



Application ref: 2016/5498/P
Contact: Fergus Freeney
Tel: 020 7974 3366
Date: 11 June 2019

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
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Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Paul+O Architects Ltd
Unit 8 73 Maygrove road
West Hampstead
London
NW6 2EG

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

73a Maygrove Road LONDON NW6 2EG

Proposal:

Erection of 4 storey building comprising 4 flats (3 x 2bed and 1 x 1bed), including balconies at ground, first and second floor levels on the southern elevation and associated cycle and bin stores

Drawing Nos: Existing: PL-000; PL-001; PL-002; PL-200; PL-201; PL-202; PL-203; PL-204; PL-302.

Proposed: 219-CDA-ZZ-XX-DR-20-A-106 rev 4; 219-CDA-ZZ-1-DR-20-A-100 rev 0; 219-CDA-ZZ-00-DR-20-A-101 rev 0; 219-CDA-ZZ-01-DR-20-A-102 rev 0; 219-CDA-ZZ-02-DR-20-A-103 rev 0; 219-CDA-ZZ-03-DR-20-A-104 rev 0; 219-CDA-ZZ-XX-DR-20-A-0200 rev 0; 219-CDA-ZZ-XX-DR-20-A-0201 rev 0; 219-CDA-ZZ-XX-DR-20-A-0202 rev 0.

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 The development hereby permitted shall be carried out in accordance with the following approved plans:

PL-000; PL-001; PL-002; PL-200; PL-201; PL-202; PL-203; PL-204; PL-302; 219-CDA-ZZ-XX-DR-20-A-106 rev 4; 219-CDA-ZZ-1-DR-20-A-100 rev 0; 219-CDA-ZZ-00-DR-20-A-101 rev 0; 219-CDA-ZZ-01-DR-20-A-102 rev 0; 219-CDA-ZZ-02-DR-20-A-103 rev 0; 219-CDA-ZZ-03-DR-20-A-104 rev 0; 219-CDA-ZZ-XX-DR-20-A-0200 rev 0; 219-CDA-ZZ-XX-DR-20-A-0201 rev 0; 219-CDA-ZZ-XX-DR-20-A-0202 rev 0.

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

- 3 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;

b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

- 4 Prior to occupation, the 42 cycle spaces (26x internal secure and covered spaces and 16x external spaces) as shown on the approved drawings shall be provided in their entirety and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 5 Prior to construction the development hereby approved shall submit an energy statement demonstrating how the development achieves a 19% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy, and a 20% reduction in carbon dioxide emissions through renewable technologies.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 6 Prior to construction of the development hereby approved the applicant shall submit a sustainability statement demonstrating how sustainable design principles and climate change adaptation measures have been incorporated into the design and construction of the development to be approved in writing by the Local Planning Authority. Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 7 Prior to commencement of any works on site, a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority in writing.

Site investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority in writing.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policies G1, D1, A1, and DM1 of the London Borough of Camden Local Plan 2017.

- 8 Before the development commences, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5, A1, and A4 of the London Borough of Camden Local Plan 2017.

- 9 Prior to works commencing on site a plan showing details of bird and bat box locations and types and indication of species to be accommodated shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of the London Plan 2016 and policies A3 and CC2 of the London Borough of Camden Local Plan 2017.

- 10 Notwithstanding the approved plans, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority prior to the commencement of development. The details shall include
- a detailed scheme of maintenance
 - sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used
 - full details of planting species and density

The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1 and A3 of the London Borough of Camden Local Plan 2017.

- 11 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 12 Apartments 1, 2, 3, and 4, as indicated on plan number/s hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved in writing by the Local Planning Authority prior to occupation.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy C6 of the Camden Local Plan 2017.

Informative(s):

- 1 Permission is sought for the erection of 4 storey building comprising 4 flats (3x2bed and 1x1bed), including balconies at ground, first and second floor levels on the southern elevation and associated cycle and bin stores. The main planning considerations are:
- Land Use
 - Housing
 - Design
 - Amenity
 - Transport
 - Waste

Land use:

Housing is regarded as the priority land-use of the Development Plan, and the

Council will make housing its top priority when considering the future of unused and underused land and buildings. As such the provision of new residential accommodation is compliant with policy H1 if it meets the Council's residential development standards and does not harm local amenity.

Housing:

Policy H7 seeks to ensure that all residential development contributes to meeting the priorities set out in the Dwelling Size Priorities Table, the table identifies 2 and 3 bedroom market homes as being high priority with 1 bedroom and studio flats being a lower priority.

The proposal would provide 1x1 bed apartments (77sqm) and 3x2bed (all 99sqm), which is considered to comply with the policy H7 as well as Policy 1 (Housing) in the Fortune Green and West Hampstead Neighbourhood Plan, which encourages a range of different units sizes..

The Nationally Described Housing Standards require 1b 2p dwellings to have a minimum GIA of 50sqm and 2b 4p dwellings should be 70sqm. The proposal more than meets these requirements and provides generous sized living accommodation.

The ground, first and second floor units are acceptable in terms of their size and layout. The windows mainly face west and provide a reasonable levels of outlook and access to sunlight/daylight. The lower ground floor unit is single aspect with windows facing west onto the car park area. This is not ideal however given the size of the unit and its layout it is considered acceptable in this instance.

New build residential developments must comply with the access standards in Part M of the Building Regulations. Compliance with M4 (2) would be secured by condition.

Affordable Housing:

Policy H4 seeks to maximise the supply of affordable housing. It has a sliding scale target that requires an additional 2% affordable housing per capacity for each additional home. Capacity for one additional home is defined within the Local Plan as the creation of 100 sq. m of additional residential floorspace (GIA). In assessing capacity, additional residential floorspace is rounded to the nearest 100 sq. m (GIA). The uplift in residential floorspace would be 373.02 sq. m (GIA). Therefore the floor area would be 400 sq. m for this purpose resulting in the affordable housing target being 8% for this scheme. Payments-in-lieu are taken from a figure based on the gross external area (GEA) of the application floorspace concerned. The GEA of the new building would be 456 sq. m. The Council's current adopted multiplier for calculating a payment in lieu within market residential schemes is £2.650 sq. m.

The affordable housing contribution for this proposal is £96,672 (8% x 456 sq. m (GEA) x £2,650). The affordable housing contribution would be secured by a s106 legal agreement.

2 Design:

The existing building is a relatively modern building, most likely having been

erected or significantly altered in the 80s or 90s. It is not of any significant architectural or historic merit and is set behind a similar building which fronts Maygrove Road (73). The western gable faces directly onto the adjoining public park.

The proposed extension/new building would project from the flank elevation towards Maygrove Road, in an 'L' plan, this in effect creates a courtyard area between 73a and 73 (which fronts Maygrove Road). It would be visible between the gap of 73 and 75 Maygrove, but setback from the front building line.

The four storey building would be of a very simple design with flat roof, aluminium powder coated windows flush with the elevations and would be constructed from brick. Views of the building from the street would be restricted due to its setback of 6.5m. The elevation fronting the car-park/courtyard element takes a simple utilitarian form to match the elevations of the surrounding buildings and would be considered acceptable in this location.

Although 4 storeys in height due to the setback of the building from the Maygrove Road, it would not compete with the neighbouring building and would be considered acceptable.

The design is considered to be an acceptable contemporary approach which takes elements of the host building but incorporates them into a modern design. However, to ensure high quality a condition will be added requiring details and samples of brickwork, window frames and window depth/reveals and balustrades are submitted to and approved by the council. A condition is included to ensure details of the green roof are submitted.

The development is considered to comply with Policy 2 (Design & Character) of the Fortune Green and West Hampstead Neighbourhood Plan. The development, by way of stepping back from the main building and being of a high quality design positively interfaces with the street; it is in character and has a colour palate and materials which reflect and are in harmony with the surrounding context.

Policy 4 (West Hampstead Growth Area) also states that a number of large developments have been built or are planned on Maygrove Road. Any further development should be no higher than existing buildings on the street and should be mindful of the impact of other recent development. This proposal complies with this and helps to enhance the existing building.

Amenity:

Policy A1 and the guidance set out in CPG6 seek to protect the quality of life of neighbours from development. It states that development should be designed to protect the privacy of both new and existing dwellings to a reasonable degree. Spaces that are overlooked lack privacy. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking.

The building would be built adjacent to the flank elevation of no. 73a to the

north. It would not create any further harmful overlooking beyond what is possible from the existing buildings as all windows would face out onto a semi-public courtyard/car park. The new building would be located between approximately 3m and 5m of the windows in the rear elevation of no. 73 that lies to the southwest. Although the outlook from the bedroom window of the ground floor flat at the rear would be reduced by the proposal the living room/kitchen dining area that faces south would retain a good level of outlook. It would be difficult to justify refusal on this issue alone. The balconies would be located approximately 2.2m from the flank elevation of 73 Maygrove Road. Although outlook from the balconies would be restricted they do not allow direct views into the windows in the side elevation of the neighbouring building at first and second floor level.

- 3 CPG2 states that all new dwellings should provide access to some form of private outdoor amenity space, e.g. balconies, roof terraces or communal gardens; and that private gardens should be allocated to family dwellings. All the 2bed flats would have access to a modestly sized south facing balcony, whilst the ground floor 1bed flat does not have any private outdoor space. It is, on balance, considered to be acceptable given the constraints of the site; it should also be noted that there is a large and attractive park less than 2mins walk from the site, which helps to mitigate the lack of outdoor space.

Transport:

The site has a PTAL score of 5, which indicates that it has a very good level of accessibility by public transport. The nearest stations are the West Hampstead Thameslink, Overground and Underground stations, located to the east of the site, whilst Kilburn station is located to the west of the site. The nearest bus stops are located on West End Lane, to the east of the site, and Kilburn High Road/Shoot Up Hill to the west of the site.

The site is located within Controlled Parking Zone CA-Q, which operates between 8.30am and 6.30pm Monday to Friday. The nearest Resident parking bays are located opposite the site on Maygrove Road. The property has 11 lawful car parking spaces allocated to it, comprising 8 at the rear and 3 at the front accessed directly from Maygrove Road

The 8 rear parking spaces would be removed to accommodate the building. The site is within a highly accessible area within a CPZ, and as such in order to comply with policy T1, the new units should be designated as car-free. This would be secured by way of a section 106 legal agreement.

The remaining car park within the courtyard area, adjacent to 73a Maygrove Road currently contains 12 parking spaces, the development would see 4 additional spaces added to create 16. Therefore there is a net loss of 4 spaces across both sites. There would be no objection to the additional parking spaces given that there would be an overall loss of car parking spaces.

There have been a series of planning permissions at 73 and 73a Maygrove Road which inherently link both sites by way of car-parking and cycle parking. Of relevance are:

73a Maygrove Road - 2014/3204/P (Change of use from offices (Class B1) to residential use (Class C3) to provide 18 flats. GPDO Prior Approval Given);

73A Maygrove Road -2015/2396/P [Erection of a mansard roof incorporating 3 residential dwellings (1x1bed & 2x2bed) approved 14/07/2016)] and 73 Maygrove Road - 2016/2021/P - Variation of Condition 9 (approved plans) of planning permission 2015/2301/P dated 14/07/2016 for the erection of 2 storey side extension at 1st and 2nd floor and single storey side extension at 1st floor (both extensions bridging over existing vehicle access at ground floor) to provide additional live/work unit and extension of existing live/work unit; namely to vary the design and materials of the western extension.

Each of these permissions has been secured with a car-free section 106 legal agreement which restricts the ability of residents to apply for on-street parking permits; where there is existing on-site provision car-parking can be utilised, but it will be for the site owner and leaseholders to agree how the spaces are allocated. Given that future occupiers will not be able to apply for on-street parking, the provision of 16spaces (net loss of 4) is considered to be acceptable and will not result in any additional impact on the surrounding on-street parking provision.

Cycle parking at new developments should be provided in accordance with the standards set out in the London Plan 2016. For residential uses this requires the provision of 1 space per 1 bedroom unit and 2 spaces for all units with 2 or more bedrooms. This proposal would contribute the majority of cycle parking spaces across both 73 and 73a Maygrove Road.

- 4 Across the entire site there are proposed to be 11x1bed, 14x2bed and 2x live work units [Total - 27units (11x1bed; 16x2bed)] this leads to a requirement of 33 cycle parking spaces.

Within a secure and covered room at ground floor level within this proposal there would be 13 two-tier Josta stands (providing 26 spaces), across the site a further 8 uncovered Sheffield stands would be located; in total this provides 42 cycle parking spaces. This is considered to be a sufficient amount of spaces for the requirements of the site. It is noted that not all will be covered/secure; however given that 26 can be provided within a very safe environment this is acceptable, the external Sheffield stands are welcome for short term visitor use.

Whilst the proposed development is relatively modest in scale, it is considered that given its location amidst a sensitive residential area, the level of development permitted under GPDO and the associated application for development at the front of the site, it would be prudent to secure a Construction Management Plan against this site via a Section 106 Agreement. A CMP should be submitted once a principal contractor has been appointed and prior to any development commencing on site. The CMP should also be subject to consultation with the occupants of neighbouring properties and local residents groups as necessary. An associated Implementation Support Contribution of £3136 would also be secured by s106 legal agreement.

As the proposed construction works for the whole site, not just this application, could lead to damage to the footway adjacent to the site on Maygrove Road, a Section 106 highways contribution would be secured against this site for repaving the footway. The costs would be provided once received from the

Highways Engineers.

Waste Storage:

The proposed units will be serviced from the street as at present which is acceptable

The scheme proposes waste storage within a 15.8sqm dedicated waste storage room at ground floor level within easy access of the street. The room would allow for a suitable combination of large and small bins to be provided to suit the sites need. This is considered to be an appropriate amount for the existing and future occupiers. Nonetheless a condition will be added requiring full details of the waste storage facilities.

Sustainability/Ecology:

Given the scale of the development there is no requirement for a sustainability or energy statement, nonetheless it would need to fully comply with the relevant building regulations. All new build dwellings are required to achieve 110 litres, per person, per day (including 5 litres for external water use). This would be secured by condition.

In order to encourage biodiversity, and given its proximity to the public park, Bat/Bird boxes will be secured by way of condition, with details to be submitted, in accordance with CPG3: Sustainability.

In order to comply with policy CC1 and CC2 details of a green/brown roof shall be secured by condition. The roof is considered appropriate for such a feature and green roofs have been conditioned in other parts of the development.

Other matters:

The proposal will be liable for both the Mayor of London's CIL and Camden's CIL as the development involves the creation of new dwellings. The CIL will be collected by Camden and an informative will be attached advising the applicant of the CIL requirement.

No objections have been raised in relation to the works. The application site's planning history and relevant appeal decisions were taken into account when coming to this decision.

The proposed development is in general accordance with policies H1, H2, H6, H7, C4, C5, C6, A1, A3, A4, D1, CC1, CC2, CC3, CC4, CC5, T1, T2, T3, T2 and DM1 of the Camden Local Plan 2017. Furthermore, the proposed development is in general accordance with policies 1, 2, 5, 6, 7, 8 and 9 of the Fortune Green and West Hampstead Neighbourhood Plan.

- 5 The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2019.
- 6 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice

PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.

- 7 You are advised the developer and appointed / potential contractors should take the Council's guidance on Construction Management Plans (CMP) into consideration prior to finalising work programmes and must submit the plan using the Council's CMP pro-forma; this is available on the Council's website at <https://beta.camden.gov.uk/web/guest/construction-management-plans> or contact the Council's Planning Obligations Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444). No development works can start on site until the CMP obligation has been discharged by the Council and failure to supply the relevant information may mean the council cannot accept the submission as valid, causing delays to scheme implementation. Sufficient time should be afforded in work plans to allow for public liaison, revisions of CMPs and approval by the Council.
- 8 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 9 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 10 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 11 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 12 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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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.
- 13 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 14 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 15 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 16 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'DP', is positioned above the printed name.

Daniel Pope
Chief Planning Officer