



### Planning Committee Map

Site address: 300 High Road, London, NW10 2EN

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This map is indicative only.

**RECEIVED:** 23 January, 2013

**WARD:** Willesden Green

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** 300 High Road, London, NW10 2EN

**PROPOSAL:** Demolition of existing building and the construction of a part 2, 3 and 4 storey building accommodating 6 residential units (2 x three-bed, 2 x two-bed, 2 x one-bed). 96m<sup>2</sup> A1 space and associated communal and private amenity space, cycle, refuse and recycling bin storage

**APPLICANT:** Mr James Kara

**CONTACT:** Mrs Mumtaz Patel

**PLAN NO'S:**  
Please see condition 2

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### **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) Contribution of £3000 per habitable room, to be used for improvements to the education, sustainable transports, sports and open space in the local area (£36000).
- (c) Join and adhere to the Considerate Contractors scheme.
- (d) Car-Free Scheme - the residents will not be allowed 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.

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £0.00.

### **EXISTING**

The application relates to a site on the north side of Willesden High Road at its intersection with Dudden Hill Lane. The site is occupied by a two-/three-storey building originally used as a cinema but now vacant, having been used as a retail premises with ancillary storage to the rear.

The site has vehicular access via a crossover to the west of the site and adjoins a small, Council-owned, open space to the east at the intersection with Dudden Hill Lane.

To the rear (north) the site is bounded by two-storey residential terraces on Meyrick Road which have short gardens (between 9m and 13m from the rear of site). There are two-storey, mixed-use terraces (flats above shops) to the west.

The site is not within any conservation area or designated centre, although there is a local centre within 50m

and the Willesden Green District Centre is 470m away. The site has good public transport accessibility.

## 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	general business use	wholesale warehouse
3	dwelling houses	housing - private

#### FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	0	0	0	96	96
2	250	0	250	0	-250
3	0	0	0	474	474

#### TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	250	0	250	570	320

## PROPOSAL

Please see above.

## HISTORY

**03/2964** - Demolition of existing building and erection of 1 part three-storey, part four-storey building comprising 8 two-bedroom and 3 one-bedroom flats, one retail unit and ancillary cycle park and refuse stores – **REFUSED** on 15/01/2004 for the following reasons:

*The proposed development due to its excessive bulk, and scale would be detrimental to the amenities of the area and the adjoining residents by reason of loss of light, obtrusive appearance, overshadowing, loss of privacy and loss of outlook and would be contrary to policy E1 of the Adopted Unitary Development Plan 1996, policies BE9 and H13 of the Revised Replacement Unitary Development Plan 2000-2010 and Supplementary Planning Guidance note 17 'Design Guide for New Development'.*

*The lack of any on-site servicing would give rise to conditions prejudicial to the free and safe flow of traffic in the area, contrary to policy SH19 and TRN14 of the Revised Replacement Unitary Development Plan 2000-2010.*

*The proposed residential accommodation would result in a sub-standard form of accommodation, by reason of the poor outlook of flats from habitable rooms due to the proximity to a site boundary for future occupiers. The proposal is therefore contrary to policies E1, H16 and H17 of the Adopted Unitary Development Plan 1996 and BE9 and H21 of the Revised Replacement Unitary Development Plan 2000-2010 and Supplementary Planning Guidance 17 'Design Guide for New Development'*

**06/3253** - Demolition of existing building and erection of a 5-storey building comprising 14 flats (8 x 2-bed and 6 x 1-bed), one retail unit on the ground floor and ancillary service and bin-storage area – **WITHDRAWN** on 24/01/2007 before it was considered at Planning Committee with a recommendation for refusal. Draft reasons for refusal were:

*The proposal fails to demonstrate the principles of sustainable development and would therefore be harmful to the aims and objectives of the Council, which seek to ensure that new development and land uses achieve sustainable development, contrary to Policies STR14 and BE12 of the Brent Unitary Development Plan 2004*

and the guidance contained within Supplementary Planning Guidance 19: "Sustainable Design, Construction and Pollution Control".

*The overall scale, design and appearance of the new building is not considered to be in keeping with the existing character of the area, providing neither a high-quality contemporary nor a coherent traditional solution, and does not make a positive contribution to the streetscene, contrary to policies BE2, BE9 and H16 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development".*

*The development fails to provide adequate car parking in accordance with standards set out in the adopted policies of the Council. No Section 106 Agreement to make the development "car-free" has been offered in order to resolve this issue. As a result, the proposal would add to the already high demand for on-street parking in the area, to the detriment of the free and safe flow of traffic and pedestrian safety, contrary to policies TRN3, TRN23 and PS14 of the Brent Unitary Development Plan 2004.*

*The proposed development fails to provide any Section 106 benefits, in terms of education and non-car access financial contributions which would be required to meet the needs of the community and to provide the necessary mitigation measures as a result of the proposed development, contrary to policies STR10 and CF6 of the Brent Unitary Development Plan 2004.*

*The proposed development, by reason of the size, siting and bulk of the building would adversely affect the amenities of adjacent residential properties at Meyrick Road due to the resulting loss of light, outlook and obtrusive appearance. The development is therefore contrary to policy BE9 and advice contained within the Council's Supplementary Planning Guidance No. 17 "Design Guide For New Development".*

*The proposal lies within an Open Space Deficiency Area as defined within the Brent Unitary Development Plan 2004 and fails to provide adequate useable external amenity space for the proposed units or to off-set any shortfall of amenity provision by increased unit floor sizes, balconies or financial contribution towards improvements to the local public realm and open space and is therefore detrimental to the amenities of future occupiers, contrary to policies STR35, H12 and OS7 of the Unitary Development Plan 2004, and advice contained within the Council's Supplementary Planning Guidance Note 17: "Design Guide for New Development".*

*The lack of an automated door on the retail servicing bay would give rise to the obstruction of the public highway by vehicles accessing the servicing facility which would be prejudicial pedestrian and highway safety. The proposal is therefore contrary to policies TRN3 of the Brent Unitary Development Plan 2004.*

*The applicant has failed to demonstrate that adequate refuse & recycling storage can be provided on the site in order to meet the likely demands of future residents of the development contrary to policy BE12 and the Brent Unitary Development Plan 2004 and Supplementary Planning Guidance SPG17 "Design Guide for New Development".*

**07/2077** - Demolition of existing buildings, erection of a 4-, 5- & 6-storey building comprising 104m<sup>2</sup> non-residential commercial floor space, including a service area at ground-floor level for use as a mini-cab office (Use Class Sui Generis) and retail (Use Class A1); 11 self-contained flats consisting of 2 x one-bedroom flats, 6 x two-bedroom flats and 3 x three-bedroom flats; provision of cycle store, bin store, metal railing (1m high) to boundary, private and communal amenity space to rear and landscaping to site (as accompanied by "Planning Presentation" dated June 2007) – **DISMISSED** at appeal on 15/10/2008. In summary, the Inspector came to the following conclusions:

- The development as a whole would appear unduly bulky
- The development will have a detrimental impact on neighbouring amenity
- Matters relating to the recessed access could be addressed by way of condition
- In the absence of a legal agreement fails to provide adequate useable external amenity space for the proposed units or to off-set any shortfall of amenity provision by increased unit floor sizes, balconies or financial contribution towards improvements to the local public realm and open space and is therefore detrimental to the amenities of future occupiers

**08/2923** - Extension to existing building at roof level and demolition of flat-roofed front extension, conversion of extended building to 7 two-bedroom flats, with provision of 2 retail units at ground-floor level and insertion of windows to front and both side elevations at ground-floor, first-floor and second-floor level - **REFUSED** 12/01/2009 for the following reasons

*The proposed development would not provide an adequate overall standard of accommodation for future occupiers, by virtue of its unacceptable aspect and limited natural lighting, outlook, floorspace and amenity space, particularly given the provision of family-sized units, which would be contrary to the provisions of policies BE9 and H12 of the London Borough of Brent Unitary Development Plan 2004, and Supplementary Planning Guidance 17: "Design Guide For New Development".*

*The proposed development, by reason of the fact that pedestrian-access points to the frontage block are recessed (and do not adequately address the street frontage) with limited natural surveillance, would fail to incorporate the aims and objectives of "Secured by Design" and "Designing-Out Crime". As a result, the proposal is contrary to policies BE5, BE9 and H12 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide For New Development".*

*The proposed development would cause unacceptable levels of overlooking to existing neighbouring residential occupiers, contrary to policy BE9 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide For New Development".*

*The lack of a retail servicing bay would give rise to obstruction of the public highway by vehicles accessing the servicing facility, which would be prejudicial to pedestrian and highway safety. The proposal is therefore contrary to policies TRN3 and TRN34 of the Brent Unitary Development Plan 2004.*

*The development fails to provide adequate car-parking in accordance with standards set out in the adopted policies of the Council. No Section 106 Agreement to make the development "car-free" has been offered in order to resolve this issue. As a result, the proposal would add to the already high demand for on-street parking in the area, to the detriment of the free and safe flow of traffic and pedestrian safety, contrary to policies TRN3, TRN23 and PS14 of the Brent Unitary Development Plan 2004.*

*In the absence of a legal agreement to control the matter, the development would result in an increased demand for school places within the Borough, without providing any contribution to building new school classrooms or associated facilities; pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area; and increased pressure for the use of existing open space, without contributions to enhance that open space or make other contributions to improve the environment. As a result, the proposal is contrary to policies CF6, TRN10, TRN11, OS18 and H7 of Brent's adopted Unitary Development Plan 2004.*

*The proposed development fails to make adequate provision of secure, covered bicycle storage for residential occupiers and the retail units, contrary to the provisions of policy TRN11 and policy PS16 of the Brent Unitary Development Plan 2004.*

Full planning application (Ref No: 10/0049) for the Demolition of flat-roofed, first-floor front extension and conversion of building into 6 one-bedroom flats, with provision of 2 retail units at ground-floor level, 2 side rooflights to each roof slope and insertion of windows and alterations to existing windows to front and both side elevations at ground-floor, first-floor and second-floor level was dismissed at appeal. The Inspector came to the following conclusions:

*'...Whilst the proposal would not result in harm to the living conditions of the occupiers of nearby dwellings and that it would provide a safe environment, the proposal would result in significant harm to the living conditions of the occupiers of the proposed flats due to poor outlook, natural light levels and the provision of amenity space. In addition, in the absence of a legal agreement regarding financial contributions, the development would result in unreasonable pressure on existing services and infrastructure, and would be harmful to highway safety as there is no mechanism to ensure that the development would be car free.'*

## **POLICY CONSIDERATIONS**

National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. It seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. It includes a presumption in favour of sustainable development in both plan making and decision making. The NPPF is intended to provide a framework within which local people and Councils can produce their own distinctive Local and Neighbourhood Plans. It aims to strengthen local decision making and reinforce the importance of keeping plans up to date.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. The Core Strategy will also need to be in conformity with both the London Plan and the NPPF. In doing so it has significant weight attached to it.

## Unitary Development Plan 2004

### *Built Form*

- BE2 On townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- 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 On urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 Landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings.
- BE7 Public Realm: Streetscene
- BE9 Seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 States that proposals should embody sustainable design principles commensurate with the scale and type of development.

### *Housing*

- H11 Housing on brownfield sites
- H12 States that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective residents.
- H13 Notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 The appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.

### *Transport*

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN4 Measures to make transport impact acceptable
- TRN11 The London cycle network, schemes should comply with PS16
- TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS12 Car parking standards –
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards
- PS19 Servicing standards

Brent Council Supplementary Planning Guidance and Documents

*SPG 17 "Design Guide for New Development"*

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

## **CONSULTATION**

59 Neighbouring properties and relevant Ward Councillors were consulted on 4 February 2013. A site notice was placed outside the property on 14 March 2013, with a Press Notice being issued on 18 March 2013. The Local Authority has received 3 objections and 1 comment to date. These are outlined as:

### **Objections**

- The introduction of additional flats will reduce profitability of local businesses
- The new development will reduce the amount of natural light allowed onto the street.
- The development continues to propose an over-development of the site.
- The proposal is considered to result in a loss of privacy and have an overbearing impact on residents at Meyrick Road
- If the development replicates the design at Angel Court, the resulting development will have little architectural merit.
- The development appears to include land that belongs to Brent and neighbouring residents

### **Comments**

- It is noted the new application seeks to protect neighbouring amenity to the North of the site, by way of 'shielded windows'
- Future residents should not have access to car permits.

### **Response to objectors Concerns:**

- The applicant has provided a copy of the Register of Title proving ownership of the land to be developed
- All remaining concerns are addressed in the 'Remarks' Section of the report

## **REMARKS**

### **Principle of Development**

The site currently comprises a two-storey building with a footprint of approximately 250sqm, which has authorised use as a B1 light industrial facility, but which has been used in recent years as a place of worship, without the benefit of express planning permission. The property has now been vacant for a number of years. Notwithstanding aspirations detailed in Policy EMP9, owing to the vacant nature of the property and the aspirations of the NPPF (2012) which seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations, the Local Authority is able to support the development in principle.

The proposal seeks planning permission for the demolition of all buildings at the site, and the erection of a part 2-storey, 3-storey and 4-storey block, within which 6 no. self-contained dwellings are proposed across these floors, with a single 96m<sup>2</sup> A1 retail unit to be provided at ground level on the High Road frontage. The dwellings will comprise 2 no. 3-bed flats, 2 no. 2-bed flats, 2 no. and 1-bed flats. An enclosed bay for servicing the retail premises is included in plans, but no residential car parking is proposed.

### **Main alterations from previous refusals**

As detailed in the 'History' section of this report, the site has been the subject of a number of redevelopment schemes, under Refs. 03/2964, 05/0056, 06/3253, 07/2077, 08/2923 and 10/0049. Four of the above applications were refused (two being dismissed at appeal), with the remaining two being withdrawn.

As mentioned above, the 2010 Inspector concluded, '...Whilst the proposal would not result in harm to the living conditions of the occupiers of nearby dwellings and that it would provide a safe environment, the proposal would result in a significant harm to the living conditions of the occupiers of proposed flats due to poor outlook, natural light levels and the provision of amenity space. In addition, in the absence of a legal agreement regarding financial contributions, the development would result in unreasonable pressure on existing services and infrastructure, and would be harmful to highway safety as there is no mechanism to ensure that the development would be car-free'

The 2008 Inspector concluded, the proposal was poorly designed and would cause significant harm to the living conditions of neighbouring residents and future occupiers. Further, in the absence of a legal agreement the proposal would have a detrimental impact on local facilities and would be likely to significantly increase the pressure on the limited amount of on-street parking in the area.

The proposal takes into consideration issues raised at previous appeals, as well as Inspectors judgements on

those issues. These changes result in a good standard of accommodation for future occupiers, will not result in a detrimental impact on neighbouring amenity and will be suitably designed so to respect the character of the area on as discussed in detail below.

## **Urban design**

### **Size and Scale**

The area is characterised by buildings of two storeys adjoining the proposal site and buildings up to four storeys on the opposite side of High Road to the south. Owing to its location on the Junction between Willesden High Road and Dudden Hill Lane your Officers consider the site to represent a visual focal point, a viewed shared by the Planning Inspectorate. The discussion therefore centres on whether this proposal achieves the quality officers seek. At present the site fails to define the entrance/exit from Willesden by reason of the existing development being of little intrinsic value and are further of an awkward massing for an otherwise open corner. The awkward massing on this prominent junction would be improved by a consistent elevation as such a comprehensive scheme has always been encouraged. However it appears the Taxi control office cannot be included as it is in separate ownership. It is however noteworthy that the geometric approach proposed does provide an opportunity for a comprehensive scheme to be realised should the opportunity present itself in the future.

The proposed scale of the development appears to sit comfortably within the streetscape. The elevations benefit from scale reduction through rhythm of the fenestration. The scale of the rear elevation is reduced by the curved attic storey which in turn reduces the impact of the building on properties at Meyrick Road. The front elevation is well proportioned with strong vertical emphasis that sits comfortably with the streetscape and terraced rhythms. The groundfloor is appropriately a retail use. This in turn retains the active frontage of the Town Centre. However, although the basic configuration of the shop front is shown, the shopfront does lack a great deal of detail. As such a condition securing the final design of the shopfront is suggested here.

Furthermore, the building height has been reduced by from 6 floors (2008) to 3 and is further lower in some respects (At points closest to rear gardens at Meyrick Road) than that of the original building (2010 application sought to use the shell of the existing building). This in combination with the fact that the building has moved away from the rear of the site and set back up floors, has significantly reduced impacts upon neighbouring rear gardens at Meyrick Road and is thus deemed acceptable with adopted policy and design guidance SPG17.

Whilst some detail of materials have been submitted, owing to the limited information of specification etc, further detail should be secured by condition.

### **Impact on Neighbouring amenity**

Previous appeal Inspectors noted the rear gardens of Meyrick Road to have relatively short gardens. In the 2010 appeal, the Inspector did however find the proposal albeit located closer than 10m (Approximately 4.5m from the Northern boundary) to the boundary with Meyrick Road to be acceptable. In addition, the Inspector also found there to be no issues of overlooking as there are no windows located in the flank wall of No 304 High Road that faces the subject site. In the current submission the groundfloor is located further away from the rear Northern Boundary than both the existing situation (3m) and the dismissed 2010 appeal (4m) at 6m. The current proposal will not have an over-bearing impact on the rear gardens of Meyrick Road; where the proposed building is significantly clear of the of the existing building which is something the appeal inspector considered to be the right approach.

At ground and first floor the new building will be located 6m away from the Northern boundary. SPG17 requires direct facing windows to have a 20m separation between them. However the 2010 Inspector found a development with obscured views that was located closer than that proposed here to be acceptable.

Weighing the current proposal against the Inspectors decision, it must be accepted that the obscure views from windows located 6m away from the Northern boundary to be acceptable on balance.

Whilst views from the lower floors units have been obscured, views from the proposed second floor have not been obscured. Here, the building is set away from the Northern boundary by a minimum of 15m and is located 20m away from directly facing habitable room windows. Here the requirements outlined in SPG17, have been strictly met and no objection is raised. Further previously proposed balconies have been removed from the submission and only two habitable rooms have dual views to the North. The remaining windows are not habitable.

Some concern has been raised with the relationship between the sole habitable room window on the Western first floor flank and rear gardens at Meyrick Road. Whilst direct views into the rear gardens are somewhat visible owing to the short distance and the close proximity of the mentioned flank wall and the Northern site



boundary (6m), your officers suggest a condition requiring measures to mitigate any overlooking and a loss of privacy. This could take the form of an obscure glazed projecting screen. Such detail shall be secured by condition.

Whilst the proposal fails to comply strictly with requirements set out in SPG17, having regard for the Inspectors Decision it is considered on balance that the proposal does not cause detrimental harm to neighbouring amenity.

#### Quality of accommodation

6 new residential (2 x three-bed, 2 x two-bed, 2 x one-bed) units are proposed, with affordable housing. The new accommodation proposed is summarised below:

Flat no.	Beds	Floor area	Amenity Space
1	3b 5p	112m <sup>2</sup>	89m <sup>2</sup> - Garden
2	2b 4p	72m <sup>2</sup>	9.3m <sup>2</sup> - Balcony
3	1b 2p	74m <sup>2</sup>	7.5m <sup>2</sup> - Balcony
4	2b 3p	67m <sup>2</sup>	9.3m <sup>2</sup> - Balcony
5	1p	49m <sup>2</sup>	0m <sup>2</sup>
6	3b 5p	100m <sup>2</sup>	9.3m <sup>2</sup> - Balcony
Total		474m <sup>2</sup>	124m <sup>2</sup>

All units meet requirements meet minimum standards for floorspace set out in the Mayors London Plan 2011

All units will benefit from dual aspects, which helps to mitigate the relatively close distances to the boundary and are therefore considered to have an acceptable standard of outlook and privacy. The proposal will be located 8.5m away from the Western boundary. On the groundfloor a dual aspect lounge window will look directly into the communal garden. SPG17 requires a 5m separation from the subject window and the affected boundary. The development is considered to comply with requirements set out in SPG 17, however the relationship between the lounge and the communal garden is tight, so to protect the amenity of future occupiers a condition seeking adequate screening is suggested.

At first floor level, a sole habitable room window is proposed on the Western flank. This flank wall is located 8.5m away from the Western site boundary. SPG17 normally requires a 10m separation from between sole habitable room windows and the affected boundary. However SPG17 does make some allowance for a more flexible view to be taken in more intense inner urban areas. In addition this window will overlook the roof of a neighbouring single storey commercial extension. Therefore the privacy and indeed outlook of this sole habitable room window is not considered to be compromised to a point of detriment. As such on balance the proposal is considered to be acceptable.

The scheme requires 180m<sup>2</sup> of external amenity space to meet SPG17 guidelines. All units located on the upper floors have access to private balconies (total of 35m<sup>2</sup>) as well as a communal rear garden of approximately 80m<sup>2</sup> with a private garden area (89m<sup>2</sup>) to the groundfloor three bed unit. The total sum of external amenity space proposed is 204m<sup>2</sup>, thereby meeting the Councils requirements. The communal garden would be located immediately adjacent to the private external amenity space. Details of boundary treatments shall be secured by condition and given that screen planting will be provided to the lounge room of unit 1 so to prevent views into living space it is on balance, considered to be acceptable. This will need to be considered through the landscaping condition

#### Parking and transport

Willesden High Road is a local distributor road as is Dudden Hill Lane. It has a good PTAL rating of 4 and is located within a CPZ. Surrounding residential streets (e.g. Meyrick Road) are designated as heavily parked.

The site's good access to public transport services and presence within a Car Parking Zone (CPZ) means a reduced residential allowance of 0.7 spaces per 1-or-2-bed dwelling applies, while the 3-bed dwellings can be permitted up to 1.2 car spaces. A further 1 parking space will be permitted for the retail unit, at a rate of 1 space per up to 400sqm. The combined maximum allowance for the site will therefore be 6.2 spaces. With no on-site parking proposed, standards would be complied with.

However, consideration needs to be given to the impact of overspill parking from the site on traffic flow and road safety and as before, the heavily parked nature of the surrounding residential streets and the distributor road status of High Road means that overspill parking from the development cannot be safely

accommodated on-street in the area. As such, a Car-free agreement will be required to remove the right of future residents to on-street parking permits, with the location of the site being considered suitable in terms of public transport access and a CPZ for a car-free development. The developer has accepted this need.

Residential refuse and recycling storage facilities are provided on the Dudden Hill Lane frontage, close to the residential access. This is acceptable both in terms of residents carry distances and access for waste collection staff.

Requirements set out in policy PS16 requires the provision of at least one secure bicycle parking space per flat, plus one space per 125m<sup>2</sup> for the retail unit. Nine secure and covered bicycle parking spaces have been indicated on the northern side of the building, which is more than sufficient to satisfy the residential cycle parking requirement. A cycle space for the commercial unit can be provided within the proposed servicing bay.

In terms of servicing, a bay is shown on the southern side of the building of more than sufficient size to accommodate a "Transit"-sized van for the shop unit, in compliance with standards set out in PS17. A side access will be provided into the retail unit from this area to encourage its use. The provision of refuse and recycling storage to the front of this area allows easy access by waste collection staff, in accordance with Brent Council's guidelines.

Officers have considered the possibility that enclosing the servicing area with a garage door could result in the this area being used for storage of goods, with service vehicles then being forced onto High Road. However an open area would potentially lead to anti-social behaviour or security concerns for future occupiers. Providing an entirely open yard would however necessitate a redesign of the entire scheme, significantly reducing its footprint, which is not considered to be an acceptable approach. Having considered these, your officers on balance consider the scheme (I.e. An enclosed bay) to be acceptable as on-street servicing is likely to result in Parking Enforcement Action.

There will be no need to alter the existing crossover for the vehicular access. Pedestrian access to both the retail and residential units is taken directly from High Street and Dudden Hill Lane, which is identifiable and welcomed.

#### Legal Agreement

A s.106 agreement with the following heads of terms is required to make it acceptable:

- (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) Contribution of £3000 per habitable room, to be used for improvements to the education, sustainable transports, sports and open space in the local area.
- (c) Join and adhere to the Considerate Contractors scheme.
- (d) Car-Free Scheme - the residents will not be allowed to apply for Parking Permits.

#### 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 Meyrick Road 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 6 housing units 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:

WHR-01-001  
WHR-01-002  
WHR-01-003  
WHR-01-004  
WHR-02-001  
WHR-02-002  
WHR-02-003  
WHR-03-001  
WHR-03-002  
WHR-03-003  
WHR-03-004  
WHR-02-004  
WHR-03-005  
WHR-04-001  
WHR-04-002  
WHR-04-003  
WHR-04-004  
WHR-05-001

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) All areas shown on the 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
- Provisions for the satisfactory screening, in particular between landscaped and window of unit 1

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.

- (5) 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. 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.

- (6) Views from the first floor bedroom window located in the Western flank wall of the building, as shown on the approved plans, shall be obscured by an obscure glazed screen. Details of screening, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement. The work shall be carried out in accordance with the approved details.

Reason: In the interests of the privacy of adjoining occupiers.

- (7) Prior to occupation of the dwellings results of the post-completion testing undertaken in the noise affected dwellings closest to the road to demonstrate that reasonable resting conditions (Living rooms) LAeq, T 30 – 40 dB (day: T = 16 hours 07:00 – 23:00), reasonable sleeping conditions (Bedrooms) LAeq, T 30 – 35 dB (night: T = 8 hours 23:00 – 07:00) L<sub>Amax</sub> 45 dB (night 23:00 – 07:00) have been met should be submitted and approved in writing by the Local Planning Authority and thereafter the development shall not be occupied until the approved scheme has been fully implemented.

Reason: To ensure that the occupiers are not subjected to excessively high noise levels and to ensure an adequate standard of amenity.

- (8) Proposed refuse, recycling and cycle storage shall be permanently maintained unless the prior written consent of the Local Planning Authority is obtained.

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

- (9) Proposed groundfloor A1 units shall be permanently maintained unless the prior written consent of the Local Planning Authority is obtained.

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

- (10) The servicing bay hereby approved shall be permanently maintained for such a purpose and shall not be used for any other purpose at any time, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- (11) Details of gates/doors (including opening mechanisms) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

**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](http://www.communities.gov.uk)
- (2) The applicant is informed that, for the avoidance of doubt, this permission does not give consent for any shopfront or advertisements on the building which would require formal approval in their own right.

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