

Delegated Report		Analysis sheet	Expiry Date:	08/12/2014
		N/A / attached	Consultation Expiry Date:	27/11/2014
Officer			Application Number(s)	
Tania Skelli-Yaoz			2014/5341/P	
Application Address			Drawing Numbers	
159 -161 Iverson Road London NW6 2RB			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
		Catherine Bond		
Proposal(s)				
Demolition of existing building and erection of buildings ranging between three and seven storeys, comprising 23 residential units (Class C3) and 164sqm of employment floorspace (Class B1c).Erection of a mixed use development comprising of 23 residential units and 164sqm of employment floorspace.				
Recommendation(s):	Refuse Planning Permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	41	No. of responses	00	No. of objections	00
Summary of consultation responses:	SN displayed 5/11/14-26/11/14 PN advertised 6/11/14-27/11/14 No responses received.					
Local / external groups comments:	<p><u>Fortune Green & West Hampstead Neighbourhood Development Forum (NDF):</u></p> <p>'The NDF supported the previous scheme (2013/7505/P) and welcomes the commitment to community engagement shown by the developer.</p> <p>While many aspects of the new scheme appear to us to be acceptable (including the increased provision of affordable housing), we object to the increase in the height of the development from 6 to 7 storeys. The site is not in the West Hampstead Growth Area - and to build 7 storeys would exceed the already agreed height limits at the neighbouring development on Iverson Road (former garden centre site) and on other sites on nearby Maygrove Road.</p> <p>As mentioned in the final draft of the Fortune Green & West Hampstead Neighbourhood Plan (which is now at examination stage), going above 6 storeys risks damage to the predominant character of the area and is unlikely to receive the support of local residents.</p> <p>As the height of the new building will be most visible from the rear of the building (facing onto the railway lines), we are also concerned that not enough consideration has been given to the views of residents on Sumatra Road (no properties on Sumatra Road appear on the list of consulted neighbours).</p> <p>We request that planning officers and councillors on the Development Control Committee give careful consideration to this application - and clearly justify any approach they take regarding the height of this new proposal. They should also consider the policies regarding height in the Neighbourhood Plan.'</p> <p><u>Network Rail:</u> formally consulted. No response received.</p> <p><u>Thames Water:</u> no Objection. Comments made regarding surface water drainage, public sewers, piling and water flow pressure.</p>					
Site Description						
<p>The application site is located on the north side of Iverson Road. The site is approximately 0.09 hectares in size. It is occupied by a tyre fitting depot and benefits from planning permission for a part-1 part 6-storeys set of 2x buildings to accommodate 19 dwellings with the re-provision of B1 office space to its front street level. Some pre-commencement conditions relating to this permission are currently being considered.</p> <p>To site abuts the railway line to its north, the Network Rail (NR) signal box to its west, the former Hampstead Garden Centre to its east (no. 163) and a mix of residential and office buildings to its south.</p> <p>The application site has easy access to West Hampstead tube and rail stations and the town centre is in the immediate vicinity. The site benefits from a Public Transport Accessibility Level (PTAL) of 5 'very good'. The parking immediately outside the site falls within the Kilburn Controlled Parking Zone. The site lies just outside the 'West Hampstead Interchange Growth Area' which encloses it to the north and south.</p>						

Neither the site or the immediate vicinity is situated in a conservation area and there are no listed buildings in the vicinity. The land is noted as having the potential for contamination.

Relevant History

2013/7505/P planning permission granted on 21/02/2014 subject to legal agreement for the demolition of existing building and erection of two buildings ranging between one and six storeys, comprising 19 residential units (Class C3), 164sqm of employment floorspace (Class B1c).

No. 163 Iverson:

2012/0099/P planning permission granted on 12/12/2012 for the erection of a part four and part five storey building plus lower ground floor comprising 33 residential flats (1 x one bed, 20 x two bed, 9 x three bed and 3 x studio flats) and 3 three-storey townhouses (Class C3), following the demolition of the existing garden centre buildings.

Liddell Road:

2014/4384/PRE Pre-application for comprehensive redevelopment of the site to provide: extension to Kingsgate Primary School, replacement employment floorspace, housing and public open space. Under Consideration.

Relevant policies

National Planning Policy Framework (NPPF) (2012) (special reference to paragraphs 7, 9, 17 and 65 below).

National Planning Policy Guidance (NPPG)

The London Plan (2011)

LDF Core Strategy and Development Policies 2010

Core Strategy Policies

- CS1 (distribution of growth)
- CS3 (other highly accessible areas)
- CS5 (managing impact of growth)
- CS6 (providing quality homes)
- CS8 (promoting a successful and inclusive Camden economy)
- CS10 (supporting community facilities and services)
- CS11 (sustainable travel)
- CS13 (tackling climate change)
- CS14 (high quality places and conserving heritage)
- CS15 (parks, open spaces and biodiversity)
- CS16 (health and wellbeing)
- CS17 (safer places)
- CS18 (waste and recycling)
- CS19 (delivering and monitoring the Core Strategy)

Development Policies

- DP1 (mixed use development)
- DP2 (making full use of housing capacity)
- DP3 (contributions to the supply of affordable housing)
- DP5 (homes of different sizes)
- DP6 (lifetime homes and wheelchair housing)
- DP13 (employment sites and premises)
- DP15 (community and leisure uses)
- DP16 (transport implications of development)
- DP17 (walking, cycling and public transport)
- DP18 (parking standards)

DP19 (managing the impact of parking)
DP20 (movement of goods and materials)
DP21 (highway network)
DP22 (promoting sustainable design and construction)
DP23 (water)
DP24 (high quality design)
DP25 (conserving Camden's heritage)
DP26 (impact on occupiers and neighbours)
DP28 (noise and vibration)
DP29 (improving access)
DP31 (open space and outdoor recreation)
DP32 (air quality and clear zone)

Camden Planning Guidance 2011 and 2013

CPG 1: Design (September 2013): Sections 2, 4, 5, 9 and 10.
CPG 2: Housing (September 2013): Sections 2, 4 and 5.
CPG 3: Sustainability (September 2013): Sections 2, 3, 5, 6, 7, 8, 9, 10 and 13.
CPG 5: Town centres, retail and employment (September 2013): Section 7.
CPG 6: Amenity (September 2011): Sections 2, 3, 4, 6, 7, 8, 9 and 11.
CPG 7: Transport (September 2011): Sections 5 and 9.
CPG 8: Planning obligations (September 2011): Sections 4, 5, 6, 7, 8, 10 and 11.

Camden Annual Monitoring Report (AMR) 2013/14: Monitoring Bulletin 1 – Housing and employment Space

Fortune Green and West Hampstead Neighbourhood Plan – August 2014 - (post public consultation; examination stage): Section 3 (Objective 2), Section 4 (Policies, par A4)

Assessment

Proposal:

The principle of demolition has been established by permission **2013/7505/P** and therefore does not require re-examination here. Permission has been granted for the erection of two buildings on the site which are connected at ground floor level and separated by a greened communal amenity space (1st floor level). A part-four/part-five storey building has been approved to the front of the site facing Iverson Road, and a six-storey building to the rear of the site facing the railway. The buildings will provide 164m² B1(c) commercial space to the front of the site at ground floor level and 19 residential flats (Class C3) set over the remaining ground and upper floors.

This proposal seeks to increase the height of the rear block to seven-storeys and part infill the mid-site single-storey section with a two-storey extension. This will result in the increase of 4 residential units to 23 in total, of which 18 are market units and 5 are affordable (previous proposal included 15 market and 4 affordable).

The development would provide a range of unit sizes, 1 x 1-bed, 16 x 2-bed and 6 x 3-bed. The affordable units include 3 social rented (1x 1-bed, 1x 2-bed and 1 x 3-bed) and 2 shared ownership (2x 2-bed) (this adds 1x 1-bed social unit on the approved scheme). The market units include 13x 2-bed and 5x 3-beds.

The residential units are all to be built to Lifetime Homes Standards. The proposal includes 2 units (1 x 3-bed and 1 x 1-bed) at ground floor level which are wheelchair accessible (these are both affordable units). The proposed development has been designed to meet 'Level 4' of the Code for Sustainable Homes and incorporates PVs at roof level.

The proposed development is a car free scheme and as such no on-site car parking provisions are proposed. The scheme provides secure cycle parking spaces for residents and visitors. This is located in a secure cycle storage area at ground floor level with dual access via a side entrance on the west boundary or via the main entrance foyer. Cycle parking is provided at one cycle parking space per unit for the smaller 1 and 2-bed units, and two spaces for each of the 3-bed units. One space is also provided per 10 units for visitors.

Refuse and recycling storage are sited at ground level in a storage room adjacent to the main entrance.

The approved development evolved as part of pre-application discussions with the Council which commenced in early 2013. The approved proposal is for a building which is lower and less bulky than originally proposed; consequently it provides a lower number of residential units than originally proposed at the outset of pre-application discussions. In particular, the height of the rear building was negotiated to be reduced in height by 1.3m for design reasons.

The main considerations with this application are housing and design. The principle of land use, quality of residential accommodation, amenity, transport, sustainability, ecology and other related matters have been established in the previous application and do not substantially change as a result of the now proposed scheme. As such, these matters are only briefly discussed in this assessment. Some matters such as transport and S106 contributions would have to be adjusted to the specific details of this scheme.

Design considerations:

The scheme constitutes an increase of one storey on the rear block adjacent to the railway line and the addition of an extra storey on the low-level link block on the west side between the front and rear blocks, further enclosing the external communal space, when compared with the approved scheme (planning permission ref 2013/7505/P).

The principles established by the above planning permission remain and there have been no material changes since this decision, including changes in planning or design policy. For instance, the existing warehouse building on the site remains not listed and is not located in a conservation area, nor is it considered to be an undesignated heritage asset. Therefore there is no objection to the building's demolition in conservation terms. However, it should be noted that the emerging Fortune Green and West Hampstead Neighbourhood Plan (Examination Stage) discusses recommended height levels in this area which the proposal does not comply with (more details below).

Core Strategy policy CS14 and Development Policies DP24 continues to be relevant as they require all new developments to be of the highest standard of design. They should respect character, setting and context and the form and scale of neighbouring buildings.

The approved building ranges between four and six storeys, with the heights of the buildings informed by the built form on the opposite side of Iverson Road and that of the approved scheme on the adjacent site at 163 Iverson Road which is currently being implemented (see relevant history for details).

The approved scheme includes a ground floor podium with a communal roof terrace area at 1st floor separating the two taller elements which are located at the front facing Iverson Road and at the rear towards the railway. The current scheme proposes to add an additional storey creating a taller link of two storeys. This would be visible from the west, as seen from the Network Rail access road and would result in what is considered to be an over-enclosed and oppressive environment for the internal courtyard-style communal space serving the development. Principally, it acts as an add-on infill which bears no clear architectural cohesion with the original design. As a result, the two buildings, designed to be seen as separate are merged into a single bulk.

Paragraphs 6.33 and 6.34 of the DC Committee report (for planning application ref. 2013/7505/P) explain why a six storey rear building was arrived at, stating "At the railway end of the site the height would rise to include a 5th floor, but would remain below the peak height of the neighbouring development at no. 163. The height of the rear building was dropped by 1.3m during the course of the assessment in order to achieve a better balance of height and massing along the railway elevation and to reduce the apparent bulk from long views down Maygrove Road and the lower end of Iverson Road." (para 6.33). The approved scheme at no. 163 Iverson has a striking 'tree house' element. It continues "The height and elevations of the rear element of the current proposals have been designed to form a backdrop, complementing but not competing with the future buildings at 163. The building would be visible in approaches from the west along Iverson Road" (para 6.34).

It can therefore be taken that a further storey to this residential block will cause harm to the surrounding environment, by unbalancing the architectural composition of the two schemes at nos. 159-161 and no. 163. It is stated above that the adjacent 'tree house' block at no. 163 should read as a slightly taller element than the

block in question, in line with the architectural hierarchy and the topography of the two adjacent sites. It is also considered that an additional storey on this block will be highly visible both to the north (across the railway tracks) and to the west (down Iverson Road/Maygrove Road). The additional height, bulk, mass and scale, as seen from the west and south-west will cause harm in long views and will be seen as an overdominant element in conjunction with the proposed front block of the scheme (for which there is no height increase on the approved scheme).

As mentioned above, this view is supported in the emerging Neighbourhood Plan for Fortune Green and West Hampstead (Objective 2 and policy no. 2) which states that *'height of new buildings will have regards to and respect the proportion, scale, massing and rooflines of existing buildings in their vicinity and setting. In all development there shall be clear presumption in favour of preserving the distinct character and appearance of the Area, as well as the views across it.'* It continues *'it is ...the case that development higher than six storeys risks resulting in damage – by not being sensitive to the predominant character of the Area...'* and *'Existing development higher than six storeys....as well as recently approved developments...should not be considered as a template or a guide when assessing the height of new buildings outside the West Hampstead Growth Area'*.

Balconies on west elevation:

This proposal includes 4x additional large balconies facing into the NR site. This is a design solution which was discouraged in the previous scheme in order to prevent future development at the NR site to be prejudiced and also because the main elevations to this site are considered to be the other three; south, north and east. The insertion of unproportionally large balconies to this elevation are therefore considered to result in an incohesive and unbalanced approach. However, this detail alone is not considered to warrant the refusal of the application on its own.

Materials:

Notwithstanding these major concerns, the scheme continues to employ materials and detailed design as a whole which will complement the neighbouring site but which are successful on this site in their own right. However, the issues outlined above override these acknowledged merits.

For the reasons identified in the above paragraphs, the current proposal is considered by way of its additional height, bulk, mass and scale to cause harm to the qualities of the existing and adjacent developments, negatively impacting on long views.

Housing:

As mentioned above, the proposal will increase the provision of overall residential units from 19 to 23 and include 1x additional affordable unit (to that previously approved). Policy DP3 provides a clear rationale for seeking affordable housing in schemes for 10 or more additional dwellings or 1000m² of floorspace (gross external area). Given that 23 units (1806.5sqm GIA) are proposed and taking account the Council's sliding scale for affordable housing, a 23% target is sought.

The application proposes the provision of 5 affordable units, 2 intermediate affordable (1x 1-bed and 1x 2-bed) and 3 social rented (1x 1-bed, 1x 2-bed and 1x 3-bed) which equates to a provision of 22% affordable housing units (by unit) on-site. This would provide 374sqm of floorspace and thereby slightly underprovides the policy requirement in terms of floorspace.

CPG2 para 2.33 states that an absolute mathematical correspondence to the sliding scale is not required, and therefore a provision of 22% could be considered to just meet the requirement for affordable housing. However, when combining the analysis above, it is concluded that the provision of affordable housing on site could be improved and therefore a payment in-lieu of the under-provision or a larger (e.g. 2-bed) social unit should be provided, in accordance with policies CS6 and DP3 and London Plan Policy 3.11. As this under-provision would be under the threshold of CPG2's guidance for a new flat (100sqm) this does not form a reason for refusal, but is addressed under the legal obligations section below.

The tenure split in floorspace terms equates to 60:40 social rent / intermediate which is acceptable and complies with policy CS6. The location of the affordable units remains mainly on the ground floor (social units) and the 2x intermediate units are located at first floor. The units will share access with the market units. Concerns have been expressed in relation to service charges associated with the lift serving the first floor

affordable unit; however since they are to operate as shared-ownership units it is considered acceptable. The shared entrance is considered acceptable in this case due to the relatively low number of affordable units within the scheme. It would not be considered viable to provide with a separate access. This has been found acceptable by the specialist Housing Partnership Team officers.

In relation to the affordable housing units, the internal layout of these units is considered to be satisfactory. All habitable rooms have sufficient outlook, access to natural light and natural ventilation. There is also sufficient space internally for storage and the ground floor location allows step free access into the building. In addition, each unit will have access to a private terrace and in overall terms it is considered that the future occupiers of these units will benefit from a good standard of accommodation.

Policy DP26 of the LDF Development Policies requires housing developments to provide an acceptable standard of accommodation in terms of their internal arrangement, dwelling sizes and amenity space. Camden's CPG on Housing sets out the Council's standards for new residential development.

Mix of Units

In terms of the market housing element of the proposal 18 units are provided, comprising a mix of 13x 2-bed and 5x 3-bedroom self-contained flats. The proposed mix is considered to be appropriate, providing a good mix of small and large units which are likely to attract a variety of household types. In line with the dwelling size priority table outlined in DP5 in excess of 40% (72% proposed) of the proposed units are 2 bed flats, aligning with the highest priority for market housing and the remainder being 28% will have 3 bedrooms. Hence the mix is welcomed and is an indication of the scheme contributing to the creation of mixed and inclusive communities. With regard to the on-site affordable housing units, the two-bed and three-bed units correspond with a high priority identified in DP5 and is consequently considered appropriate. The additional 1-bed affordable (social) unit does not correspond with high need as per the above table as 1-bedroom unit are identified as of 'lower' need. Therefore, whilst all affordable housing is welcome, the contribution of this additional affordable unit to the housing priority provision in the borough is lower. However, in overall terms the mix of affordable units is considered to be adequate.

Internal Amenity

Turning to quality matters, as outlined by policy DP26(h-k), the 18 market units are considered to provide a suitable standard of accommodation for future occupiers. Each unit is entirely self-contained and the overall floor area of each individual unit (in terms of overall flat and room sizes) meets the CPG2 and London Plan standards. Moreover each market unit is regular in shape, has a floor to ceiling height of over 2.3m and provides both private outdoor amenity space (in the form of balconies / terraces) and 2 communal amenity spaces (first floor landscaped area and ground level open space).

The approved scheme provided mostly high-level windows to the west elevation and all the other windows to the relevant flats are generous and sufficient daylight level will be provided to each of the flats in addition to most of the flats benefiting from three aspects. However, the additional 4x large balconies to this elevation, as mentioned above, is not welcome for design reasons as well as amenity reasons. In addition to the reason explained above, it is considered that the provision of balconies facing into the communal open space is a better design solution.

The scheme provides 324m² of communal amenity space in total, which includes the 187m² communal garden at ground level and 137m² of communal decking split between first floor level (48sqm) and the third floor level (89sqm). The communal space at first and third floor level has been annotated with seating and soft landscaping and is accessed via stair cores which serve the buildings and but the first floor terrace and ground level open space now lacks the opening to the west which was designed to allow daylight and sunlight to filter through the site. The ground level open space shares its boundary with the open space of the adjoining site at 163 Iverson Road; As the two sites are under separate ownership attempts to link these two open spaces have been recommended to be linked but it is now accepted that this may not be possible.

Residential amenity

With regard to the residential amenity of future occupiers in terms of overlooking / privacy, the scheme has been carefully designed to minimise as far as possible these implications from neighbouring buildings (including that under development) and from within the site. In terms of overlooking/privacy between units within the site and with the approved 163 Iverson Road site, it is acknowledged that the relationship between

windows to the front of the rear building and the rear wing of the front building may lead to some possible overlooking/loss of privacy between future occupiers, where the minimum distance between windows is approximately 8m, however this would typically be oblique, commensurate with other developments in wider parts of London which appropriately optimise the residential capacity of a site and on balance is considered to be satisfactory. In overall terms it is considered that the accommodation will provide an acceptable level of amenity for future occupiers.

The application site is located directly opposite existing residential properties on the southern side of Iverson Road and new residential properties are currently under construction on the site adjoining to the east, so consideration has to be given to the potential impact on these properties.

The scheme is located 25 metres from the existing residential properties on the south side of Iverson Road at its nearest point, given the separate distance is in excess of 18m, it is considered the scheme will not have a negative impact on these properties in terms of overlooking and loss of privacy.

The proposal has been designed to complement the neighbouring approved scheme at 163 Iverson Road. The proposed buildings will sit some 6 and 9 metres away from the new building. For that reason the fenestration on the east elevation has been designed angled with oriel windows; this results in views away from approved windows. Other windows have an outlook over a window-less façade. The new windows to the infill section at first and second floor levels look onto the rear of the front block of no. 163 Iverson Road, but in a slightly oblique view. It is considered that the scheme has been designed to be compatible with this earlier approval and future occupiers of this property will continue to enjoy a good level of privacy.

On the west elevation, overlooking the Network Rail site, windows have largely been minimised, incorporating mostly high-level windows with some inset balconies. As mentioned above, the additional 4x large inset balconies do not contribute to the protection of amenity to any future development that might come forward on that site.

Other matters:

Others matters relating to inclusive design, design-out-crime, noise, daylight and sunlight, outlook, transport, sustainability and ecology & landscaping are considered similar to the previously approved scheme and are considered acceptable in principle. Had the scheme been considered acceptable then a series of conditions covering various matters in these regards would have been secured, similar in nature to the previous approval at the site.

S106 contributions & obligations: Had the development have been considered acceptable the following planning obligations would have been secured via s106 legal agreement:

- highway works (not less than £23,450 as per previous scheme; final sum may need adjusting)
- affordable housing payment in-lieu (£108,650),
- education contribution (£73,340),
- community facilities (£49,980),
- public open space (£36,026),
- car-free housing,
- affordable housing,
- sustainability and energy plans,
- construction management plan,
- public realm improvements (£30,000)and
- local training, employment and procurement (as per paragraph 6.65 of the 2013/7505/P committee report)

Given the scheme is unable to be supported, these form further separate reasons for the refusal of the application. An informative will also specify that without prejudice to any future application or the appeal, these reasons for refusal would have been overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

Planning Balance:

The NPPF promotes sustainable development, of which the environmental dimension is key in *"contributing to protecting and enhancing our natural, built and historic environment"* (paragraph 7).

It further states that *"Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to)...replacing poor design with better design..."* (paragraph 9).

Para 17 states that *"These 12 [core planning] principles are that planning should...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"*.

Considering the above it is clear that design considerations are key to sustainable development and have therefore been given considerable weight in this recommendation.

The NPPF also states that *'LPAs should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.'* (paragraph 65)

The NPPG para 44 assists by advising that *'The National Planning Policy Framework should be read as a whole: need alone is not the only factor to be considered when drawing up a Local Plan.'* It continues *'The Framework is clear that local planning authorities should, through their Local Plans, meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted...'*

To summarise the above, the NPPF stresses that whilst design is key to a quality development, a development that is sustainable in all other respects should not be refused permission. However, in this case it is considered that the environmental harm outweighs the other benefits that would be the outcome of this proposal, such as additional housing and affordable housing. This is particularly so, considering that the site benefits from extant planning permission for a similar development and the evidence regarding housing delivery/targets as demonstrated in the Camden AMR 2013/14. This specifies that housing delivery targets are being met and will exceed significantly the targets for the next 5-year plan, in accordance with the draft Further Alterations to London Plan targets.

CONCLUSION

The previously approved development would provide new housing to the Borough including some family housing and 4 affordable dwellings. Whilst this proposal would increase this provision by 4 additional units, the scale and massing of the development is considered inappropriate to this location and does not relate well to its neighbours and therefore the benefits of this scheme do not outweigh its harm. Accordingly, it is recommended to refuse planning permission.