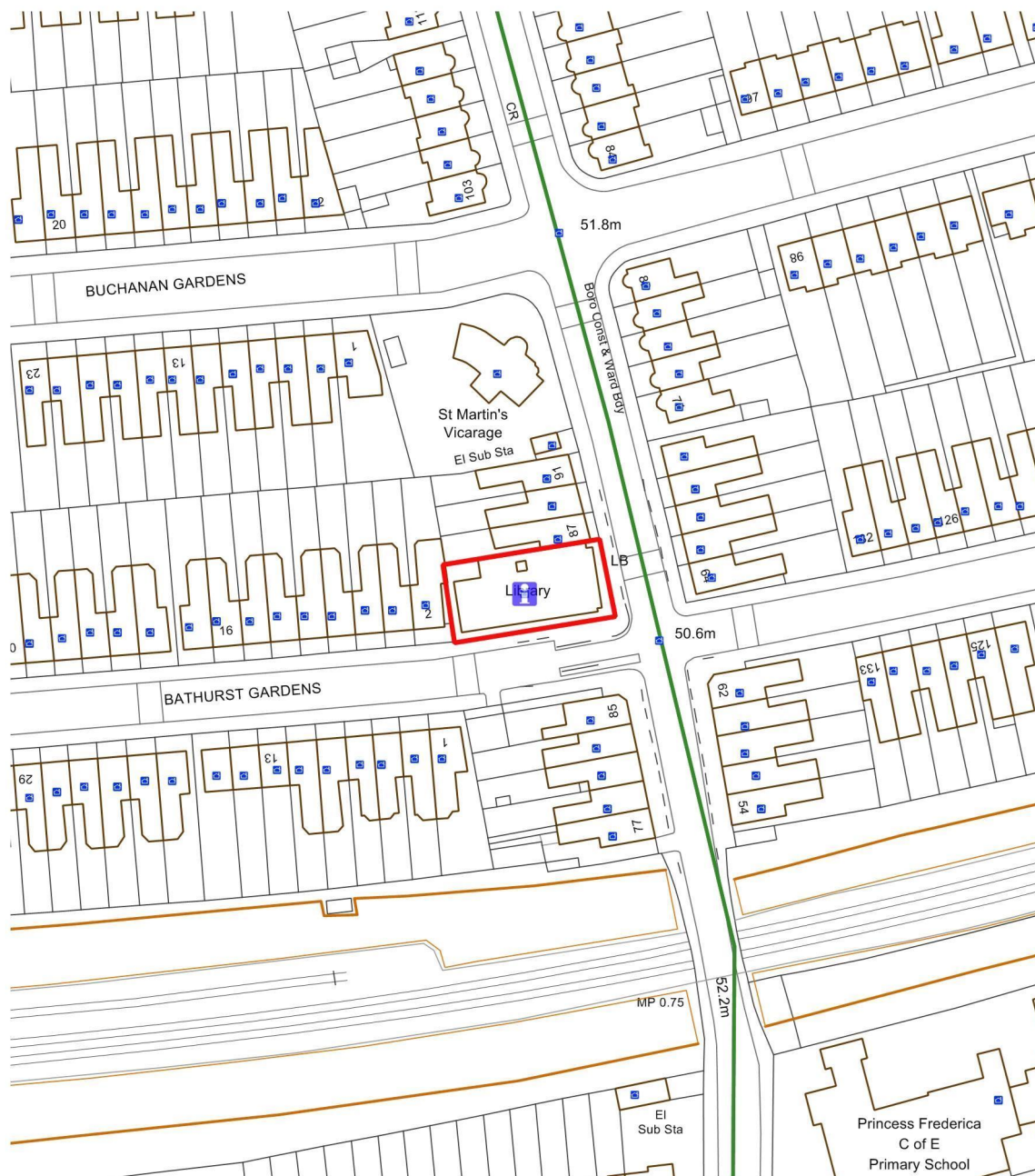




Planning Committee Map

Site address: Former Kensal Rise Branch Library, Bathurst Gardens, London, NW10 5JA

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This map is indicative only.

RECEIVED: 7 March, 2014

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Former Kensal Rise Branch Library, Bathurst Gardens, London, NW10 5JA

PROPOSAL: Conversion of the existing vacant building to provide 5 residential units (2 x studios, 1 x 1 bed duplex flat and 2 x 2 bed duplex flats) on part ground and upper floors and 186m² community space (Use Class D1) on the ground floor. Single storey ground floor extension to west elevation, provision of roof extension and communal residential roof terrace fronting onto Bathurst Gardens and creation of basement for bin/cycle store. Provision of new entrance door on Bathurst Gardens serving D1 space, with associated cycle parking and landscaping to Bathurst Gardens and College Road. Erection of temporary site hoarding to protect site for period of vacancy.

APPLICANT: Kensal Properties Limited

CONTACT: Nicholas Taylor & Associates

PLAN NO'S:
See condition 2

RECOMMENDATION

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

SECTION 106 DETAILS

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

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

Proposed

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

Flats û Market	1	2								3
Bedsits/Studios & Market	2									2

PROPOSAL

See description above.

HISTORY

13/2058. Conversion of the existing vacant building to provide 7 residential units (3 x one-bed flats, 3 x two-bed flat & one x two-bed house) on the ground and upper floors and 175m2 multi-functional community space (Use Class D1) on ground floor and basement. Alteration to roof pitch over and increase in height of rear wall of central section of main building, proposed new roof with flank wall windows to existing west wing. Provision of new entrance doors on College Road and replacement rear and flank wall windows with associated waste storage, cycle parking and solar panels.

Refused for the following reasons:

- 1. The applicant has failed to demonstrate that the proposed community hub would be of a size, layout and quality that sufficiently and suitably meets the local need for community facilities, to a degree that it would adequately compensate for the loss of the existing community facility on site, which has been listed as an Asset of Community Value. As such, the proposal would be harmful to the future provision of community and cultural facilities for local residents contrary to policy CP23 of the London Borough of Brent LDF Core Strategy 2010.*
- 2. The proposed development would fail to provide sufficient amenity space, or compensate for this deficiency through the provision of larger internal space standards, and would include habitable rooms on the ground floor that would suffer from substandard levels of outlook. As such the development would provide a substandard quality of accommodation and amenity for future occupiers contrary to policy BE9 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17:- Design Guidance for New Development."*
- 3. The proposed extension of the building at first floor and roof level would have an overbearing impact on the adjacent residential property at 87 College Road harming the outlook from habitable room windows for neighbouring occupiers contrary to policy BE9 of the London Borough of Brent Unitary Development Plan 2004 and advice contained in Supplementary Planning Guidance 17:- Design Guide For New Development.*
- 4. The proposed mansard roof extension, by reason of its bulk and prominent siting in relation to existing gable end features, would harm the character and appearance of the building, in particular, and the locality, in general, contrary to policies BE2 and BE9 of the London Borough of Brent Unitary Development Plan 2004.*
- 5. In the absence of the legal agreement to control the matter, the proposed development would result in an increased demand for car-parking that cannot be accommodated on site or within the surrounding streets, which have been identified as being heavily parked, giving rise to conditions that would be prejudicial to highway and pedestrian safety contrary to policies TRN3 and TRN24 of the London Borough of Brent Unitary Development Plan 2004*

POLICY CONSIDERATIONS

The following planning policies and guidance are considered to be of particular relevance to the determination of the current application.

National Planning Policy Framework 2012

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.

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.

London Plan 2011

- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.16 Protection and enhancement of Social Infrastructure
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 8.2 Planning Obligations

Core Strategy 2010

- CP2 Housing Growth
- CP14 Public Transport Improvements
- CP15 Infrastructure to Support Development
- CP17 Protecting and Enhancing the Suburban Character of Brent
- CP18 Protection and Enhancement of Open Space, Sports and Biodiversity
- CP21 A Balanced Housing Stock
- CP23 Protection of existing and provision of new Community and Cultural Facilities

UDP 2004

- BE2 Townscape: Local Context and Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for Disabled People
- BE5 Urban Clarity & Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- H12 Residential Quality – Layout Considerations
- H18 Quality of Flat Conversions
- TRN3 Environmental Impact of Traffic
- TRN11 The London Cycle Network
- TRN22 Parking Standards – Non-residential Developments
- TRN23 Parking Standards – Residential Developments
- TRN34 Servicing in New Development

SPG17: 'Design Guide for New Development'

CONSULTATION

Public Consultation

The application has been subject to widespread public consultation. Consultation letters were sent out to 1336 addresses in the local area on 21 March 2014, 8 site notices were installed on the streets neighbouring the subject property on the 7 April 2014 and the application was advertised in the local press on 17 April 2014. Local politicians and local community groups were also consulted on the planning application.

There has been a significant response to the consultation. So far, in total, 483 representation in support of the proposal have been received, 14 objections and one petition with 1 general comment have been received from members of the public in relation to the proposed development.

Representations have also been received from a number of local Councillors as follows:-

- Cllr Shaw (Brondebury Park) - Support
- community space being used as a library

- Friends of Kensal Library are tenants of the community space
- Cllr Hector (Kensal Green) - Support subject to:
 - increase in D1 space and reduction in the number of flats
- Friends of Kensal Library are tenants of the community space
- The D1 space having an entrance through the main entrance.
- Cllr Denselow (Queen's Park) - Support subject to:
 - community space being used as a library
- Friends of Kensal Library are tenants of the community space
- Cllr Jones (Willesden Green) - Support
 - community space being used as a library
- Friends of Kensal Library are tenants of the community space
- Former Cllr Cheese (Brondesbury Park) - Support
 - community space being used as a library
- Friends of Kensal Library are tenants of the community space
- The D1 space having an entrance through the main entrance.

Friends of Kensal Rise Library (FKRL) consider that a community use of the proposed space of 186sqm, while restrictive, is viable. They state that they have a Business Plan and the necessary skills and experience - from within the Trustees and the wider community - for the operation of the space as a community space and library. It would be the objective of FKRL to use the space allocated for a community library, as per its charitable objectives:

"To advance public education by running and/or assisting in the running of a library at Bathurst Gardens, Kensal Rise, London, NW10 5JA, for the benefit of the residents of the London Borough of Brent.

They also believe that there is widespread support within the community for local provision of library and community space. They have been involved in negotiations with the applicant and All Souls College and are supporting the proposal after being guaranteed that the Friends are the preferred putative tenants of the College and the developer of the dedicated space. The agreement between FKRL, All Souls College and the development, and the planning application contain a significantly increase amount, and improved quality, of space for community use than that which was designated in the unsuccessful planning application of last year.

They have further emphasised their concern that FKRL should be the tenants of the community space and that the Asset of Community Value legislation and regulations would allow for them to be named as the actual tenant rather than the preferred.

All Souls College have provided comments confirming that the College's intention has always been to see library services continue to be provided from the site. They have confirmed that the College will be allocated the community space, and although a sub-lease has yet to be negotiated, it is the College's intention to let the space to FKRL. They also confirm that they do not see a problems with the principles by which the space shall be let as set out in the applicants planning documents.

Kensal Rise Residents Association have provided the following comments:

- 1). We support the position of FKRL in their support of the current application
- 2). We support the current planning application on the proviso that it provides the best achievable outcome whereby FKRL will be the tenants of the proposed D1 ground floor space for the long term (Inasmuch as Brent Council Planning team are able to achieve this within their own powers).
- 3). We support the application providing the building remains accessible to the community for the lifetime of the proposed 999 year lease

We request that the section 106 agreement will ensure (as far as is achievable) that the building remains in community use, as a library and run by FKRL.

Public Letters of Support

Those in support of the application have written on the basis that:

- The D1 community library and space is provided
- Friends of Kensal Library are the tenants of the space
- The entrance to the D1 space is revised so that those using the facility can access it through the main entrance.

Representations in objection

In summary the concerns of the objectors relate to the following issues:-

Community Use:

1. The proposed use of the building would harm the status of the building as an Asset of Community Value.
2. There will be a loss of community space and civic amenity in an area where these facilities are already lacking.
3. The loss of community facility is not offset by the provision of new homes
4. The proposed community hub is insufficient, unsuitable and impractical for meeting community needs.
5. The development would harm local employment as a facility which could be used for social enterprise or to developed skills would be lost.
6. Arrangements for the future ownership of the community space are unclear.
7. The applicant has failed to consult the local community in developing the proposals for the community hub
8. The entrance to the community space is too small and should be through the main residential entrance.
9. The application should be referred to the secretary of state for clarification on changes to planning legislation in relation to community use

Residential Accommodation

10. The quantum of residential development with no outside space is an overdevelopment of the site
11. The development will increase parking and traffic problems within the locality of the site.
12. The development does not provide adequate facilities for the storage of refuse/recycling and bicycles.

Building Alterations

13. The development would harm the character and appearance of the building
14. The development will harm both the external and internal character of a locally listed building

Other

15. There has been inadequate consultation on the planning application.

Petition

A petition with 288 signatories has been received. This is addressed to Brent Council and requests that Brent

"Prohibit Change of USE for Assest of Community Value (ACV) so they are able to be actively used and enjoyed by Brent locals rather than threatened with closure, or left by private developerts.

Brent Council must urgently create guidelines to protect ACV and mandate community access so that current listed assets are not at risk."

Internal Consultation

Transportation Unit - No objections subject to a Section 106 Legal Agreement confirming that the residential dwellings shall all be entirely car-free, removing the rights of future occupiers to obtain residents parking permits, in order to comply with Policy TRN23 of the UDP-2004. A condition requiring the provision of secure, covered cycle parking spaces at ground floor level is also requested, to comply with PS16 standards.

Urban Design - No objections to the principle of development. Further details of community entrance and front balcony details will be required.

REMARKS

Main Considerations

1. This planning application is a revised proposal from that which was previously refused at the Council's Planning Committee on 18/09/2013. The revisions that have been made are set out in paragraph 4 below.
2. The proposed development would involve the conversion of the vacant building, most recently used as a library(Use Class D1), into 186sqm of community space (Use Class D1) and five self-contained flats. It also seeks consent for the existing hoardings which currently surround the site. It is considered that the main planning consideration in relation to the determination of the application are:-
 - Whether sufficient mitigation is provided for any loss of community or cultural facilities
 - Whether the proposed residential units provide an acceptable quality of residential accommodation and amenity for future occupiers.
 - Whether any proposed alterations to the existing building and its surroundings are in keeping

- with the character and appearance of the existing building and surrounding streetscene and whether they would have an acceptable impact on the amenity of adjoining residents
 - Whether the proposed development would have an acceptable impact on local highways and parking conditions
 - Whether the existing temporary hoardings are acceptable
3. The above is a summary of the main planning considerations affecting the current proposal. The application should be determined in accordance with the development plan and any other material planning considerations as set out in this report.

Amendments Since Previous Refusal

4. The main alterations to the proposed development since the previous refusal are as follows:

Community Space

- The total floor space has been increased from 176sqm to 186sqm.
- The community floor space is situated solely on the ground floor (except for waste storage which is in the basement).
- The entrance to the community floor space is through a proposed entrance in the chimney breast onto Bathurst Gardens and not from College Road as previously proposed.
- Further details of community consultation, existing community space availability in the local area and the management of the community space have been provided.
- Indicative examples of the proposed layout and a matrix of uses drawn up in conjunction with the FKRL group have been provided

Residential

- The number of residential units proposed has decreased from 7 units to 5.
- The size and layout of the proposed units have been all +10% above the minimum floor space standards for their respective unit sizes.
- A roof terrace is proposed at the second floor level fronting onto Bathurst Gardens.
- Alterations to roof on Bathurst Road front but not to rear.
- The height of the west wing is retained as existing.

Replacement of Community Facilities

5. The existing building has been vacant since the former use of the building as a public library ceased in 2011. The cessation of the former use was as a result of the Council's Library Transformation Project. The applicant states in their submission that through this process, adequate mitigation has already been provided, in the form of new and improved library facilities, to justify the loss of the existing building. The Library Transformation Project does provide a comprehensive and efficient library service in the borough. Whilst the Council's library use has ceased, the building remains capable of being used to meet other wider community needs and therefore sufficient mitigation would need to be provided if the loss of the community use is to be supported.
6. In terms of local demand for community facilities it is important to note that in December 2012 the building was listed, at the request of the Friends of Kensal Rise Library, as an Asset of Community Value under provisions contained in the Localism Act 2011 ("The Act"). This listing is designed to support the community right to bid by requiring the owner of the asset to provide sufficient time to community groups to prepare and submit a bid, if they wish, should the owner of the asset decide to dispose of the asset. Whilst ultimately this listing cannot prevent the owner selling the asset to whom ever they want, at whatever price they want, it does offer an opportunity for community groups to make a bid for the asset in advance of any agreement to sell to a third party. This process also applies for all non-residential parts of a proposed development which will be sold or leased as the ACV listing remains for all areas of non-residential floor space. Residential uses cannot be subject of an ACV listing.
7. The Department for Communities and Local Government has produced non-statutory guidance on the Community Right to Bid. Paragraph 2.20 sets out that "the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case." Whilst regard must be had to the development plan in the determination of the application it is considered that in this case the fact that the building is listed as a Asset of Community value is also a material planning consideration as it reasonably demonstrates that there is a local demand for community facilities within the locality and in particular a demand that those facilities should be provided on the subject site.

8. The listing as an Asset of Community Value is also relevant in this particular case as a partial change of use to residential is proposed. Residential uses are normally exempt from being listed as Assets of Community Value and therefore, if permission were to be granted, this would have an impact on the extent of the current listing.
9. The existing building has a gross internal floor area (GIA) of 612m² (543sqm NIA) arranged over 3 floors. Under its previous use the ground floor acted as the main reading room and reception area, with ancillary staff areas and storage space on the first floor and storage on the second floor. The ground floor of the property has a floor area of approximately 276sqm (GIA).
10. The revised proposal would involve the formation of a D1 use of 186sqm (GIA) which would occupy most of the ground floor of the building. In terms of the proposed area this is 10sqm more than the previous proposal and while such an increase would not appear to be significant in terms of area the quality and useability of the space is a significant improvement on the previous proposal as it is all provided on the groundfloor level and is arranged in a manner which supports the flexible use of this space for a variety of different users.
11. The applicants have prepared a statement of community involvement which sets out the level of consultation they have undertaken with the local community since the previous refusal. This has included an initial consultation with FoKRL in October 2013, open public consultation in November 2013, a follow up workshop with FKRL in December 2013. They have also highlighted the alterations that have been made to address the concerns raised.
12. The applicants have provided plans showing how the groundfloor could be laid out. The space is accessed from a new entrance which is to be provided from Bathurst Gardens through the existing chimney breast. This will be provided with a ramped access from the corner of Bathurst Gardens and College Road. This space will be Disability Discrimination Act (DDA) compliant. The indicative floor layouts show a main open plan space, which could be used as a traditional library space with book shelves, desks, seating area and main front desk in the east wing of the groundfloor. The west wing of the groundfloor, which is access via a corridor at the rear, could then be laid out with two meeting rooms, toilets and storage area. These plans have been developed in conjunction with FKRL following consultation events.
13. The applicants in consultation with FKRL have also provided a use matrix and indicative layouts showing how a range of community uses could be accommodated at different times during the course of a normal week. The layout including the provision of desks, bookshelves, meeting rooms and storage would allow for uses such as book lending, IT services, studying, language classes, childrens/toddler story time and other community uses throughout the week.
14. To ensure that the community space is accessible to the local community the applicants have provided information as to how the space will be managed and how the end user will be determined. The applicants have confirmed that the community space will be provided in shell and core including toilets, sinks and storage space with the responsibility of fitting out the accommodation falling to the future occupants. The future occupants will also be obliged to meet a reasonable service charge for use and maintenance of storage space and lift which will be in the form of an annual charge. The applicants have suggested that this is likely to be in the region of £2500.
15. The space is accessed from a new entrance which is to be provided from Bathurst Gardens through the existing chimney. This will be provided with a ramped access from the corner of Bathurst Gardens and College Road. This space will be DDA compliant.
16. The applicant has advised the Council that it has entered into contractual obligations to lease the space back to All Souls College while the freehold for the building will be retained by the applicant. The applicant in conjunction with All Souls College will determine who the future occupants following a bidding process in which all interested parties can bid to occupy the space. The space will then be let in accordance with the following terms and conditions:
 - The space will be offered to a single lessee on a peppercorn rent in perpetuity
 - A reasonable service charge will be applied to maintain the communal/entrance area including repairs to building.
 - Minimum hours of operation will be required to ensure that the maximum range of uses, as identified in the use matrix, are provided throughout the week.

- The lessee must be responsible for and operate the D1 space in the interest of the local community and not limited to any specific interest group (e.g. not exclusive religious and/or other groups).
 - Use of the facility will be limited to D1 uses only, as defined by the T&CP Use Classes Order.
 - No operation should be for profit generation or related to business use/business; all funds generated by the operator will remain within the organisation to enhance its services and allow the provision of additional community services.
 - The proposed uses should not cause nuisance to the flats above, or other adjoining neighbours (no excessive noise, traffic generation, late night/early morning activity etc).
17. All Souls College have confirmed that it is their intention to see library services continue to be provided from the site. A sub-lease has yet to be negotiated and agreed but it is the intention of the College to let the space to Friends of Kensal Library at a peppercorn rate for a very long period.
18. The proposed alterations and additional information provided have shown that the proposed community floor space is of a size and layout which could sufficiently and suitably meet the needs of local community to compensate for the loss of the existing facility. The most recent use of the Groundfloor as a library use ceased almost two years ago. However this facility was open to all members of the local community. The applicants have proposed use of a management agreement through section 106 to establish the principles of how the D1 community space will be provided tfor the benefit of the loca community.
19. The majority of letters of support have been submitted on the basis that the community use is let to the Friends of Kensal Rise Library. It is not within the powers of planning to specify an end user of the proposed facility and therefore this cannot be secured through the current planning. However the applicants have specified in the planning submission documents and All Souls College have confirmed that FKRL are the intended tenant of the community space.
20. The Council have proposed appropriately worded conditions and section 106 Heads of Terms in order to secure the provision of the community space for use by the local community.

Quality of Residential Accommodation

21. The proposed residential accommodation will be provided in the form of five self-contained flats 3 x 1-bedroom and 2 x 2-bedroom. The flats would be arranged over the three floors. On the ground floor one one-bedroom flat/duplex is proposed in the space that forms part of the annexe extension to the original building. The remaining four flats are proposed on the upper floors of the main building. The main access to the flats will be from the existing main entrance Bathurst Gardens.
22. On the first floor level there are three self-contained flats (2 x studio and 1 x 2-bed) accessed from a central core. The further 2-bed flat is situated on the second floor.
23. In terms of the internal space standards set out in the Mayor's Housing SPD, the minimum standards are generally met as set out in the table below.

Flat No.	Unit Type	Unit Size (Sqm)	London Plan Minimum Standard	Amenity Space (sqm)
2.03	1bed 2person	75.7	50	20
2.02	Studio	50.3	38	0
1.01	Studio	60.69	38	0
2.01	2bed 4person	99.35	71	0
5	2bed 4person	92	71	0

24. In terms of external amenity space there is a small space at the ground floor level which has been allocated to the groundfloor residential unit. This unit would meet the 20sqm required by SPG 17. The residential units within the main building would have access to a communal roof terrace at the second floor level fronting onto Bathurst Gardens. This space would have an area of 14sqm. Therefore the proposed units would fall short of the 20sqm normally required. However as the proposed residential flats are all above and in most cases significantly above minimum floor space standards this can be considered as suitable mitigation on a site where external space is limited.
25. The layouts of the proposed flats have been altered so as to ensure that all habitable rooms have suitable levels of daylight, sunlight, outlook and privacy. Most of the habitable room windows are on the east and south elevations fronting onto College Road and Bathurst Gardens. As such these units will have suitable levels of daylight, sunlight, outlook and privacy. There are two facing bedroom windows

between unit 2.01 and 2.03 which would not comply with the 20m separation distance proposed in SPG17. To ensure that these rooms have sufficient privacy levels the applicants proposed to install partially frosted glazing. This is considered to be acceptable in this instance.

26. Overall, it is considered that the proposed development provides an acceptable quality of residential accommodation for prospective residents.

Transport, Parking and Servicing

27. The subject site is located in an area where the surrounding streets have been identified as being heavily parked and, as such, no further demand for on-street parking can be accommodated without giving rise to conditions that could prejudice highway and pedestrian safety. No on site parking is proposed and it does not appear that it would be practical to do so. The proposed development would significantly increase the parking standard for the site, by 4.5 spaces, and therefore, without mitigation, this would be unacceptable in this location. However, the site does benefit from very good access to public transport facilities (PTAL4) and the site is located within a controlled parking zone and therefore a 'permit-free' agreement would be appropriate in this case. This would prevent future occupiers of the development from obtaining residents parking permits thus negating any impact on parking congestion within the locality of the site. The applicants have agree to this in principle
28. The proposed community space would have similar parking and servicing standards to the former use of the building and therefore the transport impact of this facility would be likely to be comparable to the previous use when it was in operation.
29. Cycle storage for the residential units is proposed within a basement store. This is not considered to be particularly convenient as residents would be required to carry their cycles to and from the basement level. The applicants have confirmed that they will have access to the lift which would allow them to do this without having to use the stairs. The community use will also have access to the lift and the groundfloor storage and waste storage space.
30. Refuse storage areas have been indicated inside of the building at the basement level. The refuse bins will have to be moved to the street on collection day and returned on the same day following collection to ensure that they do not create additional clutter within the street scene. Whilst the locations of the stores are acceptable from a collection perspective further details of the management of this space will be required to ensure that refuse is collected and bins do not create additional clutter within the streetscene. Full details of the storage spaces and the waste management strategy will be sought by condition.

Character and Appearance

31. The existing building was built in 1900 in a late Victorian Elizabethan Revival Style. The frontage on Bathurst Gardens has three front gables constructed in red brick. The main entrance is situated on the Bathurst Garden frontage and is defined by a pediment supported by a pair of Ionic columns. There are also prominent timber framed leaded glass casement windows on both the Bathurst Gardens and College Road elevations. The roof is hipped with strong gable features on Bathurst Garden The roof is constructed of slate. The building is a distinctive building within the local streetscene given its size and location on the corner of a prominent junction, adjacent to the smaller two-storey terraced properties on Bathurst Gardens and College Road. Whilst the building is clearly of architectural merit, there is no record of the building being Listed, either statutorily or locally.
32. In terms of proposed external alterations, the most significant alterations include the provision of a roof terrace at the second floor level fronting onto Bathurst Gardens and the installation of an entrance to the community space at the groundfloor level. The installation of the proposed roof terrace on Bathurst Gardens will involve removing the existing front roof plane between the two front gables and replacing it with full height glazed doors which will be flush with the ridgeline of the building. The proposed terrace will have an area of approximately 14sqm and will have a glazed balustrade to the front. The proposed alterations will have a limited visual impact from the main streetscene and will be subservient to the prominent front gables within the streetscene.
33. The proposed front entrance for the community use is through the redundant chimney breast on Bathurst Gardens. The main entrance on this elevation will be retained for the proposed residential uses on the upper floor. The applicants have provided some images and plans of the proposed entrance to show that it will be an elegant and visually unobtrusive intervention in the street frontage. The proposed entrance will be defined by a projecting metal canopy attached to the chimney breast and this could be supplemented by a slender sign to the side highlighting the entrance point. The access from the main street is from a ramp on the corner of College Road and Bathurst Gardens sloping up to the community

entrance and the main entrance to the residential.

34. The proposed entrance is situated close to the existing pay telephone box on Bathurst Gardens. This is situated directly in front of the entrance on the other side of the existing boundary wall. The applicants propose to remove this but it will be subject to this being agreed with British Telecom. However if this cannot be agreed the applicants believe that the entrance will work even with the presence of the telephone box. While some views of the entrance would be limited if the telephone box was not resited the revised entrance from the corner would ensure that it was legible and visible from the main pedestrian routes.
35. Other alterations would include the installation of rooflights on the roofplanes of the main building. 11 rooflights are proposed in all and these will be of a variety of sizes based on the rooms which they serve (the larger rooflights for bedrooms and the smaller rooflights for bathrooms and other non-habitable rooms. These rooflights will not be prominent in the roofplan and will have an acceptable impact on the character of the building.
36. The development would rely on the formation of a new basement level. No light-well to this basement is proposed and therefore, on completion, this alteration would not be visible externally.
37. The proposed alterations to the building are of a size, scale and design that will preserve the character and appearance of the building and the surrounding streetscene in accordance with the relevant planning policies and guidance. Conditions will be attached requiring the submission and approval of all external materials and the detailed design of the proposed community entrance.

Impact on Adjoining Occupiers

38. The subject site adjoins the residential properties at 2 Bathurst Gardens, a dwellinghouse, and 87 College Road, a dwellinghouse converted to flats.
39. The amendments from the refused scheme do not result in any significant alterations to the existing building and as such there will be no detrimental impact on the daylight and sunlight to neighbouring residences. The applicants daylight report concludes that in terms of daylighting, given the current arrangement, the proposed alterations to the roof of the building would not have a noticeable effect on the daylight to neighbouring windows.
40. The flank wall of 2 Bathurst Gardens would face the subject site but this elevation does not appear to contain any habitable room windows that would directly face the site. As such, it is not considered that there would be any unreasonably adverse impact on the amenity of occupiers of 2 Bathurst Gardens as a result of the development.
41. In terms of 87 College Road, it appears that there would be sole habitable room windows facing the subject site at ground and first floor levels at a distance of 1.5m to the joint boundary. At present the first floor of the subject building is set back from the joint boundary at first floor level by approximately 3m, 4.5m from the neighbouring windows . However, officers considered that the further enclosure of this already constrained relationship would intensify the sense of overbearing in terms of views from these habitable room windows, particularly on the ground floor, and that the outlook of neighbouring occupiers would be adversely affected.

Hoarding

42. This application seeks approval for the temporary hoardings which have been installed around the site. The hoardings were installed to secure the vacant site and are approximately 2m high painted black. The hoardings will be removed once any development works hereby approved are completed. A condition will be attached requiring their removal following construction.

Consultation Responses

CONSULTATION ISSUE	OFFICERS RESPONSE
Community Use	
The proposed use of the building would harm the status of the building as an Asset of Community Value.	The most recent use of the building for community use ceased over two years ago. The proposed replacement facility would provide space which could meet the needs of the local community. The size and layout of the community space, and proposed opening hours would allow for flexibility in terms of

	the groups who could use the space and how it is used.
There will be a loss of community space and civic amenity in an area where these facilities are already lacking.	The proposal will involve the conversion of D1 space into residential. The applicants have provided information of other D1 spaces within the local area which are not fully occupied at present while the proposed use will allow for a more intensive use of the facilities than existed with the previous library use.
The loss of community facility is not offset by the provision of new homes	Officers recognise that there is a demand for new homes within the borough, as set out in the Core Strategy. However, the need for new homes needs to be balanced against the need to protect and provide community facilities that meet a local demand.
The proposed community hub is insufficient, unsuitable and impractical for meeting community needs.	Please see paragraph 13
Arrangements for the future ownership of the community hub is unclear.	Paragraphs 16-18
The applicant has failed to consult the local community in developing the proposals for the community hub	Paragraph 11
The loss of the community facility will have a detrimental impact on local employment and skills.	No business or employment use is proposed with the application. There is no requirement that this space be provided and the financial sustainability of the preferred tenant is not a consideration of this application.
The proposed D1 space is not much bigger than that which was previously proposed.	The proposed community space is marginally larger than that which was previously proposed. This space is however more usable than previous proposal and is shown could be laid out in a manner which meets the needs of the local community.
The entrance to the community space is too small and should instead be through the residential entrance.	The architectural merits of the entrance are considered to be acceptable and separate entrance for the residential will minimise conflict between the different end users.
The application should be referred to the Secretary of State for clarification on changes to the planning legislation relating to community use	There is no requirement for the application to be referred to the Secretary of State.
The entire building should be retained for community use and does not need to be used as a library.	The proposed use is as community space and is not restricted solely to a library use. The conversion of the annexe and upper floors into residential is considered to be acceptable for the reasons set out above.
Residential Accommodation	
There is no affordable housing proposed	Relevant planning policy normally only required contributions towards affordable housing in developments proposing 10 or more units
There is no parking provision and as such the proposal will result in significant increase in on-street parking.	The prospective residents will have their rights for parking permits removed through the section 106 agreement. As the proposed community use is for the local community in an area of good public transport accessibility it is anticipated that most visitors will travel by non-car modes of transport.
The proposed development will increase population in an already densely populated part of London.	The proposed development will provide 5 new residential units with a total of 7 new bedrooms. This will not result in a significant increase as to have a detrimental impact on quality of life for neighbouring residents.

Building Alterations	
The proposed alterations will result in overlooking of No. 4 Bathurst Gardens.	There will be no direct overlooking of neighbouring properties.
The proposed alterations are not in keeping with the character of the property.	The applicants have sought to minimise external alterations. The Council's Urban Designer has been consulted and has no objection to the alterations.
The existing hoarding is unauthorised and unsightly	Paragraph 42
Other	
There is an existing fraud investigation which is currently ongoing.	A significant number of bogus comments were submitted in support of the original application from false addresses and from addresses which did not exist. There is a current police investigation into this matter however the Council have decided that it cannot refuse to determine the application on the basis of there being an ongoing investigation.

CIL

43. The following table provides a summary of the development schedule for the proposed scheme.

Use	Existing Floorspace (sqm GIA)	Proposed Floor Space (sqm GIA)	Net Difference (sqm GIA)
Community (D1) Use	612	186	-426
Residential (C3) Use	0	484	+484
TOTAL	612	670	+58

44. If approved, the application would attract a liability for both Brent and Mayoral CIL as the building has not been in use for 6 months of the previous 12.
45. In terms of Brent CIL this would only be applicable on the residential element of the scheme as community uses are charged at a zero rate. Based on the above floor areas the Brent CIL liability is estimated as £101,500.
46. In terms of Mayoral CIL this would be chargeable on the whole development. Based on the above floor the Mayoral CIL liability is estimated as £24,675

Summary

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

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004

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

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

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

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):

B1_EXT_02_001
B1_EXT_02_002
B1_EXT_02_003
B1_EXT_02_004
B1_EXT_02_005
B1_EXT_04_001
B1_EXT_04_002
B1_EXT_05_001

B1_00_001
B1_02_000
B1_02_001
B1_02_002
B1_02_003
B1_02_004
B1_02_005
B1_04_001
B1_04_002
B1_05_001
B1_10_001
B1_10_002

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

- (3) The use of the D1 space hereby approved shall only be permitted between:

Mon-Fri: 0800 - 2200 hours
Saturday: 09:00-2100 hours
Sundays and bank holidays: 1000-1800

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

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

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

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

Reason: To ensure safe, efficient and adequate servicing of the site and to ensure satisfactory facilities for cyclists in accordance with the Council's policy TRN11 of the adopted Unitary Development Plan 200

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

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

- (7) During demolition and construction works on site:

- The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site.
- The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 0800 – 1800 Mondays-Fridays, 0800 -1300 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- Vehicular access to adjoining and opposite premises shall not be impeded.
- 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 existing security hoarding around the site shall be removed prior to the occupation of the first residential unit hereby approved.

Reason

To ensure that the proposed development has a satisfactory impact on the character and appearance of the building within the streetscene.

- (9) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the buildings 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;

(c) proposed planting including (plant species, sizes and number)

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

- (10) No development shall take place before a scheme for adequate sound insulation to walls and/or floors between units in separate occupation hereby approved has been submitted in addition to BRGs and approved in writing by the Local Planning Authority. Thereafter none of the flats shall be occupied until the approved scheme has been fully implemented.

Reason: To safeguard the amenities of the occupiers.

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

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

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

Reason: To prevent noise nuisance to adjacent occupiers.

- (13) Development shall not take place until a refuse management strategy for the moving of bins to and from a collection point, to be agreed in writing with Highways, no further than 9m from , is submitted to and approved in writing by the local planning authority. Once the strategy has been approved it must be fully implemented.

Reason: To ensure that the proposed development has adequate standards of hygiene and refuse collection are provided.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Robin Sedgwick, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5229