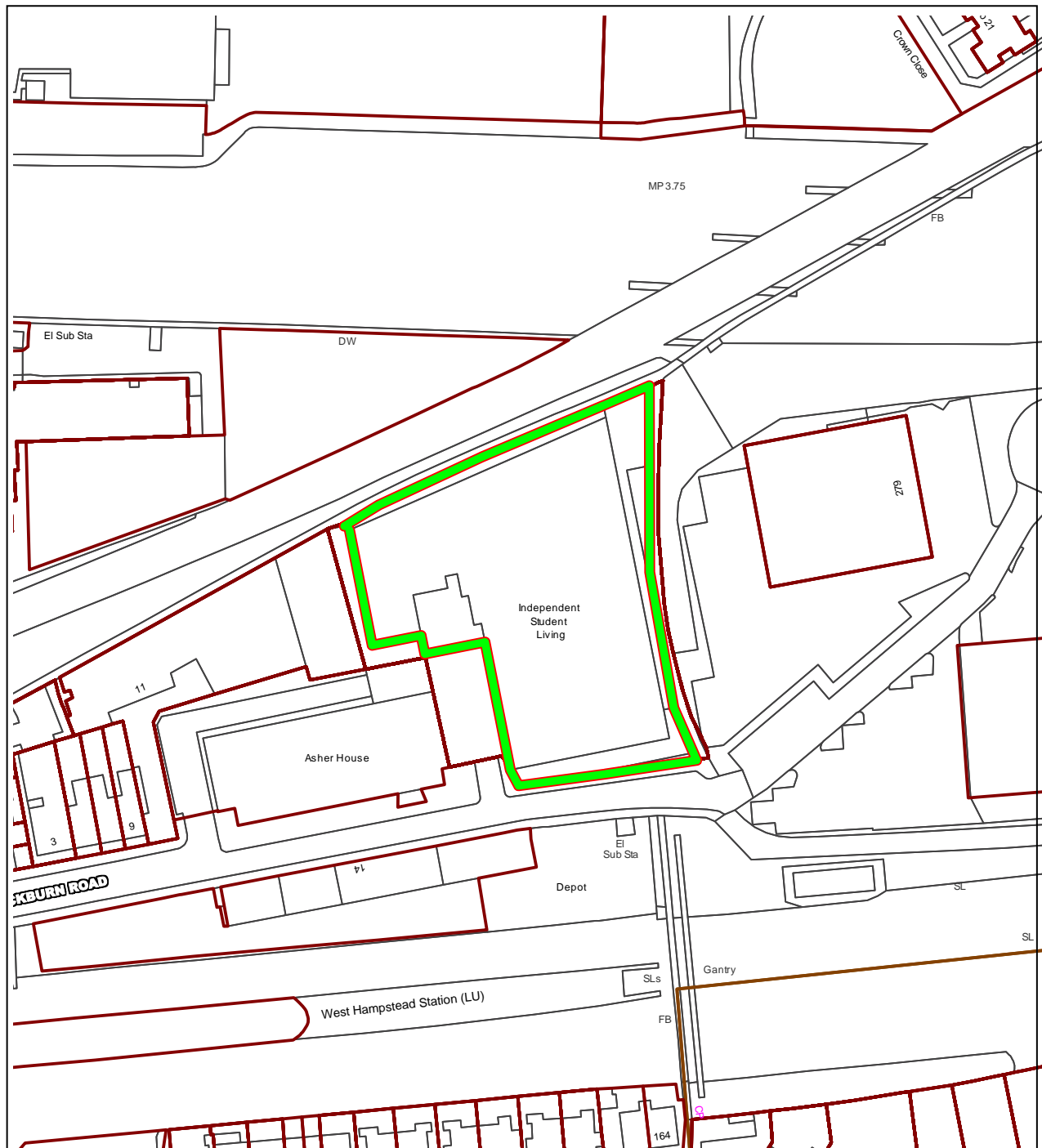


Nido Student Living, Blackburn Road 2015/5488/P



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1. First floor courtyard



2. Blackburn Road elevation



3 Corner of Blackburn Road



Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	07/12/2015
		N/A / attached		Consultation Expiry Date:	18/11/2015
Officer			Application Number(s)		
Rob Tulloch			2015/5488/P		
Application Address			Drawing Numbers		
Nido Student Living Blackburn Road West Hampstead NW6 1RZ			Please refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of single storey extension at courtyard (first floor) level to provide ancillary student floorspace, new canopy, outdoor seating provision and elevation alterations associated with the use of the property as purpose built student accommodation					
Recommendation(s):		Grant conditional planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	40	No. of responses	02	No. of objections	02
Summary of consultation responses:	Two site notices were displayed between 28/10/2015 and 18/11/2015, two objections were received.					
	<u>13 Blackburn Road</u> object that the application would have a detrimental impact upon the residential amenity of the occupiers of the Clockwork Factory Apartments together with causing general noise and nuisance disturbance to the surrounding environs.					
	Refuse - The proposal will involve the removal of the existing refuse chute, which will require the transport of refuse across the service yard of no. 13 Blackburn Road which the freeholder is not willing to allow. If the applicant can identify a route which is entirely on their land they would want to see a fence constructed to separate the demises and prevent trespass					
	Ventilation, air conditioning and cooling - The existing first floor common room and ground and mezzanine floors communal areas have no mechanical ventilation or air conditioning. The proposed use envisages events with in excess of 300 people which will create significant ventilation and cooling issues which can only be addressed by the provision of a substantial amount of mechanical ventilation and cooling. There is little indication of this on the plans, and. any plant would have a detrimental impact on residential amenity in terms of noise and emergency access. If consent is to be granted full details should be secured by condition.					
	Licensing - They became aware that NIDO previously applied for a comprehensive entertainment and alcohol licence for the extended communal facilities (which include both the first floor courtyard and the ground floor entrance area) seeking approval to provide live music, recorded music , film screenings and supply alcohol both indoors and outdoors 365 days a year from 12 noon and up to 12 midnight with no restriction on the number of “events” and envisaging that some events could exceed over 300 invited guests. They state there was no indication in the planning statement of this intended use, and that the licencing application itself was also “misleading”, and noted that the licence application was rejected because of a failure on NIDO’s part to properly advertise the application. Their subsequent meetings with NIDO have made it clear that it is their intention to resubmit a licencing application in largely similar terms following determination of the current planning application. Should NIDO succeed in being granted a licence their intention would be to open up the facilities to not only the student residents but also their guests; the tenants of the separate ground floor offices (approximately 200 employees) and members of the public (note the ground floor lobby and pavement seating are designated on the drawings as public areas). They also submitted further information relating to the license application.					
	The premises are also subject to a unilateral undertaking which among other things covers the levels of rent that can be charges, but the planning statement indicates that the proposal seeks to improve facilities to drive up revenue from rents and services provided.					
	Office comment: Refuse – see paras 5.9-5.10; Ventilation 5.8; Licensing 5.3-5.6					
	<u>14 Blackburn Road</u> object to the likely adverse impact of the proposed intensification of use on the existing and proposed uses of no. 14. They note that a premises license, including the playing of live music and the sale of alcohol, was rejected on the sole ground of incorrect advertisement and that the applicant					

	<p>indicated their intention to reapply once planning permission has been obtained. They also note that the original permission (granted on appeal) considered “no significant evidence was put before the inquiry to demonstrate that the introduction of 347 students into this area would be unsustainable or result in the type of harm arising from hostels.... While the potential for anti-social behaviour, and the particular life-style of students, was referred to, there is no evidence to show that the student accommodation now proposed would be harmful to the living conditions of the existing or future population]” as such the same conclusion can no longer be reached.</p> <p>14 Blackburn Road is in lawful use as a retail distribution depot with no restrictions upon hours of use, loading/unloading or traffic movements. They point out that they have an extant permission for the redevelopment of the site for a four storey block comprising B1 and B8 units and a four storey plus basement block comprising 8x houses and 5x flats which has been partially implemented and could be fully implemented at any time. Whereas the approved scheme for NIDO was set back substantially from the carriageway and footway, achieving visual and physical separation from the depot and its vehicular access, resulting in a generous and safe public realm which would be adversely affected by the proposed outdoor seating.</p> <p>The proposal would furthermore undermine the safety of the existing arrangements by bringing into close proximity lawful night time HGV deliveries to the depot and functions/events taking place on the outdoor seating area accompanied by the use of alcohol. The night time noise and disturbance from the outdoor seating area would also harm the amenity of residential occupiers of the approved scheme once implemented. Conditions should be considered to mitigate such impacts. As such the proposal would encroach on existing pedestrian space undermining its existing visual and physical separation from the carriageway and the depot opposite, put at risk the safety of student occupants in that functions and events accompanied by the use of alcohol would coincide with unrestricted night time movements of HGVs serving the depot opposite, and generate levels of night time noise and disturbance which would impact on the amenity of residential occupiers of the extant residential scheme once implemented.</p> <p><i>Officer comment: see paras 5.3-5.7</i></p>
<p>CAAC/Local groups* comments: *Please Specify</p>	<p>West Hampstead Local Consultation Group object:</p> <p>The application will bring more students and noise to the area. More students will raise security issues and the community should be involved, which should be part of the s106 agreement</p> <p><i>Officer comment: see paras 5.3-5.6.</i></p>
<p>Site Description</p> <p>The site covers an area of approximately 0.4h on the north side of Blackburn Road. To the south is no. 14 Blackburn Road, which is currently occupied by a builders merchants “Builder Depot Ltd” and has an extant permission for the redevelopment of the site to provide one block of B1/B8 units and one block of 8x houses and 5x flats. The Metropolitan and Jubilee underground lines are located behind the depot and run parallel to Blackburn Road. To the west is no. 13 Blackburn Road which is a former office block recently converted into flats and now known as the Clockwork Factory Apartments. To the east are Audi and Volkswagen showrooms, and to the north are more railway lines.</p> <p>The site is occupied by five, seven, and nine storey blocks with flexible commercial space at ground floor level and student accommodation comprising 347 units above. The buildings form two “L” shapes creating a raised central courtyard.</p> <p>The site is approximately 100m west of the West Hampstead Town Centre and lies within the West Hampstead Place Plan area. The site is not within a conservation area and the buildings on site are not listed.</p>	

Relevant History

2009/5823/P Erection of a part five, part seven, part nine storey plus basement building providing 2,110 sqm of flexible B1 employment space at ground floor and 347 beds (39 x cluster flats and 52 x studios) of accommodation for students to upper floors (following demolition of the existing car repair garage). Refused 23/03/2010. Allowed on appeal 30/09/2010 (APP/X5210/A/10/2127151)

2011/3893/P Amendments to planning permission granted on appeal dated 30/09/10 (ref: 2009/5823/P) for the erection of a part five, part seven, part nine storey plus basement building providing B1 employment space and student accommodation, namely, to relocate plant, substation, cycle storage & student refuse store, relocation & alterations to main/servicing gates, yard and kerb, and alterations to ground floor fenestration. Granted 31/10/2011

2011/4154/P Details pursuant to condition 17 (refuse storage and removal) of planning permission granted on 30/09/10 on appeal (ref: 2009/5823/P), as amended by planning permission granted on 31/10/11, for the erection of a part five, part seven, part nine storey plus basement building providing B1 employment space and student accommodation. Granted 11/11/2011

2015/3343/P Erection of single storey extension at mezzanine level in the courtyard and the erection of a canopy at ground floor level to the entrance. Granted 05/08/2015. The adjoining occupiers were not notified of planning application and applied for Judicial Review. It was agreed the planning permission should be quashed, and the application will have to be re-determined once a consent order formally quashing the permission has been sealed by the High Court.

Relevant policies

National Planning Policy Framework 2012

London Plan 2015, consolidated with amendments since 2011

LDF Core Strategy and Development Policies

Core Strategy

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS11 Promoting sustainable and efficient travel

CS14 Promoting high quality places and conserving our heritage

Development Policies

DP9 Student housing, bedsits and other housing with shared facilities

DP15 Community and leisure uses

DP21 Development connecting to the highway network

DP24 Securing high quality design

DP26 Managing the impact of development on occupiers and neighbours

Supplementary Planning Guidance

CPG1 (Design) 2015

CPG6 (Amenity) 2011

West Hampstead Place Plan 2012

Assessment

1. Proposal

- 1.1 The application site is a large mixed use development on the southern side of Blackburn Road. This proposal seeks to enhance the student facilities provided via the erection of an extension at first floor level, the erection of a canopy above the main entrance on Blackburn Road, alterations to the boundary treatment on Blackburn Road and the provision of external seating. Internal alterations are also proposed to the entrance lobby, however this development and does not require planning permission. No increase in the number of student rooms is proposed.

2. Background

- 2.1 The original permission for the host building and student accommodation use was granted on appeal on 30/09/2010 (APP/X5210/A/10/2127151). As part of the appeal the appellants signed a unilateral undertaking, rather than a section 106 agreement, which included among other things a student management plan (which set out management strategies for the student accommodation).
- 2.2 A minor material amendment was approved on 31/10/2011 to relocate plant equipment, a substation, cycle storage and the student refuse store along with other minor alterations (2011/3893/P). The unilateral undertaking was amended by way of a deed of variation.
- 2.3 Permission for the same extension as being applied for here, apart from containing a different design for the canopy, was granted on 05/08/2015 under 2015/3343/P. As discussed in the history section this decision will be quashed by the High Court. The sole reason for the legal challenge was that the necessary adjoining occupiers were not notified which is a statutory obligation. Therefore, the current submission is in essence a resubmission. The previous application was considered acceptable by the Council in terms of design and amenity. Once the High Court has quashed the previous approval, the application will be consulted on and a new decision will be made. As part of the current submission all of the adjoining occupiers have been notified and 2 site notices have been put up on the site. The current application has therefore fulfilled its statutory obligation.

3. Assessment

- 3.1 The main planning considerations in the assessment of this application are:

- Design
- Amenity

4. Design

1st floor extension

- 4.1 The site comprises commercial units at ground floor level. The student accommodation sits above this and comprises two “L” shaped structures: one seven storey section that faces the railway lines to the north of the site and 11 Blackburn Road to the west; and a larger section comprising a stepped block facing the car showrooms to the east and the Blackburn Road elevation comprising the main student entrance alongside the commercial section.
- 4.2 These two “L” shaped sections form a first floor courtyard which is largely enclosed, but retains a gap where the courtyard faces the adjacent Clockwork Factory Apartments at no. 13 Blackburn Road, which are separated from the Nido buildings by a service yard.
- 4.3 It is proposed to erect an extension at first floor level within this courtyard to provide flexible ancillary student floorspace. The proposed extension would measure approximately 10.3m x 19.7m with a footprint of approximately 175sqm. The extension would be single storey and 3.9m high where it attaches to the existing building, with an asymmetrical zinc roof rising to 7.4m where it opens out onto the courtyard. The side walls would be constructed in grey brick with a lightweight elevation facing the courtyard comprising of full height glazing and polycarbonate panelling.
- 4.4 The proposed extension would be subordinate to the host buildings. The existing courtyard is approximately 800sqm, and the proposed extension would retain approximately 625sqm of courtyard space. The proposed extension would be single storey, albeit double height where it faces the courtyard,

and the surrounding blocks rise at least four storeys above the courtyard. The design and materials would complement the existing buildings which are a modern design utilising a palette of brown and grey brickwork and trespas panelling. The use of various elevational treatments was an integral part of the original design of the development.

- 4.5 The proposed structure would have limited visibility from the public realm, and its size, design and materials are considered appropriate for the location.

Canopy

- 4.6 The principal elevation faces Blackburn Road and comprises the entrance to the B1 use on one side and the student reception on the other. The commercial entrance is finished in grey brickwork and the student entrance presents a largely glazed elevation with red brickwork above. It is proposed to erect a canopy above the student entrance which would partially wrap around the corner of the building.
- 4.7 The proposed canopy would project approximately 3.2m in front of the building on Blackburn Road and be 18.3m wide. It would also continue round the corner for a further 7.3m. The canopy would be a two tiered steel structure which would be relatively lightweight with a simple design that would not be harmful to the appearance of the host building or street scene.
- 4.8 The applicant proposes a steel mesh for the facing materials and has submitted a sample which officers consider appropriate.

Seating and planting

- 4.9 The proposed plans show the replacement of the ground floor reception with “public lounge” and kitchens (although the planning statement indicates that this would not be open to the general public), as well as tables and chairs outside the building. The internal alterations do not require planning permission, and similarly the proposal to place tables and chairs on the forecourt would not require any permission as it is not public land.
- 4.10 The proposals would involve minor landscaping to the area in front of the building and the provision of planters to separate the private forecourt from the public highway. There is an existing planter providing such separation and the replacement would be in the same location, the main difference being it would provide an opening allowing easier access to the student entrance. This is considered acceptable and would not harm the character or appearance of the building or street scene and improve accessibility. The setback of the building from the public highway would not change.

5. Amenity

Light and overlooking

- 5.1 As mentioned above, the first floor courtyard is largely enclosed, but there is a gap on the eastern side where it faces the Clockwork Factory Apartments. The proposed extension would partially fill this gap and its flank elevation would be approximately 12m away from the neighbouring flats.
- 5.2 The location of the proposed extension and its distance from the neighbouring flats mean that there would be no impact on the amenity of adjoining occupiers in terms of loss of daylight or sunlight. No windows are proposed for the western elevation so there would be no overlooking to the adjoining flats.
- 5.3 The extension has been designed with a sloping roof to minimise its impact on the surrounding student flats. However, it would be 3m from the eastern elevation of the courtyard and the proposal would have a limited impact on daylight and outlook to three first floor student flats, but as these are temporary accommodation the impact is not considered to be significant.

Noise and disturbance

- 5.4 The proposed extension is described in the applicant’s planning statement as providing improved facilities including “a) events space with tiered seating at the western end, b) student lounge comprising informal seating area and study space; and c) café serving hot and cold food and drinks”. They further indicate that the space would be used flexibly and that the space would be used as ancillary floorspace to the existing Nido student accommodation.

- 5.5 The submitted plans show a café to be located within a communal area of the existing building at first floor level with the extension housing event space and a student lounge. There are no catering facilities on site for the students. Due to the size of the extension and the distance from the neighbouring residential uses the extension would not create unacceptable levels of noise or disturbance for adjoining residential occupiers from the information submitted. As the proposed use is ancillary it would not be considered harmful to the existing student accommodation.
- 5.6 Whilst the potential for the sale of alcohol and the provision of entertainment has been raised as areas of concern by objectors, the Council must assess the proposals based on the information provided, and based on the information submitted it is not considered that the proposal would on its own have a harmful impact on residential amenity:
- The site is a single planning unit, and in terms of the student element, any student related activity would be ancillary and would not constitute a change of use.
 - The submitted plans and planning statement do not indicate a use of the extension that would lead to a harmful impact on the amenity of adjoining occupiers.
 - The courtyard is already used as external amenity space.
 - The development continues to be bound by a legal agreement that includes a student management plan
- 5.7 Furthermore, licensing is a separate consideration, and in determining whether or not a premises license would be acceptable the licensing committee would have to consider whether the proposal would be detrimental to the amenity of adjoining occupiers and take into account any objections.
- 5.8 The placing of tables and chairs on the forecourt is not considered to have the potential for creating unacceptable levels of noise or disturbance. The applicant has suggested that these are to be removed outside daytime hours and an appropriately worded condition will secure this.
- 5.9 The objectors also raise concerns about proposed plant required for ventilation of the proposed extension. The submitted plans do not indicate any external plant. The applicant's planning statement suggests that café use will require some plant, but states that this will be amalgamated into the existing services located within the building. An informative will remind the applicant that any external plant will require separate planning permission.

Refuse

- 5.10 The first floor courtyard currently houses a refuse chute which will need to be removed to accommodate the proposed extension. The ground floor bin storage area will remain, and staff will collect refuse from each core of the buildings and take the refuse down to the existing storage area. No. 13 Blackburn Road objects that this may require Nido staff to access the service yard which is largely within the demise of no. 13 and request that if the applicant can identify a route which is entirely on their land they would want to see a fence constructed to demarcate the different ownership.
- 5.11 The approved details for refuse storage (2011/4154/P) do not show a chute in the courtyard and indicated student refuse would be transported internally to the ground floor refuse storage area. The planning statement indicates that student refuse will be taken by staff to the existing storage area via the service yard. A strip of land to the side of the service yard, alongside the Nido building, is within the curtilage of the application site and it does not appear that Nido staff would have to access adjoining land to access the student refuse storage area, and it is noted that this strip also currently allows access to the commercial waste storage area. As such, it is not considered that any demarcation would be required to make the proposal acceptable as the storage area, and access to it, would not change.

6. CIL

- 6.1 As the proposal would provide more than 100sqm of additional floorspace it would be liable for both the Mayoral and Camden CIL. The proposed gross internal floorspace is 165sqm so the contribution would be £8,250 for the Mayor's CIL (165sqm x 50) and £66,000 (165sqm x £400) for Camden's CIL.

6. Conclusion

6.1 There is concern from local residents and groups that the proposal could lead to an influx of large numbers of additional students and that a proposed premises license with the consumption of alcohol and increased student numbers, would further impact on residential amenity. No additional student accommodation is proposed, and the size and proposed use of the extension in itself, is not considered harmful to the amenity of existing or proposed adjoining residential occupiers. The plans submitted indicate that the extension would be used for event space and a student lounge. Any licensing issues would be a matter for the licensing committee and an application for a premises license has not been submitted at this time. The student accommodation remains tied to the original legal agreement which includes a student management plan.

7. **Recommendation** Grant conditional planning permission

DISCLAIMER:

Decision route to be decided by nominated members on Monday 7th December 2015. For further information please go to www.camden.gov.uk and search for 'members briefing'.

Mr John Mumby
CgMs Limited
140 London Wall
London
EC2Y 5DN
United Kingdom

Application Ref: **2015/5488/P**
Please ask for: **Rob Tulloch**
Telephone: 020 7974 **2516**

2 December 2015

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**Nido Student Living
Blackburn Road
West Hampstead
NW6 1RZ**

DECISION

Proposal: Erection of single storey extension at courtyard (first floor) level to provide ancillary student floorspace, new canopy, outdoors seating provision and elevation alterations associated with the use of the property as purpose built student accommodation

Drawing Nos: 190-PL-001; 002; 003; 011; 012; 013; 020; 021; 022; 100; 101; 102; 103; 200; 201; 202; PL901; PL902; PL903; PL904; PL905; Canopy Visualisation; Extension Visualisation; 190-SK57; Planning Statement by CGMS dated September 2015; Sample of Anodised Aluminium Woven Mesh

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.



Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: 190-PL-001; 002; 003; 011; 012; 013; 020; 021; 022; 100; 101; 102; 103; 200; 201; 202; PL901; PL902; PL903; PL904; PL905; Canopy Visualisation; Extension Visualisation; 190-SK57; Planning Statement by CGMS dated September 2015; Sample of Anodised Aluminium Woven Mesh.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 The outdoor seating hereby permitted shall not be used outside the following times: 07:00 - 21:00 hours Mondays to Saturdays and 08:00 - 17:00 hours on Sundays and Bank Holidays, and shall be removed from the forecourt when not in use.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council->

contacts/environment/contact-the-environmental-health-team.en or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 4 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells. This permission is granted without prejudice to the necessity of obtaining planning permission for any new external plant or machinery

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

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

Yours faithfully

Director of Culture & Environment