

Committee Report
Planning Committee on 29 March, 2006

Item No.
Case No.

2/02
06/0132

RECEIVED: 30 January, 2006

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 117, 119A & 119B, Malvern Road, London, NW6

PROPOSAL: Outline Planning Permission for erection of a four-storey and five-storey building, consisting of 60 residential units (11 studio flats, 32 one-bedroom flats, 16 two-bedroom flats and 1 three-bedroom flat), provision for 12 parking spaces, refuse stores and associated landscaping (matters to be determined: siting and means of access), as accompanied by Planning Statement (January 2006), Design Strategy and Daylight & Sunlight Report (17 January 2006).

APPLICANT: Goldcrest Homes Developments

CONTACT: CgMs Ltd

PLAN NO'S:

- 5216/P/10.1, P/10.2, P/1.00, P/1.01, P/1.03.

RECOMMENDATION

Refuse.

EXISTING

The application site is on the western side of Malvern Road and was previously occupied by a Mercedes Benz garage and car showroom.

The site had up until the end of 2005 been occupied by two Locally Listed Buildings (No's. 117 and 119 Malvern Road) but is now cleared of all buildings. The background to the loss of these buildings is set down in the "History" section of this report.

The area around the site is predominantly residential in character, comprising small groups of terraced properties on the south-western side of Malvern Road, many of which have subsequently been converted to flats. On the opposite side of Malvern Road is a part two and part three storey elderly persons (John Perrin House) along with a local park. Malvern Road is a no through road to the north of the site and Kilburn Park Junior School and Carlton Vale Infant School are located adjacent to the turning head. The rear boundary of the application site forms the boundary between Brent and the City of Westminster. As a result, the residential properties in Saltram Crescent are in Westminster.

The application site falls within the South Kilburn New Deals for Communities (NDC) area.

PROPOSAL

Outline Planning Permission for the erection of a four-storey and five-storey building, consisting of 60 residential units (11 studio flats, 32 one-bedroom flats, 16 two-bedroom flats and 1 three-bedroom flat), provision for 12 parking spaces, refuse stores and associated landscaping (matters to be determined: siting and means of access). Of the 60 flats proposed, a total of 22 would be affordable.

HISTORY

04/1340 - Demolition of 119A & B Malvern Road, change of use of 117 Malvern Road from car-servicing garage into 8 self-contained flats with associated external alterations to facilitate this, erection of a 4-storey block containing 12 self-contained flats with balconies, erection of a 4-storey block containing 20 self-contained flats with balconies, provision of 10 car-parking spaces, provision of associated landscaping and amenity space, alterations to existing vehicle access and creation of new vehicle access onto Malvern Road. Refused 23 July 2004 for the following reasons:-

1. The proposed development would be harmful to the character and appearance, including its setting, of the Locally Listed Building at no. 117 Malvern Road by reason of the siting, scale, mass, height and forward projection of the proposed 4 storey blocks, together with the extent and location of the car parking, contrary to Policies BE2, BE3, BE9, BE23 and H12 of the Brent Unitary Development Plan 2004 and the guidance contained within Supplementary Planning Guidance No. 17.
2. The proposed residential accommodation results in a substandard form of accommodation, which fails to provide an adequate standard of amenity for future occupiers by virtue of the poor outlook from the three-bedroom units. The proposal is therefore contrary to policies BE9 and H12 of the Unitary Development Plan 2004 and Supplementary Planning Guidance 17: 'Design Guide for New Development.'
3. The development fails to provide an adequate level of affordable housing and would therefore be contrary to the aims and objectives of the Borough in providing the required level of affordable housing, contrary to policies STR20 and H2 of the adopted Brent Unitary Development Plan 2004 and the guidance contained within The London Plan 2004 and PPG3 "Housing".

05/1043 - Demolition of the locally listed building at 117 Malvern Road. Consent granted 6 October 2005.

No. 117 was a three storey red brick Victorian mansion, originally designed as a house but used as offices associated with the garage and showroom use. Officers considered that the building was worthy of protection, having architectural merit, and attempted to serve an Article 4 Direction on the site, bringing the demolition of the building, which otherwise could be carried out at any time, under planning control. However, the Government Office for London (GoL) decided that the Council should not use Article 4 Directions for this purpose. English Heritage had re-confirmed that the building was not worthy of statutory listing and it was not sited within a Conservation Area. In these circumstances, the demolition of the building should not be resisted and this took place towards the end of 2005.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

STRATEGIC POLICIES

- STR1 Housing (particularly affordable) is Priority Land-Use
- STR3 Sustainable Development
- STR5 Reducing the need to Travel
- STR11 Built and Natural Environment
- STR14 Quality of the Urban Environment
- STR18 Additional Housing
- STR19 New Housing Development

BUILT ENVIRONMENT

- BE1 Urban Design Statements
- BE2 Townscape: Local Context and Character
- BE3 Urban Structure
- BE5 Urban Clarity and Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- BE12 Environmental Design Principles

HOUSING

- H1 Additional Housing
- H2 Requirement for Affordable Housing
- H3 Proportion of Affordable Housing
- H7 Major Estate Regeneration Area.
- H9 Dwelling Mix
- H11 Housing on Brownfield Sites
- H12 Residential Quality – Layout Considerations
- H13 Residential Density

EMPLOYMENT

- EMP9 Local Employment Sites.

TRANSPORT

- TRN3 Environmental Impact of Traffic
- TRN10 Walkable Environments
- TRN14 Highway Design
- TRN23 Parking Standards – Residential Developments
- TRN35 Transport Access for Disabled People and others with Mobility Difficulties
- PS14 Parking Standards – Residential Development
- PS15 Parking for Disabled People
- PS16 Bicycle Parking

Brent Supplementary Planning Guidance

SPG 17 "Design Guide for New Development" Adopted October 2001

Provides comprehensive and detailed design guidance for new development within the borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

SPG19 - "Sustainable Development." Adopted April 2003

Seeks to ensure a sustainable environment with the needs of the future, as well as the present, in mind. Sustainability needs to be a part of the design from the start of any development project. Sets out the principles of sustainable development.

South Kilburn Supplementary Planning Document (SPD) Adopted April 2005

Provides comprehensive and detailed design guidance for new development within the SKNDC area. Produced following the adoption of the SKNDC Masterplan. The SPD provides general guidance on how the aspirations of the Masterplan are to be implemented across the area, but also makes reference to specific sites. It indicates that the application site would be appropriate for a residential development.

SUSTAINABILITY ASSESSMENT

A Sustainable Development Checklist was submitted with this planning application. An assessment of this checklist will be reported to Members in a Supplementary report.

CONSULTATION

Letters of notification were sent to properties within Saltram Crescent, Malvern Road, and Perrin House, while the City of Westminster were consulted as a neighbouring Borough. Letters of notification were also sent to Ward Councillors. In addition, a total of 6 site notices (3 in Malvern Road and 3 in Saltram Crescent) were posted on 20 February 2006 and a press notice published on 9 February 2006 advertising the proposal as been of public interest.

A total of 4 letters of representation have been received from 103A, 107C & 115 Malvern Road and 117A Saltram Crescent, objecting to the proposed development. Objections are raised on the following grounds:

1. Increased traffic and highway safety problems.
2. Development is too big for the space. Building would be too high compared to what is around.
3. The area needs family sized houses to rehouse people from within South Kilburn, not lots more one-bed units as proposed.
4. Impact upon safety of children attending nearby schools.
5. Inadequate level of car parking.
6. Loss of privacy for residents living to the rear of the site. 5-storey building would be 8.5 metres from the rear boundary. Increased pollution.
7. Increased noise and pollution during construction works. Significant problems occurred during demolition works last year from dust, damage to property etc.

South Kilburn NDC Planning Sub-Group.

Objects strongly to the development. They would expect development sites to be discussed with them in advance of any formal planning application. The proposed mix, size and number of units proposed are unacceptable and at odds with the adopted SPD. Other concerns include:-

1. car parking and refuse storage areas not adequate for a 60 unit scheme
2. poor relationship with residential building to the south.
3. landscaping proposals are inadequate.

City of Westminster Council

No objections.

Transportation Engineer

No Transportation objections subject to a Section 106 Legal Agreement confirming that the development will be "car-free", and confirming the payment of £60,000 towards the provision of non-car access, highway safety improvements and new parking controls, and/or a City Car Club and including conditions relating to the need to reduce the width of proposed accesses to the site so as not to exceed 4.5m, and at least 60 bicycle parking spaces should be provided on site.

Senior Landscape Designer

Significant misgivings with the form of development proposed. These concerns relate to the fact that the proposal does not provide an adequately landscaped street frontage for a development of this size, the communal space to the rear is insufficient to meet SPG 17 requirements, users likely to feel uncomfortable being so close to other residents' ground floor habitable rooms and the proposed balconies should be four square metres for upper floor units (as set down in the adopted SPD).

The SPD states that a landscape design strategy is a requirement of any outline planning application, but no strategy has been submitted.

Senior Urban Designer.

Whilst accepting that the application is submitted in outline form only, concern about the full width building and parking to the front of the building in terms of the impact on the established streetscene. The submitted elevational details indicate that the building needs to be broken down to better reflect the vertical and horizontal rhythms in the street.

Environment Agency.

Are unable to respond to the planning consultation due to resource problems.

Thames Water.

No objection to the planning application in terms of waste or water.

Metropolitan Police Crime Prevention Adviser.

Any views will be reported orally at the meeting.

REMARKS

Policy Considerations / Land Use

The Council have previously acknowledged the site's suitability for residential development, in that in refusing application 04/1340 no mention was made of the proposed use of the site. The view has been taken

in the past that the former car showroom and garage site, which the UDP would treat as a Local Employment Site (policy EMP9), could have been considered as a non-conforming land use located in a predominantly residential area and that any future B1, B2 or B8 uses could have been to the detriment of the amenities of existing residential properties nearby. As a result, the principle of residential development on the site is acceptable.

As a result, the principal issues in assessing this outline consent for 60 units relate to the level and mix of affordable housing provision, the siting and layout of the site and the transportation and access issues arising from it. Although submitted in outline form only, given that the number of units proposed and the siting of proposed buildings form part of the submission, it would also be appropriate to consider landscaping and amenity space issues, as well as the impact of the development on people living nearby. Overarching all of these points of detail is the fact that the site is within the South Kilburn NDC area, with the aspiration of securing community-led regeneration, hoping to be achieved through the policies and guidance set down in the adopted South Kilburn SPD.

Affordable Housing Provision

Of the 60 studio, one, two and three bedroom units that are proposed in this scheme, a total of 22 units (36.7%) will be affordable. The proposal has not been submitted with a Registered Social Landlord (RSL) on board and the Council’s Housing Service has not been approached about the development proposal. Members will be aware that the Housing Service works with, what are described as, preferred RSL’s.

Policy H1 of the UDP requires that housing developments capable of providing 15 or more units should provide an element of affordable housing on site. Policy H2 specifies the proportion of affordable housing that would be sought, generally ranging between 30% and 50%. The London Plan seeks to achieve 50% affordable housing on sites of this nature.

The South Kilburn SPD sets out the required mix of unit sizes that should be sought within any residential scheme. The table below indicates that mix, along with the mix proposed in this application.

Type	Number proposed	Percentage	SPD %
Studio	11	18.3	0
One-bed	32	53.3	30
Two-bed	16	26.6	40
Three-bed	1	1.6	20
Four-bed	0	0	10

The Council's Policy & Research section has considered the planning application and has commented that they have a number of fundamental problems, of principle, with the proposed dwelling mix and level of affordable housing provision. They have commented that the level of information supplied by the applicant justifying the submission is extremely limited.

The site’s configuration, location and potential amenities should enable a better dwelling mix than the proposed predominantly small unit focussed development, in which 72% of the units are only one bed /studio flats. It is further considered that this site has the capacity to better contribute to the Borough’s need for larger family accommodation by providing significantly more larger family accommodation than the proposed single three bedroom unit.

In terms of affordable housing, 22 of the proposed units, comprising 17 one bed, 4 two bed and 1 three bed flats, represents only 36.7% of the total units. However, as the applicant has not provided any viability appraisal, it is not possible to determine whether this proposal does represent the “maximum reasonable proportion“ in accordance with UDP Policy H3.

The applicant has also failed to both identify a delivery vehicle for the proposed affordable housing (ie Registered Social Landlord (RSL) and nor have they indicated if the proposed mix would satisfy both the requirements of Policy H3, as elaborated in the Council's Draft Supplementary Planning Guidance Note Affordable Housing (SPG 21), and London Plan Policy 3A.7, (as elaborated in the Mayor’s Supplementary Planning Guidance Note Affordable Housing), to ensure a general balance of 70 % social rental, to meet Borough priority needs, and 30% intermediate housing.

The dwelling mix of the proposed affordable housing is so focussed on one bedroom units (77%), as to fail to satisfy the Borough’s priority housing needs, particularly for larger family accommodation, that it is unlikely

the Council would be prepared to support any funding application to the Housing Corporation. Furthermore, an analysis of the floorspace proposed indicates that at least two of the proposed affordable housing units (B16 & B17) fail to meet the minimum spatial requirements of the Housing Corporation Scheme Development Standards for grant funding RSL schemes.

As a result, it is considered that this application should be refused, in part, on the grounds that it fails to provide an appropriate dwelling mix, properly reflecting the site's capacity and opportunities, as well as providing an insufficient affordable housing provision, which also fails to satisfy the Borough's tenure and dwelling mix priorities.

Landscaping and Amenity Space

Although this outline application indicates that landscaping is a matter reserved for consideration at a later date, it is still possible to assess whether it would be possible to provide for an acceptable landscape treatment of the site, given that the siting of the buildings, and access matters, do form part of this proposal.

The Malvern Road frontage is indicated as providing 12 car parking spaces, refuse storage, one tree and some small areas of private space. There is concern given that it is not possible to provide an adequately landscaped street frontage for a development of this size. In terms of the impact of the development on the established streetscene, the site would read principally as a car park and although it is acknowledged that this is what it was whilst used by Mercedes Benz, it is considered that opportunities must be taken to enhance the appearance of the area and that the previous use should not perpetuate an unacceptable situation. In terms of the various features that would serve to clutter the frontage of the site, it is considered unlikely that the refuse storage area proposed to serve 60 units would be sufficient to meet future refuse and recycling needs and that it would be inevitable that more space would be given over to these sorts of demands. Furthermore, given its prominent position on the site frontage the bin stores would inevitably become the dominant visual aspect of the scheme to the detriment of the streetscene.

The proposal provides a combination of communal and private amenity space for the proposed flats. SPG17 requires that 20m² of communal amenity space is provided for each flat, while 50m² is provided for family units. As such a total of a minimum of 1230 m² would be required in order to provide future occupants of these 60 units the required standard of space. The applicants have indicated in a supporting Planning Statement that the level of amenity space proposed is as follows:-

- front private gardens – 144 m2.
 - Rear communal gardens – 436.1 m2.
 - Balconies – 244.6 m2.
 - Roof terraces – 174.5 m2.
 - Gym – 73.8 m2.
- TOTAL – 1073 m2.

Your Officers have a number of comments to make in relation to the total figure of amenity space provision indicated by the applicants. The narrow shaped communal space to the rear (maximum depth 10 metres, minimum depth 5.8 metres) does not lend itself to be a usable space and any users are likely to feel uncomfortable being so close to other residents' habitable rooms, with doors opening onto the shared space. Obviously, at this stage, there is no indication of how the communal space would be laid out but it would be unlikely to provide a useful, useable amenity for future residents given the clear constraints. Similarly, the provision of private gardens to the front of the building would provide for only a limited quality of environment for future users and whilst the South Kilburn SPD states that balconies should be four square metres for upper floor units that do not have private gardens, the majority proposed here do not meet the standard. The applicants include the floorspace of a gym, available only to the private units on the submitted drawings, in their calculation of the total amount of amenity space provided on site. This is not considered to be an acceptable approach and it is considered that both in terms of quantity, but also quality, of total amount of amenity space proposed for future residents, the application proposal is significantly deficient when compared to adopted standards.

The Council's Senior Landscape Designer has confirmed that in their view the lack of scope to landscape the site adequately, the lack of amenity space, the absence of useable, useful rear gardens, the provision of undersize balconies and the poor road frontage means that the proposal is unacceptable and an indication that too many units are proposed for the site.

Siting and Layout of the Site

All buildings on the site have now been demolished. Previous application 04/1340 proposed the retention of the locally listed building at No.117 Malvern Road and its conversion (and extension) to create 8 flats. In addition, two new build blocks sited forward of the retained No.117 were also proposed and the retention of the locally listed building was obviously a constraint on how the site could be developed.

Now that the site has been cleared, the primary consideration centres on the impact of the proposed development on the character and appearance of the streetscene. The siting of the new building broadly respects the general building line in this part of Malvern Road and this aspect of the scheme is considered to be acceptable. However, the proposed building also extends across virtually the full width of the site, providing only a 1.0 metre gap between the flank of the building and the boundary with the building to the north-west. There would be no gap between the building and No.115 to the south-east and it is considered that a building of this size, siting and, as indicated on the submitted drawings, height and bulk, would have an unacceptable impact on the character of the area and the established streetscene. Notwithstanding the point made above about the poor treatment of the area to the front of the building, it is the view of your Officers that if a building of this width and height (and it may be that an element of 5 storeys might be acceptable on the site) were to be considered it would be on the basis that the development would be sited within its own landscaped setting with space around the building to provide for an attractive form of development. The form of development likely to be acceptable would be significantly different from the one proposed here.

Impact upon Residential Amenity

In terms of the impact upon residential amenity there are two areas of concern. Firstly, the impact of the development upon existing neighbours within Malvern Road and Saltram Crescent and secondly, the impact upon the living conditions of future occupants of the proposed 60 flats.

In terms of the impact on the amenities of future occupants of the proposed flats, the main considerations would be the sizes of each unit, and the relationship between units and adjacent development. Members will be aware that within the South Kilburn NDC the more generous internal space standards for new flats supersede those set down in the Council's adopted SPG 17. In addition, as referred to above, the SPD also states that bedsits or studios will not be allowed within the NDC area. This scheme proposes a total of 11 studio units.

For clarification, the adopted standards are:-

Unit Size	SPG17	SPD
Studio	32 sq metres	Not allowed
One bed	45 sq metres	53 sq metres
Two bed	55/65 sq metres	80 sq metres
Three bed	80 sq metres	98 sq metres
Four bed	90 sq metres	120 sq metres

Whilst the flats meet the SPG17 guidance, albeit in a number of instances only just, none of the proposed units meet the required SPD standard and, for the avoidance of doubt, your Officers did make the applicants aware of the need to comply with SPD guidance before the application proposal was submitted. There is no justification for allowing a development that fails to meet the relevant guidance and the proposal would fail to afford the future occupants of the flats an acceptable level of accommodation, to the detriment of their residential amenity. This fact should be considered in the context of the views expressed previously about the quantity, and quality, of external amenity space proposed.

The location of main habitable room windows on the rear elevation of the new building would range from 5.8 - 10.0 metres from the rear boundary. Two of the six rear facing flats on each of the bottom two floors have habitable rooms that also feature side facing windows, which could allow treatment to the windows (eg: obscure glazing) to protect amenity. However, in the case of one of these flats, the side facing window is sited 5.0 metres from the side boundary, a distance contrary to the provisions of SPG17. Previously, in 04/1340, the potentially difficult relationship between existing units and proposed converted locally listed building was able to be dealt with in this way, no such option is available to the current development proposal.

With regard to the stacking arrangement shown on the submitted layout drawings, whilst for the most part

this complies with Council policies, there are a number of locations within the proposed building that would indicate an unacceptable configuration of flats, with bathrooms above living accommodation. However, it is considered that the proposed arrangements, as shown on the plans (notwithstanding the significant other problems about the development) would not be so unacceptable so as to justify a refusal on this ground alone.

In terms on the impact of the development upon the privacy and amenity of nearby residential properties in Malvern Road the previous planning application on the site was not considered to lead to significant problems associated with overlooking, overshadowing and over dominance to those properties and a similar conclusion is reached with this scheme. John Perrin House, the elderly persons home on the opposite side of Malvern Road, would be approx. 26m from the nearest window and this is considered to be a reasonable distance to ensure that privacy and amenity would not be compromised. With regard to the impact upon other residents within Malvern Road, it remains the case that as the proposed development follows the general building line within the street, the scheme would not unduly harm the residential amenities of adjacent occupants in terms of loss of privacy, loss of sunlight and daylight and over dominance.

The properties to the rear of the site are in Saltram Crescent. In planning application 04/1340, typical back-to-back distances from the two new build blocks to existing windows ranged from 16.7m to 19.7m, with the common distance between properties in the two roads ranging from 15-22m. In assessing the application, it was concluded that whilst this relationship was below the minimum 20m guideline set down in SPG17, the proposals did include measures to mitigate possible overlooking through detailed design (eg: winter garden balconies with areas of screening which prevent overlooking between directly facing habitable room windows). It was considered that, on balance, the proposal would not create an unacceptable loss of amenity to residents within Saltram Crescent.

However, in this current application, the building is now sited closer to the rear boundary than was proposed previously with the rear wall sited 4-4.5 metres further back into the site. It is considered that this fairly significant change means that whereas the relationship could previously be considered to be acceptable the separation distances between residential properties would now result in a poor quality of residential environment for those residents living in Saltram Crescent. For the avoidance of doubt, the building closest to the rear boundary would rise to a height of 3 storeys before stepping back, and away from the rear boundary, to create an external amenity area.

The applicants have submitted a Daylight and Sunlight Report with their formal submission. The report concludes that :-

“the proposed development not only satisfies all of the guidelines in respect of existing neighbouring and adjoining residential amenity, it satisfies those standards by some considerable margin and, taken as a whole, there will in fact be a net improvement in daylight and sunlight levels in comparison to the impact of the existing (sic) building. In terms of sunlight, there will also be improvements as well as minor losses but in real terms, the change in the availability of sunlight to the neighbouring adjoining dwellings will be neutral.”

Your Officers are not in a position to dispute the claims made in this report, in as much as the conclusions relate to loss of sunlight and daylight. However, the fact remains that the erection of a building of this size and siting, with the windows and external areas proposed would have a significant unacceptable impact on the standard of environment currently enjoyed by residents of Saltram Crescent.

Transportation

The application site is located on the western side of Malvern Road, a local access road in South Kilburn. Malvern Road is defined as being “heavily parked” and lies within a Controlled Parking Zone (CPZ) which operates between 08:00 – 18:30 on Monday to Saturday. Access to public transport is good with a PTAL rating of level 4. Queens Park Station (Bakerloo & Silverlink) is 530m away, and at least five (5) bus services are locally available.

This outline application seeks to demolish an existing garage workshop site and adjacent property, and redevelop the site to include sixty new dwellings, with eleven studio flats, thirty-two one-bed, sixteen two-bed and one three-bedroom flats. The submitted details indicate twelve car parking spaces are proposed to the front of the site.

The existing site has a total of three vehicle crossovers and the proposed building would also be provided with three access points. However, the existing accesses measure 3.1m, 8.0m and 7.9m in width, whereas the proposed accesses are all shown as 6m in width. Brent’s adopted SPG3 indicates that shared accesses

should be 4.5m wide and, although it is acknowledged that the proposed access points are less wide than those previously used when the site was in commercial use, the Transportation Engineer has confirmed that the accesses should be reduced in width by at least 1.5m to comply with adopted guidance and be acceptable in highway terms. Any unused access points would need to be blocked and the kerb reinstated and made good at the applicants expense.

Given the proximity of schools to the north of the site, it is critical that sightlines are not impinged upon. The Transportation Engineer has confirmed that this should be achievable, given that to the north the road ends in a cul-de-sac some 70m away, while to the south the road curves, but still allows sightlines of at least 90m to be achieved. However, it is important that all boundary walls are kept below 0.6m around the accesses to ensure pedestrian visibility and this would need to be conditioned in the event that consent was forthcoming.

With the lower parking standard applicable to this site, a development of this size could have a maximum of 40 car parking spaces provided on site. The provision of 12 spaces as proposed, with 3 shown as been allocated for drivers with disabilities, is considered to be acceptable but a "car-free" development (an acceptable approach given the existence of a CPZ and good access to public transport) would be sought which would be controlled by means of a Section 106 Legal Agreement. Additionally the size and location of the development would make a City Car Club feasible at this site. Funding towards start-up costs (vehicle leasing, subsidised membership, marketing etc) should be secured from any Section 106 contribution, while the provision of parking spaces on site for City Car Club vehicles should also be provided.

Members will be aware that your Officers seek a contribution of £1,000 per one and two bed unit, and £1500 for larger flats to go towards the provision of non-car access, highway safety improvements and new parking controls. The Transportation Engineer has previously indicated that the contributions could go towards improving the seating and electronic timing in bus shelters, cycleways, walking facilities to include disabled and vulnerable road users access provisions, as well as the City Car Club referred to above. In this proposal, a total payment of £60,500 would be sought in the event that permission was granted

UDP Standard PS16 states that one secure bicycle space must be included per new residential unit. Three stores are shown on the ground floor of the proposed development, however these will only accommodate a total of 24 bicycles and an additional 36 bicycle spaces must be included in the scheme, in order to ensure a truly balanced approach to encouraging non-car modes of transport.

Conclusions.

The principle of the loss of this former employment site and redevelopment for residential purposes has previously been considered to be acceptable. However, the siting and size of the proposed building, together with the access to, extent and location of the car parking areas would be harmful to the character of the established streetscene. Furthermore, the proposed building would impact on residents living nearby, provide insufficient scope for on site external amenity space, provide for a poor quality of internal space and would fail to have any regard to the contents of the South Kilburn SPD, particularly in terms of the mix and number of residential units proposed. Members will note that the NDC have submitted strong objections to this planning application.

As over 10 flats are proposed, the application would require, in addition to the contributions to non-car transport improvements referred to above, educational payments of £85,725 towards the building of new school classrooms and associated facilities (as required by policy CF6). The proposal does not include any indication that the applicant is prepared to make the contributions required and this fact should be drawn to the attention of the applicant, as a matter that would need to be taken into account in any future re-submission.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The development fails to provide an adequate level, or mix, of affordable housing and would therefore be contrary to the aims and objectives of the Borough in providing the required level and type of affordable housing to meet the recognised housing needs of the Borough, including the provision of family-sized accommodation. As a result, the proposal is contrary to policies STR20, H2, H3, H7 and H9 of the adopted Brent Unitary Development Plan 2004, the

South Kilburn Supplementary Planning Document 2005 and the guidance contained within The London Plan 2004.

- (2) The proposed development, by virtue of the location of habitable-room windows in relation to the site boundaries, the sub-standard amount of internal floorspace proposed and the inadequate provision of external amenity space, is considered to present unacceptable levels of outlook and residential amenity for future residents. As a result, the proposal is contrary to policies H12 and BE9 of Brent's adopted Unitary Development Plan 2004, Supplementary Planning Guidance SPG17: "Design Guide for New Development" and the South Kilburn SPD 2005.
- (3) The proposed development, by reason of the overall size, siting, bulk, external appearance, proximity to side boundaries, prominence and the provision of an excessive amount of car parking and large bin stores to the front of the building, would constitute an unacceptable form of development, detracting from the character of the locality and relating poorly to surrounding forms of development. The proposal would thus result in a development that is out of character with the existing and adjoining buildings to the detriment of the visual character and appearance of the area. As a result, the proposal would be contrary to policies BE9 and H7 of the adopted Brent Unitary Development Plan 2004.
- (4) The proposed development would, by reason of its size, siting, location of windows and external terraces, be detrimental to the amenities of adjoining occupiers, by reason of loss of privacy to, and the creation of an overbearing impact on, existing properties. The proposal would be contrary to policies BE9, H7 and H16 of the adopted Brent Unitary Development Plan 2004, Supplementary Planning Guidance SPG17: "Design Guide for New Development" and the South Kilburn SPD 2005.
- (5) The applicant has failed to demonstrate that adequate secure bicycle-parking, and refuse & recycling storage, can be provided on the site in order to comply with policies PS15 and PS16 of Brent's adopted Unitary Development Plan 2004 and Supplementary Planning Guidance SPG17 "Design Guide for New Development". Furthermore, the proposed vehicular access points exceed the maximum widths set down in Supplementary Planning Guidance SPG13 "Layout Standards for Access Roads".

INFORMATIVES:

- (1) The applicant is informed that any development over 10 flats would require, in addition to the contributions to non-car transport improvements, educational payments towards the building of new school classrooms and associated facilities (as required by UDP policy CF6). This would need to be taken into account in any future re-submission, as would the fact that a full contaminated land survey would need to be approved by the Council before any works commence on the site.

REFERENCE DOCUMENTS:

Brent UDP 2004
South Kilburn SPD 2005
SPG17 & SPG19.
4 letters of objection.
Letter from South Kilburn NDC Planning Sub-Group.

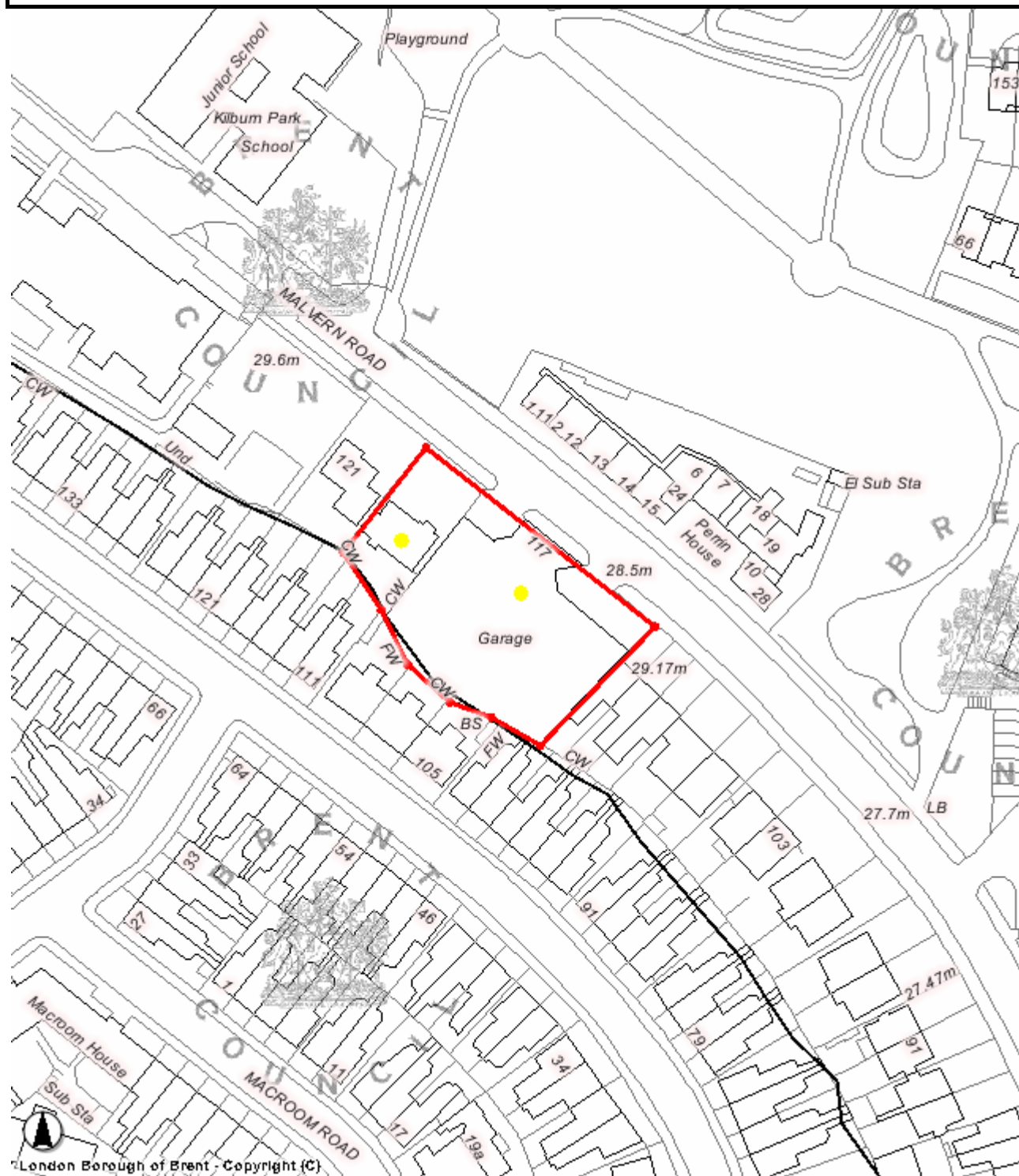
Any person wishing to inspect the above papers should contact Andy Bates, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



Planning Committee Map

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