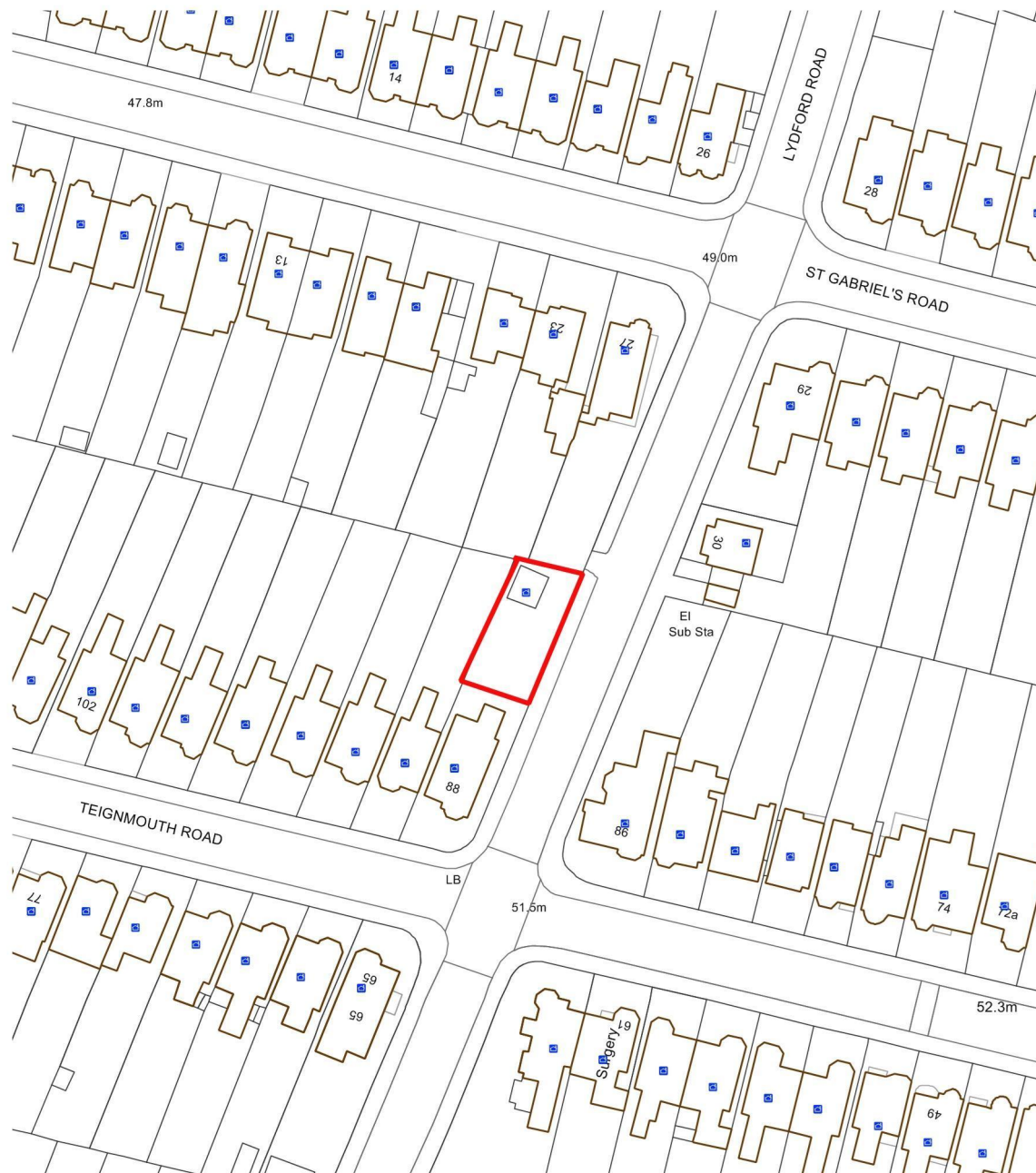




Planning Committee Map

Site address: 37 Lydford Road, London, NW2 5QN

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This map is indicative only.

RECEIVED: 5 August, 2014

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 37 Lydford Road, London, NW2 5QN

PROPOSAL: Demolition of existing office to builders' yard and erection of a 3 bedroom, three storey (including basement) dwellinghouse erection of a boundary treatment and associated hard and soft landscaping

APPLICANT: Campbell Architects

CONTACT: Campbell Architects

PLAN NO'S:

See Condition 2.

RECOMMENDATION

Grant Permission subject to the conditions listed after paragraph 25.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is £61,665 of which £52,455 is Brent CIL and £9,220 is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The 305sqm site is located on Lydford Road, within the Mapesbury Conservation Area. The application site would have originally formed part of the curtilage of No. 88 Teignmouth Road. The site currently contains an outbuilding and concrete yard which benefits from a Lawful Development Certificate for its use as a Builder's Yard (B8) and ancillary office (B1) (see History section below for further information).

Lydford Road is a north-south spine road juxtaposed between the east-west oriented roads of the Mapesbury Estate. It is predominantly green in character with vistas across the rear gardens of the properties (from north to south) of Walm Lane; St. Gabriel's Road; Teignmouth Road and Dartmouth Road. This green and open character is largely intact with close boarded fences and brick walls of varying heights and a large amount of mature soft landscaping.

The site does not contain any features that are of considerable attractive character that should be retained. There is no soft landscaping on the site, and the existing boundary treatment to Lydford Road contains a 2m high, white rendered wall which is not typical of the features of Lydford Road (i.e. which is typically close boarded timber fences, walled gardens with hedges behind). The existing "office" building, a dual pitched, white rendered addition which does not form part of the original attractive Victorian/ Edwardian properties.

PROPOSAL

See above.

HISTORY

14/1201: Demolition of existing office to builders' yard and erection of a 3 bedroom, three storey (including basement) dwellinghouse, re-location and reduction in width of existing crossover, one off-street parking space, and associated hard and soft landscaping. Refused 22.07.14

(1) The proposed dwelling, by virtue of its siting, excessive scale and design, fails to represent a development

that sits comfortably within its plot, wider context and appearing excessively large and visually obtrusive. As such the proposal neither preserves or enhances the Mapesbury Conservation Area, contrary to policy CP17 of the Core Strategy (2011), policies BE2, BE3, BE7, BE9, BE25 and BE26 of Brent's Unitary Development Plan (2004), and Supplementary Planning Guidance 17 - 'Design Guide for New Development'.

(2) The Local Planning Authority considers it inappropriate to grant consent for the demolition of the existing outbuilding without the formal approval of a replacement structure which addresses the altered appearance of the outbuilding in the street scene. As a result, the proposal fails to preserve and enhance the character of the Mapesbury Conservation Area. This is contrary to policy BE27 of Brent's adopted Unitary Development Plan 2004.

13/2367: Demolition of existing single storey office to builders' yard/store and erection of a three bedroom, three storey (including basement) dwellinghouse, re-location and reduction in width of existing crossover, one off-street parking space and associated hard and soft landscaping (description revised 02/09/2013). Refused 20.11.13

13/2368: Conservation Area Consent for demolition of existing single storey office to builders' yard/store and erection of a three bedroom, three storey (including basement) dwellinghouse, re-location and reduction in width of existing crossover, one off-street parking space and associated hard and soft landscaping (description revised 02/09/2013) – Refused 18.11.13

13/0464: Certificate of lawfulness for existing operational use of site as self contained B8 use (Builders Yard and Storage) and ancillary B1 use within existing single storey building and as per submitted evidence: "Utility Bills; Accountant and Insurance Documents; HMRC/ Corporation Tax/ Business Rates/ Company Registration Number; Statutory Declaration/ Witness Statements; Invoices/ Security Notes; Title Plan; Site Photographs" – *Certificate Granted, 15/04/2013*

99/1702: Retention of portakabin for office ancillary to builder's yard – Enforcement Notice Served 04/10/1999, *Dismissed on Appeal and Enforcement Notice upheld, 20/06/2000*

POLICY CONSIDERATIONS

National policy considerations

The NPPF, published in March 2012, sets out a "presumption in favour of sustainable development" including the economic, social and environmental impacts of new development. The relevant objectives within the NPPF are to:

- Promote high quality design
- Deliver a wide choice of quality homes

London Plan

Policy 3.5, in particular Table 3.3 - 'Minimum residential floorspace standards'
The Mayor's Housing Supplementary Planning Guide, November 2012

Local Plan

The local development plan for the purposes of S54A of the Town and Country Planning Act is the Brent Unitary Development Plan 2004 and the Brent Core Strategy 2010.

Brent Unitary Development Plan 2004

BE2 Townscape: Local Context & 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
BE12 Sustainable Design Principles
BE19 Telecommunications
BE25 Development in Conservation Areas
BE27 Demolition and Gaps in Conservation Areas
BE33 Tree Preservation Orders

Transport

TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.

TRN23 Parking Standards - Residential Developments

PS14 Residential Development (Use Class C3)

PS16 Cycle parking standards

Brent Core Strategy 2010

CP17 - Protecting and Enhancing the Suburban Character of Brent

Brent Supplementary Planning Guidance

SPG 17 "Design Guide for New Development" Adopted October 2001

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.

SPG19 "Sustainable Design, Construction & Pollution Control" Adopted April 2003

This supplementary planning guidance focuses on the principles and practice of designs that save energy, sustainable materials and recycling, saving water and controlling pollutants. It emphasises environmentally sensitive, forward-looking design, and is consistent with current government policy and industry best practice, aiming to be practicable and cost-effective.

Mapesbury Conservation Area Design Guide.

CONSULTATION

Statutory Public Consultation

The Council placed a press notice in the local paper on 14.08.14, a site notice was displayed in the vicinity of the site on 13.08.14 and 29 neighbours and the Mapesbury Residents Association were consulted by letter on 06.08.14; further letters were sent on 05.09.14 as not all neighbours were written to who were consulted on the previous proposal were written to initially. Further public consultation was undertaken for a period of 14 days on 22.09.14 and again on 13.10.14 (owing to a fault with the Council's website) as a result of revised plans which were submitted by the applicant. The changes made were as follows:

- Reduction in the width of the first floor of the building;
- A total of 2 no. additional windows to the front and side elevation;
- Removal of the off-street parking space;
- Installation of front light wells;
- Alterations to the boundary treatment (to include a longer and higher boundary wall and to include the position of the proposed gates); and
- Internal alterations to include relocation of one bedroom to the basement from the first floor (the overall number of bedrooms remains unchanged).

The proposal has generated significant public attention with a total of 110 people (as recorded by no. of properties objecting) received by the council, with 3 comments, 19 support and 88 objections (89 were received for the previous planning application and 107 for the application before that). It is clear that there is an overwhelming objection to the proposal, which has been consistent between all three applications. Notwithstanding the amendments that were sought to the proposal by officers, it is noted that local residents still continue to object to the proposal for the reasons set out below and these amendments have not altered anybody's opinion towards the development. It is noted that some of the letters of support have been received from addresses outside of Brent and less weight could therefore be attributed to these.

Mapesbury Resident's Association: The Mapesbury Residents Association have objected to the proposal and a petition in objection to the proposal has previously been submitted by them with 49 signatories. A summary of the objection received is as follows:

- To build a house on this particular plot runs contrary to the Article 4(1) (an outbuilding of a similar proposed size would not be acceptable) protection in place to prevent development upon what is, essentially, a back garden space;
- Other proposals for new dwellings in Mapesbury have been considered unacceptable by Inspectors;
- The conservation status in Mapesbury, as propounded by Brent itself, seeks to conserve the original estate design;
- Certificate of lawful development decision was not well founded and does not automatically mean a house is acceptable in principle;

- Proposed contemporary design inappropriate and stands too near the road and its impact cannot be addressed by proposed landscaping which should be much smaller in scale;
- Other uses such as an artist's studio; home office; garden design studio etc. would be more appropriate;
- Lydford Road forms a "spine" road within the grid layout of the Mapesbury Roads characterised by long gardens with fences or walls and the occasional ancillary garage. This is part of the original estate plan. The proposed building interferes aggressively with the intended vistas and layout and the openness of the estate;
- Contrary to conservation area appraisal and application fails to preserve or enhances Mapesbury;
- Proposal only achieves a 'fairly positive' score;
- 'Garden Grabbing' represents a significant threat (newspaper articles submitted);
- Existing building visually subservient to 88 Teignmouth Road.

Representations in support:

The proposal would preserve and enhance the character of the Conservation Area and would improve the visual appearance of Lydford Road which has long been out of character with the rest of the Conservation Area, specifically through the creation of an attractive planted boundary treatment.	The creation of an enhanced boundary treatment would result in an enhancement to the character and appearance of the area.
Proposed use is more consistent with surrounding area than current use as a builders yard.	The proposed use would be more consistent with prevailing uses.
The current layout/use of the site detracts from the character and appearance of the area.	It is not considered that the current use of the site positively detracts from the character and appearance of the area, however, the proposal enhance the street frontage.
The design is sensitive to the area, would improve its attractiveness from Lydford Road and would allow for a proposal that is more soft landscaped than the existing.	Use of soft landscaping welcome and further information to be sought by condition.
The contemporary design also shows an empathy for the feeling of Mapesbury Conservation Area and preserves/ enhances it whilst proposing a modern building, with many references made to the sensitive use of brick.	The site has the capacity to accommodate a well detailed contemporary dwelling which the proposal would achieve.
The proposal improves an uninteresting, commercial-looking site that is totally out of character with the residential area surrounding it.	Principle of residential development agreed.

Representations in objection:

Proposal would fail to preserve character and appearance of the Mapesbury conservation area.	It is considered the reduction in the width of the first floor would maintain the openness of this part of the CA - this is discussed further in the 'remarks' section.
Loss of visual amenity (from nearby rear facing windows).	It is not considered that the proposal would result in material harm to the visual amenities of neighbouring properties (see 'remarks')
Contrary to London Plan policies to limit development in back gardens.	Proposal is not considered to form part of a residential garden given certificate of lawful development
New development needs to be balanced against harm to conservation area	Agreed (see see 'remarks' section below)
Infilling of spaces between gardens would erode the open and spacious character of the conservation area	It is considered that the revised proposal, by virtue of the reduction in the width of the first floor would maintain the openness of this part of the CA.
Aggressive, modern design is incongruous and out of keeping with surrounding buildings.	Government policy does not preclude modern design in conservation areas
Harmful to amenities of neighbouring properties.	It is not considered that the proposal would result in material harm to the amenities of neighbouring properties (see 'remarks' below)

Despite lawful use as a builders yard, the site has never been used as such.	The evidence submitted in support of the Certificate application would have demonstrated that at the time of the application this site had been in continuous use for a period of 10 or more years.
Lydford Road forms a "spine" road within the grid layout of the Mapesbury Roads characterised by long gardens with fences or walls and the occasional ancillary garage. This is part of the original estate plan	This is noted. However, with reference to the current use, the existing building on the site, the enhancements to the frontage in terms of proposed planting as well as the sensitive massing of the building it is considered that the proposal would be a sensitive addition to the Mapesbury CA.
Alternative uses could be proposed which would better preserve the character of the Conservation Area	The council has to consider the acceptability of the current use proposed, which is more consistent with the surrounding area than the current lawful use.
To build a house on this particular plot runs contrary to the very principle of not developing what is back garden space.	The site does not form part of a residential curtilage as its lawful use is as a builders depot. The principle of residential development is considered acceptable (see 'remarks')
The plan form of the proposal is contrary to the general layout of properties in the conservation area.	Acknowledged, but consideration also needs to be given to how the development would be perceived as part of the local townscape.
Loss of spaciousness and proposal would appear 'cramped' within its plot.	It is considered that the reduction in width of building would retain the feeling of spaciousness
The Council should not accept 'repeat' applications which is contrary to legislation.	S.70 of the Town and Country Planning Act 1990 gives local planning authorities the <i>discretion</i> to decline to determine an application if the authority think there has been no significant change in the relevant considerations set out in the regulations. However, the Council consider the changes are significant enough to accept the application.

Internal Consultation

Transportation: No objection

Regulatory Services: No objection, subject to submission of a contamination report.

Landscape & Design: No objection.

REMARKS

Summary of proposals and context

1. This application proposes a new dwelling within a piece of land located to the rear of No. 88 Teignmouth Road, on the corner of Teignmouth Road and the western side of Lydford Road. The site is 305sqm in area and benefits from a Lawful Development Certificate for the use land as a self contained B8 use (Builders Yard and Storage) and ancillary office use.

2. Following the refusal of the previous application, the applicant entered into pre-application discussion with the planning department regarding changes to the design of the proposal in an attempt to address the previous reasons for refusal. The previous application was refused for the following reasons:

(1) The proposed dwelling, by virtue of its siting, excessive scale and design, fails to represent a development that sits comfortably within its plot, wider context and appearing excessively large and visually obtrusive. As such the proposal neither preserves or enhances the Mapesbury Conservation Area, contrary to policy CP17 of the Core Strategy (2011), policies BE2, BE3, BE7, BE9, BE25 and BE26 of Brent's Unitary Development Plan (2004), and Supplementary Planning Guidance 17 - 'Design Guide for New Development'.

(2) The Local Planning Authority considers it inappropriate to grant consent for the demolition of the existing outbuilding without the formal approval of a replacement structure which addresses the altered appearance of the outbuilding in the street scene. As a result, the proposal fails to preserve and enhance the character of

the Mapesbury Conservation Area. This is contrary to policy BE27 of Brent's adopted Unitary Development Plan 2004.

3. The following are the key changes that have been made to the scheme:

- The width of the first floor of the building has been reduced by 3m to 6.5m;
- The overhang of the first floor (above the ground floor element) has been reduced to 0.5m which reduces the overall depth of the first floor by 0.5m;
- A total of 2 no. additional windows to the front and side elevation;
- Removal of the off-street parking space;
- Installation of front light well to serve a relocated bedroom within the basement;
- Alterations to the boundary treatment (to include a longer and higher boundary wall and to include the position of the proposed gates); and
- Internal alterations to include relocation of one bedroom to the basement from the first floor (the overall number of bedrooms remains unchanged).

Key considerations

4. The main issues in relation to this development are considered to be:

- Principle of residential development
- Whether the proposal preserves or enhances the Mapesbury Conservation Area
- Whether the proposal has an acceptable impact on amenity and privacy
- Quality of proposed residential accommodation
- Highways, parking and traffic safety
- Trees and landscaping
- Sustainability and renewable energy
- Other considerations
- Conclusion

Principle of residential development

5. The principle of developing this site for a new dwelling was previously considered acceptable on the basis that the lawful use of the site is as a builders yard with ancillary office, falling within use class B8 (see History). There are a number of policies contained within the development plan which are salient to these proposals with respect to development in suburban areas.

6. Policy CP17 of the Core Strategy states that: *"the distinctive suburban character of Brent will be protected from inappropriate development. The council will bring forward design guidance that limits development, outside of the main town centres and away from corner plots on main road frontages, which would erode the character of suburban housing. Development of garden space and infilling of plots with out-of-scale buildings that do not respect the settings of the existing dwellings will not be acceptable"*.

7. More generally, policy BE2 of Brent's Unitary Development Plan (2004) seeks to ensure that proposals are designed with regard to their local context and to respect or improve the existing townscape and do not harm Conservation Areas. Policy BE2 states that proposals should have regard to the existing urban grain, development patterns and density and that development is designed to respect the form of street of which it is a part, particularly prominent corner locations. Policy BE7 resists the excessive infilling of space between buildings and buildings and the road. Policy BE9 states that new buildings should embody a creative and appropriate design solution, specific to their site's shape, size location and development opportunities and should be designed to be of a scale, massing and height that is appropriate to their setting and respect and be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other. Policy BE25 requires that development either preserves or enhances the Conservation Area and Policy BE27 states that consent will not be given for the demolition of a building which does not positively detract from the Conservation Area, with replacement buildings required to be of an imaginative, high quality design and an opportunity to enhance the area.

8. A number of representations have been received which have made reference to the Article 4 Direction which restricts permitted development rights for the construction of outbuildings within the Mapesbury conservation area and the development of 'garden land'. However, it is noted that the lawful use of the site is as a builders yard which does not form part of a residential garden and therefore the existence of the Article 4 is not of direct relevance in land use planning terms. The Article 4 Direction does serve to highlight the importance and sensitivity of these back gardens to inappropriate development on account of their mature nature and generous scale which is discussed in detail below.

9. Whilst the principle of residential development is thus accepted within this site, this would be subject to specific considerations including whether the proposal preserves or enhances the Mapesbury Conservation Area; whether the proposal has an acceptable impact on amenity; quality of proposed residential accommodation and highways, parking and traffic safety; impact on trees and landscaping and sustainability implications covered in sections 2 to 8 of this report. In this case, the view is taken that, on balance, the revised proposal is acceptable for the reasons discussed below.

Whether the proposal preserves or enhances the character and appearance of the Mapesbury Conservation Area

(a) Bulk, scale, siting and massing

10. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering any conservation area consent or planning permission decision that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

11. Planning policy within the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset (the Mapesbury conservation area) that may be affected by the proposal. The proposal in respect of the Mapesbury conservation area is required to be appropriate to its context and in particular should preserve or enhance the open and green character of the Conservation Area. In this context, it is important to preserve the existing gaps between buildings and views across gardens. As noted in the previous report, the Mapesbury Conservation Area Character Appraisal states:

“The large rear gardens of the dwellings within the Conservation Area, visible from most roads and streets, play a vital role in supporting the soft natural context of the street scene. The generous plot sizes have allowed the proliferation of mature vegetation within these rear gardens, establishing an almost park-like character which has become an integral part of the areas setting.” (Page 6).

And:

“Most importantly in Mapesbury are the views between the houses the open nature of each plot means that unlike most other residential areas within the borough the rear gardens of the houses are relatively exposed to public view. These views are mainly unobstructed by buildings or later intervention which has helped to preserve character” (Page 9).

12. This highlights the importance of the setting of the back gardens to this proposed development. There is an existing outbuilding which is sited to the north-westernmost part of the plot and is 56.5sqm in size which has a dual pitched roof with a maximum height of 4.8m sloping to 2.8m. Although the existing boundary wall restricts views into the site, it does provide for vistas over the wider rear gardens and greenery of the Conservation Area. It is therefore desirable to maintain a degree of openness by ensuring any building, is of an acceptable width, height and depth.

13. As with the most recent application, the building envelope has been set well within the recommended parameters set out in SPG17. However, given the sensitive heritage context described above, officers have advised that the building should be set well within this envelope to achieve the degree of openness sought. It is salient to note that the width of the first floor of the building has been significantly reduced by 3m to 6.5m since the previous proposal was considered by the Committee. The overhang of the first floor (above the ground floor element) has also been reduced to 0.5m which reduces the overall depth of the first floor by 0.5m. The footprint of the proposed development would be 109sqm which represents 35% of the total site area (the same as before).

14. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Given the reduction in the bulk, scale and massing of the first floor of the proposal (as well as other changes to the design of the building), on balance, it is considered that the proposal would not result in any significant harm to the views across these rear gardens identified above. Furthermore the creation of a more attractive planted frontage to Lydford Road would in itself result in an enhancement to the character and appearance of the conservation area. The proposed residential use of the site would be more consistent with the other prevailing residential uses than the current lawful use as a builder's depot. For these reasons, the bulk scale and massing of the building is considered to be an appropriate response to the heritage context and would preserve the character and appearance of the Mapesbury Conservation Area.

b) Design, materials and impact on character

15. The overall approach to the design of the building is similar to before, which is clearly a modern one which does not seek to replicate the traditional style of building within the Conservation Area. The principle of a contemporary building with the Mapesbury CA, where of a suitable design and of sufficient quality, was considered acceptable at the previous committee. This reflects the approach set out in the NPPF which states planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

16. Two new windows to the north (side) and east (front) elevation have been proposed in order to create interest and lighten the appearance of the building in townscape terms. The proposal has been influenced by the 'Arts and Crafts' style through the use of matching and perforated brickwork. The proposed brick is high quality hand made Norwegian brick (Petersen d92 brick) and a sample has been provided to the Council which shows the patterning of the brickwork. The proposed brick has a more slender profile than a standard brick and is considered to be an appropriate building material. The design also uses punctured windows which are set back within their reveals in order to create interest and depth to elevations. As previously noted the use of a cantilever also breaks up the massing of the building to produce a more varied and interesting composition. The design of the proposed building has continued to generate both support and opposition from local residents. Officers remain of the view that the general approach to the design of the building has been informed by its context and would reinforce local distinctiveness without resulting to a pastiche which would not be an appropriate response to the nature of this site.

(c) Demolition of existing building

17. Policy BE27 of Brent's UDP 2004 states that consent will not be given for the demolition of a building in a conservation area unless the building positively detracts from the character or appearance of the Conservation Area. Any replacement buildings should be seen as a stimulus to imaginative, high quality design and an opportunity to enhance the area. Given that the replacement building is considered acceptable and the existing garage building is of little design merit its replacement is considered acceptable in light of this policy.

Whether the proposal has an acceptable impact on amenity and privacy

18. In respect of privacy, the main window of the master bedroom would partially face the rear garden of No. 88, but given its forward position towards the street with oblique views into this rear garden would be provided and as such this would not be materially harmful. A further window towards this property serves a landing and as such is not a habitable room. A window is proposed along the rear elevation (fronting No. 90), however, this would serve a bathroom as given that this is not a habitable room it is not considered that there would be a material loss of privacy. A window fronting 27 St Gabriel's Road, would serve a walk in wardrobe as such there would be no material loss of privacy from this window.

19. With regard to impact on amenity, in consideration that the building will adjoin residential garden spaces within the Conservation Area the proposals should not worsen the situation in terms of overbearing impact and should comply with SPG17. The ground floor part of the proposal would project 0.5m above the boundary treatment, but would be positioned 1m away from the boundary with No. 90. The first floor part of the proposal would also be set away 5m from this boundary and on this basis it is not considered that the proposal would have a harmful impact on neighbouring properties. The proposal complies with SPG17 in this respect.

Quality of proposed residential accommodation

20. The proposal meets the minimum floor space requirements as set out within the London Plan (i.e. 107sqm) and provides adequate outlook to the ground floor rooms. The proposed amenity space, at 75sqm (approx.), meets the requirements of SPG17. All of the habitable rooms would benefit from a good outlook. Whilst it is noted that two bedrooms would now be located within the basement, these would be served by reasonably generous light wells. Furthermore the proposed house is of an overall size which exceeds the standards contained in the London Plan. Furthermore there is reasonably generous garden which would form the basis of the outlook for the remainder of the rooms (in addition to views onto Lydford Road). In other similar cases where the new dwelling relies on sunken external spaces there is concern about the quality of these spaces, in terms of the amount of light and restricted views likely to be enjoyed. However, for the avoidance of doubt that is not the situation here.

Highways, parking and traffic safety

21. The previously proposed off-street parking space has been removed, however, in accordance with

TRN23, on-street parking along the frontage of the development is acceptable providing the street is not heavily parked which Lydford Road is not. There will be a requirement to reinstate the existing dropped kerb to foot way which will be secured by condition.

Trees and landscaping

22. It is noted that there are four trees within the proximity of the site that may be affected by the proposal. A Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan has been submitted with the application and it is noted that the council's Tree Officer finds the proposed works to the trees acceptable, and welcomes the introduction of two new trees. The council's Landscape Design Team have also previously commented on the proposal, and are generally supportive of the landscaping scheme which would enhance a site currently bereft of any soft landscaping.

Sustainability and renewable energy

23. The proposal lies within an Air Quality Management Area (AQMA) therefore a Sustainability Checklist is required to be submitted with this planning application. It is recognised that the proposal clearly demonstrates a commitment to sustainability measures including a green/ living roof, grey water recycling, permeable paving, low energy lighting, a commitment to adhere to the Considerate Constructors scheme, part use of some FSC materials and water butts amongst others, and is considered to have a very positive contribution to achieving a genuinely sustainable development. Referring specifically to renewable energy, it is noted that a CHP system is proposed alongside PV panels, and thus the scheme achieves over 25% improvement on Target Emission Rate. The proposal thus fully complies with the council's sustainability and renewable energy requirements.

Other considerations

24. It is noted that, as the site has been used as a builder's yard for some time, there may be some potential contamination on the site. Environmental Health have previously been consulted on the proposal who have no objection to the scheme subject to contamination investigation works prior to commencement of development. As such, this has not been included as a reason for refusal.

Conclusions

25. The development of a well detailed, contextual contemporary dwelling within Mapesbury CA (a designated heritage asset) is supported in principle by the NPPF. It is considered that the design of the current proposal is an enhancement over the previously refused proposal. In particular, by significantly reducing the scale of the first floor, the proposal would preserve the openness of the Mapesbury Conservation Area.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

National Planning Policy Framework
Brent Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17 - Design Guide for New Development
Mapesbury Conservation Area Design Guide

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 drawing(s) and/or document(s):

§

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

- (3) No building hereby permitted shall be occupied or the use commenced until the existing vehicular access to the development site has been permanently stopped up and the footway reinstated in accordance with the approved plans.

Reason: In the interests of pedestrian safety

- (4) All new external brickwork shall be carried out in the following approved brick Petersen TEGL D48 unless otherwise agreed in writing by the Local Planning Authority.

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

- (5) No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Class A of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority.

- (6) No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, and has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

1. human health;
2. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
3. adjoining land;
4. ground waters and surface waters;
5. ecological systems;
6. archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

- (7) In the event that contamination is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning

Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, verification report that demonstrates the effectiveness of the remediation carried out must be produced, and be approved in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- (8) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping. The information submitted shall include (but not limited to)
- All proposed gates, walls and fencing, indicating materials and heights;
 - Details of species, planting heights and densities of all soft landscaping; and
 - Details of the hedge and planting to the Lydford Road frontage.

The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. 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.

- (9) No development shall take place until detailed drawings at the scale of 1:20 showing a cross section through the window and exterior wall has been submitted to and been approved in writing by the Local Planning Authority. The detail thereby approved shall be carried out in accordance with that approval.

Reason: The purpose of the cross section is to demonstrate the depth of the window reveals which form a key architectural component of the proposed building as set out in the Design & Access Statement.

- (10) Details of materials for all external work, including samples (where appropriate - to be made available for inspection on site), shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. Such details shall include (but not limited to):
- windows and doors; and
 - finish of the roof areas.

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 removal of a crossover fronting (\$) including the reinstatement of the public footpath shall be carried out by the Council as the Local Highway Authority at the applicant's expense. Such application should be made to the Council Highway Consultancy. The grant of planning permission, whether by the Local Planning Authority or on appeal does not indicate that consent will be given under the Highways Act.

Any person wishing to inspect the above papers should contact Matthew Harvey, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 4657