

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

29 July, 2015

15/0064

SITE INFORMATION

RECEIVED: 8 January, 2015

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: All Flats at Jubilee Heights, Shoot Up Hill, London, NW2 3UQ

PROPOSAL: Erection of a 6-storey building comprising 5 x 2 bedroom self-contained flats with roof garden attached to the Jubilee Heights building to also include the removal of existing vehicular access and cross over off Shoot Up Hill and installation of new pedestrian gates, railing and brick piers with access from Exeter Road

APPLICANT: Abbeymews Ltd

CONTACT: David Lock Associates

PLAN NO'S: See condition 2

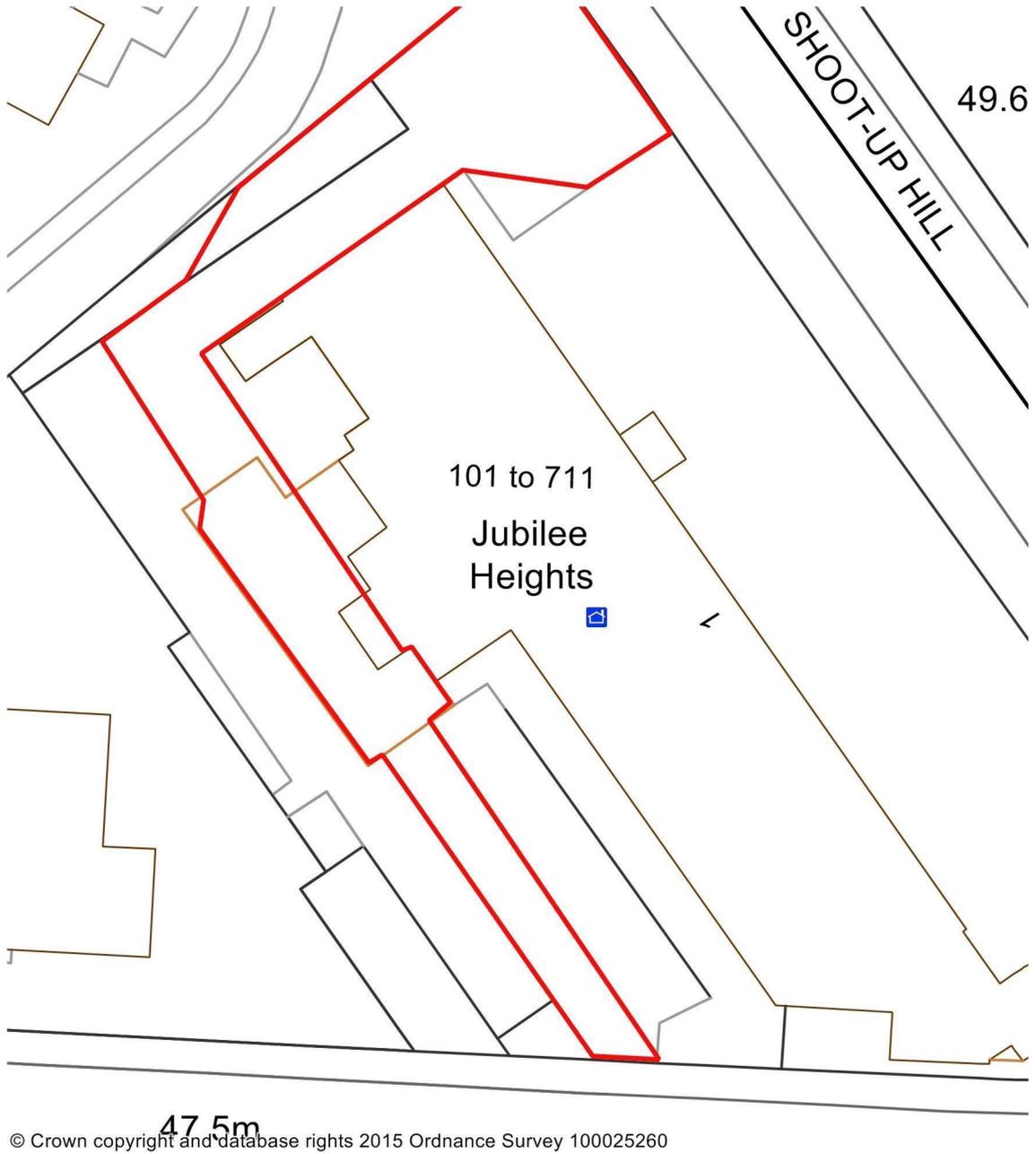
SITE MAP



Planning Committee Map

Site address: All Flats at Jubilee Heights, Shoot Up Hill, London, NW2 3UQ

© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

SELECTED SITE PLANS

SELECTED SITE PLANS

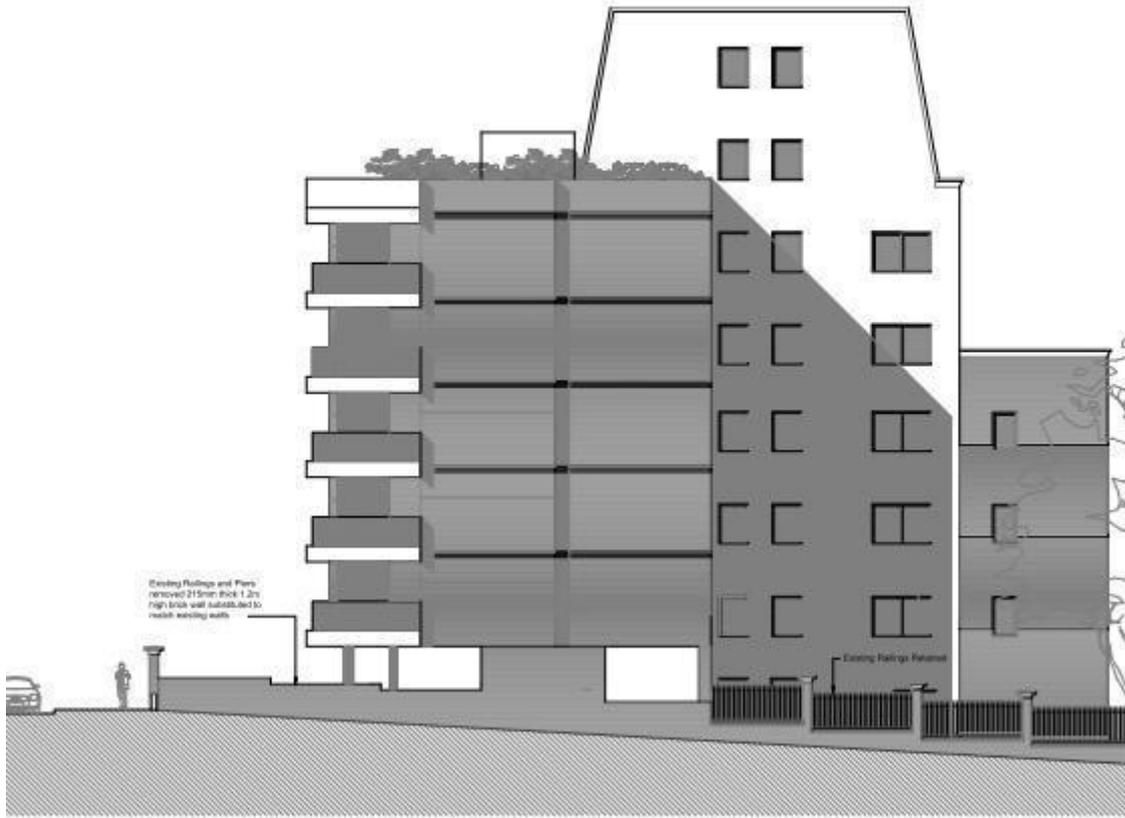
Site plan



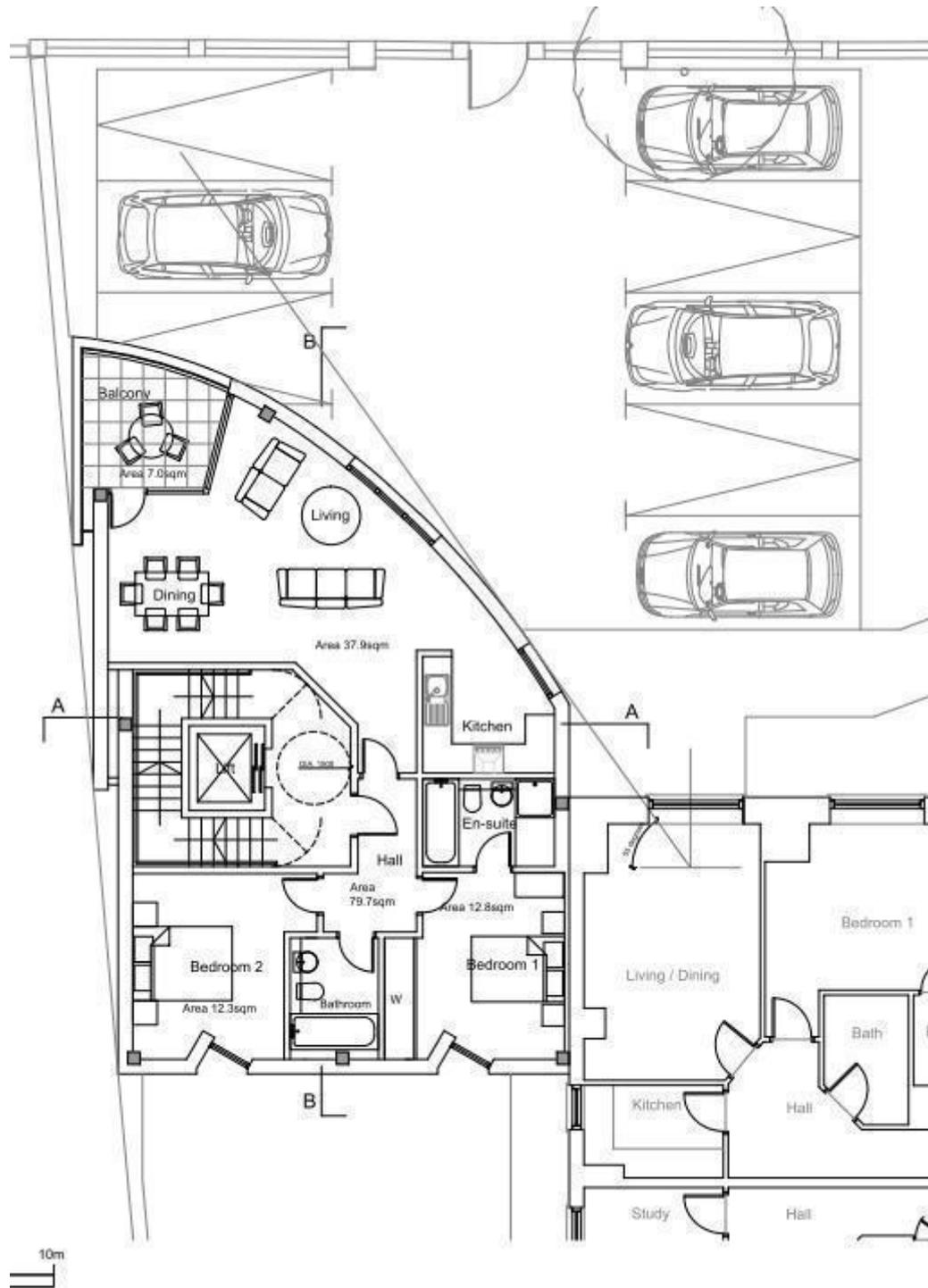
Shoot Up Hill Elevation



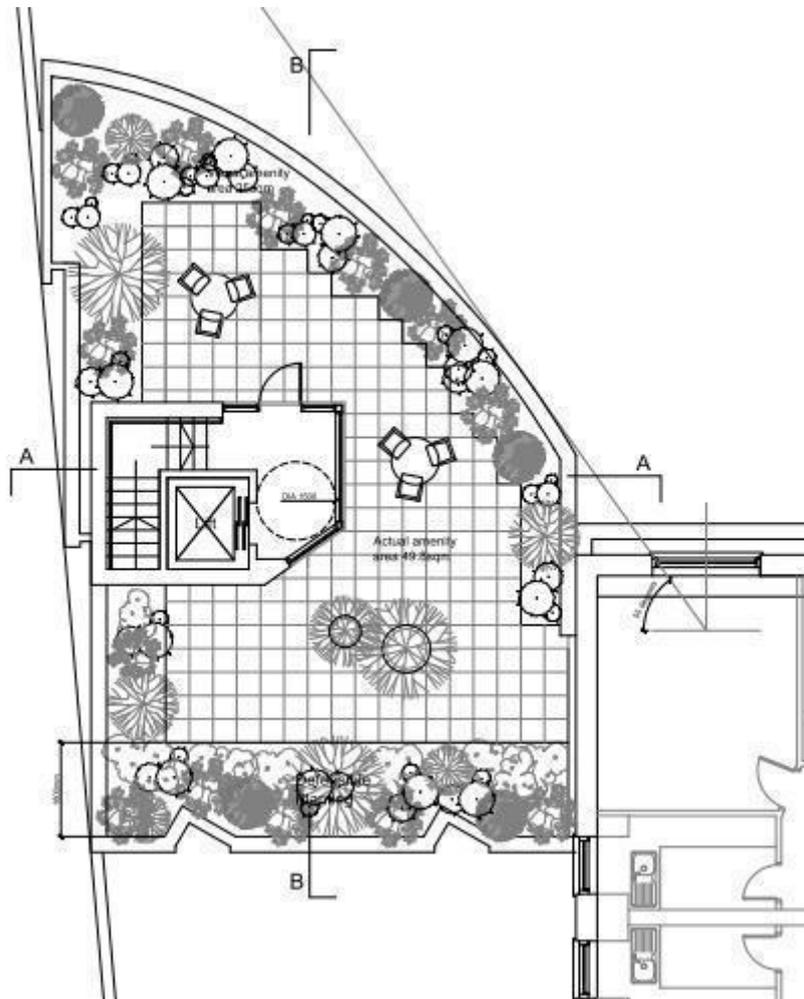
North Elevation



Typical floor plan



Roof terrace plan



INTRODUCTION

At the Planning Committee on 2nd July 2015 Councillors resolved to refuse planning permission and raised concern about the development covered by the two issues below. If the Planning Committee is still minded to refuse consent then they are invited to comment on the possible reasons for refusal outlined below. Members are reminded that a previous similar scheme on the site was refused, but only on the basis of absence of affordable housing. For the avoidance of doubt, this decision was determined under Officers Delegated Powers.

Since the Planning Committee meeting the applicants have requested confirmation of the reasons for refusal and whether, or not, any amendments could be produced to overcome these. They have also indicated that it is likely that they would submit an appeal in the event that the planning application was refused.

Concern about massing, design and the implications of another phase of development on an increasingly cramped site.

In terms of design, the report considers these issues under "Relevant Planning History" which refers specifically to the appeal decision on the southern end of the site, as well as under "Design, scale and massing" within the "Remarks" section. In terms of the appeal decision this related to a prominent corner site near to Kilburn Station whereas this proposal in-fills the remaining gap to the north, creating a long frontage as far as the side boundary with the adjoining site at Watling Gardens. Furthermore, the proposed building would be higher than that considered, and built out, at the opposite end of Jubilee Heights. If Members are minded to refuse on this ground then the following is a possible reason for refusal:

The development, by reason of its prominence, siting and height, as well as the relationship with the already extended building, would be detrimental to the character of the existing building impacting on the sense of spaciousness around the site which defines its setting in the streetscene and would result in a cramped form of development detracting from the visual amenities of the wider area. As a result, the proposal is contrary to policies BE2, BE3 and BE9 of Brent's UDP 2004, as well as SPG17: Design Guide for New Development.

Concern that implications of reducing access at the same time as increasing the population density of the development.

Transportation Officers have reconfirmed that they are strongly supportive of the principle of reducing vehicular access points on the A5 and consider that the development can be serviced from one access point in safety and servicing terms. However, in view of the fact that there is an existing access point they may not wish to support a refusal on this ground alone. Members did, however, raise concerns about the proposed on site arrangements:

The application has failed to demonstrate that the development would provide the appropriate space and management arrangements for servicing/bins etc and arrangements would be likely to lead to an overspill of bins into the access route detrimental to the freeflow and safety of vehicular and pedestrian safety, in addition the storage of bins for collection adjacent to a residential entrance would lead to the deterioration of the quality of the residential environment through the incremental development of the site, contrary to policies TRN34 and SPG17: Design Guide for New Development.

RECOMMENDATIONS

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 Chief Legal Officer., subject to the conditions set out in the Draft Decision Notice.

A) PROPOSAL

See description above

B) EXISTING

The subject site is an eight-storey residential block which has been converted and extended over the past 19 years from its original function as offices. It is located on the corner of Shoot Up Hill and Exeter Road adjacent to Kilburn Underground Railway Station. Shoot Up Hill forms the borough boundary with London Borough of Camden to the east.

The building contains 96 residential units (including the recent conversion of the ground floor from offices to residential flats, the erection of a 6 storey extension and a 5 storey extension attached to the south side of the building, divided as follows: 15 x 1-bed, 71 x 2-bed, 10 x 3-bed.

The surrounding uses are predominantly residential although to the south there is a short section of Secondary Shopping Frontage. The property is not a listed building, although its curtilage abuts the Mapesbury Conservation Area.

The application site as defined by the red line is limited to the access route through the site, the area where the extension is proposed and the open car parking area in front. The area where the extension is proposed consists of an access road, car parking and a strip of landscaping and the applicant owns the freehold of this.

It is understood that during the timescale of the current application residents have purchased the freehold of the wider site. While the concern of residents regarding the previous development within the site are obviously understood, any issues with the previous freeholder cannot be considered as relevant to the consideration of this application which needs to be determined on its individual planning merits.

C) AMENDMENTS SINCE SUBMISSION

The proposal has not been amended since its submission however Officers have sought and received further information to better explain and understand the proposal. This specifically includes additional visual information about the form of the proposal and additional detail setting out the parking and access

arrangements within the wider site.

E) MONITORING

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
-------------	----------	----------	------	-----	----------------

Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING (Flats û Market)										
PROPOSED (Flats û Market)		5								5

RELEVANT SITE HISTORY

08/1728 Granted

Erection of a six-storey rear extension to provide an additional 6 two-bedroom flats to the existing block of flats, and subject to a Deed of Agreement dated 2nd December 2008 under Section 106 of the Town and Country Planning Act 1990, as amended

09/0755 Granted

Erection of a part six- and part seven-storey rear extension to provide an additional 6 two-bedroom flats to the existing block of flats (revised version of scheme previously approved under ref. 08/1728), subject to a Deed of Agreement dated 23/03/2010 under Section 106 of the Town and Country Planning Act 1990 (as amended)

10/1566 Granted

Erection of a 5-storey building, comprising 5 self-contained flats with roof garden, attached to southern elevation of Jubilee Heights, and provision of 20 additional cycle spaces

11/1307 Allowed at appeal

Erection of a 5-storey building, comprising 5 self-contained flats with roof garden, attached to southern elevation of Jubilee Heights

This is located at the opposite end of Jubilee Heights from the application proposal.

Planning Inspector comments: *I consider that the size, design and siting of the proposed development would be acceptable. Bearing in mind the location of the development, which is adjacent to the Jubilee Line station and is well served by bus routes, I do not consider that additional parking facilities are necessary at the site.*

13/0377 Granted

Variation of condition 2 (development to be carried out in accordance with approved plans) to allow minor-material amendment comprising:

- provision of 1 x 2 bedroom and 4 x 3 bedroom flats (instead of 5 x 2 bedroom flats)

of full planning permission 11/1307 approved under appeal dated 27/02/12 for erection of a 5-storey building, comprising 5 self-contained flats with roof garden, attached to southern elevation of Jubilee Heights, subject to a Deed of Variation dated 20th June 2013 under Section 106 of the Town and Country Planning Act 1990, as amended

The following 2 cases relate to the proposal which is the subject of the current application:

13/3351 Refused 4th March 2014

Erection of a 6-storey building comprising 5 x 2 bedroom self-contained flats with roof garden attached to the Jubilee Heights building (revised description)

Reason for refusal: *In the absence of a recognised affordable housing toolkit, the proposed development does not provide sufficient affordable housing on site or make satisfactory provision to compensate off site, contrary to Policies 3A.9, 3A.10, 3A.11 of the London Plan 2008, policies CP2 and CP21 of Brent's adopted Core Strategy 2010*

14/1950 Withdrawn 19th January 2015

Erection of a 6-storey building comprising 5 x 2 bedroom self-contained flats with roof garden attached to the Jubilee Heights building to also include the removal of existing vehicular access and cross over off Shoot Up Hill and installation of new pedestrian gates, railing and brick piers

The application was withdrawn pending a Unilateral Agreement to cover an affordable housing contribution.

CONSULTATIONS

Neighbouring residents were consulted and 33 objections have been received, as well as a petition with 79 signatories.

The reasons for objection are set out below:

- Leaseholders feel so strongly about their estate that they are trying to purchase the freehold. The solicitor acting on their behalf discovered that the land to which the application pertains was transferred to a subsidiary in 2010 and sold to a third party in 2014. The footprint of the building would result in the loss of 11 parking spaces currently designated to specific leaseholders. Leaseholders were not consulted or informed.
- The removal of the emergency access from Shoot Up Hill means no vehicular access will be possible. In addition the current unimpeded access around the jubilee heights building would be compromised as the plan includes the creation of a parking space that juts out. The entrance gate recently couldn't be opened for 30 minutes.
- The design will lead to an unrelenting mass on the streetscene when combined with the existing block. It is incongruous in its architectural approach. The curvature jars with the main building and requires the removal of trees exacerbating the damage to the street scene.
- The proposal will destroy the graceful symmetry of the original building
- The existing character is one of tall buildings set back from the road with appropriate space around the perimeter which would be lost with the proposal.
- The D&A statement suggests there is a problem with the design of the current building that the new building will resolve which is not the case.
- The site is in an area of open space deficiency and the area of amenity space provided is below that required.
- Kitchen opposite will fail BRE guidance, as they are already below guidelines this is dismissed by the applicant but it should be all the more reason to protect the levels.
- The proposal indicates the removal of trees and vegetation which would have adverse implications for air quality.
- Noise generated by the roof terrace may result in noise disturbance for neighbours.
- Refuse storage - where would the bins be placed on 'day of collection'. The end result would be likely to be littering of the area due to inaccessibility of the bins.
- The proposal will remove parking spaces without providing additional parking for the new dwellings. The development will remove 11 spaces from the 128 available for 136 leaseholders, leaving 117 spaces.
- The new residents will not be authorised to use the communal facilities but it will be impossible to prevent them accessing communal gardens and they may also gain access to the gym and pool.
- Potential impact on the stability of the existing structure from excavation work
- The proposal will result in overlooking and a loss of privacy.
- The southern extension has failed to sell half of the units over 6 months demonstrating the type of housing is not suitable.
- The estate has been overdeveloped
- The rubbish shoot which served the whole building was removed to enable the freeholder to turn the bin area into an apartment and residents have to enter the bin area used by 100 flats.
- Residents have not been provided with access to the roof terrace on the southern extension as was agreed.
- Impact on the cohesiveness of the community of the estate
- Disturbance and disruption from the development

- Additional vehicles driving through the estate causing more noise, dirt pollution, damage and wear and tear.

Watling Gardens Management Board

- Jubilee Heights is already highly developed
- It will cause a reduction in privacy to Watling residents
- Reduction in vegetation and planted areas
- Increased demand for parking

Internal

Highways - No objection. Recommendation that vehicular access be increased in width and further detail of cycle storage and refuse storage required.

Affordable Housing Officer - A contribution is required because of the incremental nature of the development of the site. Given the scale of the development the provision of a cash in lieu contribution is acceptable, the contribution is also reasonable and greater than secured for the previous extension.

POLICY CONSIDERATIONS

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.

The London Plan

3.12: Negotiation Affordable Housing on Individual Private Residential and Mixed Use Schemes - the maximum reasonable amount of affordable housing should be sought. Negotiations should take into account individual circumstances such as phasing. In exceptional cases it may be provided off site or a cash in lieu contribution provided.

3.13: Affordable Housing Thresholds - on sites with a capacity to provide 10 or more homes.

Core Strategy

The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight. The relevant policies for this application include:

CP2: Population and Housing Growth - The borough will aim to achieve the London Plan target that 50% of new homes should be affordable.

CP18: Protection and Enhancement of Open Space, Sports and Biodiversity: Support will be given to the enhancement and management of open space for recreational, sporting and amenity use and the improvement of both open space and the built environment for biodiversity and nature conservation. New or improved provision (including improved access) will be sought in areas of deficiency and where additional pressure on open space and outdoor play facilities would be created.

CP21: A Balanced Housing Stock - A balanced housing stock should be provided to meet known needs and to ensure that new housing appropriate contributes towards the wide range of borough household needs including an appropriate range and mix of self contained accommodation types and sizes.

Brent's UDP 2004

In addition to the Core Strategy, there are a number of policies which have been saved within the Unitary

Development Plan (UDP), which was formally adopted on 15 January 2004. The saved policies will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include: The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight. The relevant policies for this application include:

BE2: Townscape: Local Context & Character - Proposals shall be designed with regard to their local context, making a positive contribution to the character of the area.

BE3: Urban Structure: Space & Movement - Proposals should have regard to the existing urban grain, development patterns and density in the layout of development sites, and should be designed to ensure that particular emphasis is placed on prominent corner sites, entrance points, and creating vistas and public areas; and respecting the form of the street by responding to established lines of frontage, unless there is a clear urban design or planning justification.

BE6: Public Realm: Landscape Design - A high standard of landscape design is required as an integral element to development schemes including an adequately landscaped frontage and boundary treatments which complement the development and enhance the streetscene.

BE9: Architectural Quality - Extensions and alterations to existing buildings shall be designed to:- (a) be of a scale, massing and height that is appropriate to their setting, civic function and/or townscape location; (b) have attractive front elevations which have a direct relationship with the street at ground level, with well proportioned windows, and habitable rooms and entrances on the frontage, wherever possible; (c) be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other, which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents; and (d) employ materials of high quality and durability, that are compatible or complementary colour and texture, to the surrounding area.

EP2: Noise & Vibration - Noise sensitive development will not be permitted where users would suffer noise levels above acceptable levels, and if this cannot be acceptably attenuated.

H12: Residential Quality - Layout Considerations - Residential developments should have a site layout which reinforces or creates an attractive and distinctive identity, appropriate to its locality creating a clear sense of place, have housing facing on to streets; have an appropriate level of car parking and cycle parking; and avoid an excessive coverage or hard landscaping and have an amount and quality of open landscaped area appropriate to the character of the area, and local availability of open space, and needs of prospective residents.

H13: Residential Density - New residential development shall make an efficient use of land and meet the amenity needs of potential residents. Higher densities are supported in areas of good or very good public transport accessibility. The density of a site shall also have regard to the context and nature of the proposal, constraints and opportunities of the site and the type of housing proposed.

CF6: School Places - Contributions to build new school classrooms and associated facilities will be required where new housing development would worsen or create a shortage of school places.

TRN2: Public Transport Integration - Development proposal should benefit and not harm the operation of the public transport network.

TRN3: Environmental Impact of Traffic- Proposals should not cause or worsen an unacceptable environmental impact from traffic.

TRN11: The London Cycle Network - Developments should comply with the plan's minimum cycle parking standards (PS16), with cycle parking situated in a convenient, secure and, where appropriate, sheltered location.

TRN23: Parking Standards - Residential Developments - "Car free" housing developments may be permitted in areas with good or very good public transport accessibility.

Supplementary Planning Guidance

SPG5 "Altering and Extending Your Home"

DETAILED CONSIDERATIONS

Introduction

1. This application seeks planning permission for 6-storey extension to be attached to the north of Jubilee Heights located at the front of the building facing Shoot Up Hill. The extension will accommodate 5 x 2-bedroom flats.

Background

2. A five storey extension of a similar design has been constructed on the southern end of Jubilee Heights on the front corner of Shoot Up Hill and Exeter Road. This extension was allowed on appeal and reference to this will be made later on within this report.

3. In an earlier iteration of the scheme submitted in 2013 originally 5 x three bedroom units were proposed within an extension that overhung the boundary with Watling Gardens. Concerns were raised with the building over sailing the boundary with Watling Gardens. In design terms it was considered to result in a poor and awkward relationship between the two sites with poor detailing to the ground floor and undercroft area. The extension was considered to appear overbearing when viewed from Watling Gardens and would also reduce the sense of openness of the site when viewed from Watling Gardens and Shoot Up Hill.

4. In response to the above concerns, the size of the extension was reduced so that the whole extension sat within the ownership of the application site and did not overhang the boundary. This in turn reduced the mix of units from three bedroom units to two bedroom units. This application was, as indicated above, refused for the sole reason of the insufficient contribution towards affordable housing which is discussed further below. The application as currently proposed is discussed below.

Design, Scale and Massing

5. Council guidance SPG17 and policy BE9 of the UDP 2004 state that proposals should be of a scale, massing and height that are appropriate to its setting.

6. An elevation has been provided by the applicant which shows the full Shoot Up Hill elevation including the southern extension. The northern extension takes on board the horizontal rhythm seen within the existing building, the glazing also takes on board the proportions of the glazing within the main building. A similar approach was taken with the southern extension. It is considered that full details of external materials should be conditioned as part of any forthcoming planning consent however they would be expected to match the materials used in the southern extension.

7. The ground floor will have a central undercroft to allow access to the car parking spaces within the front of the site. Whilst the floor of the first floor is lower to the main building this is considered to assist in allowing the extension to read as a subservient addition. The extension is to be built up to the boundary with Watling Gardens at ground floor level acting as the boundary wall. The extension will be higher than the southern extension however, the additional height is considered appropriate in this location given that it is between Jubilee Heights and Watling Gardens which are both taller buildings and the ground level rises to Watling Gardens. It is also noted that while the proposal is similar to the southern extension it is not identical but as the context is different at this end of the site this is considered to be appropriate. The extension is a contemporary interpretation of the architectural style of the original building and, particularly having regard to the existing extension, is considered to sit comfortably in the site.

8. The proposal does result in the removal of some softlandscaping and a tree. Objectors are concerned about the projection of the extension up to the boundary and the loss of greenery. It is the case that the tree to be removed and the landscaping are not of significant value as identified in the tree survey and this is considered in more detail below. In principle the area proposed to be developed is currently primarily a vehicular route and parking area rather than a green buffer around the site. The prominent trees are in the site frontage and in the neighbouring site and also in the street.

Landscaping

9. While one tree of minimal value will be removed a category A tree and 3 category B trees in the adjacent site and in the site frontage are to be retained. A replacement within the application site is required by condition for the lost category U tree. In order to protect the trees adjacent to the proposed development a condition requires a *detailed arboricultural method statement and tree protection plan*.

10. The development will require some significant pruning of the category B T2 which is in the adjacent site as well as on going maintenance so that the tree does not result in a nuisance to future occupiers, while officer and the applicants consultant are of the opinion that this can be successfully undertaken a condition is recommended to require a full set of details of the work including the pruning of the tree and work near its roots.

11. There is scope for additional softlandscaping particularly to accommodate a replacement tree within the frontage car park.

Affordable Housing Provision

12. There has been incremental development of the site in the form of conversions and extensions that has seen the development of 19 flats since 2007. Affordable housing planning policy requirements apply to development opportunities which would normally provide capacity for 10 or more homes and this threshold has clearly been breached if the phased development of the site is viewed as a whole. The proposal for the erection of another 5 flats on the Jubilee Heights site is therefore subject to affordable housing planning policy requirements. In line with planning policy, the Council will seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed use schemes, having regard to a number of factors including development viability. The strategic borough target is that 50% of new homes should be affordable.

13. Affordable housing is normally required on-site. Only in exceptional circumstances may off-site affordable housing or a cash in lieu sum ring fenced for the delivery of off-site affordable housing be provided. For a number of practical reasons officers are minded to accept a cash in lieu sum on this site. The development is a small block of 5 flats with a single core, for management practicalities and to maintain low service charges for affordable units, registered providers recommend strongly against sharing cores with private units therefore an RP would be unwilling to manage one or two units within the development. Given the small scale of this development officers are of the opinion that a cash in lieu sum can provide a valuable contribution towards the delivery of affordable housing elsewhere in the borough.

14. Under the 2013 submission an offer of £90,000 was made by the applicant. Officers considered that this was unsatisfactory and instead sought and agreed £250,000 based on consideration of the cost of delivering affordable housing and the borough target that 50% of new homes should be affordable. The current application is recommended for approval alongside the applicant's drafted legal agreement securing the £250,000 affordable housing contribution. It should be noted that a contribution of £100,000 was accepted towards the off-site provision of affordable housing from the development at the south of the site which also proposed 5 units.

15. The contribution of £250,000 towards affordable housing is considered essential by officers and will be ring fenced for the provision of off-site affordable housing. A viability assessment has not been provided however the proposal is in line with the previous recommendations made in earlier applications and based upon practical assessment of the cost of providing affordable housing. The proposal is considered to be in compliance with policies 3.12 and 3.13 of the London Plan 2011, policies CP2 and CP21 of Brent's adopted Core Strategy 2010.

Residential Quality for Future Residents

Mix of Units

16. This application proposes 5 x two-bedroom self contained flats. The mix of units is broadly considered acceptable for the site. Residents have advised that a number of flats in the southern extension have remained vacant for a significant time post completion and suggest this demonstrates that the proposed type of accommodation is unsuitable for the area. Officers do not have any factual information regarding how the properties were advertised or at what price however Brent has a high housing target set by the London Plan and 5 x 2-bed units which meet the Housing SPG requirements are supported in principle.

Unit sizes

17. The London Plan sets out the minimum internal floor space standards for residential units. These standards require two bedroom 4 person flats to have a minimum floor area of 70sqm. The proposed units have a gross internal area of 75sqm which exceeds the minimum requirements set out within the London Plan. In addition the size of the living/dining/kitchen area and bedrooms exceed the minimum requirement as set out in the Housing SPG. These are set out below:

- Living/Kitchen/Dining - 37.9sqm (Housing SPG requires 27sqm)
- Bedroom 1 - 112.8sqm (Housing SPG requires 12sqm)
- Bedroom 2 - 12sqm (Housing SPG requires 12sqm)

Access arrangements

18. The new flats will have their own entrance with no direct access from the main building of Jubilee Heights. The entrance for the new flats is on the ground floor accessed from the communal pathway. This communal pathway already exists and provides access to the car parking spaces to the front of the site.

Outlook and light

19. All of the units have dual aspect. To ensure that the bedrooms have improved levels of light whilst maintaining adequate levels of privacy for existing flats within Jubilee Heights and Watling Gardens it is recommended that the rear elevation includes some obscured glazing. This could be conditioned as part of any forthcoming planning consent.

Privacy

20. The existing flats will not directly overlook the new extension. The nearest habitable room windows within No. 13 to 56 Watling Gardens is over 20m away. Privacy levels of the new extension are considered acceptable.

External amenity space

21. SPG17 requires 20sqm of external amenity space for 2 bedroom units. All five units are provided with a balcony of 7sqm and they also have access to a communal roof garden which is approx. 75sqm (with 25sqm dedicated to softlandscaping and 49.8sqm as usable space). The total provision of approx. 110sqm which exceeds the minimum requirements as outlined in SPG17 for the new flats.

Impact on the existing residents within Jubilee Heights

Impact of the extension upon habitable room windows within the existing building of Jubilee Heights and neighbouring flats within Watling Gardens

22. A daylight, sunlight and overshadowing assessment has been undertaken. It considers the impact of the extension upon existing flats within Jubilee Heights and surrounding developments. In terms of existing flats within Jubilee Heights the nearest windows serve small galley kitchens to existing flats 103 to 703. These flats have dual aspect with the kitchen window facing Watling Gardens and the other windows facing Shoot Up Hill. The report advises that these kitchens already experience Average Daylight Factor (ADF) below the recommended BRE guidelines, and that the reduction in daylight that will occur will not have a material effect on the use of the galley kitchens. The report goes on to say that the removal of trees along the northern boundary will improve outlook from the galley kitchens at lower levels. A sunlight assessment has not been undertaken for the existing flats and amenity space in Jubilee Heights as windows are either within 90 degrees of due north or positioned to the south of the extension. The Daylight, Sunlight and overshadowing assessment has considered the impact of the extension upon Nos, 1-8 and 13-56 Watling Garden. This advises that two windows will experience reductions in daylight and sunlight beyond the BRE guidelines but these windows are set back from the main elevation under balconies. In accordance with BRE guidelines further tests were carried out discounting the effects of the balconies which concluded that the reduction in daylight and sunlight will be within BRE guidelines. The plans submitted with the application also show the height of the extension sitting within a line drawn at 30 degrees from the nearest habitable room window within 13 to 56 Watling Gardens (located at first floor level), complying with SPG17. The drawing shows the lift shaft in its previously proposed location however this does not raise concerns as the structure is less than 3.5m in width meaning its impact will be minimal. It should be noted that a Daylight, Sunlight and Overshadowing Assessment was considered by the Inspector as part of the appeal for the southern extension, whereby the Inspector took into account this document as a material consideration when assessing the impact of the southern extension upon the amenities of existing flats within Jubilee Heights and

the communal external amenity space.

Impact of the extension upon the existing communal amenity space

23. It is recognised within the original planning application from 1994 that the site has a shortfall in external amenity space. It is also apparent through reviewing the planning history of the site that the Council has expressed concern about the intensification of use of the external amenity space as a result of increased population on the site, particularly as the site is within an Area of Open Space Deficiency. This matter was considered as part of the appeal for the southern block which was sited on part of the external amenity space. The Inspector took the view that the southern extension would not significantly affect the quality of the existing amenity space from Shoot Up Hill that would remain and that the extension would provide sufficient amenity space for the occupiers within the southern extension.

24. In this case, the northern extension will be sited over an area of hardstanding that is used as car parking. It will not result in the loss of communal amenity space and would not impact upon the functioning of the communal amenity space as it is located to the north. The new flats will have their own balcony and communal roof garden which meets SPG17 requirements. As such, the proposed northern extension is not considered to adversely impact upon the communal amenity space for Jubilee Heights.

25. The landscaped area to the front of Jubilee Heights (fronting Shoot Up Hill) which was developed as part of the 2007 application is considered to be of high amenity value that makes an important contribution to the overall provision of external amenity space on the site, particularly as it is fairly well screened from the road.

Highway Considerations

26. The subject site is located in an area with good access to public transport and is located within a Controlled Parking Zone. Exeter Road is not defined as being heavily parked. The site has on-site parking at both ground and basement level.

27. The plans proposed show a total of 131 car parking spaces on site including the ground and basement car parks to Jubilee Heights and Cedar Lodge. A significant level of concern has been expressed by existing occupiers regarding the loss of parking and the impact this will have on residents. The agent has provided additional clarification regarding the number of spaces and their allocation. Ground floor flats 3 and 4 in the converted business centre do not qualify for parking, as set out in their leases therefore on a 1:1 unit to parking ratio there is an existing demand for 124 parking spaces. Taking the 5 proposed flats into account there is a need for 129 spaces and as the proposal provides 131 on the wider site the need is met on site.

28. Information has been provided to demonstrate that on site spaces have already been allocated to the 5 flats in the southern extension and the applicant states that they own spaces 45-49 which would be available for the flats proposed here.

29. Given the good access to public transport in this location the parking standard for the flats is less than 1 space per unit. For Jubilee Heights Highways officers states that the parking allowance would become 73.2 spaces while there are 96 available. Also the most up to date and reliable data which is the 2011 Census suggests that average car ownership is 0.62 cars per flat meaning that there is an overprovision of parking on the site.

30. There have been disagreements between the applicant and the existing residents regarding the allocation of spaces and objectors have stated that their allocated parking spaces are lost as part of the development. In planning terms as set out above the exceeds the parking allowance for an area with such good public transport. Nevertheless due to the extent of concern expressed by residents officers have sought to ascertain that across the site there will be a space available to each flat and are able to confirm that the parking capacity of the site meets a ratio of 1:1 spaces to units.

31. While residents are understandably upset by the lack of communication from the applicant the proposal must be considered on its planning merits and it is apparent that there is sufficient parking capacity.

32. Adjacent to the entrance to the new flats a separate cycle store and bin store are proposed. The cycle store has capacity for 5 bikes, 1 per unit, which achieves the required standard. The bin store has an acceptable capacity but is in an inaccessible location given its distance from the point within the site that refuse vehicles can reach. A waste management plan has been submitted which states that the bins will be placed at the collection point before 6am on the relevant collection days and that this will be the responsibility of the applicant or their agent. The collection point is detailed on the proposed site plan. This arrangement

would be acceptable however a condition is recommended to seek additional information regarding the management of this and to ensure that bins are always stored in the designated store apart from on the collection day.

33. The vehicular access from Shoot Up Hill which is located directly in front of the proposed extension is proposed to be removed. Residents have expressed concern about this and are of the opinion that it is essential that there are 2 accesses into the site. When visiting the site officers have noted that this gate is padlocked shut and is therefore not available as an emergency vehicular route. Highways officers have reconfirmed that they are supportive of the removal of the vehicular route as Shoot Up Hill is a major London Distributor Road and it is generally a benefit in road safety and traffic flow terms to reduce the number of access points. It is however recommended that the vehicular access from Exeter Road be widened to at least 4.8m to provide sufficient width for 2 vehicles to pass one another.

34. The Shoot Up Hill entrance will be replaced with a pedestrian gate which is acceptable. Fire access requirements can be catered for without bringing the vehicle onto the site.

Noise and Vibration

35. Given the proximity of the proximity to the building to the train line Environment Health officers have suggested noise and vibration testing should be undertaken. However it is noted that this was not sought by the inspector on the southern extension which is much closer to the train line and 2 roads, in this instance for consistency further detail is not sought.

Neighbour comments

Issue	Officers Comments
The removal of the Shoot Up Hill entrance would remove emergency access	Para 33
The design is incongruous in its siting and size, its would be harmful to the existing building.	Para's 5-8
The proposal provides insufficient amenity space	Para 21
The proposal is harmful to existing amenity in terms of light, outlook and privacy	Para's 23-24
Impact on air quality from the removal of trees	Para's 9-11
Noise generated from roof terrace may disturb existing residents	The roof terrace arrangement is very similar to the allowed by the Planning Inspector at the southern end of the site. Softlandscaping is proposed around the periphery setting any activity towards the centre of the terrace and away from neighbouring windows.
Where would bins be stored on the day of collection	Para 32
Loss of parking spaces for existing leaseholders	Para's 26-31
Impact on the structural stability of the existing building	The development would need to comply with building regulations which would ensure it is carried out correctly and safely. An informative is recommended advising that a Party Wall agreement would be required.
The southern extension failed to sell half of its units in 6 months of marketing showing that the type of accommodation is not suitable in the area	Para 16
The estate is overdeveloped	The acceptable density of a development should be led by whether an acceptable design is achieved and whether a good level of amenity can be achieved without harming existing residents. The proposal does not result in the loss of existing amenity space.
The development will result in further disruption and disturbance	While it is understood that work can be disruptive for residents this is not a reason upon which planning

	permission can be withheld. Officers recommend a condition requiring the developer to sign up to the considerate constructors scheme.
The proposal will impact on the community and cohesiveness of the estate as the application site is in separate ownership and residents won't contribute to the upkeep of the site or pay for access to facilities	Officer's understand that issues of service charge and using communal facilities need to be worked out between owners however again it is an issue beyond the remit of the planning system. The proposal provides a good level of amenity for future occupiers.
Additional vehicles driving through the estate causing more noise, dirt pollution, damage and wear and tear.	The proposal won't create additional parking.
Previous applications removed the rubbish shoot to the communal store	It is understood that residents are unhappy with the bin store arrangement which was altered as part of a previous development. However the proposal doesn't affect the communal store. Para 32
Residents have not been provided with access to the roof terrace of the southern extension as was agreed	Again, this does not affect the current application however officers will explore the situation.

Conclusion

36. In conclusion, officers are understanding of residents concerns such as additional building works and activity within the site and impact on parking. It is clearly the case however that in planning terms, and subject to a number of conditions, the proposal is acceptable. The previous application for the same design was refused only for its insufficient affordable housing contribution. The requested contribution has now been agreed to and as such the proposal is recommended for approval.

S106 DETAILS

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

1. Payment of the Council's legal and other professional costs on completion of the deed in (i) preparing and completing the agreement and (ii) monitoring its performance;
2. Notification of material start 28 days prior to commencement; and
3. Off-site affordable housing contribution of £250,000 to be paid within 7 days of the commencement of the first beneficial occupation of a unit on the undertaking land.

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£126,754.25** of which £107,807.14 is Brent CIL and £18,947.11 is Mayoral CIL.

CIL DETAILS

This application is liable to pay **£126,754.25*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible** floorspace which on completion is to be demolished (E): sq. m.

Total amount of floorspace on completion (G): 468 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	468	0	468	£200.00	£35.15	£107,807.14	£18,947.11

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	258	
Total chargeable amount	£107,807.14	£18,947.11

*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

****Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.

Any person wishing to inspect the above papers should contact Liz Sullivan, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5377