



Planning Committee Map

Site address: Former Willesden New Social Club, Rucklidge Avenue, London, NW10 4PX

© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

RECEIVED: 25 February, 2013

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Former Willesden New Social Club, Rucklidge Avenue, London, NW10 4PX

PROPOSAL: Erection of a four and five storey building accommodating 22 flats, ground floor A1 and/or D1 floorspace and retention of electricity sub station.

APPLICANT: MA Estates & Development and Radha Investments 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:-

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Provision of affordable housing: two bed flats will be provided as intermediate affordable units (units 3 and 4 as shown on drawing 287 AP/101 REV04) plus a financial contribution of £190,000.
- (c) A contribution of £3,000 per bedroom/£2,400 per affordable housing bedroom, index-linked from the date of committee, for Education, Sustainable Transportation, Open Space and Sports in the local area.
- (d) A contribution of £13,677.56 to offset the developments short fall of external amenity space.
- (d) Sustainability – Code for Sustainable Homes Level 4 and Breeams 'Excellent' rating Post Construction Assessment and Certificate shall be submitted prior to occupation; achieve 50% on the Brent Sustainable Development Checklist, demonstrated through submission of a Detailed Sustainability Implementation Strategy prior to construction; compliance with the ICE Demolition protocol, demonstrated by submission of an independent report detailing demolition and new build material use and recycling; and details of any renewable technologies required to supplement any passive measures in order to achieve a minimum 25% reduction above the CO2 target emission rate required by the Building Regulations Part L 2010, to be submitted, approved and maintained throughout the lifetime of the development.
- (e) Prior to Practical Completion enter into a s278/s35 for any required highways works.
- (f) Join and adhere to the Considerate Constructors scheme
- (f) The development shall be entirely "car-free".

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 Core Strategy, Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £62,370.00.

EXISTING

This application relates to the Former Willesden New Social Club at the junction of Rucklidge Avenue and Park. The site is roughly rectangular in shape and has an area of just over 0.1 hectares. The former Club has now been demolished leaving the site vacant apart from a small functioning electricity sub station in the north east corner.

The south west and north west boundaries of the site front Rucklidge Avenue and Park Parade. The north east boundary abuts 1-12 St Josephs Court, a relatively modern three storey residential development fronting Park Parade and Leghorn Road. The south east boundary abuts Willows Terrace, a two storey terrace of Victorian properties fronting Rucklidge Avenue.

The site is within the Harlesden District Centre boundary and is therefore ideally located to take advantage of all the Centre's facilities. Park Parade is characterised by commercial development whereas Rucklidge Avenue is largely residential. Opposite the site on Park Parade are three storey properties with ground floor retail. At the junction of Park Parade and Rucklidge Avenue, opposite the site, is a three and four storey commercial building which fronts both Rucklidge Avenue and Park Parade.

The site has very good access to public transport (bus, rail and tube) with a PTAL of 5. The area is within the HW Controlled Parking Zone (CPZ) with restrictions in place between 8am and 6pm. The site is not located in a Conservation Area nor does it contain any listed features.

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

USE

Number	Primary Use	Sub Use
1	shops	
2	financial and professional services	
3	restaurants and cafes	
4	drinking establishments (2004)	
5	hot food take away (2004)	
6	businesses and offices	
7	businesses / research and development	
8	businesses and light industry	
9	general industrial	
10	storage and distribution	
11	hotels	
12	dwelling houses	
13	non-residential institutions	
14	Shops	

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	0		0	82	
2	0		0	0	
3	0		0	0	
4	0		0	0	
5	0		0	0	
6	0		0	0	
7	0		0	0	
8	0		0	0	
9	0		0	0	
10	0		0	0	
11	0		0	0	

12	0		0	1593	
13	0		0	83	
14	0		0	0	

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0		0	1758	

PROPOSAL

See above.

HISTORY

12/0915 Permission granted at the Council's Planning Committee of 20 June 2012- Erection of a four and five storey building accommodating 22 flats, ground floor A1 and/or D1 floorspace and retention of electricity sub station and subject to a Deed of Agreement dated 24 July 2012 under Section 106 of the Town and Country Planning Act 1990, as amended.

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 are required. Of particular reference to this CAC application, the NPPF outlines policies for the historic environment and heritage assets. It emphasises the importance of being able to assess the significance of heritage assets that may be affected by a development.

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.

LDF Core Strategy 2010

CP1 - Spatial Development Strategy

CP2 - Population and Housing Growth

CP17 - Protecting and Enhancing the Suburban Character of Brent

CP18 - Protection and Enhancement of Open Space, Sports and Biodiversity

CP19 - Brent Strategic Climate Change Mitigation and Adaptation Measures

CP21 - A Balanced Housing Stock

Brent Saved policies Unitary Development Plan 2004

STR3 - In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).

STR5 - A pattern of development which reduces the need to travel, especially by car, will be achieved.

STR9 - The Council will ensure that development proposals do not conflict with the role of GLA Roads and London Distributor Road whilst discouraging through traffic on local roads.

STR12 - Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.

STR13 - Environmentally sensitive forms of development will be sought.

STR14 - New development to make a positive contribution to improving the quality of the urban environment in Brent.

STR15 - Major development should enhance the public realm.

BE2 - Townscape: Local Context & Character

BE3 - Urban Structure: Space & Movement

BE4 - Access for disabled people

BE5 - Urban clarity and safety

BE6 - Public Realm: Landscape design

BE7 - Public Realm: Streetscene

BE9 - Architectural Quality

BE12 - Sustainable design principles

EP3 - Local Air Quality Management

EP6 - Contaminated land

EP10 - Protection of Surface Water

H4 - Off-Site Affordable Housing

H11 - Housing On Brownfield Sites

H12 - Residential Quality; Layout Considerations

H13 - Residential Density

TRN1 - Transport assessment

TRN3 - Environmental Impact of Traffic

TRN4 - Measures to make transport impact acceptable

TRN10 - Walkable environments

TRN11 - The London Cycle Network

TRN14 - Highway design

TRN23 - Parking Standards – residential developments

TRN24 - On-Street Parking

TRN34 - Serving for New Development

TRN35 - Transport access for disabled people & others with mobility difficulties

PS14 - Residential Parking Standards

PS15 - Parking for disabled people

PS16 - Cycle parking standards

Brent Council Supplementary Planning Guidance and Documents

SPG12 - Access for disabled people

SPG17 - Design Guide for New Development

SPG19 - Sustainable design, construction and pollution control

SPD - Section 106 Planning Obligations

Mayor of London

The London Plan 2011 Mayor of London Supplementary Planning Guidance

(a) Sustainable Design and Construction (May 2006), (b) Planning for Equality and Diversity in London (October 2007), (c) Accessible London: Achieving an Inclusive Environment (April 2004), (d) Providing for Children and Young People's Play and Informal Recreation (March 2008)

SUSTAINABILITY ASSESSMENT

Energy

Policy CP19 of Brent's Core Strategy requires developments to contribute towards climate change mitigation and adaptation, whilst the 2011 London Plan requires major schemes to achieve a 25% improvement in carbon reduction upon building regulations for both residential and domestic buildings. Additionally, London Plan policy 5.7 'Renewable Energy' requires a reduction in Carbon dioxide emissions of 20% from on site renewables unless such a provision is demonstrated as not feasible.

The proposed development addresses local and regional planning policies on energy; in particular, mitigation of climate change and energy security through energy efficiency enhancements and use of renewables.

An assessment following the energy hierarchy has been submitted and demonstrates that through a combination of efficiency measures and installation of appropriate renewable technologies, a 29.26% improvement above the requirements for the Building Regulations Part L 2010 will be achieved. 8.75% of this improvement will be attributed to a photovoltaic system on the roof. It has been demonstrated that a further reduction through renewables is not feasible within the scope of the works - an importantly the scheme exceeds the statutory overall reduction on baseline levels by 4.26%.

These measures will be secured through a section 106 legal agreement.

Code for Sustainable Homes

Policy CP19 of Brent's Core Strategy requires the development to achieve a minimum Level 3 in relation to the Code for Sustainable Homes (CSH). The submitted pre-assessment predicts that this will be exceeded with Code 4 being achieved. It is recommended that a CSH Level 4 Post Construction Assessment and Certificate be submitted prior to occupation. This should be secured as part of the Section 106 Heads of Terms.

BREEAM

Policy CP19 of the Core Strategy also requires the development to achieve a rating of BREEAM 'Excellent' for non residential development. The submitted pre-assessment predicts this will be achieved. This should be secured as part of the Section 106 Heads of Terms.

CONSULTATION

Neighbours/Representees

letters sent to 154 neighbouring Owner/Occupiers, advert placed in local paper 21/03/2013 and site notices put up 18/03/2013. To date the Council have received 7 letters objecting to the development

Main points are as follows;

- Increased demand on parking in the area and cause traffic congestion
- Lack of infrastructure to support development
- traffic congestion associated with the ground floor use.
- Overly dense scheme, building line forward of properties on Willows Terrace is overbearing and over dominant

Statutory Consults

Environmental Health have no objection to proposals, subject to addition of conditions that address the following;

- contaminated land
- Air Quality
- Noise
- Effects of Construction and Development .

Highways have no objection to proposals subject to addition of condition to limit D1 uses to health care or community facilities only.

Landscape have no objection subject to a landscape contribution for open space improvements in the Harlesden or Kensal Green area to compensate for lack of provision within the site and further submission of full planting details of ground floor gardens, materials, planting and irrigation details of fourth floor roof terraces and details of green roof construction, supplier and plant species.

Design and Regeneration have no objection subject to revisions to make the upper storeys more lightweight in appearance.

REMARKS

Background

A resolution to grant Planning Permission was reached at Planning Committee on 20 June 2012 under reference 12/0915, and permission subsequently issued on 27th July 2012 following the completion of the Section 106 Agreement for the *'Erection of a four and five storey building accommodating 22 flats, ground floor A1 and/or D1 floorspace and retention of electricity sub station and subject to a Deed of Agreement dated 24 July 2012 under Section 106 of the Town and Country Planning Act 1990, as amended.*

Since then, Rada Investments has been unable to negotiate an agreement to the air rights above the substation on site with Npower necessary to realise the approved scheme. As a result they are obliged to revise the proposals removing the overall mass over the sub station and make some additions to the massing on upper levels. This will be set out in more detail in the design section.

In summary the changes are as follows;

- Removing the accommodation over the substation
- Sliding the Park Parade part of the building 1.3m toward Rucklidge Avenue on the 1st, 2nd and 3rd floor only.
- 18 x 2bed 4 x 3bed becomes 2 x 1 bed, 17 x 2bed and 3 x 3bed flats
- A total of 48 bedrooms become 45
- A total of 89 persons become 80
- A total of 70 habitable rooms become 67
- The number of flats remains the same.

As such the proposal subject to this assessment comprises the erection of a four and five storey building accommodating 22 apartments, ground floor A1/D1 and the retention of the electricity sub station.

Consideration of this application should, therefore, only relate to the changes set out above, rather than an opportunity to re-visit the principle of development that was formally considered at the Planning Committee on 20 June 2012. In spite of this, for the information of Members the key issues that relate to the development of the site are set out further below.

Principle of Development

The site previously accommodated a social club (sui generis). This building has been demolished. In this respect, the applicants have referred to Iddenden v Hampshire County Council (1972) case law. In this decision, it was concluded that when a building is demolished there is no obligation for it to be reinstated when a new application is submitted.

As such the Council accept that the site is a vacant brown field site, particularly in terms of the passage of time. In terms of national policy, The NPPF supports the redevelopment of vacant brownfield sites particularly those in urban areas. In this case the site is an eyesore, has been vacant from some time and is subject to ongoing Environmental Health complaints relating to dumping and pests.

The proposal envisages a mix of residential on the upper floors with a flexible commercial/non residential use on the ground floor. The ground floor uses will be restricted to those that are orientated toward visiting members of the public to satisfy town centre policy requirements. In addition the D1 use will be restricted to community or healthcare facilities only, with any other D1 uses subject to normal planning controls; so that the transport implications can be managed. This residential mix is considered to reflect the corner location and is sympathetic toward the residential area of Willows Terrace/Rucklidge Avenue, whilst the non residential ground floor use ties in with the Harlesden District Centre Location, specifically the town centre uses along its Park Parade boundary.

In more precise policy terms, the application is considered to maximise the potential use of a brownfield site with an appropriate Residential Density (636 habitable rooms per hectare) in accordance with the Council's strategic aims of increasing the supply of housing within the Borough. As such, there is no objection to a mixed use development on the site.

Density and Mix

The residential aspect of the scheme offers the following density and mix.

- 2 x 1 bed flats
- 17x2-bed flats
- 3x3-bed flats

This equates to a density of 670 habitable rooms per hectare (hr/ha) or 200 units per hectare (u/ha). This density falls within the relevant density range set out in the Mayors London Plan, which for urban areas with a good PTAL (4-6) is 200-700 hr/ha or 45-260 u/ha. This is a reduction in the density to the previously approved scheme which was 700hr/ha, or another words a reduction of 9 persons.

In terms of the mix, London Plan policy 3.8 Housing Choice, sets out that new developments should offer a range of housing types across the private, social and intermediate sector whilst the Councils Core Strategy, objective 7 sets out that 25% units in schemes capable of providing 10 or more units, should be family sized (3 bedroom) units. In pursuit of this, the housing mix does offer a range of unit types, with 14% 3 beds.

In terms of tenure, two first floor units, units 3 (2 bed 3 person) and unit 4 (1 bed 2 person) are proposed as shared ownership which equates to 9% of the entire scheme. This represents a loss of 1 affordable bedroom from the previously approved scheme. The Local Development Framework Core Strategy policy CP2 sets a target of 50% affordable housing on sites with the capacity to delivery ten or more homes subject to viability. The applicant submitted a GLA Three Dragons Toolkit in order to demonstrate that the level proposed represented the maximum reasonable amount of affordable housing that could viably be delivered by the scheme.

Officers have examined the submitted Toolkit, together with detailed supporting evidence on build cost and sales values assumptions, and have identified only limited scope for the scheme to viably deliver additional affordable housing beyond the proposed two affordable units. Given the relatively modest size of the scheme and only marginal identified capacity to viably delivery additional affordable housing, agreement has been reached with the applicant that a commuted sum of £190,000 will be paid to deliver affordable housing off-site in addition to the two affordable units to be delivered on-site, which is considered reasonable in this particular case only. This is a £40,000 increase from the last permission to accommodate for the loss of the affordable bedroom from the mix.

Design, Appearance and Character of the Area

The scheme adopts a perimeter L shape approach, with principle elevations on Rucklidge Avenue and Park Parade and amenity space for the ground floor units located at the rear. The scale is four storeys at either end, with an additional "penthouse" floor located at the corner junction.

On the Park Parade elevation, the proposal follows the recognised building line of the road thus providing a wide footpath (approximately 4 metres), which continues around the corner onto Rucklidge Avenue. For approximately half the buildings length on Rucklidge Avenue, the façade is set 4 metres back from the road. It is then set back a further 2 metres for a length of 11 metres and then set back an additional 2 metres for the final 5 metres of the building. At this point, the building follows the same line as the adjoining Willows Terrace. At the corner of Rucklidge Avenue and Park Parade, at 1st, 2nd and 3rd floor level, the buildings mass cantilevers over the commercial/community ground floor space by 1.3m for a length of 11.6m.

In terms of the buildings overall massing and form, the previously approved scheme was considered to be in keeping with its surroundings which are a combination of two storeys on Willows Terrace, three storeys across the road on Rucklidge Avenue and four storeys at the Park Parade end. Through stepping back the third floor (unit 19) where it adjoins the neighboring property at Willows Terrace, and ensuring a gradual increase in scale both upwards and outwards as you move toward Park Parade, with the fourth floor flat set back 14m from no 1 Willows yard and a minimum of 1.9m on its other boundaries, the development achieves a reasonably comfortable transition between the residential buildings on Willows Terrace and the more built up Park Parade end. The introduction of the cantilevered mass at the corner of Rucklidge Avenue and Park Parade, owing to the retention of the ground and fourth floor as per the previous approval which are consequently set back by 1.3m on the ground floor and by 3.3m on the top floor, is not considered to compromise the transition in scale which was acceptable previously.

It is inevitable that by bringing the upper floors further out, as described above, that the new building would be more visible in the established streetscene when compared to what was approved in mid-2012. However, Officers consider that the increase in the overall size of the building would not make an acceptable building an unacceptable development and that, on balance, the scheme can still be supported.

In terms of elevation design treatment, on Willows Terrace the scheme uses simple vertical emphasis in response to the neighbouring residential scale. A respective compartmentalisation of the facade with dedicated large glazing panels and balconies set in deep brickwork window reveals reduces the scale and adds a visual quality to the building. The ground floor is treated slightly differently with elements of timber panelling and render. Also dedicated front gardens, with a dwarf wall to line up with the properties on Willows Terrace. The Park Parade end ground floor treatment ties in more with the non/residential use which continues around the corner. The Park Parade elevation adopts a similar approach to that used on Willows Terrace which is appropriate. In terms of the third floor, plans indicate a metallic finish with a very lightweight approach being taken for the set back top floor. This treatment works as means of breaking down overall scale adding to the visual interest of the building. Due to the simplicity of the overall design, the scheme relies on high quality materials being used throughout. This will be secured through condition.

Electricity Sub Station

It is obviously unfortunate that the negotiations about the electricity sub-station have not been able to be successfully concluded as Officers had originally led to believe they would be. It is as a result of this that this latest submission has been required and the changes between the schemes has been described above. The residential accommodation is now no longer proposed directly above the sub-station as was the case in 12/0915.

The Electricity substation was considered in terms of Electro Magnetic Field exposure (EMF) during the previous application as the proposed building was sited directly above it. Environmental Health Officers confirmed at the time that they had correctly interpreted the ICNIRP guidelines (adopted by both the UK and the EU) on exposure to non-ionising radiation, confirming the substation would not expose adjoining residents to EMFs in excess of these guideline values. Since this application does not build over the substation and does not have any greater implications with regard to proximity, the conclusions that were reached previously satisfy Officers for this application.

In terms of the design implications, its operation will continue and the off street servicing parking space will be used for the ground floor use also (see servicing discussion below). It is not envisaged that the operational requirements of the substation will be hindered due to the infrequency of maintenance visits. Additionally, the applicant has consulted with UK Power Networks and confirmed that they do not object to the sharing of facilities.

Quality of Residential Accommodation

Where there have been reductions in the massing, the mix has altered so that all of the units remain designed to the London Plan minimum space standards and are Lifetime Homes compliant. Daylight and sunlight considerations meet the appropriate BRE guidance. The London Plan requires 10% of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair adaptable. It also requires all new homes to be built to 'Lifetime Home' standards. Policy H26 of Brent's Unitary Development Plan advocates a similar approach. The drawings confirm that the two ground floor flats are adaptable for wheelchair users built to Part M standards and that all of the units will be built to 'Lifetime Home' standards. Additionally the units have taken account of stacking considerations.

Whilst the changes to the external built form have resulted in changes to the way that the internal space works at the northern end of the building that are perhaps not as good as the 2012 approved proposal, in terms of shapes of rooms, as explained above the development would still meet both Brent and Mayoral guidance on residential accommodation and on that basis continues to be supported by Officers.

External amenity Space

SPG17 advises that amenity space should usually be provided at a rate of 50m² per family unit, and 20m² for others. Where there is a short fall, the guidance allows some flexibility providing units are over sized, development is in town centre location and/or a contribution can be secured for additional landscaping in the locality. In this instance, every flat has access to its own private balcony, garden or terrace, with the two three bed ground floor flats each with a private garden in excess of 50m². In addition, most flats have generous internal floor areas. Given the District Centre location, balconies/terraces which may fall short of SPG17 expectations but satisfy newly adopted amenity space standards as per the London Design Guide, it is considered on balance that the current external amenity offer is acceptable in this instance, subject to additional contribution to offset this shortfall toward landscape improvements in the area. The standard charge of £3000 per bedroom includes a provision of £907 towards open space, based on this amount, the under provision of amenity space relative to SPG17 and the proportion of different unit sizes in the development, a contribution of £13,677.56 will be secured through the Section 106 Agreement to mitigate the impact of the development.

For the information of Members, this was also the judgement that was reached when application 12/0915 came before them in June 2012.

Impact upon neighbouring properties

The previously approved scheme satisfied the Councils standards with regard to protecting neighbouring amenity. The majority of the building remains as per the approved scheme in that habitable room windows remain a minimum of 20 metres to nearest habitable room window on adjoining buildings and a minimum of 10 metres from the rear boundaries. This application involves some changes to the massing which needs to be assessed. The building mass has enlarged marginally eastwards on the 1st, 2nd and 3rd floor to accommodate reconfigured units following the omission of massing above the substation. This is highlighted in the design and access statement. The result is that a new window serving units 3, 9 and 15 are located

19m to the nearest habitable room window and 7m from the rear boundaries respectively. In addition a new window serving units 8, 14 and 20 orientated eastwards has been introduced although a screen to prevent overlooking has been submitted and is shown in a revised plan to prevent overlooking. Officers have also sought, and received, a revised plan removing the balconies on the north elevation on the first second and third floor where previously there were none. In addition, a new eastward orientated balcony serving unit 21 is proposed although a screen at its extent where it is beyond the roof below has been included at the request of Officers.

In assessing the scheme in respect to impact to neighbouring amenity, the proposal complies with the 45 degree rule in respect to the relationship between the building height and the rear garden boundary of no 1 Willows Terrace. The 30 degree guidance does not apply in this instance. The proposed form and scale is compliant, and fenestration with regard to proximities to boundaries and windows is predominantly compliant with only three windows being marginally closer than the recommendation whilst revised plans mitigate overlooking from balconies and terraces, the scheme is considered to make satisfactory provisions overall toward its regard for neighboring amenity and is on balance acceptable in this respect.

Daylight and sunlight has been assessed which confirm that the proposal will not have a detrimental impact on adjoining properties. In summary, it is considered that the amenities of adjoining residential properties will not be detrimentally impacted upon. Adequate levels of privacy will be maintained and the building will not appear overbearing when viewed from neighboring gardens. As such the proposal meets the requirements of policy BE9 of the UDP and SPG17.

Commercial Unit

The ground floor unit provides approximately 160m² of floorspace. It is proposed that this could accommodate any use within classes A1 (retail), and/or D1 (non-residential institutions) restricted to community uses and healthcare facilities. As the site is within the Harlesden District Centre, such uses are acceptable as they will contribute to the vitality and viability of the Centre. At the Members visit during the previous application, where initially a flexible A1/A2 use was proposed, it became evident that certain uses within use class A2, specifically bookmakers, would not be welcomed by residents, due to their proliferation within Harlesden. Acknowledging the points raised, A2 use class were removed from the mix in this submission.

Highways

In summary, the revised proposal bears significant similarities to the previously approved scheme, and in several key Transportation matters is an improvement on the previously approved scheme. The application site is located on the north-eastern side of RA, a local access road which is defined as being heavily parked, and on the south-eastern side of Park Parade, a local Distributor road. The site lies within CPZ "HW" which operates 08:00 – 18:30 Monday to Saturday, and has excellent accessibility with a PTAL rating of level 6. Willesden Junction Station (Bakerloo tube & 2 Overground rail routes) is within walking distance of the site, and ten bus routes are locally available.

The proposed dwellings are predominantly 1-and-2-bed flats which can be permitted a maximum of 0.7 car parking spaces each, while the 3-bed flats can be allowed a maximum of 1.2 car spaces each. These are the stricter standards set out in PS14 of the UDP-2004, which can be applied when a site lies within an area with good PTAL ratings and a CPZ.

Two of the proposed flats are intended for shared-ownership. These do not trigger the 50% reduction in the parking standard mentioned in PS14 for socially rented housing only.

In total, the proposed 22 no. flats can be permitted a maximum of 16.9 car spaces. This is a reduction in comparison to the previously approved scheme (12/0915) which attracted a maximum standard of 17.4 car spaces.

The site cannot provide off-street car parking for the proposed flats, and the street is already defined as being heavily parked and cannot therefore provide on-street parking in fulfilment of the maximum standard. Transportation will welcome a "car-free" agreement for the proposed dwellings, provided it is secured via S106 Agreement.

Furthermore there will be 165sqm of A1/D1 commercial floor area on the ground floor frontage. Some of

these uses are more acceptable than others to Transportation, given the location of the site. The potential impact of the proposed uses can be laid out as follows:

A1 Retail: One car space per up to 400sqm (PS7) and requires servicing by at the very least a "Transit" sized vehicle (PS17).

D1 (Education): One car space per 5 staff. Depending on the precise type of use there would be questions regarding pick up/drop off facilities, and the possible need for a School/College Travel Plan.

D1 (Healthcare): One space per 5 staff plus visitor parking (minimum one space).

D1 (Place of Worship): Two car spaces per 5 visitors based on average attendance figures, possible need for Faith Travel Plan.

D1 (Community Centre): Need to pin down more precisely this use, given that some are de facto places of worship, others provide advisory services, some provide cafes etc.

It can be seen that the various possible uses under the classes sought in this application present a variety of different challenges. In order to safeguard highway safety it seems reasonable to restrict the use granted for this space, and Transportation will advise only the types of D1 use such as healthcare or community facilities are permitted. Of the uses proposed, the A1 retail option corresponds most closely to the provisions made within the proposed layout design.

The amount and location of cycle parking is acceptable for both the residential and commercial elements of the scheme – 26 no. residential cycle spaces exceeds 1 per dwelling, and these are secure and covered, while 2 no. cycle spaces for the commercial premises exceeds the PS16 guidelines for either A1 or A2 uses.

The refuse and recycling stores for both the commercial and residential elements of the development are well placed to ensure ease of waste collection, which is also acceptable.

The existing 5m wide crossover is of more than suitable width for the servicing usage proposed. This will mean no need to reinstate the footway in this location. In contrast to previous versions of the scheme there is an internal access between the proposed loading bay and the commercial unit, which is welcomed.

Air Quality

The Air Quality Assessment identifies the area as exceeding the National Air Quality standards for Nitrogen Dioxide however the excess is small and likely to decrease over time due to general improvements in vehicle emissions. Environmental Health Officers therefore agree with the assessment that mitigation measures are not required.

In terms of the effect of the development on the surrounding environment there would appear to be no effect from additional traffic as the development is proposed to be car free. However Environmental Health Officers are concerned by the effect of the additional domestic boilers on NO2. In order to ensure that the effect is minimised, a restrictive condition will be placed on this permission.

Developer Contributions

The following contributions will be secured through the Section 106 Legal Agreement. Provision of affordable housing: two flats will be provided as intermediate affordable units (units 3 and 4) plus a financial contribution of £190,000 and a contribution of £3,000 per bedroom/£2,400 per affordable housing bedroom, index-linked from the date of committee, for Education, Sustainable Transportation, Open Space and Sports in the local area. In addition a landscape contribution will be sought for works in the surrounding area. In addition the Council are now collecting on behalf of the Mayor of London Community Infrastructure Levy (CIL) contributions at a rate of £35 per metre (GIF).

Consideration of objections

Concerns of neighbouring residents have been acknowledged and taken into account when determining this application. This report has demonstrated that measures have been taken to ensure a high standard of development which will enhance the locality. In terms of design, the stepping back of the building, providing the additional scale further away from the more sensitive residential boundaries, with the additional cantilevered element on the corner, maintains the comfortable transition in scale and setting that was

achieved in the previous application. Materials and landscaping will be conditioned and an additional financial contribution toward landscaping in the immediate vicinity of the site will be secured, to ensure the scheme has a high quality appearance and setting. Each unit has external amenity whilst a financial contribution is secured to offset any shortfall. The entire scheme will be subject to a car free agreement which prevents residents from applying for parking permits whilst the existing parking controls will safeguard existing parking provision during peak hours. Additionally a financial contribution to support infrastructure affected by the development will be secured through a Section 106 Agreement.

Conclusion

This report has demonstrated that the revised proposal is the response to a specific site constraint which the developer has encountered. It is a reduction in terms of total floor area and persons which the site can accommodate. The aesthetic of the building Officers considered has been improved with the omission of the 3rd floor metallic cladding and brick throughout, whilst the alterations to the massing do not undermine the careful consideration through which an appropriate scale was reached previously. The result is a high quality mixed use scheme and its delivery will provide a much needed redevelopment of a site which has numerous environmental problems associated with it in its current form. A consideration of all the relevant planning policies has been demonstrated and as such the scheme is in general conformity with relevant chapters of the Councils 2004 Unitary Development Plan and supplementary Guidance, the Councils 2010 Adopted Core Strategy and in broader policy terms, the 2011 London Plan and the National Planning Policy Framework. As such the application is recommended for approval subject to legal agreement.

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

Environmental Protection: in terms of protecting specific features of the environment and protecting the public

Housing: in terms of protecting residential amenities and guiding new development

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

Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

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):

0069-P-LP-01 LOCATION PLAN

0069-P-GA-00 PROPOSED GROUND LEVEL PLAN rev D
0069-P-GA-01 PROPOSED FIRST LEVEL PLAN rev E
0069-P-GA-02 PROPOSED SECOND LEVEL PLAN rev E
0069-P-GA-03 PROPOSED THIRD LEVEL PLAN rev E
0069-P-GA-04 PROPOSED FOURTH LEVEL PLAN rev E
0069-P-GA-05 PROPOSED ROOF LEVEL PLAN rev E
0069-P-EL-01 PROPOSED WEST ELEVATION rev C
0069-P-EL-02 PROPOSED NORTH ELEVATION rev C
0069-P-EL-03 PROPOSED SOUTH ELEVATION rev A
0069-P-EL-02 PROPOSED EAST ELEVATION rev B

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

- (3) The servicing space proposed shall be constructed and permanently marked out prior to first occupation of the commercial unit approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure a satisfactory development which contributes to the visual amenity of the locality and which allows the free and safe movement of traffic throughout the site and to provide and retain car parking and access in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (4) No works shall commence on site before tree-protection details in accordance with BS5837:2005 have been submitted to and approved in writing by the Local Planning Authority. Such measures shall include details on how these landscape features will be protected during the construction phase and details of root-protection zones provided. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure retention and protection of trees and other landscape features on the site in the interests of amenity

- (5) Domestic boilers installed in the residential units shall be rated for NO_x emissions not exceeding 40 mg/kWh (equivalent to 3 'Pol2' credits on the Code for Sustainable Homes assessment)

Reason: To protect local Air Quality in accordance with saved UDP policy EP3

- (6) The development falls within an Air Quality Management Area that has been declared due to levels of particulate matter. The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by demolition and construction operations. This must include as a minimum:

- Damping down during demolition and construction, particularly in dry weather conditions.
- Minimising the drop height of materials by using chutes to discharge material damping down the skips/ spoil tips as material is discharged.
- Sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation.
- Utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area.
- The use of demolition equipment that minimises the creation of dust.
- A suitable and sufficient means of suppressing fugitive emissions of dust must be provided and maintained.

Reason: To minimise dust arising from the construction and demolition works

- (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.
- 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) The proposed commercial unit will be restricted to uses under Classes A1 and A2 (with the exception of betting shops/bookmakers) of the Use Classes Order, and D1 (healthcare or community facilities) unless agreed otherwise in writing by the Local Planning Authority.

Reason: In order to ensure that the parking and servicing available at the site match the impact of the proposed development, in the interests of safeguarding highway and pedestrian safety, that the use does not result in an over-concentration of similar uses with the Centre and that the use does not impact on residential amenity in compliance with Policies SH3, TRN22, TRN24 and TRN34 of the UDP-2004

- (9) The proposed commercial unit shall not be used as a D1 place of worship or nursery or educational facility without the further express written consent of the Local Planning Authority.

Reason: In order to ensure that the parking and servicing available at the site match the impact of the proposed development, in the interests of safeguarding highway and pedestrian safety and in compliance with Policies TRN22, TRN24 and TRN34 of the UDP-2004.

- (10) The Electricity Sub Station should be separated from the new Commercial and Residential development by a 2 hour fire resisting enclosure under The Building Regulations. The applicant should also consult when design stage drawings are being prepared with the Statutory Undertakers re their specific requirements.

Reason: To provide sufficient protection for residents and occupants of the building in the event of a fire

- (11) All residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings-Code of Practice'to attain the following internal noise levels:

Criterion LAeq, T	Typical situations	Design range
Good resting conditions =16 hours 07:00 –23:00)	Living rooms	30 dB (day: T
Good sleeping conditions 8 hours 23:00 –07:00)	Bedrooms	30 dB (night: T =
(night 23:00 – 07:00)		LAmx 45 dB

A test shall be carried out prior to the discharge of this condition to show the required internal noise levels have been met and the results submitted to the Local Planning Authority for approval.

Reason: To obtain required sound insulation and prevent noise nuisance

- (12) 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) materials (samples of which shall be submitted for approval by the Local Planning Authority) to be used on all external surfaces of the building(s);

(b) the proposed boundary treatment including all fences, walls and gateways;

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

(13) 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:-

(a) during the first available planting season following completion of the development hereby approved.

Such scheme shall also indicate:-

(i) Walls and fences

Proposed walls and fencing, indicating materials and heights.

(ii) Screen planting on boundary

Screen planting along the Willows Terrace boundary.

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

(14) Prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority that includes the results of any research and analysis undertaken. A remediation strategy shall be submitted to the local planning authority for approval, which specifies measures to contain, treat or remove any contamination found (unless the Planning Authority has previously confirmed that no remediation measures are required). The report shall include measures for the removal of the underground fuel tanks and associated fuel infrastructure.

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

(15) 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 for approval, stating that remediation has been carried out in accordance with the approved remediation strategy and the site is permitted for end use, before any part of the development is occupied.

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

(16) Details of adequate arrangements for an additional two bicycle parking to serve the ground floor unit shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.

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

- (17) Details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material (including litter bins inside and outside the premises) shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.

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

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 Samuel Gerstein, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5368