

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

22 October, 2015

**15/3819**

## SITE INFORMATION

**RECEIVED:** 4 September, 2015

**WARD:** Kensal Green

**PLANNING AREA:** Harlesden Consultative Forum

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

**PROPOSAL:** Variation of condition 5 (cycle parking and refuse recycling storage) to allow the location of cycle parking parking and refuse stores at ground floor level, of full planning permission reference 14/0846 dated 11/11/2014 for 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 186m<sup>2</sup> 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, and subject to a deed of agreement dated 05 November 2014 under section 106 of the Town and Country Planning Act 1990, as amended.

**APPLICANT:** Mr K Sagar

**CONTACT:**

**PLAN NO'S:** See condition 2

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# SITE MAP



## Planning Committee Map

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

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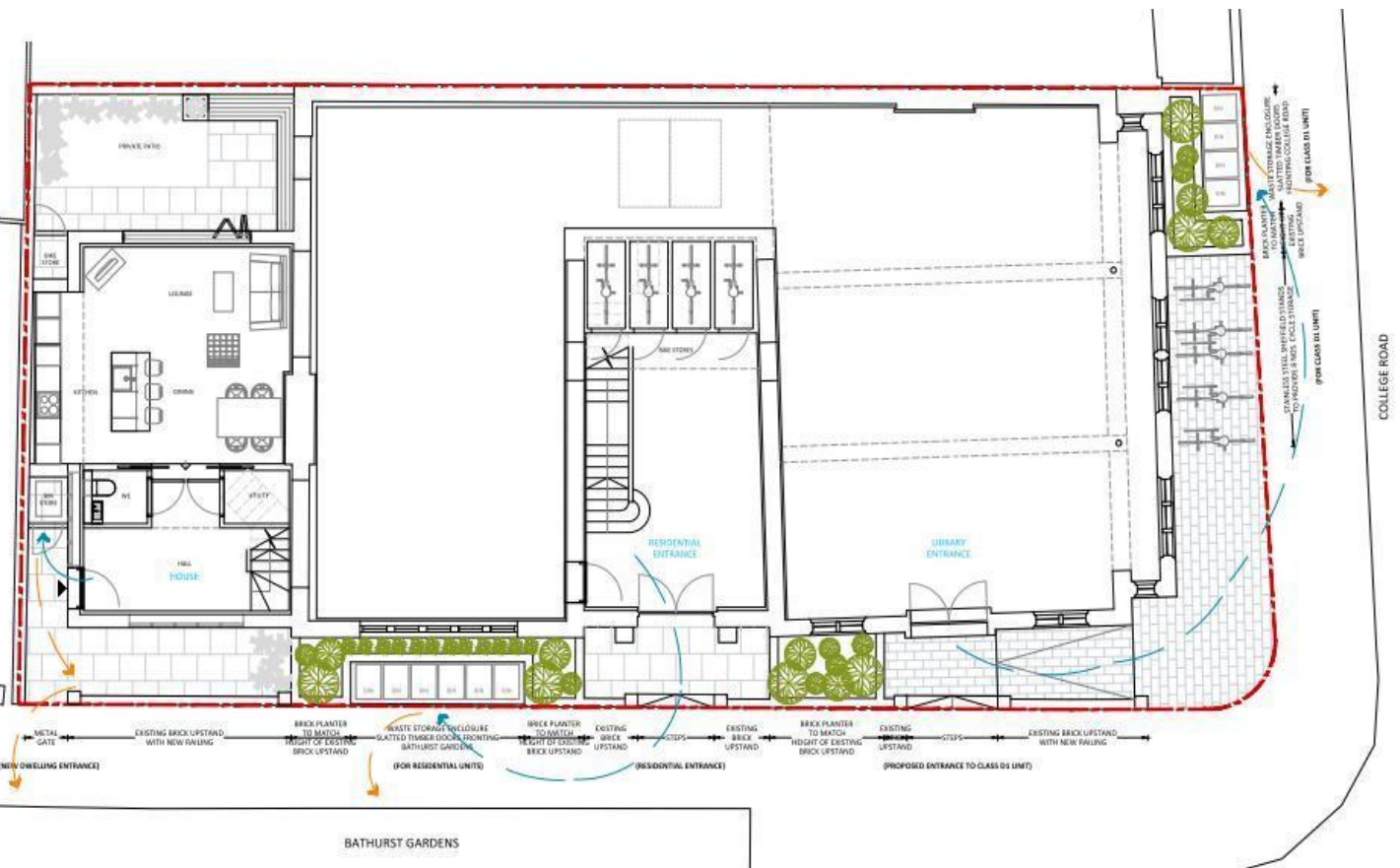
This map is indicative only.

# SELECTED SITE PLANS

# SELECTED SITE PLANS

## Front Elevation





## RECOMMENDATIONS

**Approval**, subject to the conditions set out in the Draft Decision Notice.

### A) PROPOSAL

Variation of condition 5 (cycle parking and refuse recycling storage) to allow the location of cycle parking and

refuse stores at ground floor level, of full planning permission reference 14/0846 dated 11/11/2014 for 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, and subject to a deed of agreement dated 05 November 2014 under section 106 of the Town and Country Planning Act 1990, as amended.

## **B) EXISTING**

The subject site, located on the north-western corner of the junction between College Road and Bathurst Gardens, is occupied by a part single, two and three storey detached building. The building has been vacant since 2011 before which time it was most recently used as a public library. The building is not Statutorily Listed nor does it appear on the list of locally listed buildings published within Brent's Unitary Development Plan 2004.

However, in December 2012 the building was listed, under the provisions of the Localism Bill 2011, as an Asset of Community Value (ACV).

## **C) AMENDMENTS SINCE SUBMISSION**

None.

## **D) SUMMARY OF KEY ISSUES**

The key issues in relation to this application are as follows:

1. The design of the refuse storage areas in the context of the building and streetscene
2. The impact of the refuse storage on highway and pedestrian safety.

As explained below, there have been objections here to aspects of the overall development that do not form part of this application and were previously considered at the time of the granting of the main planning application for this building. These are:

3. The impact of the roof terrace with regard to overlooking (this formed part of a previous application that was granted permission).
4. The impact of the western extension on the neighbouring property (this formed part of a previous application that was granted permission).

## **RELEVANT SITE HISTORY**

### **15/3580 – GTD**

Non material amendment as follows:

- \* omission of basement level extension
- \* minor internal layouts changes to the flats
- \* insertion of x4 additional rooflights to the front, side and rear roofslope and enlargement of x1 approved rooflight

of full planning permission reference 14/0846 dated 11/11/2014 for 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, and subject to a deed of agreement dated 05 November 2014 under section 106 of the Town and Country Planning Act 1990, as amended.

#### **14/0846 – GTD**

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 186m<sup>2</sup> 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, and subject to a deed of agreement dated 05 November 2014 under section 106 of the Town and Country Planning Act 1990, as amended.

#### **13/2058 – REF**

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 175m<sup>2</sup> 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.

## **CONSULTATIONS**

A total of 29 neighbouring properties were consulted. To date there have been three objections to the proposal. The representations raised the following concerns:

<b>Objection</b>	<b>Response</b>
Communal roof terrace would result in overlooking	See Paragraph 9
No drawings have been submitted of the College Road frontage	See Paragraph 6
Impact of the west extension on privacy and property	See Paragraph 8

#### **Internal consultation**

Transport & Highways – no objections

## **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'**

## **DETAILED CONSIDERATIONS**

### Introduction

1. As outlined in the 'History' section of this report Members will be aware that following a long period of discussion, and the refusal of a controversial conversion scheme here, permission was granted under planning reference 14/0846 for the conversion of the vacant building to provide five residential units on part of the ground floor and upper floors and the provision of replacement community space on the ground floor. Following this a number of non-material amendments have been agreed and approved by the Council which sought to omit the originally approved basement level, to change the internal layout of the flats and to insert additional rooflights to the rear of the building.

2. There was much discussion about this at the time, but it was originally proposed that bicycle and refuse storage be contained in the proposed basement of the building. However as the basement feature has now been removed the applicant has sought to vary one of the previous conditions and as a consequence locate

the cycle and refuse storage at ground floor level. Refuse storage is now proposed to be located in two separate locations fronting Bathurst Gardens and College Road respectively. Cycle storage is now proposed beside the proposed refuse storage fronting College Road.

#### Location of refuse and cycle storage

3. As the majority of the ground floor will be used as a community feature it is unrealistic, and not welcomed, to place the refuse storage inside the building at ground floor level as this would detract from the community use and reduce the area available in the future. Therefore the location of the refuse storage outside the building and at street level which will allow easy access and collection is the most logical option.

4. In total there are two refuse storage enclosures proposed with capacity for ten wheeled bins. Six bins will serve the five flats and will be located on the Bathurst Gardens frontage and four bins will be located on the College Road frontage for the ground floor community use. The location of the refuse stores from the basement to street level will allow easy collection from the adjoining highways and is an improvement in terms of accessibility from the previous location within the basement.

5. Cycle storage for the residents of the flats is now proposed in the entrance hall of the building by means of four bicycle lockers with a further store in the rear garden of the ground floor flat on the western side of the building. This provides an adequate number of spaces in a secure and sheltered manner to satisfy standards and also provides a more convenient location for bicycle storage than the previous provision in the basement. Cycle storage for visiting members of the public who wish to avail of the community facility can be found on the eastern side of the site by means of four 'Sheffield' stands located in a convenient and accessible location.

#### Design

6. With regard to the proposed design sliding timber doors are proposed which will help to conceal the refuse storage units from view and help these features to blend in with the streetscene. Planting is also proposed around the edges of the refuse storage units which will again help to improve the aesthetics of the units. Concerns regarding the appearance of the refuse storage units have been raised by an objector as originally the applicant has not submitted elevations detailing the units on College Road however these have been requested and will have the same appearance as the ones detailed on Bathurst Gardens. It is of course acknowledged that structures of this nature can have an unfortunate visual impact. However, in this case, it is considered that the structures are well designed and that the alternative, of providing the stores internally at the expense of community space, needs to be considered. On that basis, the proposal is supported.

#### Transport Considerations

7. The refuse stores will be positioned clear of the highway and footpath and sliding doors are proposed which will ensure that they do not open outwards over the footpath. This has been assessed by Transport & Highways and is deemed to be acceptable as it will not prejudice either vehicular or pedestrian movement in the area.

#### Other concerns

8. Concerns have been raised by an objector about the extension on the western side of the building. However this extension was granted planning permission in the previous application 14/0846. When considering this application previously the proposed western extension was deemed to be acceptable due to the fact that the flank wall of 2 Bathurst Gardens did not contain any habitable room windows. Therefore it was considered that there would not be any unreasonable adverse impact on this property.

9. Similarly concerns have been raised by an objector about the roof terrace which again was granted permission under the previous application 14/0846. When this feature was considered previously it was not considered that it would result in any increased overlooking. Taking the distance of approximately 18 metres between the objector's property and the location of the roof terrace into consideration it is not considered that this feature would result in a detrimental impact on the amenity of the residents living there.



## Conclusion

10. The proposed variation of condition 5 to move the cycle and refuse storage to the ground floor street level area is deemed to be acceptable and is the most logical place to locate these features due to the removal of the basement. With regard to design the proposed materials and planting will help to improve the aesthetics of these features in the context of the building and street scene. The cycle and refuse storage has also been assessed from a safety, and operational, point of view and are deemed to be acceptable.

# DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

### DECISION NOTICE – APPROVAL

Application No: 15/3819

To: Mr K Sagar  
BEAUFORT HOUSE  
15 ST BOTOLPH STREET  
EC3A 7BB

I refer to your application dated 04/09/2015 proposing the following:  
Variation of condition 5 (cycle parking and refuse recycling storage) to allow the location of cycle parking and refuse stores at ground floor level, of full planning permission reference 14/0846 dated 11/11/2014 for 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, and subject to a deed of agreement dated 05 November 2014 under section 106 of the Town and Country Planning Act 1990, as amended.

and accompanied by plans or documents listed here:  
See condition 2  
at Former Kensal Rise Branch Library, Bathurst Gardens, London, NW10 5JA

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date:

Signature:

Head of Planning, Planning and Regeneration

#### Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 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

- 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):

P-SK01

P-SK02

P-SK03

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 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.

- 5 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.

- 6 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 2004

- 7 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.

- 8 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.

- 9 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.

- 10 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.

- 11 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.

- 12 Notwithstanding the plans hereby approved revised details showing a widened proposed entrance door and details of 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

- 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 the site, is submitted to and approved in writing by the local planning authority. This shall include the provision of waste storage at the ground floor level. 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.

Any person wishing to inspect the above papers should contact Barry Henn, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5232