

 **Planning Committee Map**
Site address: 141-153 High Street, London
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RECEIVED: 31 October, 2012

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: 141-153 High Street, London

PROPOSAL: Erection of 3 storey building to provide 13 affordable flats, consisting of 4 one-bedroom, 7 two-bedroom and 2 three-bedroom units.

APPLICANT: Origin Housing Group

CONTACT: Jones Lang LaSalle

PLAN NO'S:
Please 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:-

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) 100% Affordable Housing – to be agreed by the Council
- (c) A contribution £57,600 (£2,400 per additional AH bedroom), due on material start and, index linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports in the local area.
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 4, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (e) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- (f) Join and adhere to the Considerate Contractors scheme.
- (g) The Removal of the rights of residents to apply for parking permits.

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.

The Development is not mayoral CIL liable as affordable housing is exempt.

EXISTING

The application relates to a vacant site situated on the northeast side of High Street, Harlesden. The site was most recently in use as a petrol filling station but has since been demolished and cleared. The application forms indicate that the use ceased in 2006. The site is not located within a conservation area or an area of distinctive residential character, and is not within any designated centre. The High Street is a London Distributor Road.

PROPOSAL

Please see above.

HISTORY

Members will be aware that there have been a number of applications seeking redevelopment of this site, all of which were refused and two of which were subsequently dismissed at appeal.

10/0569

This was dismissed at appeal on 28 September 2010, proposing Outline application for erection of 3- and 4-storey building with basement to provide 20 affordable flats, consisting of 1 one-bedroom, 12 two-bedroom and 7 three-bedroom flats (matters to be determined: access, appearance, layout and scale). The Inspector concluded:

'...that the proposal would be harmful to the character and appearance of the area and the living conditions of the occupiers of nearby dwellings and the proposed flats. In addition, in the absence of a legal agreement regarding financial contributions, the development would result in unreasonable pressure on existing services and infrastructure.'

09/2240

This was refused at Planning Committee on 17th December 2009, for "Outline application (matters included: access, appearance, layout and scale) for erection of a 4-/5-storey building (with basement) comprising 23 affordable flats (2 one-bedroom, 9 two-bedroom and 12 three-bedroom)

The reasons for refusal were:

"The proposed four- and five-storey building (with basement), by reason of its overall height, width, bulk, and proximity, relates poorly with properties on Rucklidge Avenue and would have an unacceptable impact on the amenities of neighbouring occupiers to the rear of the site, by reason of the creation of an overbearing impact on existing properties, impacting on privacy and outlook. The proposal would thus result in a development that is out of character with the existing and adjoining buildings to the detriment of the visual character and appearance of the area. As a result, the proposal would be contrary to policy BE9 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance SPG17: "Design Guide for New Development"

"The proposed flats are located in an area which is deficient in public open amenity space and, by reason of the limited amenity value of the private external space of some of the large family units, the development would be contrary to policies H9 and H18 of the Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17: "Design Guide for New Development"

"The proposed treatment of the rear elevation, by reason of its poor use of materials and articulation, does not succeed to break the overall bulk and width of the development, while resulting in a building which fails to add a positive contribution to the street-scene, and is thus contrary to policies BE2 and BE9 of the Unitary Development Plan 2004"

"The proposed internal arrangement of the proposed flat units do not provide satisfactory living conditions, in terms of the duplex units on the ground and lower ground floors. All units should be arranged to achieve acceptable levels of natural daylighting and ensure natural street surveillance. The proposed fails this by placing bathrooms at the front elevation on the ground floor with centrally based kitchens, and is thus contrary to policies BE5 and BE9 of the Unitary Development Plan 2004"

Other reasons for refusal related to the absence of legal agreements to control matters of: contributions; sustainable development; car free agreements; and affordable housing.

07/2829

This was refused at Planning Committee 19th December 2007, for the "Erection of four-storey building comprising 449m² retail floor space (Use Class A1) on ground floor and 14 self-contained flats on upper floors, consisting of 3 x one-bedroom flats, 9 x two-bedroom flats, and 2 x three-bedroom flats.

The applicants subsequently appealed the Council's decision, but the appeal was dismissed on 28th July 2008. The main issue highlighted by the appeal inspector was:

"the effect of the proposal on the living conditions of neighbours".

POLICY CONSIDERATIONS

National Planning Policy

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It includes a presumption in favour of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and core Strategy are in conformity with the NPPF and are still relevant. The NPPF states that good quality design and a good standard of amenity for existing and future occupants of land and buildings (page 15) are required. In addition, the NPPF refers to the role of Supplementary Planning Documents where they can help applicants make successful applications (par 153)

Accordingly, the policies contained within the adopted SPG's, London Borough of Brent Unitary Development Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

Brent Unitary Development Plan 2004

STR11 – The quality and character of the Borough's built and natural environment will be protected and enhanced; and proposals which would have a significant harmful impact on the environment or amenities of the Borough will be refused.

STR14 – New development will be expected to make a positive contribution to improving the quality of the urban environment in Brent by being designed with proper consideration of key urban design principles relating to townscape (local context and character), urban structure (space and movement), urban clarity and safety, the public realm (landscape and streetscape), architectural quality and sustainability.

STR20 – Where suitable and practical, housing development on sites capable of accommodating 15 or more units, or 0.5 hectares or over, should include the maximum reasonable proportion of affordable housing consistent with the Plan's affordable housing provision levels.

BE2 - Design should have regard to the local context, making a positive contribution to the character of the area. Account should be taken of existing landform and natural features, the need to improve the quality of existing urban spaces, materials and townscape features that contribute favourably to the area's character, or have an unacceptable visual impact on Metropolitan Open Land. Proposals should not cause harm to the character and/or appearance of an area. Application of these criteria should not preclude the sensitive introduction of innovative contemporary designs.

BE3 – Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.

BE5 - Development should be understandable, free from physical hazards and to reduce opportunities for crime, with a clear relationship between existing and proposed urban features outside and within the site. Public, semi-private and private spaces are clearly defined in terms of use and control, informal surveillance of public and semi-private spaces through the positioning of fenestration, entrances etc., front elevations should address the street with, where possible, habitable rooms and entrances, with private areas to the rear and significant areas of blank wall and parking should be avoided on back edge of pavement locations, entrances should be overlooked by development with good lighting and visible from the street, rear gardens should not adjoin public space, parking spaces are provided within view and if not made safe in other ways and are not normally accessible via rear gardens of residential properties and accessways are through or adjoining a site are overlooked by development, provided with good lighting, set away from cover, provide clear sightlines and not run next to rear gardens.

BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, new planting of an appropriate species, size, density of planting with semi-mature or advanced nursery stock, new integrally designed structural landscaping on appropriate larger sites, boundary treatments which complement the development and enhance the streetscene and screening of access roads and obtrusive development from neighbouring residential properties.

BE7 – A high quality of design and materials will be required.

BE9 – Creative and high-quality design solutions (for extensions) specific to site's shape, size, location and development opportunities Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

BE11 – Proposals for higher densities than that prevalent in the surrounding area will be encouraged in appropriate locations, which will include town centre locations in Areas of Very Good & Good Public Transport Accessibility (as defined in the Transport Chapter section 6.7), and transport interchanges (Policy TRN6). Proposals in these areas are encouraged to include a mix of compatible land uses.

BE12 – Proposals should embody sustainable design principles.

EP6 – When development is proposed on or near a site suspected of being contaminated an investigation of the hazards posed and any necessary remedial measures will be required from the developer.

H4 – Where affordable housing is appropriate this should be provided “in-situ”, other than in exceptional circumstances.

H9 – On developments capable of 10 or more dwellings, or residential sites of 0.5 ha or more, irrespective of the number of dwellings, a mix of family and non-family units will be required, having regard to local circumstances and site characteristics. Exceptions may be made for developments of sheltered or supported housing, housing in or adjoining town centres or where the site is unsuited to family occupation. Special regard will be had to affordable housing developments designed to meet the needs of a particular priority group.

H11 - Housing will be promoted on previously developed urban land which the Plan does not protect for other land uses.

H12 – The layout and urban design of residential development should comply with the policies in the Built Environment Chapter, and in addition they should have a site layout which reinforces or creates an attractive and distinctive identity, have housing facing onto streets and defining roads, have access to and layout which achieves traffic safety, have appropriate car parking, and avoid excessive coverage of tarmac or hard landscaping.

H13 – The primary consideration in determining the appropriate density of new residential development will be achieving an appropriate urban design which makes efficient use of land and meets the amenity needs of potential residents. The most dense developments will be appropriate in those parts of the borough with good or very good public transport accessibility.

TRN11 – Developments should comply with the plan’s minimum Cycle Parking Standard (PS16), with cycle parking situated in a convenient, secure and, where appropriate, sheltered location.

TRN23 – Residential developments should not provide more parking than the levels as listed in standard PS14 for that type of housing, with its maximum assigned parking levels. Lower standards apply for developments in town centres with good and very good public transport accessibility. Where development provides or retains off-street parking at this level then on-street parking will not be assessed. Car-free housing developments may be permitted in areas with good or very good public transport accessibility where occupation is restricted by condition to those who have signed binding agreements not to be car owners. Such persons will not be granted residents’ parking permits.

Supplementary Planning Guidance

SPG17 – Design Guide For New Development

SPG19 - Sustainable Design, construction and pollution control

SPD - S106 Planning Obligations

SUSTAINABILITY ASSESSMENT

Members will be briefed on matters relating to Sustainability in the Supplementary Report

CONSULTATION

Consultation letters, dated 21 November 2012, were sent to 94 neighbouring owners/occupiers. Seven letters of objection were received, the following comments were made:

- Overlooking into rear garden areas,
- Loss of light
- Cycle storage will be used as a means for climbing onto the boundary wall. and gaining access into rear gardens of Rucklidge Avenue
- Intruders could climb onto the roof of the single storey flat 1 and access No 139
- Despite the presence of a 1.8m high fence between No 139 and the application site, climbing on the roof of neighbouring garages could still take place.
- The proposed building will be constructed forward of the established building line.

The issues highlighted above are discussed in detail below. It should be noted that there have been changes to the proposed scheme since its submission in an attempt to take account of officer and residents' comments.

Internal Consultation:

The issues raised by: Transportation, Environmental Health and Housing Officers are included within the remarks section below.

REMARKS

The site is currently vacant and has been cleared. To the rear there are gardens of houses in Rucklidge Avenue which are above the level of the site. Members will be aware that it is this relationship that has caused most difficulties in previous attempts to develop the site.

Principle of Development

The loss of the petrol filling station use is acceptable as the Council does not seek to protect petrol stations as local employment sites. The site is not designated within any centre and therefore the principle of residential development is considered acceptable. While normally policy would have allowed a commercial ground floor, this scheme is 100% residential and this is considered to be acceptable, subject to detailed design/amenity considerations as set out below.

Main alterations from previous refusals

As indicated earlier in this report, two schemes were dismissed at appeal. As a result of these decisions, a critical consideration here is to assess how this revised proposal takes account of the Inspectors decision letters of July 2008 and September 2010.

The 2008 Inspector stated that the proposal was overbearing "as a result of the height, width, and proximity of the proposal" upon neighbouring properties at Rucklidge Avenue. The 2010 Inspector concluded that the proposal would be harmful to the character and appearance of the area and the living conditions to the occupiers of nearby dwellings and the proposed flats.

In comparison to the previously dismissed appeals and refused application at Planning Committee (2009), the current proposal has been reduced in height, width and proximity to the properties to the rear which has resulted in a reduction of units from 21 (2010) to 13. There is no longer any ground floor commercial use and a different residential mix is proposed. These changes will be discussed in detail below.

Housing Mix

In terms of the mix of units proposed, these are summarised in the table below.

Bedroom Size	Number	Percentage
1	4	30
2	7	54
3	2	16

The proposal consists of 13 affordable flats. It comprises 4 x 1-bed flats (Affordable Rent), 7 x 2-bed flats (Affordable Rent) and 2 x 3-bed flats (Social Rent). Housing Officers are supportive of the principle of 100%

affordable housing in this location.

Residential Quality for Future Residents

The Mayors London Plan 2011 indicates minimum unit sizes for flats. The current standards seek the following:

- 1-bedroom flat – 50 square metres.
- 2-bedroom (3-person) flat – 61 square metres.
- 2-bedroom (4-person) flat – 70 square metres.
- 3-bedroom flat (5/6 person) – 86 square metres.

All flats proposed either meet, or are in excess of, the minimum guidelines for internal floorspace. In addition, all units are now dual-aspect, with windows to front and back, providing a further improvement to previous iterations. Previously, concerns were raised in relation to the internal arrangement of the duplex units where natural street surveillance was restricted at the ground floor. This arrangement has been subsequently altered and deemed acceptable in relation to policy BE5 of the UDP 2004.

Although there are instances where habitable rooms are 'stacked' above one another, which can cause noise problems between bedrooms and kitchens/living rooms, this is a new build that provides opportunities for appropriate sound insulation during construction.

In previous applications, officers raised concerns with the quality of daylighting into front and rear light wells into the duplex bedrooms and the Inspector (2010) took particular issue with the provision of basements, lightwells, walkways and railings being unacceptably prominent. For clarity, lightwells are areas of excavated ground in front of habitable room windows which serve to provide natural daylighting. Basement and lightwell features have been removed from this proposal.

The scheme requires 320m² of external amenity space to meet SPG17 guidelines. All units located on the upper floors have access to private balconies (total of 138m²) as well as a communal rear garden of approximately 290m². The total sum of external amenity space proposed is 428m², thereby meeting the Council's requirements. The communal garden would be located immediately adjacent to the private external amenity space (patios), which also doubles as a privacy buffer for the ground floor units. These patios are not as generous as officers would have liked, given depths varying between 1 and 2m, but they do provide some private outside space. Railings will secure the area (to be conditioned) and given that the patios do prevent views into living space they are, on balance, considered to be acceptable. Obviously, an alternative would be to give all the ground floor outside space, in the form of sizeable gardens, to the ground floor units and invite upper floor units to rely solely on their own balconies. However, the applicants consider the combination of private and communal space to be their preference and Officers do not consider the arrangements so poor so as to withhold consent on this ground alone.

Design and Appearance

The applicant has designed the proposed three storey building in context to the natural street rhythm of High Street. The width and general mass of the proposed structure is broken by using varied materials. The scale and height is sympathetic to local context and coordinates well with the streetscape, the front elevation has been broken down to reinforce the historic rhythms which further adds to the neighbourly feel of the scheme. The site and ground floor plan shows a conventional historic footprint proposed for the site, the plan depth is somewhat deeper than local context but the designers have been encouraged to provide a privacy buffer at ground level. The front setting is of a sufficient depth to maintain an acceptable separation between private space and the back of pavement. The distinctive appropriately scaled entrance foyers will give the building legibility in the street-scape, but the plan scale should be reflected in the elevations. To this end, details of more defined communal entrance features shall be secured by condition.

The existing street-scene of High Street consists of two, three, and four storey buildings and as such the proposed three storey building is in character with the locality. In terms of surrounding building heights, Number 155 High Street is 7.8m and Number 139 is 8.7m in height and although these are below the proposed building height, Number 161-163 (Job Centre) is 16.4m and significantly larger than the proposal. The elevations are clean and simple but the use of breaks within the upper floor, varied materials, glazing and balconies to provide further interest successfully break up the massing of the proposed three storey building.

The side elevation to the west needs some modelling to break down the very large incongruous flat plane. The scale could be broken through changes in materials or modelling of the brick work into panels or planes similar to that of the front elevation. A green wall may be more interesting to the existing neighbours at 139. Details of which shall be secured by condition.

Impact upon neighbouring properties

Size and scale

In assessing the impact of size and scale of the proposed, the properties likely to be affected by this application are those on Rucklidge Avenue and adjoining properties at Numbers 155 and 139 High Street. The appeal inspectors considered this was the main issue and as a result much work has been undertaken on trying to respond to this specific point. The Design and Access statement submitted with this application illustrates how the current proposal has reduced the impact upon neighbouring residents and also how it complies with the guidance in SPG17.

Both appeal inspectors noted that the rear gardens of Rucklidge Avenue were shorter than most properties, partly as a result of this the proposal was deemed overbearing. The current proposal will not have a negative impact upon the rear gardens of Rucklidge Avenue; where the proposed building is significantly clear of the 45° degree line when measured at a point of 10m from the rear of the two storey rear projections at Rucklidge Avenue which is something the appeal inspector considered to be the right approach. This is also illustrated in the 'worst case' at Number 49 Rucklidge Avenue. Furthermore, the building height has been reduced by one floor from the 2010 appeal and the depth of the building has been reduced from 12.6m to 11.2m (at first floor). This in combination with the fact that the building has moved away from the rear of the site and broken in width, has significantly reduced impacts upon neighbouring rear gardens at Rucklidge Avenue and is thus deemed acceptable with adopted policy and design guidance SPG17.

Objections have been raised in relation to the impact of the proposed building upon obstructing the side flank of Number 155 High Street. Although it is noted that there is a forward projection of the building at this corner of approximately 1.4m the appeal inspector did not feel that it was a sufficient reason, in itself, for withholding planning permission.

Privacy and Outlook

Members will be aware that Council guidance for certain aspects of residential development are:

- 10m separation between habitable windows on the rear of the development and the rear boundary;
- 20m distance between habitable rooms which face each other.

The distance between windows on the rear elevation and the rear boundary at ground floor level are proposed to be an average of 9.5m. This shortfall is not considered unacceptable providing that further detail is submitted in relation to the quality of the rear garden space. All other windows above ground floor level are over 10m from the rear boundary..

In relation to directly facing habitable room windows, previous proposals have fallen short of the required 20m separation distance, which added to the unacceptable impact of the proposals. It should be noted that SPG17 does indicate that in Urban areas such as this, there is some flexibility as far the application of the guidance is concerned. However, in this instance such is the likely impact on residents that full adherence to the guidance is required and this has been an approach supported at appeal. There will be no directly facing windows or balconies that are less than the 20m separation distance from nearest neighbours. Whilst neighbouring residents have made specific reference to the proposed second floor balcony as causing a loss of privacy, your officers consider the balcony to be appropriately positioned at 20m away from neighbouring gardens and indeed habitable room windows. The 20m separation has been long sought after here and the fact that it is now achieved means mitigation measures in the form of obscured or toughened glass is not a requirement and would be difficult to insist upon.

Objection has been raised with the fenestration proposed to the rear elevations of flat 12 and 13 (top floor), in that the floor plans propose windows, with no access to the lower floor flat roof, whilst the elevations appear to indicated doors. A restrictive condition prohibiting the use of the flat roof as a terrace and further details of the window that would physically prevent access shall be secured by condition.

Daylight & Sunlight

Objections have been raised in relation to the impact of the proposed structure upon residential flat units at Number 139 High Street, that have kitchen windows in their flank. The previous scheme envisaged an additional floor with a separation varying between 5-6m. There has been much debate about the quality of the internal space of these small rooms and the existing levels of daylight and sunlight enjoyed by them are unlikely to comply with British standards. Nevertheless, the Inspector found the 2010 submission to be unacceptable as the proposal would have appeared visually obtrusive, resulting in a poor outlook to residents. In the scheme, that is the subject of this report the new building will be located 6.5m away from No 139 with a reduced height of one floor and a building less deep.

Officers have always considered that in urban design and streetscene terms having a large gap between buildings here would be the worst approach to take. However, the Inspector picked up on the amenity impact of the new building and so it does need to be considered as explained above. That said, Officers feel that the issues do however need to be carefully balanced.

The applicant has submitted a technical daylight and sunlight report which has assessed the impact of the proposed building upon neighbouring residents. The calculations for the windows in the flank of No.139 shows a reduction of 5% in the acceptable level Vertical Sky Component (VSC). However, BRE 209 suggests that in urban areas small decreases over the standard should not prevent development.

It is also noted that in terms of daylight for windows in Rucklidge Avenue, the proposal fully satisfies the (VSC) Daylight Distribution and Average Daylight Factor Guidelines'. (VSC) measures daylight striking the window and the Average Daylight Factor (ADF) value provides a measure of overall internal lighting conditions. The report concludes that "there will be no material impact on daylight received by Rucklidge Avenue properties".

It reaches a similar conclusion on sunlight. In cases such as this, light is one assessment that needs to be considered, but compliance with a Daylight & Sunlight report does not, in itself, demonstrate that a particular relationship is acceptable. As important are, the size and scale tests contained within SPG17, which are used to assess the impact of new development upon the living conditions of neighbouring occupiers. These, by reason of the increased separation between the proposed building and No 139 and the reduced height and width of the new building demonstrate that the proposal meets these guidelines, whilst also providing for an acceptable design of development in streetscene terms. Overall, based on the information submitted in the supporting report; the impact of this scheme on daylight and sunlight to neighbours will be relatively low and is, therefore, on balance considered to be acceptable.

Highway Considerations

Transportation Officers note that the subject site is located in an area with very good access to public transport and is located within a Controlled Parking Zone. As previously discussed in the 2009/2010 applications though, there is no scope to safely accommodate any overspill parking from the site on either the major traffic route that is Harlesden High Street or on the nearby heavily parked residential side streets. It is therefore again essential that such parking is precluded through a 'car-free' agreement, removing the right of future residents of the building to on-street parking permits, in accordance with Policy TRN23.

As before, disabled "Blue Badge" holders would be exempt from any 'car-free' agreement secured for the site, allowing them to park freely on the High Street frontage of the site and so addressing the requirements of standard PS15.

Standard PS16 requires at least one secure bicycle storage space per unit and the proposed provision of 18 such spaces within the rear shared amenity space is more than sufficient to meet requirements. The only concern is to ensure that the spaces have adequate protection from the elements and further details of the type of provision (incl. details of the shelter) are sought through a condition. Residents have raised an objection that the cycle storage will be used as a means for climbing onto the boundary wall and gaining access into rear gardens of Rucklidge Avenue. It is noted that only residents of the proposed building will have access to the cycle storage and consequently, it is not considered that the store should be removed on this basis. Details of the covered and secured cycle storage will be secured by condition.

Contaminated Land

The site, a former petrol station, has the potential to be contaminated. The site has already been cleared and all the buildings and surface materials removed. The contamination report provided is deemed satisfactory with Environmental Health officers. A condition requiring a site investigation focusing on sensitive areas

(proposed rear gardens) with soil samples analysed for a full suite of potential contaminants will be requested via condition.

Fear of Crime

Neighbouring residents raised concerns in respect of the prevention of crime specifically due to the proximity of the roof of the proposed development to the flank windows of their properties, specifically No 139 High Street. Similar issues were raised in the previous applications. The Inspector (2010) found a restrictive condition preventing access to the roof would overcome the concerns raised.

Section 106 Contributions

On this particular application, the proposed Heads of Terms, including the total financial contribution required to comply with the Council's adopted SPD on the subject has been agreed, in principle and is set out at the start of this report.

Sustainability measures to achieve 20% renewables have been agreed to be secured by a legal S106 agreement.

Conclusion

The principle of residential development at the site is acceptable. The negative impacts of the proposal dismissed at appeal have been resolved, in that the size and scale of the building has been reduced and the siting amended. The small nature of rear gardens at Rucklidge Avenue have been fully taken into account and the scale and massing of the proposed building would comply with adopted SPG17 guidance. The proposed development seeks to provide 13 affordable housing units (which is supported by the Council's Housing Service) which provide acceptable levels of internal living space. Although the areas of external amenity are limited, as explained above, this is considered acceptable, on balance, taking into account the constraints of the site.

Members are informed that if the S106 contributions and staging of payments were not to be agreed this would make this scheme unacceptable.

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 - 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 drawings and documents:

002
003
004
005
006
007
008
3839/1

Remedial Implementation and verification Report
Energy, Efficiency and Renewable Energy Assessment
Geotechnical Assessments
Phase II Environmental Report
Planning Statement
Daylight and Sunlight Report
CSH Pre-assessment
Phase I Desk Top Study Report
Design and Access Statement

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

- (3) No access shall be provided to the external roofs of the building by way of window, door or stairway and the external flat roof areas of the building hereby approved shall not be used as a balcony or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- (4) No access to the single storey flat roof adjacent to No 139 is permitted at any time.

Reason: To protect the privacy and amenity of neighbouring properties.

- (5) 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 a scheme shall also indicate:-

Proposed walls and fencing, indicating materials and heights, and areas of hardsurfacing.

Adequate physical separation, such as protective walls and fencing, between landscaped and paved areas.

Provisions for the satisfactory screening

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.

- (6) Prior to the commencement of building works, an appraisal of remediation contaminated land remediation options shall be carried out by competent persons. The written report is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the safe development and secure occupancy of the site

- (7) Any remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

Reason: To ensure the safe development and secure occupancy of the site

- (8) Details of 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. 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

- (9) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-

(a) the external appearance of the west flank wall

(b) the design treatment of the main entrance features

Reason: These details are required to ensure that a satisfactory development is achieved.

- (10) Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. Windows located on the rear elevation of flat 12 and 13 must be designed so far as to physically restrict access to external flat roof. 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 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 is advised that the quality of imported soil must be verified by means of in-situ soil sampling and analysis. The Local Authority will not do not accept soil quality certificates from the soil supplier as proof of soil quality.
- (3) 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 Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245