hectare. Based on the average number of habitable rooms per unit, the development would provide more units per hectare than would normally be expected in an urban area, but is at the lower end of the range specified for central areas.
- 6.5.3 The purpose of policy SD4 of the Unitary Development Plan (2006) and Policy 3A.3 of the London Plan (2006) are about maximising the potential of sites and encouraging high density development where appropriate. The site is clearly in a location where it intends to encourage high density development since it is well served by amenities such as shops, cafes, restaurants and parks and has good access to public transport links. The area has not traditionally been the focus of high density development which is why the urban grain takes on the characteristic of an urban rather than a central area. If the proposed development is deemed to be acceptable in terms of its bulk, massing and relationship to the existing urban grain then it is considered that the higher density of the proposal is justified and takes full advantage of the development potential of the site without representing overdevelopment.

6.6 Design

- 6.6.1 Objection has been raised by ward councillors, the FRA and local residents on the grounds that the proposed development is too high, bulky and unacceptable in design terms.
- 6.6.2 The application site is a two-storey building dating from the 1930s. It is not listed and is located outside of a conservation area. The immediate built environment is varied. East

of the application site the street is fronted by a number of commercial buildings which vary in height and scale, between two and four storeys. To the west and rear of the site is a late 20th Century housing development, which is constructed in brown brick with pitched roofs, and is between two and four storeys in height. The land immediately to the rear of the site slopes up quite significantly. On the south side of Maygrove Road are three-storey brick-faced Victorian terrace houses, some with attic storey accommodation within pitched roofs.

- 6.6.3 The proposal is to demolish the existing building. The proposed demolition is permitted development by virtue of Class A, Part 31, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and as it is located outside a conservation area no form of consent is required for its demolition. The proposed redevelopment scheme follows a number of previously unsuccessful applications where height, bulk, mass and design were raised as key issues. Local residents, as they did previously, have raised concern about the scale and design of the development and its impact on the appearance of the area.
- 6.6.4 Initial pre-application advice given in 2005 stated that any proposed building on this site should be no more than 4 storeys in height, rising up to a part fifth storey. The previous application was predominantly five sheer storeys in height on its western elevation fronting onto Barlow Road, with part 3, 4 and 5 storeys onto Maygrove Road. The height, bulk and massing was felt to have an overbearing presence on the street and with the fifth floor set forward in its position it resulted in a much too dominant and bulky structure. The proposed development is by contrast four brick storeys in height on the front and west elevation, with a fifth storey which is set back by 2m from the front and west side and by 6.5m from the eastern side and reads as a more modest fifth floor. The top storey will be treated in self-coloured render. This is considered to be an acceptable reconfiguration of the bulk and mass. Whilst the building will be taller than the terrace buildings on the south side of Maygrove Road, its height is not wildly out of scale with these buildings, and is considered to relate appropriately to the other buildings in the immediate context. In particular those buildings to the east and the residential accommodation located on higher land to the rear.
- 6.6.5 The design approach to the building has been reassessed, simplified, and now has cohesion in its approach. Taking its cues from successful housing developments such as Accordia (Cambridge), it seeks to employ a simple brick façade with large window openings punctured into this, which are set sufficiently far back within a reveal in order to give the building a feeling of substance and depth. The fenestration is predominantly 2.5m high French doors with, metal balustrades inset within the reveals. Vertically offset window openings and veneered timber panels within the reveals adjacent to windows will bring some visual interest. The window reveals and sills will be lined in metal, and there will be a metal capping at parapet level. Clear details have been submitted as part of the application within the design and access statement, which demonstrate the visual effect of the proposed window treatment. The approach is considered to work well in the context and is considered acceptable.
- 6.6.6 The use of brick is considered to be acceptable given that this is the predominant building material in the immediate area. It is proposed to use a grey-brown brick laid in a stretcher bond with dark mortar, in order to give a crisp appearance. A sample panel of all facing materials including the brick type should be provided prior to commencement of works, in order to ensure quality of finish, this should be secured by condition.
- 6.6.7 A concern raised in respect of earlier schemes was the lack of a coherent design and visual interest at ground floor level. As the proposed development incorporates residential at ground floor, rather than employment floorspace as it did previously this has allowed for the incorporation of windows at this level giving it a more appropriate relationship with the

street. A low boundary wall in the same brickwork as the main building defines the property boundary and public/private space without appearing defensive. Simple metal and glass canopies are proposed at the entrances, which tie in with the wider detailed design, and which define the entrances appropriately.

- 6.6.8 The proposed development is considered to work well within the streetscene and local context and complies with policy B1 of the Unitary Development Plan (2006).

6.7 **Amenity**

6.7.1 **Daylight, sunlight and outlook**

In the close urban environment where a proposal brings a wall or building close to an affected party, there may be two related, but different potential impacts; firstly there may be a loss of view of the sky, with the resultant reduction of daylight and in some cases sunlight; but secondly, the very presence of the solid structure in close proximity creates an uncomfortable enclosed feeling. Policy SD6 seeks to ensure that the amenity of occupiers of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of daylight, sunlight and outlook. Local residents and the FRA have raised objection to the proposed development on the grounds of loss of daylight, sunlight and outlook.

6.7.2 **Daylight and sunlight**

The applicant has submitted a daylight and sunlight report in support of their application. The report has been prepared by Nathaniel Lichfield and Partners in accordance with the advice contained in the BRE report *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* and include existing and proposed VSC (Vertical Sky Component) calculations, ADF (Average Daylight Factor) and APS (Annual Probably Sunlight) calculations (annual and winter).

- 6.7.3 The application site is bound to the north, south and west by residential properties. East of the site is Handrail House which is in commercial use. An assessment of the impact of development on light to commercial properties is not required since they are not felt to be 'light sensitive users' and a loss of light would not prejudice use of the space. Therefore the submitted report only assesses the impact of the proposed development on Lauriston Lodge to the west, 76-78 Maygrove Road to the south and 1-10 Brassey Road to the north. Local residents have raised concern that other properties on Maygrove Road have not been assessed in the report. No. 76-78 Maygrove Road were selected as by virtue of their location in relation to the development they would be the most affected of those properties on the south side of the street.

- 6.7.4 An initial daylight assessment of the properties identified above was undertaken using the 25 degree line as recommended by BRE. This assessment identified that the 25 degree line to Nos. 1-10 Brassey Road would not be breached by the proposed development. This is because the proposed development is sufficiently distanced from the property and sits on higher land. It is therefore concluded in accordance with the advice in the BRE guidelines that the development is unlikely to have a significant impact on daylight to this property. The 25 degree line is breached in respect of Lauriston Lodge and Nos. 76-78 Maygrove Road and therefore it is necessary to carry out a more detailed assessment of the impact on their daylight levels.

- 6.7.5 VSC is a test of the amount of skylight falling onto the windows 'as existing' and 'as proposed' with the development in place. The BRE suggest that a VSC of 27% would be broadly equivalent to a good level of daylight. If the VSC, with the new development in

place, were to fall below 27% and was less than 0.8 times its former value, then the occupants of the existing building would experience a noticeable reduction in the amount of daylight. It should be noted that the BRE specifically state that these are guidelines, not mandatory, and should be applied flexibly.

- 6.7.6 The ground, first and second floor level windows of Nos. 76 and 78 Maygrove Road were all assessed. Of these, all windows except one continue to receive a VSC of 27% or more or a VSC of not less than 0.8 times its former value in accordance with BRE guidelines. The only window which fails to meet the guideline is a ground floor level window at No. 78 Maygrove Road. This window would see a reduction in VSC from 32.12% to 24.93% (0.78 times its former value) as a result of the proposed development. The window is in fact one window of a bay of 3 windows which serve the lounge. The remaining two windows will continue to receive a good level of light. It is considered that the overall impact on lighting to this room will not be significant and that the loss of light to the one of the lounge windows beyond BRE guidelines does not justify refusal of the scheme.
- 6.7.7 The ground, first and second floor level windows in the east elevation of Lauriston Lodge were all assessed. The report concludes that of the 37 windows tested, 27 windows continue to receive a VSC of 27% or more or a VSC of not less than 0.8 times its former value in accordance with BRE guidelines. Of the 10 remaining windows 5 are only a fraction below the 0.8 target, within a 0.05 variance, and therefore in reality the occupant is unlikely to experience a noticeable difference in lighting levels. The proposed development would result in a loss of light beyond BRE guidelines to 5 windows at Lauriston Lodge; they would see a reduction in daylight to between 0.64 and 0.74 times their existing level. These windows all serve living rooms.
- 6.7.8 The Average Daylight Factor is another commonly used measurement of daylight used to determine whether a room will receive adequate daylight. It is a more detailed assessment which takes into account the Vertical Sky Component, the size of the window, the room surface area, the average reflectance and angle of visible sky. If a predominantly daylight appearance is required, then the daylight factor should be 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The affected living rooms will all have an ADF of between 1.64% and 1.84%, above the recommended 1.5%. Camden Planning Guidance (2006) states that simple preservation of minimum ADF figures should not automatically be seen as an indication of acceptability of lighting levels where the VSC shows a worsening. However, it acknowledges that it is helpful in terms of considering the overall impact of a development. The guidance also states that it is reasonable to take account of other factors. The 5 affected windows at Lauriston Lodge area are all recessed and have balconies above; it is this which restricts light to the upper part of these windows and thus they have a greater reliance on light penetrating the lower part of the window. In order to ensure no loss of light beyond BRE guidelines the development would have to be significantly reduced in scale and that this could render redevelopment of the site financially unviable. In view of all of the above factors the proposed loss of light to these windows whilst regrettable is considered to be acceptable.
- 6.7.9 The BRE recommends that windows within 90 degrees of due south should be assessed for loss of sunlight. The BRE guidelines suggest that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90° of due south and it receives at least a quarter (25%) of annual probable sunlight hours, including 5% of annual probable sunlight hours during the winter months. As with the test for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is reduced to less than 0.8 times the former level over the whole year or during winter months, the reduction would be noticed by the occupants, the room may appear colder and less cheerful and pleasant. In this instance the only property potentially affected by the

development which has windows within 90 degrees of due south is 1 Brassey Road. The assessment indicates that there will be a small reduction in sunlight to the ground floor level window from 27% to 22% of annual probable sunlight hours and 20% to 15% during winter months, however, it will continue to receive annual and winter sunlight in excess of BRE guidelines and therefore the impact on this property is considered to be acceptable.

6.7.10 Outlook

Separate from the issue of daylight and sunlight is the issue of outlook. It is noted that the proposed development will be highly visible from the windows of all the surrounding residential properties who currently enjoy a relatively open aspect across the site. The loss of private view is not a material planning consideration unless it would result in either loss of outlook, daylight or sunlight. In this instance it has already been established that there is unlikely to be any significant loss of light. In terms of outlook whilst the proposed development will clearly be visible it is unlikely to result in a feeling of claustrophobia and enclosure within the rooms of the surrounding properties which is what outlook seeks to deal with.

6.7.11 Privacy

Policy SD6 of the Unitary Development Plan (2006) requires that new development does not cause unreasonable overlooking to neighbouring properties to the detriment of their occupiers. Camden Planning Guidance (2006) recommends that a distance of 18m be maintained between facing habitable windows to ensure that privacy is maintained. A similar distance should be maintained between roof terraces and windows that serve habitable rooms of neighbouring units. The application site is quite constrained, being surrounded to the north, south and west by existing residential development. Local residents have raised objection to the proposal on the grounds that it will result in a loss of privacy.

- 6.7.12 The windows and fourth floor terraces on the west elevation of the proposed development face onto Barlow Road towards Lauriston Lodge. The distance between the proposed development and the east facing windows of Lauriston Lodge is 17.3m at its closest point. This is slightly less than the recommended 18m, but is considered to be sufficient to ensure that there is no significant increase in overlooking to Lauriston Lodge. On the north elevation of the proposed building there are windows at ground to fifth floor level and also balconies/terraces at first to fourth floor level. Taken at the closest point there remains a distance of 21.3m between the proposed development and the south facing windows of the properties on Brassey Road. This exceeds the recommended 18m guideline and as such it is considered that there will be no loss of privacy to these properties. The windows on the south elevation of the proposed development face onto Maygrove Road. A distance of 20m has been maintained between those properties on the south side of the street and the proposed development, again this exceeds the recommended 18m guideline and as such there will be no loss of privacy to these properties.

6.7.13 Noise Pollution

- 6.7.14 The proposed development does not incorporate any external plant and machinery including ventilation and air handling equipment that manifests itself externally.
- 6.7.15 Objection has been raised to the proposal on the grounds that the demolition and construction works would create noise disturbance and pollution to the detriment of local residents. Hours of works are restricted under the Control of Pollution Act (1974). In addition, it is recommended that a construction management plan be secured by legal agreement (see also para. 6.8.7 below) in accordance with policy SD8(B) of the Unitary

Development Plan (2006). The plan will require details of the demolition and construction process including best practice measures to ensure that dust and air pollution are adequately controlled, this will ensure that disruption to local residents is minimised.

- 6.7.16 Concern has been expressed about noise from residents using the proposed outdoor amenity spaces. The proposed development is a residential building and the outdoor spaces are relatively modest in size. It is considered that use of these spaces, when the weather permits, is unlikely to result in significant disturbance to the occupiers of neighbouring properties.

6.8 Transport issues

6.8.1 Car parking

The availability of parking is a major influence on how people decide to travel. Reducing car parking levels is one of the ways that the Council can reduce dependency on private motor vehicles and encourage the use of more sustainable modes of transport. Policy T7 sets maximum standards for off-street car parking. However, policy T8 states the Council's intention is to seek car-free housing where sites are located within controlled parking zones that are easily accessible by public transport. Car-free housing is housing with no parking spaces on-street or off-street other than that specifically designated for people with disabilities.

- 6.8.2 Maygrove Road runs east/west between Kilburn High Road and the eastern end of Iverson Road shortly before it joins West End Lane. The site is a short walk from the main centres of Kilburn and West Hampstead. Both Kilburn and West Hampstead provide access to London Underground (Jubilee line) and Overground networks. The Thameslink can also be accessed at West Hampstead. There are also a number of bus routes serving the area with stops located on Kilburn High Road and West End Lane. The site has a PTAL rating of 5 (very good). The application site has good access to public transport and is located within a controlled parking zone. It is therefore a site which would be appropriate for car-free development.

- 6.8.3 The proposal includes the provision of 3 disabled surface level parking bays located in front of the building adjacent to Maygrove Road. Policy T7 permits the provision of the 1 disabled car parking bay per residential unit intended to provide wheelchair housing. The proposed development includes 3 wheelchair accessible units, two within the supported housing element and one within intermediate housing. The proposed level of car-parking provision is therefore considered to be acceptable. The remaining residential units should be secured as car-free via a legal agreement in accordance with policy.

- 6.8.4 Local residents have raised significant objection to the proposed development on the grounds that it would increase pressure for on-street parking. Future occupants would not be entitled to apply for on-street parking permits and therefore the proposed development would not add to the demand for on-street parking.

6.8.5 Bicycle parking

Policy T3 requires the provision of 1 bicycle parking space per residential unit. Appendix 6 of the Unitary Development Plan (2006) states that an exception may be made for dwellings available solely to occupants unlikely to use bicycles due to age or disability. 15 of the 29 residential units proposed are supported housing units for mental health patients who are not permitted by One Support to own bicycles. In view of this and taking into account the provision in appendix 6 it is considered that in these circumstances only 14 bicycle spaces are required to provide for the occupiers of the proposed accommodation.

In addition, 1 bicycle space is required per 10 units or parts thereof for visitors. Therefore, an additional 3 bicycle spaces are required for visitors. Although the supported housing is Class C3 residential accommodation it does include facilities for staff. The bicycle parking standards do not provide for a situation where there is ancillary employment floorspace to Class C3 residential accommodation. The standards require, from a threshold of 500sqm of Class B1 office accommodation, 1 bicycle parking space per 250sqm or part thereof. The 'employment' element of the proposal is only 100.13sqm and therefore would not technically trigger the requirement for bicycle parking if it were considered in isolation. However, it was agreed that the provision of at least 1 bicycle parking space for staff would be desirable.

6.8.6 The residents bicycle parking is to be provided at ground floor level. It is accessed via the main entrance door on Maygrove Road. It is unfortunate that it is necessary to pass through two internal doors to get to the facility, a concern raised by local residents, but the corridor is wide and level which will aid manoeuvrability of bikes and therefore is not objectionable. The bicycle parking in the form of 7 Sheffield stands is appropriately laid out and adequately spaced to provide space for 13 bikes. The overall number of spaces is one less than would normally be required. The potential to enlarge the bicycle store has been investigated, but this subsequently results in a reduction in the amount of amenity space provided to the supported housing or the ground floor family unit. The ground floor level family unit has adequate space to accommodate its own bike which is considered to be a more desirable option than losing the amenity space. The residents cycle parking is considered to be acceptable in terms of the amount provided and its layout. The proposal also includes the provision of 3 Sheffield stands providing adequate space for 4 bikes for visitors to the affordable housing and 2 Sheffield stands providing adequate space for 2 bicycles for staff at the supported housing. This is located in the landscaped area adjacent to Maygrove Road. In terms of numbers the bicycle parking for visitors/staff is in excess of that required. It would be preferable for this cycle parking to be sheltered, but as the bikes are not intended to be parked there for long periods, and thus exposed to the elements, their location is considered to be acceptable. The proposed bicycle parking is therefore considered to be acceptable; its provision should be secured by condition.

6.8.7 Works affecting the highway

The proposal includes demolition of the existing car repair workshop and the construction of 29 residential units. Given the scale of the development it could have a significant impact on the surrounding road network. Residents and the FRA have also raised concern in this respect. The applicant has submitted an outline construction management plan. A more detailed construction management plan will need to be secured via legal agreement in accordance with Policy T12. It is noted that the outline construction management plan states that noisy activities will only take place between 07.30 and 18.00 Monday to Friday. The applicant should be advised by informative that noisy activities will only be permitted between 08.00 and 18.00 in accordance with the Control of Pollution Act 1974 and the final Construction Management Plan should reflect this.

6.8.8 In order to mitigate the impact of the increase in trips this development will generate, and to tie the development into the surrounding urban environment a financial contribution is required to repave the footway adjacent to the site and reconstruct the two existing vehicular crossovers on Maygrove Road. This will also allow areas of the highway damaged during construction to be repaired. This contribution should be secured via legal agreement. The obligation should also require plans demonstrating interface levels between development thresholds and the highway to be submitted to and approved by the highway authority prior to implementation. An informative should be attached to the permission (if granted) advising the applicant that planning permission does not guarantee

that highways works will be implanted as these are subject to further detailed design, consultation and approval by the highway authority.

6.9 Standard of accommodation

6.9.1 Local residents have raised concern about the standard of the accommodation proposed particular its size, layout and amount of external amenity space.

6.9.2 The applicant has provided a schedule of the proposed accommodation. The schedule indicates that all the 1-person and 5-person units accord with the residential development standards detailed in Camden Planning Guidance (2006) which require them to be at least 32sqm and 84sqm respectively. The proposed 2-person and 4-person units are slightly undersized. Camden Planning Guidance (2006) states that 2-person units should be 48sqm and 4-person units 75sqm. The 2 person units in the proposed development range from 46-46.4sqm and the 4 person units are all 67sqm in floorspace. Although the 2-person and 4-person units are marginally below what would be expected in all cases the units are not considered to be so small that they would be deemed sub-standard and could easily accommodate a single or 3-person household respectively. The proposed standard of accommodation in terms of its size is therefore considered to be acceptable. All accommodation will have good access to natural light and ventilation.

6.9.3 Camden Planning Guidance (2006) encourages the provision of private outdoor amenity space for new dwellings, particularly family units. It states that outdoor residential amenity space can be provided in the form of private garden space, terraces or roof gardens or as communal amenity space. Each of the units in the proposed development has the benefit of some amenity space in the form of gardens, terraces or balconies. The supported housing units have a shared communal garden. The intermediate family unit which is located at ground floor level has a private front and rear garden, of the 2-bedroom units 3 have access to private balconies and 4 of the 1-bedroom units have private roof terraces at fourth floor level. The fourth floor level flat roof is also used to provide a communal roof terrace for those intermediate units without access to their own private amenity space. The proposed balconies by virtue of their position do not allow views into habitable windows belonging to other units within the development. The proposed terraces at fourth floor level would allow some overlooking between units within the development and therefore it is considered that privacy screening should be provided on the boundaries where one terrace adjoins another belonging to a separate unit (4 screens in total).

6.9.4 Lifetime Homes and Wheelchair Housing

Policy H7 of the Unitary Development Plan (2006) requires that at least 10% of all new housing be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. The proposed development includes the provision of 3 wheelchair units. Two are 1-bedroom units provided as part of the supported housing and the third is a 3-bedroom intermediate unit. The 10% target therefore is met by the proposal. The Council's Access Officer advised during the course of the application that the internal layout of the wheelchair accommodation required some minor changes to allow adequate clearance and circulation space:

- The access to the car parking was original shown on a 1:20 gradient. Whilst this gradient is acceptable on an access route to a building, and is not considered to be a ramp, level access to disabled car parking spaces which is specifically defined in the Building Regulations (Part M) is anything up to 1:60.
- The landing space in the corridor in front of the entrances to the 1-bedroom supported housing units S1 and S3 were not appropriately sized (they are required to be 1500mm x 1500mm).

The applicant has reduced all the floor levels relative to natural ground level by 50mm, which is a barely perceptible change, so that the parking is now located on a level surface (gradients range from 1:67 to 1:77). The internal layout at ground floor level has been adjusted to allow an appropriate landing area of 1500mm x 1500mm in front of the entrance to units S1 and S3.

- 6.9.5 All new units should be built to Lifetime Homes standards so that they provide for the different requirements created by changing life circumstances. The applicant has submitted a statement with regard to Lifetime Homes which indicates that all residential units have been designed to meet Lifetime Homes Standards in accordance with Policy H7. The Council's Access Officer has advised that the proposals comply with Lifetime Homes Standards. Construction of the building to lifetime homes standards should be secured by legal agreement.

6.9.6 Refuse and Recycling

Adequate waste and recycling storage facilities should be provided in accordance with policy SD6 of the Unitary Development Plan (2006). The proposed development includes the provision of two refuse/recycling storage areas. The intermediate housing includes an internal storage area accessible from the communal corridor and also from the front landscaped area. The supported housing has an external refuse/recycling storage area which is located in front of the building adjacent to Maygrove Road. The storage area is enclosed by a 1.35m high brick wall; it is set away from the ground floor windows and is easily accessible from the external entrance. The storage areas both have sufficient space to accommodate 3 x 660L bins for general refuse and 4 x 360L bins for recycling (1 x paper/card, 2 x metal/plastic and 1 x mixed glass). The storage areas are both within 10m from the public highway to enable collection. Street Environmental Services have confirmed that the location and size of the refuse and recycling stores are acceptable. The objection raised by local residents that the refuse and recycling provision is deficient is not considered to be sustainable.

6.10 Sustainability

- 6.10.1 In accordance with the requirements of the London Plan (consolidated with alterations since 2004) 2008 and Policy SD9 the applicant has submitted an energy statement. The energy statement considers the options and seeks to identify the most appropriate measures to minimise energy consumption, supply energy more efficiently and use renewable energy.
- 6.10.2 The building incorporates energy saving measures. The minimum requirements for compliance with Part L of the Building Regulations are to be established and further improvements made to reduce CO₂ emission beyond these requirements. Energy savings are to be achieved by improving the thermal performance of the building through appropriate insulation and double glazing and maximising its air tightness. This is a good way of significantly reduction CO₂ emissions in residential buildings. Accommodation will be provided with energy efficient white goods and space for natural drying and all internal and external lighting will be energy efficient with daylight control and occupancy sensors. The applicant has advised that they will install water saving measures such as dual flush WCs and aerated taps, with a view to achieving a resident's water level of less than 105 litres per person per day. All these measures are welcomed.
- 6.10.3 The introduction of CHP was given consideration, but was not felt to be justified on economic or practical grounds. CHP must be heat lead for high efficiency. This means that it is more suited to developments that require heat for long periods of the day such as

hospitals, hotels and leisure centres. It can be a viable option for larger residential and mixed use schemes, but in this case given the scale of the development it was not considered to be the most efficient form of energy generation as there would be significant wastage.

- 6.10.4 The applicant has investigated the potential for incorporating renewable energy technologies within the development. They have examined the potential for including photovoltaic cells, wind turbines, ground source heat pumps, biomass, and solar thermal collectors. The most appropriate technology taking into consideration the size of the development, site constraints, cost and potential energy savings was considered to be solar thermal collectors. It is proposed to install 54sqm of solar thermal panels. The renewable technology will provide an annual saving against annual carbon emissions of 13%. Policy SD9 seeks to achieve 10% of energy through renewable technologies, but the London Plan (2008) which is more up to date sets a higher target of 20%. The proposal exceeds the Borough target, but falls slightly short of the regional target. Whilst it is regrettable that a higher level will not be achieved, it is considered that the applicant has given due consideration to other options and therefore this is considered to be acceptable.
- 6.10.5 Camden Planning Guidance (2006) states that all new developments for 5 or more residential dwellings should achieve level 3 of Code for Sustainable Homes with more than 50% of credits being achieved in energy, materials and water. A Code for Sustainable Homes Pre-Development Assessment has been provided as part of the application. The report indicates that the development will score 61.91%, level 3 of the Code, securing 41% of credits in energy, 66% in materials and 50% in water. The assessment highlights a shortfall in the credit rating achieved in the energy category. Given that the applicant has met the targets in other categories and achieved an overall score which meets level 3 of the Code this is considered to be acceptable on the basis that this is a worst case scenario and the score is likely to be improved on. The applicant will be required to submit design and post-construction Code for Sustainable Homes reports this will be secured by legal agreement. The legal agreement will include a best endeavours clause which requires the applicant to continue to reach as many credits in these categories as possible and provide justification for any shortfall, outlining the constraints responsible.
- 6.10.6 The applicant has shown a commitment towards producing an energy efficient building. It is recommended that full details of all sustainability measures should be secured via legal agreement.

6.11 Trees, Landscaping and Biodiversity

- 6.11.1 The proposal involves redevelopment of an existing vehicle repair workshop. There is a small area of open space to the rear of the building, but this is owned by the Council and does not form part of the application site. There are no trees of significance within or adjacent to the application site that would be effected by the proposed development.
- 6.11.2 The proposed development incorporates the provision of areas of open space within the site this includes a communal garden to the rear for the supported residents and also a private garden to the rear for the 3-bedroom intermediate unit. Areas of planting are also provided in front of the building onto Brassey Road and Maygrove Road. The fourth floor level roof is also used to provide a communal roof terrace for the intermediate housing and also private roof terraces for the 4 x 1-bedroom intermediate units at this level.
- 6.11.3 The ground floor level communal garden and private gardens are on the north side of the building and therefore will receive no direct sunlight. This will restrict the type of planting. The communal area is hard paved and is accessed from the supported residents common

room. There is scope to plant the wall facing the common room (wall to the residential cycle store) with Ivy which would improve outlook from the common room, soften the communal garden and also provide wildlife habitat. The applicant has agreed to incorporate this planting and has amended the plans accordingly.

- 6.11.4 The areas in front of the building are to be planted with low-medium growing shrubs rather than ground cover (plants usually limited to growing a few inches from the ground) as originally proposed, which will greatly improve the biodiversity value of the site. The proposal includes the planting of 2 small trees adjacent to Maygrove Road. The tree which is closest to Barlow Road has been re-positioned closer to the corner in order to allow for a larger growing fastigiated specimen. This will ensure that the proposed tree planting has a more significant impact on the street scene.
- 6.11.5 The first floor level plan originally indicated that a brown roof would be installed on the single-storey structure (5.3m x 2.6m) to the rear of the site which accommodates the cycle parking. A number of the proposed flats have windows and balconies which look onto this roof. Since a brown roof is essentially a rubble substrate into which plants are allowed to colonise the appearance of brown roofs can appear initially stark and later untidy. Due to the extent of overlooking a brown roof was not considered to be suitable for this position. A planted roof was felt to be preferable and the applicant has amended the drawings accordingly. A brown roof is indicated for the main roof. This is considered to be acceptable as it is not overlooked.
- 6.11.6 Permission (if granted) should be conditional on the submission and approval of hard and soft landscaping details including full details of the green and brown roofs. Local residents expressed concern about the lack of garden design, this is felt to be a matter that can be suitably dealt with by condition.

6.12 Contaminated Land

- 6.12.1 The proposed development is to be sited on previously developed land. With brownfield sites there is the potential risk of contamination from former land uses. Planning Policy Statement 23 (2004) states that when considering planning applications local planning authorities must give consideration to the potential for contamination of the land. Planning permission should only be granted for development on sites which are known or suspected to be contaminated where the potential hazard and proposed remedial measures have been adequately considered and addressed.
- 6.12.2 The applicant has submitted a desk-top study prepared by Worley Parsons which considers the potential presence and nature of contamination of the site. The application site has been in use as a motor vehicle garage since c. 1954. Historically the land north of the site was a railway sidings, there was also a coal yard to the north-west and a wood turning works and builders yard to the east. The surrounding area has since the 1980s been predominantly residential and commercial in nature and there has been little change since 1991. It is considered that the soil beneath the site could be contaminated from its previous use as a garage and also potential diffuse sources of contamination situated off site. This was a concern also raised by local residents.
- 6.12.3 Environmental Health have recommended that a condition be imposed on the permission (if granted) requiring appropriate site investigation to be undertaken and a report including any recommendations for remediation to be submitted for approval prior to any construction works taking place. The condition should also state that should any remediation work be required, it must then be carried out in accordance with the remediation works approved by the Council and a verification report submitted and

approved by the Council prior to the commencement of works. Decommissioning plans for the underground storage tanks will also need to be submitted, this should also be secured by condition.

6.13 Crime Prevention

- 6.13.1 The built environment influences how people perceive their own safety. Poorly designed environments can provide opportunities to commit crime and anti-social behaviour. Policy SD1(D) of the Unitary Development Plan (2006) states the Council will require development to incorporate design, layout and access measures which address personal safety, including the fear of crime, security and crime prevention. The planning process should look to design out crime at the outset of the design process.
- 6.13.2 Local residents state that this area already suffers from exceptionally high levels of crime and anti-social behaviour. Crime data held by the Metropolitan Police does not support the view that there is a higher than average concentration in this area, however, it is acknowledged these may not provide a comprehensive view of the existing situation since many incidences may go unreported. The Crime Prevention Design Advisor is aware that there have been problems with drug dealing and anti-social behaviour in the Sidings Estate and on the land immediately to the rear of the application site. Existing residents state that the proposed use as supported housing for people with mental health issues is likely to exacerbate these problems. As stated previously the proposal needs to be assessed on the basis of its use class rather than the nature of the occupant and therefore this matter is somewhat irrelevant in terms of assessing the application. However, it is considered that the proposed residential building which replaces the light industrial unit could in fact reduce crime by increasing the level of natural surveillance in the surrounding area. The existing building has blank frontages onto Barlow and Brassey Road, whereas the proposed building has windows facing onto these streets. The existing building is vacant and even when in use would only have operated during daytime hours. The potential residents and the support staff by contrast would provide a presence 24/7.
- 6.13.3 The Metropolitan Police have advised that it would be beneficial if the strip of land to the rear of the site, which has been the focus of some of the anti-social behaviour and drug dealing in the area, were secured by appropriately designed fencing. Unfortunately, this land is not owned by the applicant and there is no reasonable likelihood of them obtaining it. The land is owned by the Council and forms part of the estate to the North. The applicant has sought to purchase the land, but this was declined. The applicant is not in a position to secure the land.
- 6.13.4 The Crime Prevention Design Advisor has advised that there are no concerns regarding the design and layout of the proposal. There is a narrow unobserved alleyway that exists between the application site and 65 Maygrove Road, this is currently blocked by a gate between the building and 65 Maygrove Road; this is to be maintained as part of the proposed development. All accessible windows are to be constructed to BS 7950 and fitted with 6.4mm laminated glass and all communal and residential doors will be constructed to BA PAS 23/24.
- 6.13.5 It is considered that a security system incorporating lighting, audio and video entry systems should also be installed to improve security of this site particularly around the bicycle and car parking and entrance points; defensive planting adjacent to blank walls would also discourage graffiti and loitering, this should be secured by condition (if permission were granted).

6.14 Planning Obligations

6.14.1 Public open space

Open space is essential to quality of life and improves the setting and appearance of the urban landscape. Camden does not have any areas with a surplus of public open space, there are many areas which are deficient in public open space, and the quality of some existing public open space is in need of improvement. Policy N4 of the Unitary Development Plan (2006) states that planning permission will only be granted for development that is likely to lead to an increased use of public open space where an appropriate contribution to the supply of public open space is made. The policy states that residential schemes for 5 or more units are likely to lead to an increased use of public open space.

6.14.2 Camden Planning Guidance (2006) states that 9sqm of public open space should be provided per person. Based on the number of new units in the proposed development the quantity of open space provision which should be provided in accordance with Camden Planning Guidance would be 333sqm (37 bedrooms x 9sqm). Camden Planning Guidance (2006) outlines a sequential approach in terms of provision, it states that it should be delivered within a scheme, but if this is not possible then a financial contribution could be provided and pooled to create new public open spaces off-site or to improve existing ones.

6.14.3 Given the limited size of the application site and the scale of the development that is proposed it is considered that a financial contribution towards off-site provision would be more appropriate. The guidance states that the cost of provision is £55 per sqm, with £5.70 per sqm per year for maintenance of that space over 5 years. Therefore, in respect of the current development a contribution of £27,805.50 is required towards the provision of public open space.

6.14.4 Camden Planning Guidance (2006) states that the provision of private amenity space does not override the need to provide public open space, but as it may in part reduce the use of public open space in an area it may be taken into consideration when calculating what an appropriate contribution is. The proposed development includes 227.71sqm of private open space. Of this 199.51sqm is provided in the form of well proportioned garden space and roof terraces. The remainder is in the form of small balconies which are less likely to reduce dependency on public open space. On this basis it is considered that the quantity of open space which should be sought is 133.49sqm (333 - 199.51) which equates to a financial contribution of £11,146.50. The contribution should be secured via legal agreement.

6.14.5 Educational facilities

New housing development can increase pressure upon education places and costs. New residential developments which result in a net increase of 5 or more dwellings will normally be expected to provide a contribution towards educational provision for the children who would be housed in the dwellings. Camden Planning Guidance (2006) states that contributions will not be required where the proposed residential accommodation is affordable housing for rent or intermediate housing provided by a registered social landlord. No financial contribution is required towards the provision of educational facilities within the local area as the proposed development is for 100% affordable housing.

6.14.6 Community bridge building programme

Local residents have raised strong concerns about the provision of supported housing for people with mental health issues in their community. As stated previously, the nature of the occupants is not relevant to consideration of the application, however, the applicant has acknowledged these comments and agrees that a mechanism to ensure that residents

moving into the scheme are successfully integrated into the community would be extremely beneficial.

- 6.14.7 To address these concerns and to support the successful integration of new residents with mental health needs into the community, it is proposed to deliver a community development programme involving local residents and tenants moving into the scheme. The programme would enable existing and new residents to get to meet each other through a programme of informal, social activities (e.g. gardening, creative arts) so as to assist residents moving into the development to successfully integrate into the community.
- 6.14.8 The programme would be managed and delivered by the Healthy Communities Team in Regeneration and Partnerships, who already have a relationship with residents living in sheltered housing in Lauriston Lodge, where a number of residents have expressed concerns about the development, and would build on intergenerational work carried out by Lauriston Lodge and the local youth centre. It would begin three months before the new units are handed over and would continue for three months after the supported housing is occupied.
- 6.14.9 The delivery of the programme would require additional resources, to cover the salary costs and materials for a six month programme, which have been costed at £30,000. The applicant has agreed to provide a financial contribution of £30,000, to be secured by legal agreement, to cover the cost of this programme. In addition it is considered that a community liaison group should be established to ensure that a good relationship is maintained in the longer term. As this is not necessary in order to make the proposed development acceptable in planning terms and has only been included because of the willingness of the applicant it does not form a reason for refusal in the event that the legal agreement is not completed within the specified period.

6.14.10 Employment contribution

The proposal is a major development which will involve a significant construction contract. In accordance with the Policy SD2 of the Unitary Development Plan (2006) and Camden Planning Guidance (2006), it is recommended that the developer provide construction training opportunities for local residents related to the development through a recognised local initiative (Kings Cross Working Construction Training). The legal agreement should include a reasonable endeavours clause which requires that no less than 15% of employees working in the construction of the development should be recruited from Camden's resident population. The developer should also use reasonable endeavours to ensure that supplies and services are sourced locally and this again should be secured by legal agreement. The creation of local employment and business opportunities will reinforce neighbourhood renewal objectives and improve the sustainability of the local economy.

7.0 CONCLUSION

- 7.1 The proposed development will provide much needed priority supported and affordable housing for the Borough and the social benefits of this are considered to outweigh the loss of B1(c) employment space involved in the development. The proposal provides a mix of small social rented accommodation and small and large intermediate housing which meets identified need in the area and is supported by HASC. The development which comprises of 4 storeys with a 5 storey set back is in keeping with the scale of other development in the immediate area and the detailed design is contemporary and simple. The buildings have been designed to ensure that loss of light to neighbours is kept to a minimum and where possible the minimum distance between properties has been maintained. The building incorporates sustainability and biodiversity enhancement measures. The new

accommodation has been appropriately designed in terms of size, accessibility and access to facilities such as refuse and cycle storage. The potential increase in demand for public open space, on-street car parking and the adverse impact of construction traffic in terms of damage to the highway and disruption to pedestrian and vehicular movement generated by the development will all be addressed by legal agreement. The applicant's willingness to provide a community bridge building programme and community liaison group is welcomed.

7.2 Planning Permission is recommended subject to a S106 Legal Agreement to secure the following:

- Definition of supported housing.
- Secure as affordable housing: 15 social rented units and 14 intermediate units.
- Car-free housing.
- Construction management plan.
- Financial contribution to repave the footway adjacent to the site and reconstruct two existing vehicular crossovers on Maygrove Road.
- Lifetime homes standards
- Achieve a minimum of Level 3 of the Code for Sustainable Homes
- Provide a proportion of energy through on-site renewables
- Financial contribution of £11,146.50 towards public open space.
- Financial contribution of £30,000 towards a community bridge building programme.
- Community liaison group
- Local labour/procurement.

7.3 In the event that the S106 Legal Agreement referred to above has not been completed within 13 weeks of the date of the registration of the application, the Development Control Service Manager be given authority to refuse planning permission for the following reasons:-

The proposed development, in the absence of a legal agreement to secure the residential units as affordable housing would fail to make a contribution to the supply of affordable housing, contrary to policy H2 (Affordable Housing) of the London Borough of Camden Replacement Unitary Development Plan 2006 and policies 3A.10 and 3A.11 of the London Plan (consolidated with Alterations since 2004) 2008.

The proposed development, in the absence of a legal agreement to secure 26 residential units as car-free would be likely to contribute unacceptably to parking congestion in the surrounding area, contrary to policy T9 (Impact of Parking) of the London Borough of Camden Replacement Unitary Development Plan 2006.

The proposed development, in the absence of a legal agreement to secure submission and implementation of a Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and dangerous situations for pedestrians and other road users, and be detrimental to the amenities of the area generally, contrary to policies T12 (Works Affecting Highways) and SD8B (Disturbance from demolition and construction) of the London Borough of Camden Replacement Unitary Development Plan 2006.

The proposed development, in the absence of a legal agreement to secure contributions to carry out associated highways works would be likely to harm the Borough's transport infrastructure, contrary to policy SD2 (Planning Obligations) of the London Borough of Camden Replacement Unitary Development Plan 2006.

The proposed development, in the absence of a legal agreement to secure the development to be built to lifetime homes standards and for a minimum of 10% of the accommodation to be suitable for wheelchair users, is contrary to policy H7 (Lifetime Homes and Wheelchair Housing) of the London Borough of Camden Replacement Unitary Development Plan 2006.

The proposed development, in the absence of a legal agreement requiring for the development to achieve a minimum of 'level 3' under the Code for Sustainable Homes Assessment and for a proportion of energy demand to be met by on-site renewable resources, would fail to be sustainable in its use of resources, contrary to policy SD9 (Resources and Energy) of the London Borough of Camden Replacement Unitary Development Plan 2006.

The proposed development, in the absence of a legal agreement securing public open space contributions, would be likely to contribute unacceptably to pressure on the Borough's open space facilities, contrary to policy N4 (Providing Public Open Space) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.

The proposed development, in the absence of a legal agreement to secure local labour and procurement would fail to contribute towards the creation of local employment and business opportunities which reinforce neighbourhood renewal objectives and improve sustainability of the local economy, contrary to policy SD2 (Planning Obligations) of the London Borough of Camden Replacement Unitary Development Plan 2006.

8.0 LEGAL COMMENTS

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