



Planning Committee Map

Site address: 1-5 Opal Mews, London, NW6

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This map is indicative only.

RECEIVED: 23 August, 2012

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 1-5 Opal Mews, London, NW6

PROPOSAL: Proposed change of use of upper floors to 5 residential units retaining B1 (office) at ground floors, erection of front dormer windows and replacement windows at ground and first floors, installation of 2 rear rooflights to unit 2, associated landscaping including softlandscaping and parking

APPLICANT: Opal Mews Business Park Limited

CONTACT: PPM Planning Limited

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 Area 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
- Contribution of £3000 per bedroom (£30,000)
- 'Car-free' agreement
- Considerate Constructors scheme

And, to authorise the Head of Area 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.

EXISTING

The subject site consists of 3 of the 5 units located in Opal Mews (specifically the first 2 on entering the mews and the unit at the far end), accessed from Priory Park Road. The buildings are 2-storey terrace in form, the lawful use of the mews buildings is B1, the mews is partly occupied but the buildings which are the subject of this application are vacant.

PROPOSAL

See description above

HISTORY

10/3274 Refused & Appeal Dismissed
Conversion of an existing B1 building into 8 self contained residential flats with basement level

POLICY CONSIDERATIONS

UDP 2004

BE2 Townscape: Local Context & Character
BE3 Urban Structure: Space & Movement
BE5 Urban Clarity & Safety

BE6	Public Realm: Landscape Design
BE7	Public Realm: Streetscape
BE9	Architectural Quality
EMP9	Local Employment Areas
H12	Residential Quality – Layout Considerations
TRN23	Parking Standards – Residential Development
PS14	Parking Standards

Core Strategy

CP2	Population and Housing Growth
CP21	A Balanced Housing Stock

Supplementary Planning Guidance Note 17: Design Guide for New Development Supplementary Planning Document: S106 Planning Obligations

London Plan

Table 3.3 Minimum space standards for new development

National Planning Policy Framework

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy, SPD's and SPG's and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

SUSTAINABILITY ASSESSMENT

The scheme is not of a scale which is required to meet higher than building regulations standards. The proposal however does include some features to promote sustainability including electric car charging and rain water harvesting.

CONSULTATION

Neighbouring occupiers were consulted on 12th September 2012.

12 individual representations have been received of which 7 are in support, 2 are comments and 3 are objections, a petition against the proposal has also been submitted with 17 signatures.

Comments made in support include the following:

- The mews has been empty and a dumping ground for many years, the proposal would give a new lease of life to the area.
- This will regenerate a run down street.
- The development will improve the area.
- The proposals will make a positive contribution to the local community and will provide much needed additional space for people to live and work.

Comments made in objection include the following:

- The rooflights open and will allow overlooking of houses on Aldershot Road and the proximity of new households could increase noise.
- Fear that once permission is granted the property will be converted into more flats
- The increase in activity with work starting in the mews has led to more crime and security concerns.
- Residents in the mews will mean more car journeys and associated noise.
- The introduction of a residential use will increase crime.
- Concern about design and inconsistencies in the drawings, particularly relating to the eaves line.
- If the applicant proposes to lower the roof (eaves) and set back the dormers as shown on the elevation we imagine the impact is minimal however if they are flush with the facade as shown on the section this

- could be a considerable impact on massing and shadows onto neighbours.
- Concern about light pollution at night as this space is not currently illuminated
- Request clarity about proposed demolition and information about construction period.
- Concern that construction work would create an unsafe environment for the young children who live in the building around the entrance to Opal Mews.

The petition raises the following concerns:

- Loss of privacy for Aldershot Road properties
- Have not seen the site marketed with local agents
- Concern about detrimental impact on quality of life for neighbouring residents from this change of use

Internal

Highways - comments discussed in report

Design - quality of materials, particularly hardstanding, will be critical to success

Landscape - Further consideration of arrangement, recommendations made and discussed below.

REMARKS

Previous dismissed appeal

The refused application 10/3274 was also dismissed at appeal and proposed a very different form of development to the current proposal. The application related only to unit 1 and envisaged its conversion into 8 flats along with the formation of a basement.

The Planning Inspector found that insufficient evidence had been submitted to demonstrate that the unit had been effectively marketed to justify the loss of the employment use. The scheme was also very restricted in terms of outlook and light from basement units and windows with balconies projecting above, the limited amount of amenity space for the 8 flats was also identified.

Principle

The area is identified as being a Local Employment Site and therefore the proposal for the loss of commercial floor area and the replacement with residential needs to be considered against policy EMP9 of Brent's UDP 2004. This policy seeks to protect local employment sites unless there is a significant lack of demand for the use of the site or there are unacceptable environmental problems. Local Employment sites are important to maintain local job opportunities dispersed throughout the borough which can mean less travel to workplaces. The proposal does retain office space at ground floor in each unit.

The units which are the subject of this application are vacant and it is stated that they have been marketed unsuccessfully since 2008, Units 3 & 4 are occupied separately by a functioning business. Detail has been provided about the marketing efforts undertaken and officers are satisfied that the site has been marketed actively but unsuccessfully for 2 years. The viability report submitted includes detail of why the small number of interested organisations/businesses did not proceed to make acceptable offers, including the 'tucked away' location and inaccessibility for large vehicles.

The loss of the large existing office spaces and the proposal for 5 ground floor commercial units with 5 residential units above is considered acceptable in terms of policy EMP9.

Units 1 and 2 will each be subdivided vertically to form 1a, 1b, 2a and 2b, existing units 3 and 4 are currently in use by a business and unit 5 is situated at the northern end of the mews.

Density

While the site is within close proximity of Kilburn Town Centre the character changes quickly from the commercial centre to a residential area characterised by 2 and 3-storey traditional terrace properties with both front and rear gardens.

Policy H14 of Brent's UDP 2004 seeks to ensure that development does not under-utilise a site where there are no pressing considerations to protect the character however SPG17 and Brent's UDP 2004 are clear in stating that density should be design led. In this instance officers are of the opinion that the arrangement of the existing buildings does not lend itself easily to the efficient use of the floorspace while also providing good levels of light and outlook to numerous rooms.

While the proposal has a relatively low residential density the scale of the use would prevent a conflict with

the viability and functioning of the commercial uses. Furthermore, and as discussed below, the access to outlook and light in each unit is limited and it is considered that the arrangement could not easily provide more units.

Design Considerations

The proposal utilises the shell and form of the existing buildings. The footprint and height would not alter though the eaves level, front roof form and front elevation are proposed to change.

The proposed front elevations are considered to represent an improvement on the appearance of the existing building. At ground floor the elevation is to be largely glazed with each building providing a residential entrance and a separate entrance to the ground floor commercial unit. At first floor the windows are proposed to be replaced with larger fenestration though the arrangement will follow the existing pattern. The proposal involves utilising the second floor for habitable rooms and as such dormer windows are proposed following the same pattern at the fenestration below. The impact of the alterations in terms of neighbouring residential amenity has been considered and is discussed below. The dormer are proposed to be set up from the eaves and a planter is proposed in front of each.

Suggestions are made about the materials in the Design & Access statement including metal frames for the windows, however further information of all materials would be required by condition.

Landscaping

At the entrance of the site a new gate is proposed which would have video entry and be kept open during working hours, details are required of its design appearance by condition. Its exact position will also need to be identified and reviewed to ensure it is acceptable in Transportation terms.

The quality of hard and softlandscaping within the site is to be significantly improved to create an appropriate environment for the mixed use development. A grass crete style treatment was suggested for the vehicular route through the site but officers have advised that a good quality hardsurface would be preferable and a revised proposal is awaited. A living green wall is proposed along the whole length of the boundary wall and a watering system is specified, this will significantly enhance the quality of the space.

A balance of hardstanding softlandscaping is required and proposed in the forecourts of each unit. At evenings and weekends it is considered that these spaces can be attributed some weight as amenity space for residential occupants. A communal amenity space is provided at the far end of the mews, this is affected by parking requirements but high quality landscaping will nevertheless result in a useable amenity space.. A condition will require the submission of further details of all proposed hard and softlandscaping within the proposal.

At least 20sqm of amenity space is provided per unit through a combination of front forecourts and communal space. It is acknowledged that as a mixed use development within a mews occupants will understand that the space will be used flexibly, out of working hours the space will provide adequately for its residential occupants.

The location of the refuse store is within 20m of the front of the site so is accessible for collectors.

Quality of Accommodation

5 residential units are proposed; 1x1 bed, 3x2 bed and 1x3 bed, each exceeds the guidance of SPG17 and the London Plan in its floor area.

At first floor the units have a generous open plan living/dining/kitchen area which has windows fronting the mews, to the rear of the first floor with only high level rooflights the units have a TV/snug room and bathroom. While the main habitable space would not normally be considered acceptable if reliant on rooflights, officers on balance feel it is acceptable for the second smaller living space to be designed in this way to make the large space more useful for future occupants.

On second floor which is to be extended with dormer windows, following a revision to the layout, in units 1a, 1b and 2b the arrangement involve 2 bedrooms fronting the mews in each unit. To the rear of the units there is a bathroom and a storeroom in each instance with a rooflight.

Unit 2a is wider and has 3 bedrooms fronting the mews, each with a dormer, to the rear is a bathroom,

storeroom and dressingroom. Unit 5 at the end of the mews is all at first floor and encompasses a living/dining/kitchen space and a bedroom to the rear.

Neighbouring Amenity

The existing arrangement of the mews means the relationship of the buildings gets tighter the further into the mews the building is. Section drawings have been submitted which demonstrate the relationship of the mews buildings with St Julian's Road and Aldershot Road.

St Julian's Road

The existing buildings fall below an angle of 45 degrees set 2m from ground level at the rear garden boundary. The only alterations proposed to the roof are the additions of dormers and again these can be assessed in terms of angles set by SPG17. Drawing 09A shows the relationship at its tightest point and shows that at the furthest dormer into the mews the angle is marginally 'clipped' by the dormer, the 35 degree angle from the rear elevation of the building is not affected. The roof plane of the unit is 7.5m wide while the subject dormer is just 1.7m wide, a projection above the recommended angle of this minimal amount would not, on balance, be detrimental in terms of light to neighbouring residents and the impact of the dormer would be relative to the existing building and not overbearing.

Drawing 07 shows the distance from the mews elevations to the adjacent garden boundary. In the interest of privacy SPG17 recommends a distance of 10m to garden boundaries which in the case of unit 1a and 1b is clearly achieved. At unit 2a the distance is between 9.1m and 7.3m and at unit 2b this reduces to 5.7m, while the relationship at first floor is existing this relationship has been given further consideration at roof level. It is proposed that the windows in the dormer be obscure glazed where they are within eye level to mitigate this tight relationship.

Aldershot Road

The rear of the building forms the boundary to the rear gardens of the residential properties on Aldershot Road. At ground floor there are existing windows in the boundary wall, the ground floor plan shows their retention and notes that they will be obscure glazed and non-opening. This will not alter the existing relationship.

At first floor there are high level rooflights which, as discussed above, will provide light to TV/snug rooms and bathrooms. The section drawing shows their position in relation to the floor level and the buildings on Aldershot Road demonstrating that the rooflights will not result in a conflict of privacy as the Aldershot Road properties would not be visible from within the building. It is stated that their opening would be limited and officers also recommend that they be obscure glazed, as well as preventing any perceived feeling of overlooking this would limit any light spillage.

At roof level it is now proposed to move the rooflights higher up the roofplane to take them out of eye level of future occupants. The height and angle of the proposed second floor rooflights will not conflict with Aldershot Road and they are considered acceptable as proposed.

Other

The side elevations of the dormers are proposed to be glazed to gain further light into the bedrooms. The drawings state that the northern side will be obscure glazed and the southern will be clear, this is acceptable apart from in the case of unit 1a given its proximity to Priory Park Road - in that case the southern most dormer shall be obscure glazed on the southern side as well.

Highways

The proposed parking arrangement in the site is generally as existing however to ensure that the softlandscaping scheme can be fully implemented without conflicting with parking officers will request tracking diagrams to be shown to demonstrate the workability of spaces.

The site has a PTAL of 5 which is very good and means that a car-free agreement preventing future residential occupants from obtaining parking permits on adjacent roads can be entered into, as a result there would be no over spill parking from the residential use.

Given the high level of public transport accessibility the parking standard which would be attributed to the residential units is 3.5 spaces in total. Parking is provided within the site for future residents at a rate of 1 space per unit which is considered an over provision. The arrangement simultaneously represents an under provision of "transit" sized bays for the commercial units. To mitigate this highways officers suggest the

requirement of a parking management plan which will promote dovetailing of the use of the parking spaces between office use (day) and residential (evenings and weekends).

The reduction in commercial floorspace from the existing situation will reduce servicing requirements. Highways officers note that a day time survey of the neighbouring roads has demonstrated parking occupancy levels of 60% to 70% and as such, in terms of on street parking, 1 space per business could be accommodated in the day if they choose to apply for on-street permits.

The originally submitted drawings proposed moving the parking space used by the existing occupant in the mews (to the north of unit 4) to in front of their unit, this was highlighted as a problem in a comment from the occupant of the unit and the agent has replaced the parking space.

S106

Brent's SPD regarding s106 agreements requires a contribution of £3000 per additional bedroom to mitigate the impact of the increased number of residents on the areas sports facilities, open spaces, education provision and sustainable transport infrastructure in particular.

As stated above a "car-free" agreement is also required for the residential units.

Mayoril CIL will be required at £35 sqm of created residential floor space.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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
Employment: in terms of maintaining and sustaining a range of employment opportunities
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):

01
02 Rev A
03 RevA
04 RevA
05 RevA
06 RevA
07 RevB
08
09 RevA
09A

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

- (3) All windows in the rear of the buildings at ground and first floors shall be obscure glazed, windows at ground floor shall be non-opening and at first floor shall be partially openable only as shown in drawings 09 and 09A. This shall be implemented before the units are occupied and permanently maintained.

Reason: In the interest of neighbouring privacy and amenity.

- (4) The glazing in the dormers of units 2a and 2b shall be obscure glazed as shown on drawing 03 and the southern glazed elevation of the dormer of unit 1a shall also be obscure glazed. This shall be implemented before the units are occupied and permanently maintained.

Reason: In the interest of neighbouring privacy and amenity.

- (5) The ground floor premises shall be used only for uses within the B1 Use Class and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: To ensure that no other use commences without the prior permission of the Local Planning Authority and to enable other uses to be considered on their merits.

- (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) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass 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(s).

Such scheme shall also indicate:-

- (i) Entrance gate - elevational design and location
- (ii) Construction of the green living wall
- (iii) Hardstanding materials
- (iv) Planting in the boxes at first and second floors of the buildings
- (v) Maintenance details

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.

- (8) A Parking Management Plan, which shall include tracking diagrams to illustrate how the spaces will operate, shall be submitted to and approved in writing by the LPA before the development is occupied allowing for dovetailing the use of parking spaces at the site between office use (day) and residential use (evenings and weekends). The approved details shall be fully complied with.

Reason: In order to ensure an acceptable provision of servicing for the commercial units and to prevent conflict between the parking demands of separate uses within the mews.

- (9) Details of the provision of a minimum of 17 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. This shall include 5 spaces for the residential units which shall be both secure and covered. 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.

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) Whoever carries out the works is reminded of their obligation to comply in full with s60 of the Control of Pollution Act 1974 and the British Standard Codes of practice 5228:1997 Parts 1 to 4 which states that Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of: Monday to Friday 08:00 to 18:00, Saturday 08:00 to 13:00 and at no time on Sundays or Bank Holidays.

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