

Address:	1 - 5 Harwood Grove London NW1 8DH	
Application Number:	2004/4568/P	Officer: Grant Leggett
Ward:	Haverstock	Case File: N/A
Date Received: 20/10/2004 Proposal: Demolition of existing buildings and redevelopment of the site to include a mixed use development, comprising 10 residential units, 4 work/live units, and offices B1. Drawing Numbers: Location Plan (P01) P02, P03, P03, P04, P05, P06, P06, P07 (Existing drawings) P100B, P101B, P102B, P103B, P104B, P105, P106B, P107A, P108, P109, P110, P111 Sustainability Report, Arboricultural Report.		
RECOMMENDATION SUMMARY: Grant Planning Permission subject to a Section 106 Agreement for car-free housing, educational contributions, highway works, live/work units and matters relating to affordable housing.		
Applicant: Insigniacorp Ltd 315 Regents Park Road London N3 1DP		Agent: Neale & Norden Ltd 34 Osnaburgh Street London NW1 3ND

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	B1 Business		1072m ²
Proposed	B1a Business – Office C3 Dwelling House Total		525m ² 886m ² 1411m²

Residential Use Details:										
	Residential Type	No. of Habitable Rooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Flat/Maisonette	-	-	-	-	-	-	-	-	-
Proposed	Flat/Maisonette		2	12*						

*includes 4 x live/work units – work space not considered habitable rooms.

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	21	-
Proposed	4	-

OFFICERS' REPORT

Reason for Referral to Committee: The proposal is a major development that involves the creation of more than 10 residential units, more than 450m² of non-residential floorspace and involves the establishment of legal agreements under section 106 (Clauses 3(i), (ii) and (v)).

1. SITE

- 1.1. The application relates to a backland site, surrounded predominantly by residential terraces on three sides and accessed by Harmood Grove, a short public highway leading off Clarence Way.
- 1.2. The site is occupied by a part single/two/three-storey building, currently vacant but last used as offices, workshops and studios. The building occupies the southern end of the site and shares a boundary with another commercial/industrial site (2-12 Harmood Street) to the south west which is currently vacant. The remainder of the subject site is paved providing car parking for the former commercial use. Existing landscaping is negligible.
- 1.3. The existing building is brick built with a painted finish, powder-coated aluminium windows and a corrugated roof with rooflights.
- 1.4. The surrounding terraces to the west, north and east are two-storey developments with short rear gardens. There is a separate existing two-storey commercial building to the east (35a Hartland Road), which lies between the subject building and the residential terrace on Hartland Road.
- 1.5. The site is not within any conservation area, nor does the site have any other site-specific policy constraints. However the Council is currently drawing up proposals to designate a Harmood Street Conservation Area – the boundary of which would lie immediately adjacent to this site
- 1.6. The site has been use as a glassworks and is adjacent to land historically used as railway land. The site is therefore identified as being potentially subject to contamination.

2. THE PROPOSAL

Original

- 2.1 The development involves demolition of the existing building and construction of a part two/three-storey mixed use building providing for 4 x B1 business units, 4 x live/work units and 10 x residential units. The site would be re-paved and four car parks would be provided for use by the residential units. The building would occupy

the southern and eastern parts of the site, the west and north parts being used as access and parking/turning space, as is the case with the existing building. However the footprint and massing are different.

- 2.2 The existing commercial building at 35a Hartland Road would be retained, as would existing boundary walls separating the site from other residential neighbours.
- 2.3 The ground floor would be dedicated to the B1 space (including the business component of the live/work units) with the residential units on the upper floors. Twelve of the 14 residential units (including the live/work units) would provide two bedrooms with open plan living and kitchen/dining space, the remaining 2 units being one-bedroom. First floor roof terraces would be provided for 6 of the residential units facing the rear of the development (east).
- 2.4 Refuse stores and cycle parking are proposed for the dwellings within the parking and servicing areas.
- 2.5 No affordable housing is proposed.

Revision 1

- 2.6 The proposal was amended on officer advice. The position of the development was essentially moved to the east to accommodate improved servicing and access space in front of the development. This also served to infill the originally proposed rear ground floor amenity space which intended for use by the business units.
- 2.7 A re-consultation exercise was carried out following the amendments. All parties consulted under the first consultation were sent letters and a new site notice was erected.

3. RELEVANT HISTORY

- 3.1 2004: An application **withdrawn** for demolition of existing buildings and redevelopment of the site to include a mixed use development, comprising 10 residential units, 4 work/live units, and 4 office units, (class B1), and the provision of car and cycle parking, refuse storage, and landscaping works.

This application was withdrawn on officer advice. The current proposal represents a further evolution of the withdrawn development.

- 3.2 2003: Planning permission was **granted** for redevelopment of site including partial demolition, refurbishment and new build to provide 3 x 2 storey commercial units (Class B1) and 2 x 2 storey 3 bedroom houses, and 1 x 3 bedroom and 2 x 2 bedroom and 1 x 1 bedroom flats within a 3 storey part of the building, together with external improvement works to the adjoining carriageway, provision of a turning circle, refuse stores, bicycle store, entrance gate and 4 residential parking spaces.

This development was approved subject to s.106 agreements to secure educational contributions and costs for highway resurfacing works. The agreements are still outstanding. It is considered this approval carries significant weight in determining the current application in terms of establishing the appropriate design, bulk and use of any proposed new building at the site.

- 3.3 2001: A Certificate of Lawful Existing use was **granted** for use of the ground floor as a factory, first floor as offices and the second floor as a design studio/workshop ancillary to the office use.
- 3.4 1991: Planning permission was **granted** for the erection of side extensions at first and second floor levels to provide toilet and an additional office space to be used for purposes ancillary to the existing factory.

4. CONSULTATIONS

Statutory Consultees

- 4.1 None.

Conservation Area Advisory Committee

- 4.2 Not in any Conservation Area.

Local Groups

- 4.3 No local groups are known.

Adjoining Occupiers

	Original	R1
<i>Number of Letters Sent</i>	<i>55</i>	<i>55</i>
<i>Number of responses Received</i>	<i>05</i>	<i>00</i>
<i>Number in Support</i>	<i>-</i>	<i>-</i>
<i>Number of Objections</i>	<i>05</i>	<i>00</i>

- 4.4 Summary of objectors' issues:

- The development would harm residential amenity through overlooking and associated loss of privacy, loss of daylight/sunlight and noise. *[addressed in report]*
- Development of two storeys is acceptable but any three-storey development or higher would enable overlooking [in particular to Hartland Road] and loss of privacy. *[addressed on report]*
- No more work units are required in the area. Office spaces are empty over the weekend. Development should be residential only. *[addressed in report]*
- Traffic and parking congestion would increase. *[car-free and car-capped housing are proposed]*
- Demolition/construction phases would affect neighbours' amenity because of noise, dust and traffic congestion and possibly cause structural damage. *[addressed through proposed conditions]*
- The application(s) at the site have taken too long causing uncertainty, disruption and stress. The site has been occupied by squatters and become a rubbish dump. *[not a relevant planning matter]*

- The flat nearest [live/work unit] Clarence Way should be deleted to reduce the oppressive nature of the development on Clarence Way. *[addressed in report]*
- The wall separating the development from properties on Harmood Street should be raised to 6m along its entire length. *[not supported, would create further adverse effects on residential amenity]*
- All three-storey elements should be reduced to two storeys (to match height of buildings on Clarence Way). *[not supported]*
- Construction and work times should be restricted to preclude any work at weekends.
- The timescale for development should be limited (e.g. to 12 months). *[not reasonable to require this]*

5. POLICIES

Camden Unitary Development Plan 2000

5.1

RE2	Residential amenity and environment	Complies subject to recommended conditions
RE6	Planning obligations	Complies
EN1	General environmental protection and improvement	Complies
EN10	Contaminated land	Complies subject to recommended conditions
EN13	Design of new development	Complies
EN16	Site layout	Complies
EN18	Design of infill developments	Complies
EN19	Amenity for neighbours and occupiers	Complies
EN25	Railings and garden walls	Complies
HG5	Mixed use development	Complies
HG8	Increasing the amount of residential accommodation	Complies
HG11	Affordable housing	Complies subject to s.106 agreement
HG12	Visual privacy and overlooking	Complies
HG13	Provision of amenity space	Does not comply, addressed in report

HG15	Range of housing	Complies
EC3	Retention of employment uses	Does not comply, addressed in report
EC5	Accommodation for small firms	Complies
TR12	Non-residential parking	Complies subject to s.106 agreement
TR17	Residential Parking Standards	Complies subject to s.106 agreement
TR19	Road safety	Complies subject to s.106 agreement
TR21	Pedestrians	Complies subject to recommended condition
TR22	Cycling	Complies subject to recommended condition
TR23	Servicing	Complies

Revise Deposit Draft Unitary Development Plan 2004

5.2

E4	Live/work units	Complies
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5.3 Supplementary Planning Guidance 2002

2.3 – Internal arrangements

3.13 – Education contributions

6. ASSESSMENT

6.1 The principal considerations material to the determination of this application are summarised as follows:

6.2 **Urban design:** The design of the proposed building has been subject of considerable officer involvement following the withdrawal of the previous scheme, which was considered unacceptable in design terms. Consequently the current scheme would contribute positively to the character and appearance of the area.

6.3 The building envelope of the existing building and the 2003 approved scheme have been given afforded considerable weight in considering the bulk and massing of the proposed building. The height of the northern end of the proposal (i.e. live/work units 1 & 2) has been decreased by one storey from the previous scheme, coupled with a reduction in footprint. It is considered the two-storey element created at this end of

the building overcomes urban design concerns in terms of overbearing and enclosure expressed by residents of Clarence Way.

- 6.4 In terms of building form, it was considered that the proposed roof profiles of the previous submission were incongruous with the main body of the building - being a monotonous feature, without variation or articulation. Limited differentiation between the two elements, in turn contributed to the overall bulk and massing of the proposal, resulting in it being read as one, long monotonous block.
- 6.5 The proposed roof profile creates a series of monopitch gables, better reflecting the characteristic pitched roof profiles of neighbouring/surrounding residential properties. Similarly, the revised roof profile reduces the overall bulk and massing of the proposal and as such is deemed acceptable.
- 6.6 The detailing of the front (northern and western) elevations use timber cladding, window recessing and rendered panels, to ascertain a positive balance between horizontal and vertical elements. The overall presentation of these facades is a simple form of elevational detailing and as such is considered acceptable.
- 6.7 Revisions to the scheme have omitted originally proposed amenity spaces along the site's rear (eastern) boundary. In amenity terms these spaces were originally considered unusable, given their location and configuration. They were very narrow and enclosed and would have created dark spaces with limited amenity value, and as such unacceptable. In design terms, although the building footprint is being moved rearwards, effectively reducing the ratio of built to unbuilt space in this particular part of the site, it is considered that this revision is satisfactory, on the basis that the existing garage structure situated at 35a Hartland Road (directly adjoining the southern boundary) and 6m high boundary wall will serve as a suitable buffer between the existing dwellings to the south, namely 37, 39 & 41 Hartland Road and the proposed live/work units.
- 6.8 The ground and first floor units will effectively be concealed by the existing boundary wall which is to be retained. The uppermost (second floor) residential spaces will be set back from the eastern boundary, in turn ameliorating any potential sense of enclosure or inappropriate outlook from residences to the east (along Hartland Road). The overall site benefit of this revision is that additional space is afforded along the site's northern frontage, in turn, better accommodating necessary highway works and allowing a more appropriate sense of separation between the proposal and existing dwellings to the west. Collectively, on the basis of other amendments discussed previously, it is considered they counter balance the proposed loss of amenity space.
- 6.9 The development is therefore considered to comply with Policies EN1, EN13, EN16 and EN18 of the UDP.
- 6.10 **Mixed use:** The site is designated in the Revised Deposit Draft UDP as suitable for residential or mixed use.
- 6.11 The development would result in the loss of 547m² of Class B1 floorspace. Policy EC3 (and replacement Policy E2) seek to protect employment uses that are

considered suitable for continued use. No justification has been provided to suggest the existing B1 floorspace is no longer viable.

- 6.12 However, the principle of the change of use of the site to mixed use, including with a net loss of B1 floorspace has been established by the 2003 permission and the site's designation in the Revised Deposit Draft UDP. Refusal of the application on these grounds is not justifiable in this instance.
- 6.13 The existing business floorspace is not subdivided, whereas the proposed business space will be divided into 8 smaller units, floor areas ranging from 47m²-85m². As such the proposed units would be suitable as accommodation for small firms and are therefore welcomed by Policy EC5.
- 6.14 Revised Deposit Draft Policy E4 permits the development of live/work units if they would not result in the loss of residential floorspace or the loss of employment land where it is suitable for continued business use and would not harm residential amenity or transport conditions. The proposed live/work units are therefore accepted in this location.
- 6.15 The residential component of the development is welcomed. Housing is the priority use of the UDP and Policy HG8 supports any development where that provides additional housing provided it does not conflict with other policies in the Plan and a satisfactory standard of accommodation can be provided. To this end, purely residential use would be a preferred use of the site, as more units could be provided including affordable housing. However there is no policy provision to prevent the use of part of the site as B1 or live/work space and retention of some commercial floorspace would also be in line with policy
- 6.16 Ten residential units and four live/work units are proposed. The Council's threshold for a contribution to affordable housing is 15 units. There is therefore a residual concern that once the development is approved or built a developer could apply to convert the B1 space to residential, thereby circumventing any affordable housing contribution. To prevent this circumstance a legal agreement has been proposed that would ensure that any future conversion of business floorspace to residential space where additional units would be provided (thus exceeding 15 residential units in total) would trigger the Council's affordable housing Policy. Permission should only be granted subject to this agreement being completed.
- 6.17 The proposal involves the creation of more than 5 new residential units which requires a Section 106 planning obligation in the form of an Educational Contribution. The contribution is required for all units which have more than 1 bedroom. The contribution required is £39,024 and is calculated in accordance with section 3.13 - Education Contributions From Residential Developments of Council's Supplementary Planning Guidance.
- 6.18 The following standard clause will be used within this agreement:
- On or prior to implementation of the Development, to pay the Council a financial contribution for education to be applied by the Council to expand education provision in the Borough. The level of contribution will be determined by the following formula:

(Child yield-10%) x (average cost of new school place – 50%) = contribution required per unit using DFES Cost Place Figures applicable upon signing the agreement.

- 6.19 **Residential accommodation:** The mix of units in the development is disappointing. Policies HG15 and 16 seek an appropriate mix of housing types and sizes and particularly welcome schemes which provide 50% or more of accommodation suitable for families or large households. No large units(i.e. 4 bedspace or more) are proposed. It is considered that the live/work units would be better used as family-sized units. This would create four large units, and although would result in the sacrifice of further B1 floorspace would be accepted in the interests of improved housing mix.
- 6.20 However the above-mentioned policies are aspirational in nature, and if the application was refused on these grounds it is unlikely the refusal could be successfully defended on appeal. The housing mix is therefore accepted.
- 6.21 The proposed unit sizes and layouts are appropriate for the intended occupancies when considered against relevant SPG. The residential units would all be visually private and be double-aspect affording adequate natural lighting and outlook. The development therefore complies with Policy HG12.
- 6.22 Policy HG13 expects, where practicable, provision of accessible garden space suitable to the constraints of the site. Given the mix of units in the development provides no family units, and given its physical constraints it is not considered necessary to require amenity space.
- 6.23 The original scheme provided a degree of low-quality amenity space (as discussed above) but this was only accessible by the ground floor business units. This space was not considered worthy of persisting with given the adverse effects it presented in urban design terms.
- 6.24 **Effects on residential amenity:** The development has the potential to adversely affect residential amenity through loss of outlook and lighting and overlooking/loss of privacy. However it is considered that the position, bulk and massing of the development along with retention of existing walls and use of design features such as obscured glass that the effects on residential amenity would not be unreasonable.
- 6.25 The existing 6m wall (to be retained) to the rear of the site would prevent any overlooking and loss of privacy at Hartland Road properties from the first floor roof terraces. The second floor windows are to be made from obscured glass (condition) or orientated to prevent direct overlooking of these properties as well. No loss of privacy is therefore expected at Hartland Road.
- 6.26 The first and second floor residential windows facing the front (west) would be 18m from direct facing habitable windows at properties on Harmood Street, suggesting no unreasonable overlooking would occur to these properties either.
- 6.27 **Contaminated site:** Previous industrial uses of the site a high potential for contamination, not only to the site itself but also its adjoining residential neighbours. A condition should therefore be imposed on any permission granted requiring submission of a report detailing a thorough site investigation for approval by Council

before construction commences. The report should include recommendations for remediation of the site and require that any works at the site be done in accordance with the approved remediation works.

- 6.28 **Transport:** The residential component of the scheme is subject to Policy TR17, which requires 0.7 car parks per one-bedroom flat and 1 car space per for flats of two-bedrooms and above, a total car parking requirement of 13 spaces. Four are proposed. The shortfall of car parking spaces would inevitably result in parking overspill to nearby streets which are already heavily parked, which is unacceptable. However the site is suitable for car-free/car-capped housing, and a legal agreement assuring car-free development along these lines would overcome the parking issues.
- 6.29 All parking on site should be designated for exclusive use by the residential units in accordance with Policy TR12 (non-residential parking).
- 6.30 The development should result in lower car-trip generation than the existing use of the site, which is welcomed. However the quality of the Harmood Grove road surface has deteriorated and should be remediated. The estimated cost of remediation works is £30,436.04. A section 106 agreement securing the payment of these costs for highways remediation should be established. The applicant has agreed to pay these costs.
- 6.31 The above highways works contribution includes works to the adjacent footways within the highway boundary. However we will need to see that works are carried out within the curtilage of the site that compliment the proposed footway enhancements to create a cohesive pedestrian environment particularly where the carpark access driveway comes off Harmood Grove. A plan showing details of landscaping within the curtilage of the site should be submitted for approval.
- 6.32 The development shows covered storage/parking for 10 cycles, which is appropriate. A condition should be imposed to ensure the cycle parking is provided prior to occupation of the development.
- 6.33 Servicing for this scheme is likely to be less intensive than the previous warehouse use in terms of volume of goods, and size of vehicles. However with smaller B1 units a larger number of smaller deliveries may take place. The scheme provides opportunity for some servicing/ deliveries (especially for the purely B1 units) to occur within the private forecourt at the end of Harmood Grove, by lowering the proposed bollards. Additionally the live/work units have the option of having delivery vehicles load from the car parking area, which is acceptable. Loading can take place directly from the public highway for a period of 20 minutes. In order to ensure that such loading will not block access to the rear garage doors of the Harmood Street properties, loading restrictions can be placed on most of Harmood Grove as part of the highway works, leaving the last (approx) 6 metres for informal on-street loading. It has been assumed that a large refuse collection vehicle will be the largest vehicle required to access and turn around within the site. And this fits consistently with the type and size of B1 uses proposed on site. The footway and roadway upgrades associated with the scheme will therefore be designed to cater for this refuse vehicle. This has already been modelled and shown to work within the confines of the site.

7. CONCLUSION

- 7.1 The proposed development represents a significant renewal of a dilapidated and under-used site. The development is considered an improvement on the previously-approved redevelopment of the site (2003), within improvements in building design and an increased number of residential units. The proposed conditions and legal agreements will ensure the potential adverse effects of the development are avoided or minimised, and will ensure that any future change of use of the proposed B1 units to residential use will yield affordable housing.

8. LEGAL COMMENTS

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

9. HEADS OF TERMS OF SECTION 106

- 9.1 The proposed heads of terms are:

- Car capped housing for all the residential units hereby approved.
- An educational contribution for the sum of £39,024 for the 12 x 2 bed units.
- Highways works for securing the formation of a new carriageway and footway. Terms stating that the development shall not be occupied until the new road has been built.
- The work component of the B1 spaces is secured for B1 use only.
- Terms to ensure that if the proposed B1 units are changed to residential use in future, yielding an increase in the total number of residential units on the site, that the Council's policies relating to affordable housing become a material consideration.

10. **RECOMMENDATION 1: Subject to Recommendation 2, to Grant Planning Permission with conditions and subject to a section 106 legal agreement.**

11. **RECOMMENDATION 2: That in the event of the Section 106 agreement referred to in Recommendation 1 has not been completed within 13 weeks of the date of complete submission of the application, the Head of Development Control be given authority to refuse the application for the following reasons:**

'The proposed development, in the absence of a legal agreement for car-capped housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area contrary to policies TR4 (Cumulative impact of proposals), TR17 (Residential parking standards) and RE6 (Planning obligations) of the London Borough of Camden Unitary Development Plan 2000'.

'The proposed development, in the absence of a legal agreement for securing educational contributions, would be likely to contribute to pressure and demand on the Borough's education provision contrary to policy RE6

(Planning obligations) of the London Borough of Camden Unitary Development Plan 2000 and Section 3.13 (Educational contributions from residential developments) of the London Borough of Camden Supplementary Planning Guidance 2002'.

'The proposed development, in the absence of a legal agreement securing a new road with pedestrian routes, would fail to secure the adequate access, provision and safety of pedestrians, cyclists and motor vehicles contrary to policies RE6 (Planning obligations), TR19 (Road safety), TR20 (Traffic management), TR21 (Pedestrians) and TR23 (Movement of goods: facilities and amenities) of the London Borough of Camden Unitary Development Plan 2000 and Section 3.10 (Works to public highway) of the London Borough of Camden Supplementary Planning Guidance 2002'.