



Planning Committee

Wednesday 12 November 2014 at 7.00 pm

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Membership:

Members

Councillors:

Marquis (Chair)
Colacicco (Vice-Chair)
Agha
S Choudhary
Filson
Hylton
Kansagra
Mahmood

Substitute Members

Councillors:

Chohan, A Choudry, Conneely, Duffy,
Ezeajughi, W Mitchell Murray and M Patel

Councillors

Colwill and BM Patel

For further information contact: Joe Kwateng, Democratic Services Officer
020 8937 1354, joe.kwateng@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Members' briefing will take place at 6.00pm in Boardrooms 7 and 8

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting held on 15 October 2014		1 - 8
Extract of Planning Code of Practice		
NORTHERN AREA		
3. 15 Summit Close, London NW9 0UL (Ref.14/2690)	Fryent	13 - 24
SOUTHERN AREA		
4. 37 Lydford Road NW2 5QN (Ref. 14/2952)	Mapesbury	25 - 36
5. 152 Olive Road, London NW2 6UY (Ref.14/2548)	Mapesbury	37 - 50
6. 1-25 New Crescent Yard, London NW10 (Ref. 14/1309)	Harlesden	51 - 56
7. 58 Brondesbury Road, London NW6 6BS (Ref.14/2026)	Kilburn	57 - 64
8. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.		

Site Visit - 8 November 2014

SITE VISITS – SATURDAY 8 NOVEMBER 2014

Members are reminded that the coach leaves the Civic Centre at 9.30am

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
14/2690	15 Summit Close, London NW9 0UL	03	Fryent	9:45	13 – 24
14/2548	Cricklewood Library, 152 Olive Road Library London NW2 6UY	05	Mapesbury	10:20	37 - 50
14/2026	58 Brondesbury Road, London NW6 6BS	07	Kilburn	11:00	57 - 64

Date of the next meeting: Wednesday 10 December 2014

The site visits for that meeting will take place the preceding Saturday 6 December 2014 at 9.30am when the coach leaves the Civic Centre.



Please remember to switch your mobile phone to silent during the meeting.

- The Conference Hall is accessible by lift and seats will be provided for members of the public on a first come first served principle.

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 15 October 2014 at 7.00 pm

PRESENT: Councillors Marquis (Chair), Colacicco (Vice-Chair), Agha, S Choudhary, Filson, Hylton, Kansagra and Mahmood

ALSO PRESENT: Councillors Chohan, Kabir, McLennan, W Mitchell Murray, Miller, Milli Patel, Pavey and Perrin

1. **Declarations of personal and prejudicial interests**

Land at 255 Ealing Road, Wembley HA9 Ref 14/2276)

3. All members on the Committee had been approached by the objectors in advance of the meeting by email and confirmed that they would consider the application with an open mind.

7. Walm Lane Public Inquiry – Affordable Housing

Councillor Colacicco declared that she had campaigned on the application and would withdraw from the meeting room during consideration of the application.

All members on the Committee had been approached in advance of the meeting by email but confirmed they would consider the application with an open mind.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 17 September 2014 be approved as an accurate record of the meeting.

3. **Land at 255, Ealing Road, Wembley, HA9 (Ref. 14/2276)**

PROPOSAL:

Construction of 3- to 9-storey building comprising 125 residential units and 277 sqms of affordable work space (Use Class B1) and associated parking, access, landscaping and related ancillary works.

RECOMMENDATION:

- (a) Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report and subject to conditions listed after paragraph 75, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Planning, or other duly authorised person, to refuse planning permission

With reference to the supplementary report, Rachel Murrell (Area Planning Manager) responded to matters raised at the site visit. In respect of infrastructure

she informed the Committee that funding had been secured for the redevelopment of Alperton Community School through the Priority School Building Programme; a project scheduled for completion in September 2016. In addition, a potential site had been identified for a primary school and other community uses, with a feasibility study underway linked to the redevelopment of Alperton Community School. The project would not commence until the Stanley Avenue site became surplus to requirements when the secondary school relocates to the Ealing Road site.

Members heard that Brent was working with the developers at 243 Ealing Road to identify users for over 1000 m2 of affordable work space or alternative D1 use which could include medical or health services, nursery, crèche or day centre. She continued that funding had been secured through Section 106 contributions and Community Infrastructure Levy (CIL) for improvements to the quality and accessibility of local existing open spaces.

Rachel Murrell informed members that on the advice of Transportation, improvements to crossing facilities would not be sought as part of this scheme given that the existing junction of Carlyon Avenue and Ealing Road had a signalised pedestrian crossing facility. She advised that the Council would not be able to provide speed cameras as they were provided and managed by Transport for London. She drew members' attention to an amendment to the proposal description and an additional condition on servicing management plan.

Bron Roberts, Chair of Cromwell and Burns Residents' Association (CABRA), stated that whilst she was not against the principle of the development she felt there was a clear need for infrastructure support particularly general practitioner (GP) services or provision for a polyclinic. She emphasised this was of particular importance, given the closure of other local GP services.

Tanya Jordan, speaking on behalf of the owners of 253A Ealing Road, stated that the proposed development would compromise the potential redevelopment of 253A Ealing Road and should only be developed as part of a comprehensive scheme. She added that her client was concerned about over shadowing and unreasonable distances, contrary to Supplementary Planning Guidance (SPG) 17. She added that her clients were prepared to agree a conditional contract with the owners of 255 Ealing Road which would allow for a comprehensive development. In response to a Member's question, Tanya Jordan stated that a greater set-back from the shared boundary would assist in ensuring development in future would not be restricted.

The legal representative advised that the purchase of 253A Ealing Road was at an embryonic stage and that no legally binding contract was in place as to affect the determination of the current application for 255 Ealing Road. The Committee was being asked to consider the current application before it.

In accordance with the provisions of the Planning Code of Practice, Councillor Mili Patel (Ward Member) stated that she had not been approached by the applicants. In her address, Councillor Milli Patel highlighted the following;

- (i) inadequate consultation with residents;

- (ii) existing parking problems in the area would be worsened by the proposed development; and
- (iii) inadequate infrastructure in particular a health care centre to support the development.

Councillor Mili Patel also enquired as to whether Section 106 financial contributions would be used in providing school places to meet growing demand for school places. She urged officers to provide clearer information about the impact of the development on school places and the timeframe for the provision of school places in the area. In reference to the Class D1 use, Councillor Mili Patel requested officers to confirm whether residents would be consulted on its type and nature

The Area Planning Manager reiterated that funding for the redevelopment of Alperton Community School had been secured through the Priority School Building Programme, a project currently scheduled for completion in September 2016. In addition, a potential site had been identified for the primary school and other community uses which would not commence until the secondary school relocated to the Ealing Road site and the Stanley Avenue site became surplus to requirements.

Mary Power, the applicant's agent stated that the proposed development which accorded with the Alperton Master Plan would not prejudice future comprehensive redevelopment of the site involving 253A Ealing Road. She added that the scheme which would be "permit free" would provide the maximum achievable car parking spaces on site in addition to the provision of a "car club" facility. Mary Power continued that a contribution of £60,000 would be made towards the cost of consultation with residents for a controlled parking zone (CPZ) if one was to be introduced.

In response to members' questions, Mary Power stated that no material impact on the adjoining site would result from the current application. She added that the use class of the non-residential unit had been expanded for flexibility and that her client was in discussions with social landlords and GP surgeries about taking up spaces within the development. She added that the scheme incorporated a play space within the ground floor courtyard and that the trees in Ealing Road would be protected.

The Area Planning Manager, in reference to the applicant's shadow casting report and site constraints, concluded that the proposed development would not have a significant impact subject to the design proposals that came forward. It would have an impact on the adjoining public house although, the Council's policies and guidance did not seek to protect the levels of daylight and sunlight for public houses. In line with the advice by officers in Transportation, she recommended that a condition requiring details of a Servicing Management Plan to be provided for the affordable work space units.

Whilst noting the overall density of the scheme and affordable housing proposed, Members were also concerned about parking problems in the area and felt that appropriate measures should be put in place to protect existing residents. In endorsing officers' recommendation, Members added a further condition to the

Section 106 agreement securing appropriate initial funding towards residents parking permits should a CPZ be introduced.

DECISION: Granted planning permission granted as recommended subject to additional conditions requiring details of Servicing Management Plan and securing appropriate initial funding towards residents parking permits should a CPZ be introduced.

4. Land next to Fairbanks Court, Atlip Road, Wembley, HA0 (Ref. 14/1515)

PROPOSAL: Change of use of water space for residential moorings.

RECOMMENDATION: Grant planning permission subject to the conditions listed after paragraph 19.

Rachel Murrell (Area Planning Manager), responded to queries raised at the site visit. She explained that sewage and refuse storage facilities were available at nearby locations as amplified in the supplementary report. The Canal and River Trust considered the locations of these facilities to be within a short cruising distance from the application site. In respect of Council Tax, she informed the meeting that if a mooring was permanent, the Council would inform the Valuation Office Agency (VOA) who would calculate and issue a band for the mooring, adding that a comparable valuation in the Grand Union Canal was band A. Members heard that the proposal would not give rise to parking issues as Atlip Road was a private road where parking was controlled by a private company on behalf of the owners of the development. In addition, as the site had good public transport accessibility it was not considered that the proposed change from visitor to residential moorings was likely to result in significant parking over-spill.

Aiden Johnson Hugo, a surveyor for Canal and River Trust, clarified that the application was for a change of use of water space only and complied with local and national policies. In response to Members' questions, he stated that boaters were highly mobile and would be able to manage use of existing sewage facilities. In respect of refuse storage, he added that local freeholders to the adjoining residential development had agreed that boaters could use their facilities.

Members felt that the arrangement for refuse storage needed to be refined and in approving the application subject to conditions added a further condition requiring details of refuse storage.

DECISION: Granted planning permission as recommended subject to an additional condition requiring details of refuse storage.

5. Sarena House and Allied Manufacture, Grove Park, London, NW9 0EB (Ref. 14/2930)

PROPOSAL:

Demolition of all existing buildings and the erection of 2 to 6-storey buildings providing 227 residential units (10 x 4bed houses, 58 x 1bed, 101 x 2bed, 31 x 3bed and 27 x studio flats), 256 sqm of affordable work space for research and development (Use class B1(B), proposed vehicular access from Grove Park,

provision for car/bike parking on the basement and ground level and associated landscaping and amenity space.

RECOMMENDATION:

- (a) Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, subject to conditions listed after paragraph 116 and referral to the Mayor of London, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Planning, or other duly authorised person, to refuse planning permission.

With reference to the supplementary report, Rachel Murrell (Area Planning Manager) responded to the queries raised at the site visit. She informed the Committee that the agent had confirmed that the boundary wall along Evelyn Avenue may not be retained and to reflect that, condition 13 had been amended as set out in the supplementary. She continued that on the advice of GLA and TfL, the PTAL rating for the site was 4 taking into account its proximity to a range of public transport facilities. She however confirmed that it should be noted that the site ranges from PTAL 2 to 4 with the eastern half of the site including the mid point of the site falling PTAL 4. In reference to the additional objections received, the Area Planning Manager submitted that extensive consultation with about 533 neighbours was undertaken in addition to press and site notices being displayed. She continued that the height of the proposed development was considered acceptable in design terms and in relation to neighbouring sites. Members heard that the site was within the Colindale/Burnt Oak Growth Area which would be supported by infrastructure development including a school and a D1 facility which have planning permission. Furthermore, a contribution would be sought from the applicant towards the cost of consultation for CPZ if its introduction was required.

Seb Malde (Chair of Grove Park Residents Association) urged members to refuse the application on grounds of excessive density, inadequate parking provision, lack of health care provision, educational provision and children's play area.

In responding to the above, the Area Planning Manager drew members' attention to the infrastructure development involving the Oriental City development which she added would provide a superstore, a primary school and a D1 facility. She continued that officers were seeking a financial contribution from the applicant towards the cost of consultation for CPZ, although the mitigation measures secured were anticipated to reduce the potential for overspill parking. She also added that funding received through CIL payment could be used if deemed appropriate to improve the Grove Park Open Space. With regard to the scale of development, she discussed how the buildings reduced in scale at the boundary with Evelyn Avenue to take account of the character of surrounding development.

Robert Dunwell, speaking on behalf of Queensbury Area Residents (Group of) Associations (QARA) stated that more than half of the site had a PTAL rating of between 2 and 3 which would give rise to parking overspill. In his view, the possibility of a 2 year grace period during which existing residents' permits would

be paid for or subsidised, would not be sufficient adding that a lasting solution would be for a provision of an additional car park. He also expressed concern about the density of the proposed development which he felt was excessive and should be reduced. For the above reasons he urged members to be minded to refuse the application.

In accordance with the provisions of the Planning Code of Practice, Councillor Kabir, Ward Member, declared that she had been approached by the residents and the applicants. Councillor Kabir drew Members' attention to the concentration of residential and commercial developments in the vicinity which together with coaches to and from Village School would result in increased traffic, air pollution and general intensification and overdevelopment of the site. She added that consideration should be given to securing infrastructure including a health facility and community space to support the development. Councillor Kabir however supported the proposal to undertake consultation on the introduction of CPZ in the area if required.

David Maddox (applicant's agent) reaffirmed that the PTAL rating for the site was principally 4. He continued that the provision of 136 car parking spaces for the development, which equated 0.6 space per unit, was in excess of TfL's requirement for 0.5 spaces. He added that the play space was also in excess of requirement and that the independent viability assessment commissioned by the Council supported the number of affordable units provided by the development. In response to a Member's enquiry, David Maddox explained that as the development would not be carried out in phases, it was agreed to provide off site contribution for affordable housing following completion of the development, should market conditions improve

DECISION:

Granted planning permission as recommended subject to securing appropriate initial funding towards residents parking permits should a CPZ be introduced.

6. 163 & 165 Chatsworth Road, London, NW2 5QT (Ref. 14/1628)

PROPOSAL:

Change of use of land to rear of 163 & 165 Chatsworth Road to incorporation into the residential curtilage of 163 Chatsworth Road.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted as recommended.

7. Walm Lane Public Inquiry - Affordable Housing

This application was deferred from the Planning Committee meeting of 17 September 2014 to allow Members more time to consider the associated background documentation. Andy Bates (Area Planning Manager) informed the Committee that following the Council's decision in March 2014 to refuse planning permission for the redevelopment of 110 Walm Lane (including the Queensbury Public House) the applicant had submitted an appeal which was due to be determined through the public inquiry procedure.

He continued that following the submission of the appeal, the applicant had issued a revised affordable housing offer of 2 additional units to the Council and for all affordable housing to be provided on-site. He clarified that the purpose of the report was to provide information on the revised affordable housing offer in order to enable members to decide whether the revised offer would adequately address the relevant reason for refusal.

Andy Bates informed members that the offer was reviewed by an independent consultant, BNP Paribas, instructed by the Council to assist with the negotiation of affordable housing on the site. BNP Paribas advised that in viability terms the proposed affordable housing offer of shared ownership units from 10 to 12 (22.6%), which would be delivered wholly on site would be acceptable. Members noted however that the offer meant that a cash-in-lieu contribution would no longer be available.

BNP Paribas highlighted the sensitivity of such appraisals to changes in assumed future sales values and recommended that, if the offer was accepted by the council, this should be subject to securing a suitable 'open book' review of the scheme viability and affordable housing offer, taking into account the costs and revenues achieved by the development.

Andy Bates submitted that having considered the revised affordable housing offer within the context of the previous decision, the appeal and the advice given by BNP Paribas, officers considered that the revised offer constituted an improved position on affordable housing and on balance, officers considered that the principle of the revised offer should be accepted, subject to the terms set out in paragraph 2.1 of the report.

Representatives of Save the Queensbury Group, NW2 Residents Association and Brent Housing Action addressed the Committee. They felt that the marginal increase on affordable housing on site fell quite short of, and was disproportionate to, the amount expected for such a development. They expressed doubts about the advice on viability as the report did not present information on full knowledge, methodology and analysis used in reaching the conclusion. They therefore urged members to reject the offer.

In accordance with the provisions of the Planning Code of Practice, Councillor Miller (ward member) declared that he had been approached by Save the Queensbury Group. Councillor Miller echoed the sentiments expressed by the previous speakers adding that the affordable housing proportion proposed by the applicant fell short of the Mayor of London's housing target of 50%. He also expressed concerns about the segregation between shared and private ownership units within the development. Councillor Miller continued that a rejection of the offer would send a clear message to the applicant of what the Council expected from the development without weakening the Council's case at the appeal hearing.

Stephen Weeks (Head of Planning) informed members that the viability report together with the methodology for assessment was given to the Chair as part of wider discussions on the delivery of affordable housing. Horatio Chance, legal representative advised that it was possible for the independent report on viability

studies to be made confidential as part of wider discussions on the delivery of affordable housing.

Members then had an extensive debate during which they expressed concerns about the proportion of affordable housing being offered by the applicants adding that the current offer was not significantly different from what the applicant had previously offered. They also discussed the ability to challenge the developers assumptions on the appraisal as well as the expectation and need for developments to make the maximum possible affordable housing contribution. The Chair proposed a motion in those terms.

Councillor Filson put forward an amended motion for members to be minded to refuse the application and defer it until they had received and considered the methodology and assumptions of the viability report. This was put to the vote and declared lost. Members then voted on the Chair's motion as set out below which was declared carried by a majority.

Refused the revised affordable housing offer for the following stated reasons;

The Planning Committee recognised the proposed change but noted that the suggested amendment made in July 2014 does not significantly alter the original overall affordable housing proposal made in February 2014 and the level of affordable housing was still unacceptably low. It considered that the change indicated that there could be scope to further improve the offer, noted the reports reference to the sensitivity of such appraisals as well as the lack of clarity on the scope to provide any further affordable housing on site following the recommended 'open book' review. In the absence of an opportunity to scrutinise the developers expectations and in the context of Brent's housing needs and affordable housing policies, the level and nature of the shared ownership housing proposed was not considered to be the reasonable maximum affordable housing that the development could provide.

Voting on the above motion was recorded as follows;

FOR: Councillors Marquis, Agha, Choudhary, Hylton and Mahmood	(5)
AGAINST: None	(0)
ABSTENTION: Kansagra and Filson	(2)

Note: Councillor Colacicco having declared a pecuniary interest at the start of the meeting withdrew from the meeting room during consideration of the application and took no part in the discussion or voting on the application.

8. Any Other Urgent Business

None.

The meeting closed at 10.55 pm

S MARQUIS
Chair

EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

The Planning Code of Practice has been adopted by Brent Council to regulate the performance of its planning function. Its major objectives are to guide Members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers. The Planning Code of Practice is in addition to the Brent Members Code of Conduct adopted by the Council under the provisions of the Local Government Act 2000. The provisions of this code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that Members making such decisions are, and are perceived as being, accountable for those decisions. Extracts from the Code and the Standing Orders are reproduced below as a reminder of their content.

Accountability and Interests

4. If an approach is made to a Member of the Planning Committee from an applicant or agent or other interested party in relation to a particular planning application or any matter which may give rise to a planning application, the Member shall:
 - a) inform the person making such an approach that such matters should be addressed to officers or to Members who are not Members of the Planning Committee;
 - b) disclose the fact and nature of such an approach at any meeting of the Planning Committee where the planning application or matter in question is considered.
7. If the Chair decides to allow a non-member of the Committee to speak, the non-member shall state the reason for wishing to speak. Such a Member shall disclose the fact he/she has been in contact with the applicant, agent or interested party if this be the case.
8. When the circumstances of any elected Member are such that they have
 - (i) a personal interest in any planning application or other matter, then the Member, if present, shall declare a personal interest at any meeting where the particular application or other matter is considered, and if the interest is also a prejudicial interest shall withdraw from the room where the meeting is being held and not take part in the discussion or vote on the application or other matter.
11. If any Member of the Council requests a Site Visit, prior to the debate at Planning Committee, their name shall be recorded. They shall provide and a

record kept of, their reason for the request and whether or not they have been approached concerning the application or other matter and if so, by whom.

Meetings of the Planning Committee

24. If the Planning Committee wishes to grant planning permission contrary to officers' recommendation the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the Minutes of the meeting.

25. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the Minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the Minutes of the Meeting.

29. The Minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:
 - (i) on any resolution of "Minded to Grant or minded to refuse contrary to Officers Recommendation";
 - (ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.

STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions may do

so for a maximum of 2 minutes. Where more than one person wishes to speak on the same application the Chair shall have the discretion to limit the number of speakers to no more than 2 people and in so doing will seek to give priority to occupiers nearest to the application site or representing a group of people or to one objector and one supporter if there are both. In addition (and after hearing any members of the public who wish to speak) the applicant (or one person on the applicant's behalf) may speak to the Committee for a maximum of 3 minutes. In respect of both members of the public and applicants the Chair and members of the sub-committee may ask them questions after they have spoken.

- (b) Persons wishing to speak to the Committee shall give notice to the Democratic Services Manager or his representatives prior to the commencement of the meeting. Normally such notice shall be given 24 hours before the commencement of the meeting. At the meeting the Chair shall call out the address of the application when it is reached and only if the applicant (or representative) and/or members of the public are present and then signify a desire to speak shall such persons be called to speak.
- (c) In the event that all persons present at the meeting who have indicated that they wish to speak on any matter under consideration indicate that they agree with the officers recommendations and if the members then indicate that they are minded to agree the officers recommendation in full without further debate the Chair may dispense with the calling member of the public to speak on that matter.

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 **Planning Committee Map**
Site address: 15 Summit Close, London, NW9 0UL
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This map is indicative only.

RECEIVED: 30 July, 2014

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 15 Summit Close, London, NW9 0UL

PROPOSAL: Sub-division of the site to provide a detached 2 storey three bedroom dwellinghouse to include a new vehicular crossover, provision for off-street car parking, bin stores and associated landscaping, and alterations to existing dwellinghouse (15 Summit Close) involving demolition of existing side garage and erection of two storey side extension, single storey rear extension, rear dormer window, alterations to existing vehicular crossover and landscaping to the frontage (as amended).

APPLICANT: Mr Derek Harrison

CONTACT: Open Practice Architecture

PLAN NO'S:
(See Condition 2)

RECOMMENDATION

Approval with the conditions listed after paragraph 35.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£20,663.14** of which **£17,585.65** is Brent CIL and **£3,077.49** is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The application site is on the western side of Summit Close, situated towards the end of this cul-de-sac. It comprises a detached dwellinghouse to the southern part of the site, and the remainder is a rear and unusually large side garden with a mature boundary hedge running along the frontage of the site. A vehicle access serves the side garage, and frontage parking space.

This is not within a conservation area, nor is it a listed building.

DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain
dwelling houses	94			126	220

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	94			126	220

Monitoring Residential Breakdown

Existing

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Houses		1								1

Proposed

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Houses			1	1						1

PROPOSAL

Sub-division of the site to provide a detached 2 storey three bedroom dwellinghouse to include a new vehicular crossover, provision for off-street car parking, bin stores and associated landscaping, and alterations to existing dwellinghouse (15 Summit Close) involving demolition of existing side garage and erection of two storey side extension, single storey rear extension, rear dormer window, alterations to existing vehicular crossover and landscaping to the frontage (as amended).

HISTORY

No planning history.

POLICY CONSIDERATIONS

National Planning Policy Framework/National Planning Practice Guidance

London Plan 2011/ Mayors Housing SPG 2012

Policy 3.3

Brent Core Strategy 2010

CP17 Suburban Character
CP21 A Balanced Housing Stock

London Borough of Brent Unitary Development Plan 2004 ('saved' policies)

BE2 Townscape: Local Context & Character
BE6 Public Realm: Landscape Design
BE7 Public Realm: Streetscape
BE9 Architectural Quality
H12 Residential Quality
TRN3 Environmental Impact of Traffic
TRN23 Parking Standards: Residential Development
TRN34 Servicing In New Development
PS14 Residential Parking Standards

Supplementary Planning Guidance 17:- Design Guide For New Development

Supplementary Planning Guidance 5:- Aletring and Extending Your Home

Brent's Domestic Vehicle Footway Crossover Policy 2008

CONSULTATION

EXTERNAL

On 31 July 2014 a total of 18 addresses on Summit Close, Pear Close and Sunny View were consulted. In response to this four individual objections have been received, as well as a petition of objection containing five signatures.

The grounds for objection raised include the following;

- Impact on existing garden habitat, trees and loss of existing street tree.
- Impact on drainage. This will increase the risk of flooding to neighbouring properties.
- Increased density on an already crowded street.
- This will have a negative impact on existing parking conditions. The street already suffers parking

problems, and the crossover works will result in the loss of two off-street spaces. Furthermore parking conditions presented in the application are at daytime only, whereas the problem is worse at night.

- This will be harmful to the character of the area.
- Will set a dangerous precedent for other proposals to build dwellings in gardens.
- Increased traffic will lead to noise and air pollution.
- Increased traffic generated will be hazardous to children who play out in the street.
- This will lead to a loss of light to a property directly opposite.
- This will affect the re-sale value of neighbouring properties in a negative way.
- Permission for a single dwelling may lead to this building being converted into multiple flats in the future.

INTERNAL

Transportation;-

No objection raised - see remarks section for detailed discussion.

Environmental Health;-

No objection raised.

Landscape Design (including Tree Protection officer);-

No objections raised - see remarks section for detailed discussion.

Ward Councillor's;-

No representations received.

REMARKS

Site context

1. The site is located towards the northern end of this cul-de-sac. It is bordered to the south by an existing dwelling on Summit Close, and to the north west by 8 Pear Close. The orientation and relationship of the proposal with 8 Pear Close is discussed in more detail below. A public right of way pedestrian only footpath runs along the northern edge of the site, connecting Summit Close with Pear Close. Opposite the site on the eastern side of Summit Close are pairs of semi-detached dwellings. The built form in the vicinity is 2-storey development of either detached or semi-detached housing.

2. Buck Lane Conservation Area is just to the north west of the application site, affecting properties on Pear Close. The application site is outside of this conservation area.

Proposal

3. The proposed development seeks permission for the extension of 15 Summit Close. It is proposed to demolish the existing attached garage and erect a 2-storey side extension, part single storey glazed extension to the rear and rear dormer window. The enlargement proposed would increase this from a 2-bed to a 4-bed family dwelling.

4. It is also proposed to sub-divide the existing plot into two, and to the northern portion erect a 2-storey detached, 3-bedroom dwellinghouse.

5. It is proposed to widen the existing crossover for 15 Summit Close, this will serve the extended dwelling which proposes 2 off-street spaces. A new crossover is proposed to the north of this, which will serve the proposed dwelling and a single off-street space. In total three off-street spaces are proposed

6. The application also proposes associated landscaping, planting and refuse storage.

Amendments made since initial submission

7. Landscape officers requested further detail on the impact of the development on existing trees and proposed hard and soft landscaping. As well as this some revisions to the frontage layout, parking arrangement and vehicle crossovers were required by Transportation.

8. Below is a summary of the changes that have since been made, and the additional supporting information that was submitted;-

- Frontage parking layout amended as per Transportation comments, to provide two off-street spaces for the extended dwelling and a single space for the proposed dwelling.

- The width of crossovers reduced to comply with Brent's Domestic Vehicle Footway Crossover Policy (DVFCP) (2008), and placed side-by-side.
- Increased the amount of soft landscaping per front garden.
- Details provided of front boundary treatment showing pedestrian visibility splays (2m x 2m above a height of 0.8m) at the vehicular accesses, in order to comply with Brent's DVFCP (2008).
- Proposing a replacement street tree on Summit Close.
- Detailed Tree Report submitted, and carried out to BS5837:2012.
- Submission of a more detailed landscape plan, including proposals for new tree planting on site, and greater clarity on hard landscaping proposals.
- Confirmation that the existing front hedge along the back edge of pavement is to be retained.

Design (new dwelling)

9. The existing detached, two-storey dwellinghouse is typical of the style of dwelling in many suburban parts of the borough. The scale of the proposed dwellinghouse is considered to respect the scale of neighbouring dwellings, and the streetscene. The elevational treatment of the proposed dwellinghouse is simple and well considered so as not to cause overlooking or loss of privacy to the west (i.e from the rear elevation). This has been achieved through the careful orientation of windows with an aspect north, and the absence of any first floor habitable room windows on the rear elevation facing 8 Pear Close. A simple architectural approach is proposed with a render finish, which is in keeping with the existing dwelling and other dwellings within the street.

10. A well considered landscape scheme has been submitted. This recognises the value of trees on site, the importance of providing an attractive frontage and the need to retain the attractive boundary hedge. Further details of the landscaping matters are discussed below.

SPG5 assessment of proposed extensions to 15 Summit Close

11. The two-storey side extension is fully compliant with SPG5, it is of an appropriate width and provides the necessary set back at first floor level. The extended roof also provides for an appropriate set down below the main roof. As a result it appears subservient to the existing house.

12. To the rear a modest single storey conservatory style extension is proposed; this will project 1.5m, and will have solid flank walls and is to be 2.5m high overall. Given its size it is not considered this will harm the amenity of neighbouring occupiers.

13. The rear dormer window is modest in size, centrally positioned and of proportions that satisfy the requirements of SPG5.

Quality of accommodation - new dwelling

14. The new dwelling is sized at 86sqm internally, which broadly satisfies residential space standards, as set out in London Plan policy 3.3 (87 sqm for 3bed 4 person dwelling). Suitable daylight and outlook will be afforded to all habitable rooms, including those orientated north.

15. The new dwelling will benefit from a side and rear garden that amounts to approximately 155sqm of amenity space. This is significantly more than is required, which can only serve to benefit prospective residents. The provision of amenity space for the existing dwelling is not compromised either, in excess of 50sqm will continue to be provided. SPG17 is therefore satisfied in respect of private amenity space.

Impact on neighbour amenity

16. Supplementary Planning Guidance 17 '*Design Guide for New Development*' is relevant guidance to assess the relationship of the proposed dwelling against the amenity of neighbouring occupiers. The size and scale of new development can potentially cause harm if this does not respect the height of surrounding dwellings, or if it relates poorly to neighbouring sites (including private gardens).

17. To ensure that relationships created between buildings and between buildings and private amenity spaces does not become detrimental by being over dominant or overbearing then SPG17 states;-

- *The building envelope should be set below a line of 30 degrees from the nearest habitable room window of adjoining existing property, measured from a height of 2m above floor level.*
- *Where proposed development adjoins private amenity/garden areas then the height of new development*

should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m.

18. No 8 Pear Close is immediately north west of the site, and given this buildings positioning, orientation and resultant relationship of windows, there is no conflict with the 30 degree test. Similarly, the positioning of the new dwelling relative to the shared boundary and the scale of building proposed demonstrates that the size and scale of the proposed building will sit below a 45 degree line, measured at a height of 2m on the boundary. It has been demonstrated that at its closest point, with a separation of 2.2m from the boundary with 8 Pear Close the proposed building satisfies the 45 degree test. The test has also been applied at two other points along the rear elevation, as the site boundary is tapered then at each of these other points there is a more generous separation between proposed building and boundary. It follows therefore that there is a greater degree of compliance with the 45 degree test at these other points. It is also relevant to note that the site immediately to the rear is at a higher level, by approximately 550mm, which helps to improve the relationship.

19. Within the rear elevation of the proposed dwelling there has been consideration for the relationship with 8 Pear Close. Windows facing north west are only proposed at ground floor level. Which due to the change in levels, the screen provided by existing trees and vegetation along the shared boundary, and outside the site, and the fact that a new 2m high boundary treatment is proposed (with climber plants) then it is not considered these ground floor windows would give rise to unacceptable overlooking or loss of privacy for the occupiers of 8 Pear Close. Existing windows within the rear elevation of 8 Pear Close are at an oblique angle to the proposed building, and due to this relationship will not be unduly affected by loss of outlook, light or privacy. No windows are present within the flank wall of the neighbouring property.

20. At first floor level of the proposed building there are no rear facing windows. Windows have been orientated to face north, where their location will not impact on neighbour amenity. This is a well considered response to the site constraints.

Transportation & parking

21. The maximum parking allowance for the existing 2-bedroom dwelling is up to 1.2 spaces, which can be accommodated within the existing front garden.

22. The proposed extensions will result in the existing dwelling becoming a 4 bedroom dwelling and the maximum parking allowance for a 4 bedroom dwelling will have up to 2 spaces. The new detached 3 bedroom dwelling will have a maximum parking allowance of up to 1.6 spaces.

23. The amendments that have been made which reduce the width of each crossover, place these side-by-side and increase the amount of soft landscaping to meet the requirements of Brent's Domestic Vehicle Footway Crossover Policy (DVFCP) (2008). It has also been demonstrated that adequate visibility splays for pedestrian safety (as set out in the guidance in SPG3) are achievable, in that there will be no obstruction over a height of 0.85m, for 2m x 2m either side of the vehicle access points.

24. Additional on-street parking on Summit Close cannot be safely accommodated, due to the very limited width of the road. Therefore Transportation advises it is essential that three off-street parking spaces overall are retained for the site; 2 spaces are proposed for the existing dwelling and 1 space for the new dwelling. This level of provision will comply fully with adopted UDP standard, PS14.

25. The applicant has not provided cycle parking, but the house will have private garden areas which can easily accommodate bicycle storage in compliance with PS16. Further details of this will be required through condition.

26. As amended the level of parking provision, parking layout, vehicle access arrangements, visibility splays and frontage layout will ensure the proposed development is acceptable in terms of its impact on parking on-street and highway safety. Transportation support the proposal on this basis.

Impact on landscaping and tree's

27. A detailed, site wide landscaping scheme has been submitted. This covers soft and hard landscaping proposals. It also confirms that the existing front boundary hedge, which makes a positive contribution to the streetscene is to be retained. In any event a planning condition is recommended to ensure the existing hedge is protected.

28. A sufficiently landscaped frontage is proposed that strikes an appropriate balance between soft and hard

landscaping, this would accord with UDP policy BE7.

29. Landscape officers require further details of shrub planting, and details of plant species, pot size, density, position and quantity should be submitted for approval.

PBA tree report

30. The application is supported by a detailed tree report, carried out to BS5837: 2012. The report considers the value of existing trees on site and on adjacent land, grading each tree into categories. It identifies trees that are required to be removed for the development, those for retention and the protection measures intended for the retained trees. It is noteworthy that none of the trees on site are covered by preservation orders.

31. The Council's Tree Protection Officer has assessed the PBA report and notes the proposed loss of 12 small apple trees. By way of compensation for their removal replacement trees will be sought, and secured through a landscape condition.

32. Tree protection measures are considered to be adequate for trees identified in the report T3 and T4, as well as T5 and T6, both off site. It is recommended that tree protective fencing as indicated and specified within the PBA report should be installed and inspected prior to commencement of any works on site, and this protective fencing should also be extended around T2 Apple in order to mitigate the effects of general construction sprawl. This should be annotated on a revised tree protection plan, and secured by condition.

33. The loss of T1 Birch on the street is regrettable and a replacement street tree should be sought as a matter of course. This will be secured through condition.

34. In conclusion no objections from Landscape Design, or the Tree Protection Officer to the above scheme are raised in terms of the impact on landscaping or tree's and it is considered that the new dwellinghouse will have minimal impact on the arboricultural landscape of the site. Standard Tree Protection conditions in accordance with BS5837:2012 should suffice to ensure the measures set out in PBA's report are adhered to, and through conditions replacement tree planting can be secured for the site.

Response to grounds of objection

Objection	Response
Impact on existing garden habitat, trees and loss of existing street tree.	The PBA tree report has been considered in detail by the Landscape Design officer and the Tree Protection Officer. The existing group of trees do have some value, however none of the trees are covered by a preservation order. They could conceivably be removed without needing any permission. Regrettably some trees will be removed, some existing trees will be retained on this and neighbouring sites, as identified in the PBA report and new tree planting will be secured as part of a site wide landscaping condition.

This will increase the risk of flooding to neighbouring properties.	The existing street tree to be removed is to be replaced, this is required by condition. There is no evidence to suggest this will be the case. A large proportion of the site will be soft landscaped, this will allow natural drainage of surface water to occur.
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Increased density on an already crowded street.	One additional dwelling is not considered to represent over crowding on Summit Close.
---	---

This will have a negative impact on existing parking conditions. The street already suffers parking problems, and the crossover works will result in the loss of two off-street spaces. Furthermore parking conditions are worse at night.	Additional on-street parking is not something that Transportation will support, due to the narrow width of Summit Close. The parking standards for both the extended dwelling, and the new dwelling are to be fully met off-street (3 spaces overall). Thereby the scheme complies fully with UDP standard PS14. On this basis it would be unreasonable to resist the scheme on the grounds it would result in unacceptable on-street parking.
--	--

This will be harmful to the character of the area. Will set a dangerous precedent for other proposals to build dwellings in	The new dwelling is in keeping with the scale of surrounding development. It is not considered to appear out of character. Each case is assessed on its individual planning merits. Support for this scheme does not automatically set a precedent
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gardens.
Increased traffic will lead to noise and air pollution.

Increased traffic generated will be hazardous to children who play out in the street.

This will lead to a loss of light to a property directly opposite.

Permission for a single dwelling may lead to this building being converted into multiple flats in the future.

This will affect the re-sale value of neighbouring properties in a negative way.

for other forms of garden development.

It is not considered that the introduction of a new dwelling will significantly affect existing traffic levels on Summit Close, or contribute to an unacceptable increase in noise or air pollution.

As stated above it is not considered that one additional dwelling will lead to an unacceptable increase in traffic. Residents feel this would be hazardous to children who play out in the street, however it is reasonable to take the view that this wouldn't be any more hazardous than the existing situation with cars on Summit Avenue.

A separation of 20m is provided between properties. This is consistent with the existing patterns of development along Summit Close, which is not considered to result in a loss of light. Officers consider that there will be no undue loss of light, with properties spaced this far apart.

Any application to convert the property into flats will require planning permission. This would be assessed on its merits at the time, should such an application be submitted. Approval of a single dwelling does not set any precedent for flats to be created,

The effect on nearby property values is not a material planning consideration.

Conclusion

35. On balance it is considered that the proposal will result in an acceptable form of accommodation, that will be acceptable in terms of its impact on the area and the streetscene, without unduly harming neighbouring amenity. Approval (subject to conditions) is accordingly recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

(1) The proposed development is in general accordance with policies contained in the:-

Brent Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

(2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

Existing
Drg No's 01, 02, 03, 04 & 05,

Proposed

Drg No's 06, 07, 08, 09, 10, 11, 12, 13, 14, 15 & 16

160 EX RevC

160 RevE

161 EX RevC

161 RevE

162

PBA Tree Report (October 2014)

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

- (3) Prior to commencement of development, details of all external materials for the new detached dwellinghouse shall be submitted to and approved in writing by the local planning authority. All works shall be carried out in full accordance with the approved details.

All new external work to the existing extended dwellinghouse shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (4) (a) No further extensions or buildings shall be constructed within the curtilage of the new detached dwellinghouse subject of this application, notwithstanding the provisions of Class(es) A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

(b) No further extensions or buildings shall be constructed within the curtilage of the existing extended dwellinghouse subject of this application, notwithstanding the provisions of Class(es) A, B, C & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason(s):

In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority. To prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- (5) The parking spaces shown on the approved plans shall be constructed prior to the occupation of the new building and shall be permanently retained and used solely in connection with the existing and approved new dwelling located within the site.

Reason: To ensure that the approved standards of parking/garage provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- (6) Notwithstanding drawings 160, RevE and 161, RevE hereby approved which identify the length of hedge that is required to be removed to facilitate adequate vehicle access, the remainder of the existing hedge situated along the frontage of the site shall be permanently retained. Should any part die or become seriously damaged or diseased, it shall be replaced in the next planting season with a planting of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and retains a hedgerow that is an important feature of the streetscene.

- (7) Except as may be agreed in writing by the Local Planning Authority, there shall be no obstruction over 800 mm in height within the site within a visibility splay 2m x 2m either side of the vehicular access, measured from the public highway.

Reason: To ensure that construction of the access does not prejudice conditions of safety for pedestrians on the public highway.

- (8) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the detailed landscape works and treatment of the surroundings of the proposed development (including species, plant sizes, planting densities including the number and location of new trees) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

(a) proposed walls, fences and gates and any other form of boundary treatment or means of enclosure indicating materials and heights;

(b) further details of screen planting along the north western site boundary;

(c) adequate physical separation, such as protective walls and fencing between landscaped and paved areas;

(d) provision for the satisfactory screening of bin store(s)

(e) details of the proposed arrangements for the maintenance of the landscape works.

(f) a suitable landscape plan showing details of the species, size, density, number and location of all new planting (including new trees) within the site

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (9) *Highway Works*

(a) Prior to commencement of the development, details shall be submitted to and approved in writing by the local planning authority providing confirmation that the applicant has entered into an agreement with the local highway authority to provide a replacement street tree at applicants expense within a agreed timeframe. The street tree shall be provided in accordance with the approved details.

(b) The proposed vehicular crossover shall be carried out at the applicants expense as shown on drawing 161, RevE., in compliance with a scheme to be submitted to and approved in writing by the local highway authority, with the works carried out and completed in accordance with these approved details, prior to the occupation of the new dwellinghouse hereby approved.

Reason: In the interests of highway and pedestrian safety in the locality, in pursuance of Section 278 of the Town and Country Planning Act 1990.

- (10) Details of the provision of a minimum of 1 secure cycle parking spaces per dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (11) Notwithstanding the approved details, additional protective fencing shall also be installed around tree T2 apple, and such details should be annotated on a revised tree protection plan, submitted to and approved in writing by the local planning authority prior to commencement of works on site, including any site clearance works.

All works shall be carried out fully in accordance with PBA report (dated October 2014) and tree protective fencing proposed (including as approved around tree T2 apple) shall be installed in full and inspected prior to the commencement of any works on site, including any site clearance works.

All trees indicated in the approved PBA report for retention shall be retained and shall not be lopped, topped, felled, pruned, have their roots severed or be uprooted or their soil levels within the tree canopy altered at any time without prior approval in writing of the Local Planning Authority. Any such tree which subsequently dies, becomes seriously diseased or has to be removed as a result of carrying out this development shall be replaced in the next planting season with a tree of a similar species and size in the same position or in such position as the Local Planning Authority may otherwise in writing approve.

Reasons: To ensure that the existing trees are not damaged during the period of construction, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained as an integral feature of the development and locality and kept in good condition.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (2) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- (3) If the development is carried out it will be necessary for a crossing to be formed over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980.

Any person wishing to inspect the above papers should contact Gary Murphy, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5227

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Planning Committee Map

Site address: 37 Lydford Road, London, NW2 5QN

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This map is indicative only.

RECEIVED: 5 August, 2014

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 37 Lydford Road, London, NW2 5QN

PROPOSAL: Demolition of existing office to builders' yard and erection of a 3 bedroom, three storey (including basement) dwellinghouse erection of a boundary treatment and associated hard and soft landscaping

APPLICANT: Campbell Architects

CONTACT: Campbell Architects

PLAN NO'S:
See Condition 2.

RECOMMENDATION

Grant Permission subject to the conditions listed after paragraph 25.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is £61,665 of which £52,455 is Brent CIL and £9,220 is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The 305sqm site is located on Lydford Road, within the Mapesbury Conservation Area. The application site would have originally formed part of the curtilage of No. 88 Teignmouth Road. The site currently contains an outbuilding and concrete yard which benefits from a Lawful Development Certificate for its use as a Builder's Yard (B8) and ancillary office (B1) (see History section below for further information).

Lydford Road is a north-south spine road juxtaposed between the east-west oriented roads of the Mapesbury Estate. It is predominantly green in character with vistas across the rear gardens of the properties (from north to south) of Walm Lane; St. Gabriel's Road; Teignmouth Road and Dartmouth Road. This green and open character is largely intact with close boarded fences and brick walls of varying heights and a large amount of mature soft landscaping.

The site does not contain any features that are of considerable attractive character that should be retained. There is no soft landscaping on the site, and the existing boundary treatment to Lydford Road contains a 2m high, white rendered wall which is not typical of the features of Lydford Road (i.e. which is typically close boarded timber fences, walled gardens with hedges behind). The existing "office" building, a dual pitched, white rendered addition which does not form part of the original attractive Victorian/ Edwardian properties.

PROPOSAL

See above.

HISTORY

14/1201: Demolition of existing office to builders' yard and erection of a 3 bedroom, three storey (including basement) dwellinghouse, re-location and reduction in width of existing crossover, one off-street parking space, and associated hard and soft landscaping. Refused 22.07.14

(1) The proposed dwelling, by virtue of its siting, excessive scale and design, fails to represent a development

that sits comfortably within its plot, wider context and appearing excessively large and visually obtrusive. As such the proposal neither preserves or enhances the Mapesbury Conservation Area, contrary to policy CP17 of the Core Strategy (2011), policies BE2, BE3, BE7, BE9, BE25 and BE26 of Brent's Unitary Development Plan (2004), and Supplementary Planning Guidance 17 - 'Design Guide for New Development'.

(2) The Local Planning Authority considers it inappropriate to grant consent for the demolition of the existing outbuilding without the formal approval of a replacement structure which addresses the altered appearance of the outbuilding in the street scene. As a result, the proposal fails to preserve and enhance the character of the Mapesbury Conservation Area. This is contrary to policy BE27 of Brent's adopted Unitary Development Plan 2004.

13/2367: Demolition of existing single storey office to builders' yard/store and erection of a three bedroom, three storey (including basement) dwellinghouse, re-location and reduction in width of existing crossover, one off-street parking space and associated hard and soft landscaping (description revised 02/09/2013). Refused 20.11.13

13/2368: Conservation Area Consent for demolition of existing single storey office to builders' yard/store and erection of a three bedroom, three storey (including basement) dwellinghouse, re-location and reduction in width of existing crossover, one off-street parking space and associated hard and soft landscaping (description revised 02/09/2013) – Refused 18.11.13

13/0464: Certificate of lawfulness for existing operational use of site as self contained B8 use (Builders Yard and Storage) and ancillary B1 use within existing single storey building and as per submitted evidence: "Utility Bills; Accountant and Insurance Documents; HMRC/ Corporation Tax/ Business Rates/ Company Registration Number; Statutory Declaration/ Witness Statements; Invoices/ Security Notes; Title Plan; Site Photographs" – *Certificate Granted, 15/04/2013*

99/1702: Retention of portakabin for office ancillary to builder's yard – Enforcement Notice Served 04/10/1999, *Dismissed on Appeal and Enforcement Notice upheld, 20/06/2000*

POLICY CONSIDERATIONS

National policy considerations

The NPPF, published in March 2012, sets out a "presumption in favour of sustainable development" including the economic, social and environmental impacts of new development. The relevant objectives within the NPPF are to:

- Promote high quality design
- Deliver a wide choice of quality homes

London Plan

Policy 3.5, in particular Table 3.3 - 'Minimum residential floorspace standards'
The Mayor's Housing Supplementary Planning Guide, November 2012

Local Plan

The local development plan for the purposes of S54A of the Town and Country Planning Act is the Brent Unitary Development Plan 2004 and the Brent Core Strategy 2010.

Brent Unitary Development Plan 2004

BE2 Townscape: Local Context & Character
BE3 Urban Structure: Space & Movement
BE4 Access for Disabled People
BE5 Urban Clarity & Safety
BE6 Public Realm: Landscape Design
BE7 Public Realm: Streetscape
BE9 Architectural Quality
BE12 Sustainable Design Principles
BE19 Telecommunications
BE25 Development in Conservation Areas
BE27 Demolition and Gaps in Conservation Areas
BE33 Tree Preservation Orders

Transport

TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.

TRN23 Parking Standards - Residential Developments

PS14 Residential Development (Use Class C3)

PS16 Cycle parking standards

Brent Core Strategy 2010

CP17 - Protecting and Enhancing the Suburban Character of Brent

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 Design, Construction & Pollution Control" Adopted April 2003

This supplementary planning guidance focuses on the principles and practice of designs that save energy, sustainable materials and recycling, saving water and controlling pollutants. It emphasises environmentally sensitive, forward-looking design, and is consistent with current government policy and industry best practice, aiming to be practicable and cost-effective.

Mapesbury Conservation Area Design Guide.

CONSULTATION

Statutory Public Consultation

The Council placed a press notice in the local paper on 14.08.14, a site notice was displayed in the vicinity of the site on 13.08.14 and 29 neighbours and the Mapesbury Residents Association were consulted by letter on 06.08.14; further letters were sent on 05.09.14 as not all neighbours were written to who were consulted on the previous proposal were written to initially. Further public consultation was undertaken for a period of 14 days on 22.09.14 and again on 13.10.14 (owing to a fault with the Council's website) as a result of revised plans which were submitted by the applicant. The changes made were as follows:

- Reduction in the width of the first floor of the building;
- A total of 2 no. additional windows to the front and side elevation;
- Removal of the off-street parking space;
- Installation of front light wells;
- Alterations to the boundary treatment (to include a longer and higher boundary wall and to include the position of the proposed gates); and
- Internal alterations to include relocation of one bedroom to the basement from the first floor (the overall number of bedrooms remains unchanged).

The proposal has generated significant public attention with a total of 110 people (as recorded by no. of properties objecting) received by the council, with 3 comments, 19 support and 88 objections (89 were received for the previous planning application and 107 for the application before that). It is clear that there is an overwhelming objection to the proposal, which has been consistent between all three applications. Notwithstanding the amendments that were sought to the proposal by officers, it is noted that local residents still continue to object to the proposal for the reasons set out below and these amendments have not altered anybody's opinion towards the development. It is noted that some of the letters of support have been received from addresses outside of Brent and less weight could therefore be attributed to these.

Mapesbury Resident's Association: The Mapesbury Residents Association have objected to the proposal and a petition in objection to the proposal has previously been submitted by them with 49 signatories. A summary of the objection received is as follows:

- To build a house on this particular plot runs contrary to the Article 4(1) (an outbuilding of a similar proposed size would not be acceptable) protection in place to prevent development upon what is, essentially, a back garden space;
- Other proposals for new dwellings in Mapesbury have been considered unacceptable by Inspectors;
- The conservation status in Mapesbury, as propounded by Brent itself, seeks to conserve the original estate design;
- Certificate of lawful development decision was not well founded and does not automatically mean a house is acceptable in principle;

- Proposed contemporary design inappropriate and stands too near the road and its impact cannot be addressed by proposed landscaping which should be much smaller in scale;
- Other uses such as an artist's studio; home office; garden design studio etc. would be more appropriate;
- Lydford Road forms a "spine" road within the grid layout of the Mapesbury Roads characterised by long gardens with fences or walls and the occasional ancillary garage. This is part of the original estate plan. The proposed building interferes aggressively with the intended vistas and layout and the openness of the estate;
- Contrary to conservation area appraisal and application fails to preserve or enhances Mapesbury;
- Proposal only achieves a 'fairly positive' score;
- 'Garden Grabbing' represents a significant threat (newspaper articles submitted);
- Existing building visually subservient to 88 Teignmouth Road.

Representations in support:

The proposal would preserve and enhance the character of the Conservation Area and would improve the visual appearance of Lydford Road which has long been out of character with the rest of the Conservation Area, specifically through the creation of an attractive planted boundary treatment.	The creation of an enhanced boundary treatment would result in an enhancement to the character and appearance of the area.
Proposed use is more consistent with surrounding area than current use as a builders yard.	The proposed use would be more consistent with prevailing uses.
The current layout/use of the site detracts from the character and appearance of the area.	It is not considered that the current use of the site positively detracts from the character and appearance of the area, however, the proposal enhance the street frontage.
The design is sensitive to the area, would improve its attractiveness from Lydford Road and would allow for a proposal that is more soft landscaped than the existing.	Use of soft landscaping welcome and further information to be sought by condition.
The contemporary design also shows an empathy for the feeling of Mapesbury Conservation Area and preserves/ enhances it whilst proposing a modern building, with many references made to the sensitive use of brick.	The site has the capacity to accommodate a well detailed contemporary dwelling which the proposal would achieve.
The proposal improves an uninteresting, commercial-looking site that is totally out of character with the residential area surrounding it.	Principle of residential development agreed.

Representations in objection:

Proposal would fail to preserve character and appearance of the Mapesbury conservation area.	It is considered the reduction in the width of the first floor would maintain the openness of this part of the CA - this is discussed further in the 'remarks' section.
Loss of visual amenity (from nearby rear facing windows).	It is not considered that the proposal would result in material harm to the visual amenities of neighbouring properties (see 'remarks')
Contrary to London Plan policies to limit development in back gardens.	Proposal is not considered to form part of a residential garden given certificate of lawful development
New development needs to be balanced against harm to conservation area	Agreed (see see 'remarks' section below)
Infilling of spaces between gardens would erode the open and spacious character of the conservation area	It is considered that the revised proposal, by virtue of the reduction in the width of the first floor would maintain the openness of this part of the CA.
Aggressive, modern design is incongruous and out of keeping with surrounding buildings.	Government policy does not preclude modern design in conservation areas
Harmful to amenities of neighbouring properties.	It is not considered that the proposal would result in material harm to the amenities of neighbouring properties (see 'remarks' below)

Despite lawful use as a builders yard, the site has never been used as such.	The evidence submitted in support of the Certificate application would have demonstrated that at the time of the application this site had been in continuous use for a period of 10 or more years.
Lydford Road forms a "spine" road within the grid layout of the Mapesbury Roads characterised by long gardens with fences or walls and the occasional ancillary garage. This is part of the original estate plan	This is noted. However, with reference to the current use, the existing building on the site, the enhancements to the frontage in terms of proposed planting as well as the sensitive massing of the building it is considered that the proposal would be a sensitive addition to the Mapesbury CA.
Alternative uses could be proposed which would better preserve the character of the Conservation Area	The council has to consider the acceptability of the current use proposed, which is more consistent with the surrounding area than the current lawful use.
To build a house on this particular plot runs contrary to the very principle of not developing what is back garden space.	The site does not form part of a residential curtilage as its lawful use is as a builders depot. The principle of residential development is considered acceptable (see 'remarks')
The plan form of the proposal is contrary to the general layout of properties in the conservation area.	Acknowledged, but consideration also needs to be given to how the development would be perceived as part of the local townscape.
Loss of spaciousness and proposal would appear 'cramped' within its plot.	It is considered that the reduction in width of building would retain the feeling of spaciousness
The Council should not accept 'repeat' applications which is contrary to legislation.	S.70 of the Town and Country Planning Act 1990 gives local planning authorities the <i>discretion</i> to decline to determine an application if the authority think there has been no significant change in the relevant considerations set out in the regulations. However, the Council consider the changes are significant enough to accept the application.

Internal Consultation

Transportation: No objection

Regulatory Services: No objection, subject to submission of a contamination report.

Landscape & Design: No objection.

REMARKS

Summary of proposals and context

1. This application proposes a new dwelling within a piece of land located to the rear of No. 88 Teignmouth Road, on the corner of Teignmouth Road and the western side of Lydford Road. The site is 305sqm in area and benefits from a Lawful Development Certificate for the use land as a self contained B8 use (Builders Yard and Storage) and ancillary office use.

2. Following the refusal of the previous application, the applicant entered into pre-application discussion with the planning department regarding changes to the design of the proposal in an attempt to address the previous reasons for refusal. The previous application was refused for the following reasons:

(1) The proposed dwelling, by virtue of its siting, excessive scale and design, fails to represent a development that sits comfortably within its plot, wider context and appearing excessively large and visually obtrusive. As such the proposal neither preserves or enhances the Mapesbury Conservation Area, contrary to policy CP17 of the Core Strategy (2011), policies BE2, BE3, BE7, BE9, BE25 and BE26 of Brent's Unitary Development Plan (2004), and Supplementary Planning Guidance 17 - 'Design Guide for New Development'.

(2) The Local Planning Authority considers it inappropriate to grant consent for the demolition of the existing outbuilding without the formal approval of a replacement structure which addresses the altered appearance of the outbuilding in the street scene. As a result, the proposal fails to preserve and enhance the character of

the Mapesbury Conservation Area. This is contrary to policy BE27 of Brent's adopted Unitary Development Plan 2004.

3. The following are the key changes that have been made to the scheme:

- The width of the first floor of the building has been reduced by 3m to 6.5m;
- The overhang of the first floor (above the ground floor element) has been reduced to 0.5m which reduces the overall depth of the first floor by 0.5m;
- A total of 2 no. additional windows to the front and side elevation;
- Removal of the off-street parking space;
- Installation of front light well to serve a relocated bedroom within the basement;
- Alterations to the boundary treatment (to include a longer and higher boundary wall and to include the position of the proposed gates); and
- Internal alterations to include relocation of one bedroom to the basement from the first floor (the overall number of bedrooms remains unchanged).

Key considerations

4. The main issues in relation to this development are considered to be:

- Principle of residential development
- Whether the proposal preserves or enhances the Mapesbury Conservation Area
- Whether the proposal has an acceptable impact on amenity and privacy
- Quality of proposed residential accommodation
- Highways, parking and traffic safety
- Trees and landscaping
- Sustainability and renewable energy
- Other considerations
- Conclusion

Principle of residential development

5. The principle of developing this site for a new dwelling was previously considered acceptable on the basis that the lawful use of the site is as a builders yard with ancillary office, falling within use class B8 (see History). There are a number of policies contained within the development plan which are salient to these proposals with respect to development in suburban areas.

6. Policy CP17 of the Core Strategy states that: *"the distinctive suburban character of Brent will be protected from inappropriate development. The council will bring forward design guidance that limits development, outside of the main town centres and away from corner plots on main road frontages, which would erode the character of suburban housing. Development of garden space and infilling of plots with out-of-scale buildings that do not respect the settings of the existing dwellings will not be acceptable"*.

7. More generally, policy BE2 of Brent's Unitary Development Plan (2004) seeks to ensure that proposals are designed with regard to their local context and to respect or improve the existing townscape and do not harm Conservation Areas. Policy BE2 states that proposals should have regard to the existing urban grain, development patterns and density and that development is designed to respect the form of street of which it is a part, particularly prominent corner locations. Policy BE7 resists the excessive infilling of space between buildings and buildings and the road. Policy BE9 states that new buildings should embody a creative and appropriate design solution, specific to their site's shape, size location and development opportunities and should be designed to be of a scale, massing and height that is appropriate to their setting and respect and be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other. Policy BE25 requires that development either preserves or enhances the Conservation Area and Policy BE27 states that consent will not be given for the demolition of a building which does not positively detract from the Conservation Area, with replacement buildings required to be of an imaginative, high quality design and an opportunity to enhance the area.

8. A number of representations have been received which have made reference to the Article 4 Direction which restricts permitted development rights for the construction of outbuildings within the Mapesbury conservation area and the development of 'garden land'. However, it is noted that the lawful use of the site is as a builders yard which does not form part of a residential garden and therefore the existence of the Article 4 is not of direct relevance in land use planning terms. The Article 4 Direction does serve to highlight the importance and sensitivity of these back gardens to inappropriate development on account of their mature nature and generous scale which is discussed in detail below.

9. Whilst the principle of residential development is thus accepted within this site, this would be subject to specific considerations including whether the proposal preserves or enhances the Mapesbury Conservation Area; whether the proposal has an acceptable impact on amenity; quality of proposed residential accommodation and highways, parking and traffic safety; impact on trees and landscaping and sustainability implications covered in sections 2 to 8 of this report. In this case, the view is taken that, on balance, the revised proposal is acceptable for the reasons discussed below.

Whether the proposal preserves or enhances the character and appearance of the Mapesbury Conservation Area

(a) Bulk, scale, siting and massing

10. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering any conservation area consent or planning permission decision that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

11. Planning policy within the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset (the Mapesbury conservation area) that may be affected by the proposal. The proposal in respect of the Mapesbury conservation area is required to be appropriate to its context and in particular should preserve or enhance the open and green character of the Conservation Area. In this context, it is important to preserve the existing gaps between buildings and views across gardens. As noted in the previous report, the Mapesbury Conservation Area Character Appraisal states:

“The large rear gardens of the dwellings within the Conservation Area, visible from most roads and streets, play a vital role in supporting the soft natural context of the street scene. The generous plot sizes have allowed the proliferation of mature vegetation within these rear gardens, establishing an almost park-like character which has become an integral part of the areas setting.” (Page 6).

And:

“Most importantly in Mapesbury are the views between the houses the open nature of each plot means that unlike most other residential areas within the borough the rear gardens of the houses are relatively exposed to public view. These views are mainly unobstructed by buildings or later intervention which has helped to preserve character” (Page 9).

12. This highlights the importance of the setting of the back gardens to this proposed development. There is an existing outbuilding which is sited to the north-westernmost part of the plot and is 56.5sqm in size which has a dual pitched roof with a maximum height of 4.8m sloping to 2.8m. Although the existing boundary wall restricts views into the site, it does provide for vistas over the wider rear gardens and greenery of the Conservation Area. It is therefore desirable to maintain a degree of openness by ensuring any building, is of an acceptable width, height and depth.

13. As with the most recent application, the building envelope has been set well within the recommended parameters set out in SPG17. However, given the sensitive heritage context described above, officers have advised that the building should be set well within this envelope to achieve the degree of openness sought. It is salient to note that the width of the first floor of the building has been significantly reduced by 3m to 6.5m since the previous proposal was considered by the Committee. The overhang of the first floor (above the ground floor element) has also been reduced to 0.5m which reduces the overall depth of the first floor by 0.5m. The footprint of the proposed development would be 109sqm which represents 35% of the total site area (the same as before).

14. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Given the reduction in the bulk, scale and massing of the first floor of the proposal (as well as other changes to the design of the building), on balance, it is considered that the proposal would not result in any significant harm to the views across these rear gardens identified above. Furthermore the creation of a more attractive planted frontage to Lydford Road would in itself result in an enhancement to the character and appearance of the conservation area. The proposed residential use of the site would be more consistent with the other prevailing residential uses than the current lawful use as a builder's depot. For these reasons, the bulk scale and massing of the building is considered to be an appropriate response to the heritage context and would preserve the character and appearance of the Mapesbury Conservation Area.

b) Design, materials and impact on character

15. The overall approach to the design of the building is similar to before, which is clearly a modern one which does not seek to replicate the traditional style of building within the Conservation Area. The principle of a contemporary building with the Mapesbury CA, where of a suitable design and of sufficient quality, was considered acceptable at the previous committee. This reflects the approach set out in the NPPF which states planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

16. Two new windows to the north (side) and east (front) elevation have been proposed in order to create interest and lighten the appearance of the building in townscape terms. The proposal has been influenced by the 'Arts and Crafts' style through the use of matching and perforated brickwork. The proposed brick is high quality hand made Norwegian brick (Petersen d92 brick) and a sample has been provided to the Council which shows the patterning of the brickwork. The proposed brick has a more slender profile than a standard brick and is considered to be an appropriate building material. The design also uses punctured windows which are set back within their reveals in order to create interest and depth to elevations. As previously noted the use of a cantilever also breaks up the massing of the building to produce a more varied and interesting composition. The design of the proposed building has continued to generate both support and opposition from local residents. Officers remain of the view that the general approach to the design of the building has been informed by its context and would reinforce local distinctiveness without resulting to a pastiche which would not be an appropriate response to the nature of this site.

(c) Demolition of existing building

17. Policy BE27 of Brent's UDP 2004 states that consent will not be given for the demolition of a building in a conservation area unless the building positively detracts from the character or appearance of the Conservation Area. Any replacement buildings should be seen as a stimulus to imaginative, high quality design and an opportunity to enhance the area. Given that the replacement building is considered acceptable and the existing garage building is of little design merit its replacement is considered acceptable in light of this policy.

Whether the proposal has an acceptable impact on amenity and privacy

18. In respect of privacy, the main window of the master bedroom would partially face the rear garden of No. 88, but given its forward position towards the street with oblique views into this rear garden would be provided and as such this would not be materially harmful. A further window towards this property serves a landing and as such is not a habitable room. A window is proposed along the rear elevation (fronting No. 90), however, this would serve a bathroom as given that this is not a habitable room it is not considered that there would be a material loss of privacy. A window fronting 27 St Gabriel's Road, would serve a walk in wardrobe as such there would be no material loss of privacy from this window.

19. With regard to impact on amenity, in consideration that the building will adjoin residential garden spaces within the Conservation Area the proposals should not worsen the situation in terms of overbearing impact and should comply with SPG17. The ground floor part of the proposal would project 0.5m above the boundary treatment, but would be positioned 1m away from the boundary with No. 90. The first floor part of the proposal would also be set away 5m from this boundary and on this basis it is not considered that the proposal would have a harmful impact on neighbouring properties. The proposal complies with SPG17 in this respect.

Quality of proposed residential accommodation

20. The proposal meets the minimum floor space requirements as set out within the London Plan (i.e. 107sqm) and provides adequate outlook to the ground floor rooms. The proposed amenity space, at 75sqm (approx.), meets the requirements of SPG17. All of the habitable rooms would benefit from a good outlook. Whilst it is noted that two bedrooms would now be located within the basement, these would be served by reasonably generous light wells. Furthermore the proposed house is of an overall size which exceeds the standards contained in the London Plan. Furthermore there is reasonably generous garden which would form the basis of the outlook for the remainder of the rooms (in addition to views onto Lydford Road). In other similar cases where the new dwelling relies on sunken external spaces there is concern about the quality of these spaces, in terms of the amount of light and restricted views likely to be enjoyed. However, for the avoidance of doubt that is not the situation here.

Highways, parking and traffic safety

21. The previously proposed off-street parking space has been removed, however, in accordance with

TRN23, on-street parking along the frontage of the development is acceptable providing the street is not heavily parked which Lydford Road is not. There will be a requirement to reinstate the existing dropped kerb to foot way which will be secured by condition.

Trees and landscaping

22. It is noted that there are four trees within the proximity of the site that may be affected by the proposal. A Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan has been submitted with the application and it is noted that the council's Tree Officer finds the proposed works to the trees acceptable, and welcomes the introduction of two new trees. The council's Landscape Design Team have also previously commented on the proposal, and are generally supportive of the landscaping scheme which would enhance a site currently bereft of any soft landscaping.

Sustainability and renewable energy

23. The proposal lies within an Air Quality Management Area (AQMA) therefore a Sustainability Checklist is required to be submitted with this planning application. It is recognised that the proposal clearly demonstrates a commitment to sustainability measures including a green/ living roof, grey water recycling, permeable paving, low energy lighting, a commitment to adhere to the Considerate Constructors scheme, part use of some FSC materials and water butts amongst others, and is considered to have a very positive contribution to achieving a genuinely sustainable development. Referring specifically to renewable energy, it is noted that a CHP system is proposed alongside PV panels, and thus the scheme achieves over 25% improvement on Target Emission Rate. The proposal thus fully complies with the council's sustainability and renewable energy requirements.

Other considerations

24. It is noted that, as the site has been used as a builder's yard for some time, there may be some potential contamination on the site. Environmental Health have previously been consulted on the proposal who have no objection to the scheme subject to contamination investigation works prior to commencement of development. As such, this has not been included as a reason for refusal.

Conclusions

25. The development of a well detailed, contextual contemporary dwelling within Mapesbury CA (a designated heritage asset) is supported in principle by the NPPF. It is considered that the design of the current proposal is an enhancement over the previously refused proposal. In particular, by significantly reducing the scale of the first floor, the proposal would preserve the openness of the Mapesbury Conservation Area.

RECOMMENDATION: Grant Consent subject to Legal agreement

(1) The proposed development is in general accordance with policies contained in the:-

National Planning Policy Framework
Brent Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17 - Design Guide for New Development
Mapesbury Conservation Area Design Guide

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning

Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

§

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

- (3) No building hereby permitted shall be occupied or the use commenced until the existing vehicular access to the development site has been permanently stopped up and the footway reinstated in accordance with the approved plans.

Reason: In the interests of pedestrian safety

- (4) All new external brickwork shall be carried out in the following approved brick Petersen TEGL D48 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (5) No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Class A of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority.

- (6) No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, and has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

1. human health;
2. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
3. adjoining land;
4. ground waters and surface waters;
5. ecological systems;
6. archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

- (7) In the event that contamination is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning

Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, verification report that demonstrates the effectiveness of the remediation carried out must be produced, and be approved in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- (8) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping. The information submitted shall include (but not limited to)
- All proposed gates, walls and fencing, indicating materials and heights;
 - Details of species, planting heights and densities of all soft landscaping; and
 - Details of the hedge and planting to the Lydford Road frontage.

The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (9) No development shall take place until detailed drawings at the scale of 1:20 showing a cross section through the window and exterior wall has been submitted to and been approved in writing by the Local Planning Authority. The detail thereby approved shall be carried out in accordance with that approval.

Reason: The purpose of the cross section is to demonstrate the depth of the window reveals which form a key architectural component of the proposed building as set out in the Design & Access Statement.

- (10) Details of materials for all external work, including samples (where appropriate - to be made available for inspection on site), shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. Such details shall include (but not limited to):
- windows and doors; and
 - finish of the roof areas.


The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

INFORMATIVES:

- (1) The removal of a crossover fronting (\$) including the reinstatement of the public footpath shall be carried out by the Council as the Local Highway Authority at the applicant's expense. Such application should be made to the Council Highway Consultancy. The grant of planning permission, whether by the Local Planning Authority or on appeal does not indicate that consent will be given under the Highways Act.

Any person wishing to inspect the above papers should contact Matthew Harvey, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 4657

	Planning Committee Map
Site address: 152 Olive Road, London, NW2 6UY	
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This map is indicative only.

RECEIVED: 27 June, 2014

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 152 Olive Road, London, NW2 6UY

PROPOSAL: Demolition of former Cricklewood Library building and erection of a four storey building comprising 6 self-contained flats (1 x 1bed, 4 x 2bed and 1 x 3bed) and 187m² of D1 (multi-functional community) floorspace, with provision for bike and bin stores, associated landscaping and temporary retention of site hoarding for site security (to be removed on completion of development)

APPLICANT: Cricklewood Library Limited

CONTACT: Nicholas Taylor & Associates

PLAN NO'S:

See Condition 2.

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal Services and Procurement.

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- The provision of the D1 space for uses that fall within public hall/community type activities
- Details of the disposal of the community space to include (but not exclusively):
 - Marketing of the community space within 6 months of construction commencing
 - The space being let to an organisation to run and maintain the D1 space
 - Provision of community space at peppercorn rent
 - Condition of the structure at disposal to include shell, core, fixtures such as toilets/sinks/storage space.
 - If, within 8 months or such other period agreed with the Local Planning Authority of the start date of the marketing campaign, Cricklewood Libraries Limited receive no offer that is acceptable to them, (acting reasonably in the circumstances and such acceptance shall not be unreasonably withheld or delayed) Cricklewood Libraries Limited shall be under no restriction by virtue of this Agreement in relation to the disposal of the residential units.
- If following the marketing campaign an occupier for the community space is not found then CVS Brent will be offered first refusal on the community space.
- Prior to the marketing of the community space community access agreement will be submitted to an approved in writing by the LPA detailing, but shall not be limited to the following:
 - Access arrangements for the local community
 - Reasonable hours of use so as to not disturb neighbouring residential
 - Service/management charge
- Considerate Constructors Scheme (CCS)-join and remain a member of the CCS.

And, to authorise the Head of Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£113,977.63** of which **£96,937.50** is Brent CIL and **£17,040.13** is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The subject application site relates to the former Cricklewood Library, 152 Olive Road, NW2. The library was closed as a in October 2011 and has been vacant since its closure. The site has a total footprint of approximately 550sqm. The site is just over 35.8m deep, and 13m wide to its rear. The site becomes slightly wider to the front elevation and is 17.6m wide to its front pavement.

The internal layout of the ground floor of the site as existing is predominantly open plan, with a reading room and reception area to the ground floor and a store room and WC to the rear. The upper floors are predominantly ancillary areas including store rooms, a kitchen and a WC. The Net Internal Floor Area is approximately 413sqm.

The site is bounded by Oman Court to the south, a 1920's/ 30's L-shaped four storey block of flats located 3m from the site boundary to its front, stepping away from the site boundary at a depth of 8m to be approximately 9.5m from the boundary of the site. A planning application was approved for an additional floor to the block in 2010 (LPA Ref: 10/2012). There are habitable rooms throughout the block to the northern elevation of the site adjoining the library. Its car park lies to the rear (east) of the subject site. Gladstone Park adjoins the site to the west, and there is an entrance to the park from Olive Road.

To the north of the site there are predominantly two storey semi detached dwellinghouses. No. 150 Olive Road directly adjoins the site to the north and has a two storey side extension which sits on the site boundary, and was converted from a dwellinghouse to five flats in 1989 (LPA Ref: 88/2288). There are two pairs of windows within the flank wall of the two storey side extension of this property. One of the windows of each pair serves a galley style kitchen and the other is a secondary window to the living room.

The site is within a Controlled Parking Zone (CPZ). Restrictions apply from 10.00 am - 9.00 pm Mon - Sat. The site has "Very Poor" public transport access (PTAL Level 1a) and no car parking is available on site.

PROPOSAL

See above.

HISTORY

13/2196: Demolition of former Cricklewood Library building and erection of a five storey building including basement comprising 10 No. residential units (2 x1-bed, 6 x 2-bed, 2 x 3-bed) and 157m2 of D1 (multi-functional community) floorspace. WITHDRAWN 18.10.13

The Council identified the following concerns with the proposal:

- 1. The applicant has failed to demonstrate that the proposed community hub would be of a size, layout and quality that sufficiently and suitably meets the local need for community facilities to a degree that it would adequately compensate for the loss of the existing community facility on site. As such, the proposal would be harmful to the future provision of community and cultural facilities for local residents contrary to policy CP23 of the London Borough of Brent LDF Core Strategy 2010.*
- 2. The proposed development, by reason of its scale and massing, design, proximity to site boundaries and failure to respect existing property lines, constitutes an overdevelopment of the site that fails to respect its context, appearing overly bulky within the street scene and cramped within the plot, contrary to policies H13, BE2, BE7 and BE9 of the Adopted Brent Unitary Development Plan 2004, London Borough of Brent LDF Core Strategy 2010 policy CP17 and Supplementary Planning Guidance 17 - "Design Guide for New Development".*
- 3. The proximity and relationship of the of the proposed habitable rooms within Apartments 10, 5, 8, 3, 6 and 9 to the site boundaries results in restricted light and outlook to habitable rooms and provides a lack of usable quality amenity space for the proposed future occupiers, symptomatic of the overdevelopment of the site and contrary to Core Strategy policy CP17, Brent Unitary Development policies BE9, H13 and H22 and Brent's Supplementary Planning Guidance Note 17, "Design Guide for New Development".*
- 4. The proposed development, by reason of its proximity to habitable rooms within Oman Court to the south and to neighbouring properties to the north fronting Olive Road, would result in loss of light, outlook and*

appear overbearing when viewed from these properties and their gardens. The proposed amenity spaces at high level would provide unrestricted views to neighbouring properties and gardens on Olive Road to the north and would allow for direct views into the habitable rooms of Oman Court. The development is thus contrary to Brent's London Borough of Brent LDF Core Strategy 2010 policy CP17, Unitary Development Plan (2004) policies BE9, H22 and SPG17 "Design Guide for new Development".

5. It has not been demonstrated that the proposed car parking demand can be satisfactorily accommodated without resulting in excessive overspill of car parking onto surrounding residential streets, to the detriment of highway and pedestrian safety. The proposal therefore fails to comply with TRN23 of Brent's Unitary Development Plan 2004.
6. In the absence of an Affordable Housing Viability Assessment, the proposed development provide a sufficient level of affordable housing contrary to policy CP2 of London Borough of Brent LDF Core Strategy 2010 and policy 3.11 of the London Plan 2011.
7. Information has not been submitted to demonstrate that the Combined Heat and Power system would have an acceptable impact on air quality for existing and proposed residential accommodation. As such, the proposal is contrary to London Borough of Brent LDF Core Strategy 2010 CP19 and policies EP2 and EP3 of Brent's Unitary Development Plan 2004.

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF, adopted in March 2012, sets out a "presumption in favour of sustainable development " including the economic, social and environmental impacts of new development.

The relevant objectives within the NPPF are to:

- Promote high quality design
- Deliver a wide choice of quality homes
- Protect and deliver social, recreational and cultural facilities and services
- Promote sustainable travel

The London Plan

The London Plan, adopted 2011, is legally part of the development plan for the 33 London boroughs of Greater London; their local development documents are required to be in general conformity with it, including any Supplementary Planning Guidance.

Relevant policies include:

Social Infrastructure

3.16 Protection and Enhancement of Social Infrastructure

London's living places and spaces

7.2 An inclusive environment

7.3 Designing out crime

7.4 Local Character

7.6 Architecture

London Plan SPG

Planning for Equality and Diversity in London (October 2007)

The Mayor's Housing Design Guide (November 2012)

Local Plan

The local development plan for the purposes of S54A of the Town and Country Planning Act is the Brent Unitary Development Plan 2004 and the Brent Core Strategy 2010.

Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

- CP 1 Spatial development strategy

This sets out the spatial strategy, outlining where growth is to be focused.

- CP2 Population and Housing Growth

Sets out the mix and level of affordable housing for the borough as well as the overall housing target.

- CP 5 Place making

Sets out requirements for place making when major development schemes are considered

- CP 6 Design & density in place shaping

Sets out the requirements for appropriate design and density levels for development

- CP 23 Protection of existing and provision of new community and cultural facilities

Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

Brent Unitary Development Plan 2004

Built Environment

BE2 Townscape: Local Context & Character

BE3 Urban Structure: Space & Movement

BE4 Access for Disabled People

BE5 Urban Clarity & Safety

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

BE9 Architectural Quality

Transport

TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.

TRN23 Parking Standards – Residential Developments

PS12 Car parking standards – Class D1

PS15 Parking standards for disabled people

PS16 Cycle parking standards

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.

CONSULTATION

Letters were sent to neighbouring properties on 28 July 2014 and to ward councillors on 28 August 2014.

Further public consultation was undertaken on 17 October 2014 (for a period of 14 days) due to the following amendments which were made to the proposal

- Reduction in the width of the first floor and creation of a 'green roof' to the ground floor element below and additional planting;
- Reduction in the scale (depth and width adjacent to No. 150 Olive Road) of the third floor including creation of a green roof below and associated external alterations ; and
- Increase in the depth of the first, second and third floors by 1 metre.

The Council has received **5 representations a petition with a total of 120 signatures in support** have been received. A total of **4 representations in objection** have been received (8 x representations from 4 different addresses).

The representations received have been summarised below:

Comments in support	Officer Response
Proposal would re-provide the lost library space (if provided to Friends of Cricklewood Library) and would be a valuable community facility.	Acknowledge that the proposal would re-provide the community floor space lost through the closure of the former library.
Comments in objection	Officer Response
Poor quality and lack of information regarding materials, development needs to be of a high quality to deter crime and to be an attractive addition to the area.	Agree need for proposal to be of a high quality as required by the NPPF and Local Plan. The applicant has provided suggested materials which would achieve a high quality design but further information will be sought be condition to ensure

	these are of a high quality.
Loss of light. Lack of clarity in the daylight/sunlight assessment in respect of how the redevelopment would affect light at Flat 2 150 Olive Road.	A daylight and sunlight assessment has been provided to demonstrate the proposal would not have a significant impact on surrounding properties. Further clarification provided by the applicant in relation to the daylight/sunlight assessment which concludes that the proposed development would not have a harmful impact to Flat 2.
Concurrent redevelopment of the Thames Water site would lead to excessive noise and disturbance for residents and additional pressure on local services and infrastructure. Furthermore development 'not needed'.	Any noise and disturbance from the concurrent construction of these two developments can be controlled through environmental health legislation. All tiers of policy encourage the re-use of previously developed land and residential development is considered acceptable in principle. The 'remarks' section below demonstrates that this would not have an adverse impact on the local area. The proposal would make a useful contribution towards the Borough's housing requirements.
How long would the redevelopment take to construct.	The applicant has confirmed this is likely to take 6-12 months which is considered reasonable for a development of this size.
Loss of property value	This is not a material planning consideration.
Proposed building too high and not in keeping with the character of the area.	See 'Design, Scale and Massing' section below.
Impact on local parking conditions.	See 'Transport, Parking & Servicing' section below.
Overlooking into rear neighbouring gardens.	See 'Impact on adjoining residential amenity' section below.
Noise and disturbance.	See 'Impact on adjoining residential amenity' section below.
Quality of the proposed residential units would be poor.	See 'Quality of proposed residential accommodation' section below.

REMARKS

Main Considerations

1. The proposed development would involve the redevelopment of the former library building, to provide new community floor space (Use Class D1) and six self-contained flats (Use Class C3). It is considered that the main planning consideration in relation to the determination of the application are:-

- Whether sufficient mitigation is provided for any loss of community or cultural facilities
- Whether the design, scale and massing of the proposal would make a positive contribution to the street scene
- Whether the proposed residential units provide an acceptable quality of residential accommodation and amenity for future occupiers
- Whether the proposed development has an acceptable impact on the amenities of adjoining residents

- Whether the proposed development would have an acceptable impact on local highways, parking and servicing conditions

Amendments Since Previous Refusal

2. The design, scale and massing of the building has been significantly reduced since the previous proposal. Notwithstanding this, the main alterations to the proposed development since the previous refusal are as follows:

Community Space

The total floor space has been increased from 157sqm to 187sqm.

The community floor space is situated solely on the ground floor..

Further details of community consultation, existing community space availability in the local area and the management of the community space have been provided.

Indicative examples of the proposed layout and a matrix of uses drawn up in conjunction with the FoCL group have been provided

Residential

The number of residential units proposed has decreased from 10 units to 6.

Replacement of community facilities

3. The existing building has been vacant since the former use of the building as a public library ceased in 2011 following the Council's Library Transformation Project. The applicant states in their submission that through this process, adequate mitigation has already been provided, in the form of new and improved library facilities, to justify the loss of the existing building. The Library Transformation Project does provide a comprehensive and efficient library service in the borough. Whilst the Council's library use has ceased, the building remains capable of being used to meet other wider community needs and therefore sufficient mitigation would need to be provided if the loss of the community use is to be supported.

4. The existing building has a gross internal floor area of 413 sqm arranged over 2 floors. Under its previous use the ground floor acted as the main reading room and reception area, with ancillary staff areas, a WC and storage space to the rear, totalling a Net Floor Area of 265sqm. The first floor, accessed via a spiral staircase, were predominantly ancillary store rooms, a kitchen and a WC totalling 148sqm Net Floor Area.

5. The revised proposal would involve the formation of a D1 use of 187sqm (GIA) which would occupy most of the ground floor of the building. In terms of the proposed area this is 30sqm more than the previous proposal and while such an increase is considered significant in terms of area the quality and useability of the space is a significant improvement on the previous proposal as it is all provided on the ground floor level and is arranged in a manner which supports the flexible use of this space for a variety of different users.

6. The applicants have prepared a statement of community involvement (as part of the Planning Statement) which sets out the level of consultation they have undertaken with the local community since the previous refusal. This has included consultation with FoCL and local residents in December 2013. The applicant has highlighted the alterations that have been made to address the concerns raised.

7. The applicants have provided plans showing how the ground floor could be laid out with a level access from Olive Road. The indicative floor layouts show a main open plan space, which could be used as a library space with book shelves, desks, seating area and main front desk in the east wing of the ground floor. These plans have been developed in conjunction with FoCL following consultation events.

8. The applicants in consultation with FoCL have also provided a use matrix and indicative layouts showing how a range of community uses could be accommodated at different times during the course of a normal week. The layout including the provision of desks, bookshelves, meeting rooms and storage would allow for uses such as book lending, IT services, studying, language classes, children's/toddler story time and other community uses throughout the week.

9. To ensure that the community space is accessible to the local community the applicants have provided information as to how the space will be managed and how the end user will be determined. The applicants have confirmed that the community space will be provided in shell and core including toilets, sinks and storage space with the responsibility of fitting out the accommodation falling to the future occupants. The future occupants will also be obliged to meet a reasonable service charge for use and maintenance of storage space and lift which will be in the form of an annual charge. The applicants have suggested that this is likely to be in the region of £2500.

10. The applicant has advised the Council that it has entered into contractual obligations to lease the space back to All Souls College while the freehold for the building will be retained by the applicant. The applicant in conjunction with All Souls College will determine who the future occupants following a bidding process in which all interested parties can bid to occupy the space. The space will then be let in accordance with the following terms and conditions:

- The space will be offered to a single lessee on a peppercorn rent in perpetuity
- A reasonable service charge will be applied to maintain the communal/entrance area including repairs to building.
- Minimum hours of operation will be required to ensure that the maximum range of uses, as identified in the use matrix, are provided throughout the week.
- The lessee must be responsible for and operate the D1 space in the interest of the local community and not limited to any specific interest group (e.g. not exclusive religious and/or other groups).
- Use of the facility will be limited to D1 uses only, as defined by the T&CP Use Classes Order.
- No operation should be for profit generation or related to business use/business; all funds generated by the operator will remain within the organisation to enhance its services and allow the provision of additional community services.
- The proposed uses should not cause nuisance to the flats above, or other adjoining neighbours (no excessive noise, traffic generation, late night/early morning activity etc).

11. The applicant has confirmed that it is their intention to see library services continue to be provided from the site. A sub-lease has yet to be negotiated and agreed but it is the intention of the College to let the space to Friends of Cricklewood Library at a peppercorn rate for a long period.

12. The proposed alterations and additional information provided has indicated that the proposed community floor space is of a size and layout which could sufficiently and suitably meet the needs of local community to compensate for the loss of the existing facility. The applicants have proposed the use of a management agreement through section 106 to establish the principles of how the D1 community space will be provided for the benefit of the local community.

13. The majority of letters of support and the petition that has been submitted is on the basis that the community use is let to the FOCL. It is not within the powers of planning to specify an end user of the proposed facility and therefore this cannot be secured through the current planning. However the applicants have specified in the planning submission documents that FoCL are the intended tenant of the community space.

14. The Council have proposed appropriately worded conditions and section 106 Heads of Terms in order to secure the provision of the community space for use by the local community.

Design, scale and massing

15. The previous proposal was not considered to represent a design of sufficient quality and the scale of the building was considered too large and bulky for the site. Since the previous application, the applicant has employed a different architect and the revised proposal is considered to represent an appropriate design response to the site.

16. The building would be of a contemporary style and would be of relatively simple appearance utilising a limited palette of quality materials (largely brick work) which would represent an appropriate response to the context of the proposal. The horizontal emphasis of the elevations compliments in visual terms the elevations of both neighbours even though these are of distinct architectural styles. Visual interest is added by the way in which the massing of the building has been broken up to respond to the constraints of the site in particular the building line of Olive Road. The use of recessed balconies and terrace areas adds further visual interest.

17. In total building the height of the building would be similar to Oman Court with a total of four storeys. However, the fourth storey has been significantly recessed from the front elevation and clad in a different material. As such the built form would make successful transition between the larger Oman Court to the north and the more domestic scale architecture of 150 Olive Road to the south.

Quality of proposed residential accommodation

18. The proposal has successfully addressed previous concerns in relation to the quality of the proposed accommodation. It is noted that the size of the proposed units would comply or exceed with standards contained within Policy 3.5 of the London Plan. All of the units (except the ground floor unit) would be dual aspect with views towards Gladstone Park and towards neighbouring rear gardens. Each unit would have

access to their own private amenity space as well as additional communal space to the rear with an average of 29sqm per flat which significantly exceeds the guidance in SPG17.

19. Consideration has been given to the quality of the proposed ground floor units given its single aspect with a restricted outlook onto a small garden. However additional daylight could be provided by way of a clerestory window to the south elevation of the building and this could be secured by condition if necessary. Given that the internal size of the unit complies with the standards in the London Plan and has its own garden space the quality is considered, on balance, acceptable. Levels of daylight within the proposed accommodation also satisfy BRE criteria. Sunlight availability would vary in response to aspect but the layouts satisfy the recommendations of both BRE and the London Plan

Impact on adjoining residential amenity

20. It is noted that the previous proposal was considered to be unacceptable on account of the harmful impact the building would have had on light and outlook to neighbouring properties. In this respect, it is noted that there are habitable rooms located both within the northern facing units at Oman Court and the southern flank windows to 150 Olive Road. The rear facing windows of No.150 Olive Road would also be affected by the proposal. It is acknowledged that the site is heavily constrained by the proximity of habitable room windows to both the north and south. Nevertheless the existing library building is a prominent feature from neighbouring properties with its high pitched roof and deep plan form which extends all the way to the rear boundary of the site.

21. Officers have sought to negotiate a building which is of a more appropriate scale and massing which better responds to the position of neighbouring windows. As such the scale of the building has been reduced since the previous proposal and the massing is more sensitive to the constraints of the site. The overall height of the replacement building would 1.3m taller than existing. However, it is noted that whereas the existing building has a pitched roof that slopes away from neighbouring properties the replacement building would introduce a vertical plane but this would not run the entire length of the site unlike the current building.

22. With respect to Oman Court, this building has an L shaped footprint and it is noted that there are side facing windows along the northern most flank of the building. These windows would be 3.2m from the flank elevation of new building, compared to 6.5m as existing. These flank windows would maintain a 45 degree view towards Gladstone Park where the massing of the building steps away from the windows towards the street. It is on this basis that the replacement building is not considered to result in a material reduction in the loss of outlook from these windows. It is noted that there are windows along the southern (side) elevation of the building, however, these would serve non-habitable rooms. With respect to the other windows along the north elevation of Oman Court, these windows are 10m from the flank elevation of the building, which is considered to represent an adequate distance from the building so as to maintain an appropriate outlook from these windows with reference to the existing building and the local pattern of development. On account of the reduction in built form towards the rear of the site, the proposal would result in an enhanced outlook for some of the windows on the north elevation of Oman Court.

23. Turning to No. 150 Olive Road to the north of the site, as explain earlier in this report there are two pairs of windows within the flank wall of the two storey side extension of this property. One of the windows of each pair serves a galley style kitchen and the other is a secondary window to the living room. The windows closest to the street serve the kitchen and are 3m away from the proposal building, this is an increase in the separation distance sought by officers. The relationship between these windows and the building is similar to Oman Court whereby these windows would benefit from a 45 degree view towards Gladstone Park. The applicant has agreed to undertake planting to flank walls fronting this windows and to create a green roof below.

24. The windows of the rear elevation of No. 150 Olive Road closest to the application site are habitable room windows. The building would project approximately 6m beyond these windows and the flank elevation would be set in 3.5m from the side boundary, approximately 1.3m further away than the existing building. As discussed earlier, the new building would be higher and closer to this property than the existing library building, however, the replacement building would not be as deep as existing. Officers have visited this property (both internal and external areas of the two ground floor flats) to assess the impact of the existing library building on the outlook from these rear windows and on the garden space. Through negotiation the applicant has removed part of the massing of the third floor to reduce the visual impact on No. 150 Olive Road. Visualisations have been provided to show how the outlook would alter as a result of the development. Whilst officers are seeking clarification as to how these views have been generated, it would be reasonable to assume that longer distance views towards the rear of the site would be enhanced given that the replacement building would not be as deep into the rear of the site. The reduction in the mass of the third floor sought by officers assists in providing a more satisfactory form of development, however, it is

acknowledged that in places the replacement building would be closer than existing. Nevertheless, this is considered to be within an acceptable tolerance and when a balanced judgement is made in respect of the significant enhancements that the scheme would offer in respect of views over the rear parts of the site.

25. In respect of daylight and sunlight, the submitted assessment confirms that the amenity values of daylight and sunlight to the main living rooms of neighbouring residential properties would be retained to a level that satisfies BRE criteria. Some other rooms, with windows sited close to boundaries and facing the development site would have lower values which, because of their location, are within the tolerance identified by the BRE. The proposed development would not be the cause of any additional overshadowing of neighbouring gardens and BRE criteria is satisfied.

26. A condition has been secured to ensure that all windows on the flank elevations would be obscure glazed given that these are largely secondary or non-habitable rooms. Privacy measures will be secured for flank glazing serving the third floor lounge area, and restrictions on the green roof - which is not intended as an amenity space.

Transport, Parking and Servicing

27. The existing D1 use can be permitted car parking under PS12 of the UDP-2004 at a rate of 1 space per 5 staff, plus visitor parking at a maximum of 20% of the staff parking, but a minimum of one space. The number of staff that used to work at the site has not been specified in the application documents, but was unlikely to exceed ten. On this basis, a provision of three car spaces in total would have been acceptable. In practice, no car parking is available off-street, and the site has access to a very limited number of on-street bays along the property frontage. The proposed use of the site will retain a D1 use (187m²), which will be subject to the same PS12 standard. As such at least two car spaces will be permissible on this premise.

28. The proposed 6 flats will consist of 1 x 1-bed, 4 x 2-bed and 1 x 3-bed. These will all be subject to parking standards set out in PS14 of the UDP-2004. Although the site is within a CPZ, it does not benefit from a good PTAL rating and therefore the full standards are applied whereby 1-bed flats can be permitted 1 car space, 2-bed flats can be permitted 1.2 spaces and 3-bed flats can be permitted 1.6 spaces. Therefore a maximum of 7.4 spaces can be permitted for the proposed flats and a total of 9.4 spaces can be permitted for the site as a whole.

29. The proposal will not provide any on-site car parking. This means that the impact of the proposal on-street car parking needs to be considered. Olive Road is defined as being heavily parked overall and a parking survey carried in 2013 shows that this is still the case. However, the western end of the street is more lightly parked and the site is also adjacent to Oman Avenue, which is also not considered heavily parked. In addition, as part of the previous application, the developer submitted their own overnight parking beat survey (carried out in June 2013). That survey also showed nearby streets to be lightly parked, with 61 of 108 car spaces (101 under Transportation officers' assessment) being occupied, giving a parking stress level of about 60%.

30. The threshold for a heavily parked street is 80% and therefore a parking level of 60% in the immediate 200m vicinity of the site indicates that there is capacity for on-street parking. In addition to this, opposite the site is Gladstone Park which means there is more on-street parking as there are less dropped kerbs and demand for overnight parking is low.

31. There is a marked bay fronting the development site which is large enough to accommodate 2/3 cars directly in front of this site only. Opposite the site lies Gladstone Park, where another three cars could park opposite the site. A total of six spaces are therefore available along and opposite the site frontage. However, the carriageway fronting the site also has a single yellow line approx. 13.5m long (of which 9.2m fronts the site), which was presumably used by the library for loading/unloading. As there is no vehicular access to the site these lines are not required and if the single yellow line were removed to provide marked bays, this could provide a further 2 on-street parking bays. The remainder of the yellow line extends across a dropped kerb fronting Oman Court. This dropped kerb is redundant and not used for vehicular access. If this crossover was reinstated back to footway then the full length of this section could be used to provide marked bays for further on street parking.

32. The existing single yellow line should be removed to provide marked bays and in addition to this, the guard railing in front of the library would need to be removed and the small dropped kerb for wheelchair/pushchair should be reinstated back to footway. The changes to the highway and to the line marking will need to be carried out at the developer's expense.

33. In conclusion, the level of on-street parking likely to be generated in the vicinity of the site from this

reduced scale proposal can be accommodated safely and any additional marked bays that are provided will also increase parking capacity as well as satisfy parking standards set out in PS14.

34. The proposed 6 cycle parking spaces for the residential units is at the rear of the site and is provided in a secure and covered shed which is acceptable and complies with Policy PS16. The proposed 4 cycle parking spaces for the D1 use is provided in the front of the building in the form of railing allowing easy access for the general public. Refuse and recycling storage for the flats will be at the rear of the site however they will be brought nearer to the highway on collection day and Environmental Services have confirmed they raise no objection to this aspect of the proposal subject to a waste management plan.

Conclusion

35. Overall, for the reasons set out above it is considered that the proposal provides sufficient mitigation for the loss of the pre-existing library, would provide an acceptable quality of residential accommodation and amenity for future and neighbouring occupiers and the development would be in keeping with the character and appearance of the surrounding area. As such, officers recommend that the application be approved subject to the signing of a section 106 agreement to secure the benefits set out above and subject to the conditions set out below.

RECOMMENDATION: Grant Consent subject to Legal agreement

(1) The proposed development is in general accordance with policies contained in the:-

National Planning Policy Framework
Brent Core Strategy 2010
Brent Unitary Development Plan 2004
Supplementary Planning Guidance 17 - Design Guide for New Development

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

(2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

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

(3) No building or use hereby permitted shall be occupied or the use commenced until a waste management plan (to allocate responsibility for presenting the bins to the highway on collection day) has been submitted to and approved in writing by the local planning authority. The refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored

or placed for collection on the public highway or pavement, except on the day of collection.

Reason: To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, and prevent obstruction to pedestrian movement, and to ensure that there are adequate facilities for the storage and recycling of recoverable materials.

- (4) The use of the ground floor community space (within Use Class D1) hereby approved shall only be permitted between:-

Mon-Fri: 0800 - 2200 hours

Saturday: 09:00-2100 hours

Sundays and bank holidays: 1000-1800 without the written consent of the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (5) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the use hereby permitted shall only be for the purpose of public hall/community type activities (excluding places of worship and such other religious activities) within Use Class D1.

Reason: No separate use should commence without the prior approval of the Local Planning Authority in order to ensure that the use does not prejudice the amenity of the area and complies with the Council's adopted policies.

- (6) The last remaining residential unit shall not be occupied until the community space (within Use Class D1) has been completed in accordance with the planning application and the search for a suitable occupier for said space has commenced.

Reason: To ensure that all reasonable action is undertaken to secure a community use within the site.

- (7) During demolition and construction works on site:
- The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site;
 - The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 0800 – 1800 Mondays-Fridays, 0800 -1300 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;
 - Vehicular access to adjoining and opposite premises shall not be impeded; and
 - All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only. A barrier shall be constructed around the site, to be erected prior to demolition.

Reason: To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of nuisance caused by construction and demolition works.

- (8) No amplified sound systems shall be used unless details of the proposed system and associated insulation measures are submitted to and agreed in writing by the Local Planning Authority prior to the installation, and thereafter such a system shall be installed and maintained in accordance with the approved detail

Reason: To prevent noise nuisance to adjacent occupiers.

- (9) The building hereby approved shall not be occupied until details of the following works to the highway have been submitted to and been approved in writing by the Local Planning Authority and completed in accordance with the approved details:

- Removal of the existing single yellow line fronting the site and provision of marked bays;
- Removal of the guard railing in front of the library; and
- Reinstatement of the existing dropped kerb to footway.

The above works will need to be carried out at the developer's expense

Reason: To ensure that all road works associated with the proposed development are to a standard approved by the Local Planning Authority and are completed before occupation.

- (10) Prior to occupation of the building hereby approved, details of mitigation measures to maintain adequate levels of privacy between neighbouring properties in relation to the third floor window in the side/north elevation of the building shall be submitted to in writing and approved by the Local Planning Authority. The green roof adjacent to this window shall not be used as a balcony, roof garden or similar amenity area. The other windows on the side elevations (north and south) of the building shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.8m above floor level). The aforementioned measures and any subsequent agreed details shall be permanently maintained in the approved condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

- (11) Details of materials for all external work, including samples (where appropriate, to be made available for inspection on site), shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (12) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with hard and soft landscaping in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed prior to occupation of the building. Such scheme shall also indicate:-

(i) Walls and fences

Proposed walls and fencing, indicating materials and heights.

(ii) Maintenance details

Details of the proposed arrangements for maintenance of the landscaping.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (13) A scheme of sound insulation measures to meet the standard set out below shall be submitted to and approved in writing to the Local Planning Authority prior to commencement of the development hereby approved. All residential premises shall be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following noise levels:

Daytime Noise (07:00 – 23:00) Living rooms and bedrooms 35 dB LAeq (16hr) and Outdoor Amenity 55 dB LAeq (1hr); and

Night time noise (23:00 – 07:00) Bedrooms 30 dB LAeq (8hr)

Reason: To obtain required sound insulation and prevent noise nuisance

- (14) Details of proposed entrance and signage for the proposed community use identified on the Olive Road elevation, shall be submitted to and approved in writing by the LPA prior to commencement of use.

Reason: To ensure that the proposed details preserve the character and appearance of the building.

- (15) The cycle parking spaces and refuse recycling storage facilities shall be fully installed in accordance with details to be submitted to and approved in writing by the local planning authority prior to the commencement of the proposed community space or the first occupation of a residential flat. Thereafter the cycle parking spaces and refuse recycling storage facilities shall be retained and used solely for the specified purposes in connection with the development hereby approved and shall not be obstructed or used for any other purpose/s.

Reason: To ensure safe, efficient and adequate servicing of the site and to ensure satisfactory facilities for cyclists in accordance with the Council's policy TRN11 of the adopted Unitary Development Plan 2004.


- (16) No plant, air conditioning or other such equipment shall be installed until further information in relation to noise and vibration mitigation measures have been submitted to and approved in writing by the Local Planning Authority before any works commence on site. The rated noise level from all plant and ancillary equipment shall be at least 10 dB below the measured background noise level when measured at the nearest noise sensitive premises. The method of assessment should be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The approved details shall thereafter be fully implemented.

Reason: To safeguard the amenities of the adjoining occupiers.

INFORMATIVES:

- (1) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- (2) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

Any person wishing to inspect the above papers should contact Matthew Harvey, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 4657

 **Planning Committee Map**
Site address: 1-25 INC, New Crescent Yard, London, NW10
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This map is indicative only.

RECEIVED: 8 April, 2014

WARD: Harlesden

PLANNING AREA: Harlesden Consultative Forum

LOCATION: 1-25 INC, New Crescent Yard, London, NW10

PROPOSAL: Erection of metal railing adjacent to boundary between Shrine of Our Lady of Willesden Church and New Crescent Yard

APPLICANT: New Crescent Yard (Management) Ltd

CONTACT: Planning Insight Ltd

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval subject to conditions listed after paragraph 8.

EXISTING

The subject site comprises of the boundary wall between the Shrine of Our Lady of Willesden church, a Grade II Listed Building, and New Crescent Yard, a residential/live/work development. The site is located on the northern side of Acton Lane.

PROPOSAL

As above

HISTORY

A concurrent application for Listed Building Consent was submitted (ref 14/1310). However, this has since been withdrawn as the proposed railings no longer cantilever above the boundary with the listed church building, removing the requirement to obtain Listed Building Consent.

There is no other relevant site history.

POLICY CONSIDERATIONS

National Planning Policy Framework/National Planning Practice Guidance

London Borough of Brent Unitary Development Plan 2004

BE2 Townscape: Local Context & Character

BE9 Architectural Quality

CONSULTATION

On the 2nd May 2014, consultation letters were sent to 30 neighbouring owner/occupiers. As the application affects the setting of a Listed Building the application was also advertised by way of a site notice, erected on 12th May 2014, and by way of a press notice, published on 22nd May 2014.

Following this initial consultation the proposals were amended by the applicant. This involved amending the design of the railing so that it would no longer cantilever over the existing boundary wall between the subject site and the adjacent church. A further 30 consultation letters were sent on 4th September 2014 to inform neighbouring owner/occupiers of this change and invite further comments.

In total 8 representations have been received in response to the consultation that has been undertaken. This comprises of 5 letters of support and 3 letters of objection.

In summary the concerns of the objectors are:-

- The proposed railings are bulky and will result in a harmful sense of enclosure.
- The proposed railings will affect existing on-site parking spaces.
- The proposed rails will narrow the access to New Crescent Yard causing problems for servicing and other vehicles.
- The proposed railings will not prevent people climbing over and could injure anybody attempting to climb over.
- The proposed railings could make it easier for vandals to access the roof of the church.
- The railings will establish a gated community which is socially divisive

Other concerns were raised regarding the cantilever design, particularly in terms of property issues that the design may give rise to.. However, the design has now been revised and the railings would not longer over sail the boundary between New Crescent Yard and the church.

In general, supporters of the application point to the security benefits of the proposed railings.

REMARKS

CONTEXT

1. The proposal would involve the erection of a metal railing installed just inside of the existing boundary wall between the residential development at New Crescent Yard (NCY) and the Shrine of Our Lady of Willesden Church, which is a Grade II Listed Building. The railing would be installed within the existing access road to NCR, between the existing access gates and the front of the adjacent church hall, effectively increasing the height of the existing boundary between the two sites. The access road slopes upwards into the site and therefore the railings do not have a uniform height above ground level. However, in general the maximum height of the railings is in the order of 2.5m above ground level at certain points along the access road. The existing gates to the access road are approximately 2.6m in height and are set back from the edge of the public footpath by approximately 4.7m.

IMPACT ON THE SETTING OF A LISTED BUILDING

2. The proposed fencing would be located adjacent to the boundary between the site and the adjacent Listed church building. The existing boundary comprises of a brick wall which is approximately 1m in height. The front of the church, which contains the main original entrance is generally orientated towards Nicoll Road. On this basis the part of the original church closest to the boundary with NCY is generally the rear of the building. There is also a more recent extension to the church which abuts the site boundary with NCR.

3. Views of the church are possible from Acton Lane and the access road to NCY. The existing gates to the access road already cause some minor interference with some of these views particularly from the entrance to the NCY. The proposed railings would cause some further obstruction of views of the church from the private access road to NCY but it would be unlikely to significantly affect views from the public realm, predominately those from Acton Lane

4. The railings would be located in relatively close proximity to the rear of the church and the more modern extension. However, the railings are of a sympathetic design and would not be particularly intrusive in visual terms.

5. Overall, it is considered that given the limited visual impact on a limited number of views of less sensitive areas of the church building the proposed railings would cause less than substantial, if not negligible, harm to the special character and setting of the adjacent Listed Building. Whilst it is acknowledged that in general less than substantial harm to the setting of a Listed Building can still be reasonable grounds to withhold planning permission, in this particularly case any harm is considered to be so negligible that it would be unreasonable to do so in relation to the current proposal. The proposed development would be unlikely to cause any unacceptable harm to the character and appearance of the surrounding area in general.

TRANSPORT

6. As the proposed railings would be located inside of the existing boundary they would have the effect of narrowing the existing access by approximately 130mm. The existing access provides both vehicular and

pedestrian access. The width of the pedestrian access would be unaffected by the proposal but the vehicular access would be slightly reduced.

7. Despite the proposed railings a vehicular access width of approximately 4.7m would be retained for use by servicing, emergency and private vehicles. This is considered sufficient to allow safe access and egress from the site in a single direction. The courtyard within the site provides a suitable turning head. It is not considered that the proposed railings would significantly encroach on those parking spaces which were indicated and approved when NCY was redeveloped (planning permission 00/0287)

CONSIDERATION OF OBJECTIONS

8. The following table seeks to address the concerns raised by the objectors

Objection	Officers Response
The proposed railings are bulky and will result in a harmful sense of enclosure.	The visual impact of the proposal is discussed above.
The proposed railings will affect existing on-site parking spaces.	Discussed above.
The proposed rails will narrow the access to New Crescent Yard causing problems for servicing and other vehicles.	Discussed above.
The proposed railings will not prevent people climbing over and could injure anybody attempting to climb over	The design of the proposed railings is not considered uncommon or particularly likely to cause injury to members of the public assuming reasonable behaviour. It is not considered that there are reasonable planning grounds to require further alterations to the proposed railings.
The proposed railings could make it easier for vandals to access the roof of the church.	Similarly, it would be considered unreasonable behaviour if the railings were to be used to access the roof of the church hall. As such, this is unlikely to be appropriate planning grounds to justify the refusal of planning permission.
The railings will establish a gated community which is socially divisive	The subject site is already gated and whilst the proposed railings would provide additional enclosure it would have little impact on the existing arrangements for legitimately accessing the site.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

(1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment

CONDITIONS/REASONS:

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings:

11591/2/11
11591/2/13 Rev B

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

- (3) The railings, hereby approved, shall be painted black and shall be maintained as such unless approved in writing by the Local Planning Authority


Reason: To ensure a form of development that respects the visual amenity of the surrounding area and adjacent Listed Building.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

Any person wishing to inspect the above papers should contact Ben Martin, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5231

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 **Planning Committee Map**
Site address: 58 Brondesbury Road, London, NW6 6BS
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This map is indicative only.

RECEIVED: 19 August, 2014

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 58 Brondesbury Road, London, NW6 6BS

PROPOSAL: Conversion of existing hostel into 4 self-contained flats (3 x 2 beds and 1 x 3 bed) involving excavation and alterations to existing partial basement level, lightwell to the front and sunken patio to the rear, blocking up and alterations to some of the existing windows and doors and front garden changes to include provision for single car parking space, bin storage and new hard and soft landscaping

APPLICANT: Mr Andrew Alexandrou

CONTACT: Carter Jonas

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval subject to condition set out below

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£19,509.85** of which **£16,604.13** is Brent CIL and **£2,905.72** is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The site is a 3-storey building on the southern side of Brondesbury Road, NW6, within Kilburn Conservation Area. The property is currently in use as a hostel though its temporary permission has expired (as of 15th August 2010).

DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain
assembly and leisure	0		0	0	
businesses / research and development	0		0	0	
businesses and light industry	0		0	0	
businesses and offices	0		0	0	
drinking establishments (2004)	0		0	0	
financial and professional services	0		0	0	
general industrial	0		0	0	
hot food take away (2004)	0		0	0	
hotels	341		341	-341	
non-residential institutions	0		0	0	
residential institutions	0		0	0	
restaurants and cafes	0		0	0	
shops	0		0	0	
storage and distribution	0		0	0	

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	341		341	-341	

Monitoring Residential Breakdown**Existing**

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Flats û Market										

Proposed

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Flats û Market			3	1						4

PROPOSAL

See description above.

HISTORY

07/0126 Granted subject to s106 legal agreement

Retention of a 9-room hostel for up to 20 people and subject to a Deed of Agreement dated 10th January 2008 under Section 106 of the Town and Country Planning Act 1990, as amended.

Condition:

This permission shall be for a limited period of 3 years only, expiring on 15 August 2010 when (unless a further application has been submitted to and approved by the Local Planning Authority) the use hereby approved shall be discontinued and the property reinstated to the satisfaction of the Local Planning Authority.
Reason: To enable the Local Planning Authority to review the position in the light of the requirement for such accomodation at the end of this period.

00/2380 Granted subject to s106 legal agreement

Retention of existing use as Hostel for Brent Homeless Persons with on-site manager/care-taker to accomodate no more than 20 people.

Condition:

This permission shall be for a limited period of 5 years only, expiring on 3rd May 2006 when (unless a further application has been submitted to and approved by the Local Planning Authority) the use hereby approved shall be discontinued and the property reinstated to the satisfaction of the Local Planning Authority.
Reason: This permssion is granted because of the special circumstances of the case and to enable the Local Planning Authority to review the position in the light of the requirement for such accomodation at the end of this period.

Both permissions were approved with the following agreement:

- The applicant to enter into a block booking agreement with Brent Council, where the owner agrees to make available solely to Brent Council all bedrooms within the property for occupation by homeless persons nominated by Brent Council on the terms and during that period specified in the agreement.

M6051 800671 Granted (1980)

C/U. FROM RESIDENTIAL TO GUEST HSE

POLICY CONSIDERATIONS

Brent's UDP 2004

BE2 Townscape: Local context and character

BE7 Public realm: streetscape

BE9 Architectural quality

BE25 Development in conservation areas
BE26 Alterations & extensions to buildings in conservation areas
H18 The quality of flat conversions
TRN23 Parking standards: residential developments
PS14 Residential parking standards
PS16 Cycle parking standards

Core Strategy

CP21 A balanced housing stock

SPG17: Design guide for new development

Housing SPG 2012 Mayor of London.

CONSULTATION

Neighbouring occupiers were consulted on September 2014:

A site notice was put up at the property on 22nd September and a press notice was published on 11th September.

3 objections have been received raising the following issues:

- Parking should be on the road as the properties were not designed to include parking.
- The paint should be removed from the front elevation.
- The original brick wall and front garden should be restored.

Internal

Highways: No objection subject to revised car parking layout, improved soft landscaping and inclusion of secure and covered cycle parking

REMARKS

Principle

1 The property hasn't been in residential use since 1980 when there was a change of use application to a guest house, following this its use changed to a hostel though the permission only granted this on a temporary basis and subject to a block booking agreement with the Council for the accommodation of homeless families which was required to comply with policy at the time.

2 Council Housing Officers who manage the procurement of accommodation for homeless families do not object to the loss of this particular property as it does not provide en-suite accommodation and is therefore not considered to be of a good enough quality to accommodate families. It also remains the case that a hostel is not the lawful use of the building, as the temporary permission has expired the use should have reverted to a guest house.

3 Only strategic hotel accommodation is afforded protection by the London Plan, this property which was originally built as a dwellinghouse does not meet the size criteria meaning there is no objection to the loss.

4 In principle the proposed change of use to self contained flats is supported and in line with Brent's Core Strategy policies CP2 and CP21.

Quality of accommodation

5 The proposed development consists of a 2-bed (4p) flat at lower ground floor, 3 bed (5p) at upper ground floor, 2 bed (4p) at first floor and a 2 bed (3p) at second floor.

6 All units achieve more than the London Plan's minimum space standard and both the lower and upper ground floor flats have access to the rear garden. It would be preferable for the upper units to also have access to the amenity space but the arrangement of the building doesn't easily allow for this. The units are fairly generously sized which helps to mitigate the impact of no access to amenity space, this is discussed in more detail below.

7 There is one point between first and upper ground floor where the stacking places a bathroom over a

bedroom, a condition should be used to seek detail to demonstrate appropriate insulation to prevent unreasonable disturbance from noise between these flats.

8 All units are dual aspect facing northwest to the front and southeast to the rear.

9 The lower ground floor level provides restricted outlook and light to the front as the front windows face into a lightwell which projects 1m forward of the bay window. The external ground level to the rear is approximately 1.3m lower providing good access to light and outlook. Excavation of the garden level is proposed to provide a patio at the lower ground floor level. The excavated patio area is a minimum of 4.5m in depth beyond this point it begins to slope up to the existing garden level which it reaches 6.5m from the rear elevation. A hedge is currently proposed at the top of the slope, officers agree that screening is important but it should be set further into the garden to prevent it obstructing outlook from the lower ground floor; a condition is recommended seeking a different arrangement. The layout of this unit includes a living room/kitchen running the full depth of the building with outlook to the front and rear, and 2 bedrooms both with outlook onto the patio area. The size of the sunken patio and its southeastern aspect are considered to lead to an acceptable arrangement.

10 The second floor flat is 68sqm in total although only has 50sqm with a ceiling height of 2.3m or over, to achieve this ceiling height the ceiling of the first floor is proposed to be lowered. SPG17 assesses the quality of flats in the roof space based on the proportion of the floor area with this minimum ceiling height, stating 90% of the floor area should achieve 2.3m or more. A 2b3p unit should be at least 61sqm so the proposed units achieves 80% of this floor area with a ceiling height of 2.3m, it does however have an overall floor area of 7sqm larger than required. The proposed layout makes sensible use of areas with good ceiling height and the arrangement is on balance considered to be acceptable.

Character

11 The property is within Kilburn Conservation Area. The only alterations to the front elevation relate to the lightwell, 1m high painted black metal railings are proposed around the lightwell which are relatively traditional in appearance however it is preferable to have a grate over the lightwell rather than railings to minimise its impact and a condition is recommended accordingly. At basement level the drawing states 'new sash window', a condition is recommended requiring details of any proposed materials and any windows to the front elevation will be required to be timber and sash. The proposal also involves the removal of the paint on the front elevation, this will significantly enhance the appearance of the property in the conservation area.

12 Improvements are proposed to the front garden including the introduction of soft landscaping and new hard surfacing. The property has an existing crossover which is not affected but the parking area is reduced to one space, approximately 50% soft landscaping is now proposed including a hedge behind the front boundary wall. Planting beds should be included along all edges of the garden and the small areas identified as lawn will also be expected to be more comprehensively planted, further detail is required by condition.

13 An existing raised platform area at the rear, from which the garden is currently accessed, is proposed to be removed to allow for the creation of the sunken patio lightwell. A black coloured metal balustrade is proposed across the existing glazed doors which is considered to be acceptable in style. Access to the rear garden will be from stairs at the eastern side of the rear elevation.

14 Details of the boundary treatment between the subject site and 60 Brondesbury Road, along the proposed sunken patio, should be required by condition.

Basement construction

15 The drawings show there is an existing basement space below the whole footprint of the main part of the house though only the part below the entrance is accessible as storage and the head height is currently insufficient for any habitable room usage. The proposal seeks to lower the floor level to create space for accommodation and to take the basement out to the eastern boundary. A condition is recommended to require developers to sign up to the considerate constructor's scheme to promote good working practises and minimise disturbance to neighbouring occupiers.

16 The applicant is also likely to need to enter into Party Wall agreements with neighbours to provide reassurances about the structural stability of any works.

Highways

17 As set out above significant improvements are proposed to the front garden and the space for parking will be limited to one off-street parking space. A condition is recommended that the development be parking permit free to prevent an increase in on-street parking on the Heavily Parked Road.

18 4 cycle parking spaces are proposed internally in the communal hallway which would meet the standard of 2 spaces for the 3-bed unit and 1 each for the 2 bed units. The lower ground floor flat has a private entrance and so is unlikely to have access the communal hallway shared by the 3 upper flats, there is no designated cycle storage for this unit however occupiers may choose keep their bikes within their large hallway and on balance the cycle storage provided is acceptable.

19 Refuse and recycling storage is accommodated in the front garden.

Neighbour comment	Officer response
Parking should be on the road	As there is an existing crossover officers cannot reasonably require the removal of this but the proposed reduction to a single parking space is a considerable improvement. The surfacing material will be replaced and a good proportion of soft landscaping introduced.
The original brick wall and front garden should be restored	Through revisions officers have required drawings to show a new brick wall and soft landscaping as described above.
The paint should be removed from the front elevation	The front elevation drawing has been revised to include this improvement.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

(1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17 - Design Guide for New Development

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

(2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

1378/Pr/100 B
1378/Pr/101 C
1378/Pr/103 C
1378/Pr/104 B
1378/Pr/105 C
1378/Pr/106

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

- (3) The areas so designated within the site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Details shall also include:

- A hedge behind the front boundary wall.
- Shrubs along all boundaries of the front garden, in all small areas labelled lawn and between the vehicular and pedestrian access.
- Details of all proposed hardstanding materials.
- A metal grate over the lightwell and omission of the railings.
- The location of the hedge screening the the patio to the rear to be positioned further back to maximise outlook.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality, in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (4) No development shall be carried out until what time as the person carrying out the works is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.

Reason: To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.

- (5) Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

- (6) Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (7) Details of all walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so

approved, and the walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved.

Details shall include:

- the height and material of the boundary treatment to the rear between no. 58 and no. 60 Brondesbury Road.
- material of the replacement front wall and brick piers
- gate and/or entrance door to the lower ground floor flat

Reason:

In the interests of the privacy and amenity of the occupants of the application site and neighbouring properties and the visual amenity and character of the locality.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

Any person wishing to inspect the above papers should contact Liz Sullivan, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5377