

Committee Report
Planning Committee on 2 November, 2010

Item No. 6
Case No. 10/2053

RECEIVED: 31 August, 2010

WARD: Welsh Harp

PLANNING AREA: Willesden Consultative Forum

LOCATION: Former Blarney Stone, Blackbird Hill, London, NW9 8RR

PROPOSAL: Proposed mixed-use redevelopment of the Blarney Stone Public House, Kingsbury, with the erection of two 3-storey houses and 34 flats in 3/4/5 storeys above a retail unit of 470m² and parking partly at basement level, with associated landscaping

APPLICANT: Mr Ayoub Rofail

CONTACT: Chassay+Last Architects

PLAN NO'S:
(see condition 2 for details)

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

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

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) 28%-50% Affordable Housing, the level defined on a resubmitted agreed toolkit with the actual costs and values in, allowing for a 17% return. The Toolkit is to be submitted prior to Practical Completion, with the Affordable Housing to be provided prior to Occupation.
- (c) A contribution of £3,000 per bedroom/£2,400 per affordable housing bedroom, index-linked from the date of committee, for Education, Sustainable Transportation, Open Space and Sports in the local area, including a new footway on the Old Church Lane / Blackbird Hill corner.
- (d) Sustainability – Code for Sustainable Homes Level 3 Post Construction Assessment and Certificate shall be submitted prior to occupation; achieve 50% on the Brent Sustainable Development Checklist, demonstrated through submission of a Detailed Sustainability Implementation Strategy prior to construction; compliance with the ICE Demolition protocol, demonstrated by submission of an independent report detailing demolition and new build material use and recycling; and details of 107sqm of evacuated solar thermal panels and 147sqm of PV panels to be submitted, approved and maintained throughout the lifetime of the development.

- (e) Prior to Practical Completion enter into a s278/s35 requiring the provision of a 10m radius kerb on the northern side of the car park access and reinstatement of the redundant crossover onto Blackbird Hill to footway.
- (f) Join and adhere to the Considerate Constructors scheme.

And, to authorise the Director of Environment and Culture, 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 Core Strategy, Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The application site comprises the Blarney Stone Public House located on Blackbird Hill. The site is currently vacant. The site fronts both the Blackbird Hill and Old Church Lane, with the Blackbird Hill frontage being the primary one.

The site abuts the St Andrews Conservation Area which is located to the north of the application site. On the opposite side of Old Church Lane, fronting Blackbird Hill are two storey terraced properties with retail and similar uses at ground floor and residential above. This parade is defined as a Neighbourhood Centre within the Core Strategy. On the opposite side of Blackbird Hill is Lidl superstore and BP Petrol Station.

Blackbird Hill is a London Distributor Road and on the London Bus Priority Network

PROPOSAL

Demolition of existing public house and erection of mixed-use redevelopment of the site incorporating both residential and retail use in a part three-, four-, five- and six-storey building. The residential element comprises a mixture of affordable and private residential units in the form of two houses and 34 flats. The retail element comprises a retail unit at basement/ground-floor level of 470sqm. Residential parking is provided at basement level. Alterations to the vehicular accesses and landscaping of the site is also proposed.

HISTORY

Recent Planning History

E/07/0456: Enforcement investigation into building rubble within the site under Section 215 (untidy land) - Case closed on 15/08/2007 as the site was cleared.

05/1485: Full Planning Permission sought for erection of single storey front, rear and side extension and access ramp to front of building - Granted, 15/07/2005.

POLICY CONSIDERATIONS

National Planning Policy

Planning Policy Statement 1 – Creating Sustainable Communities

Planning Policy Statement 3 – Housing

Planning Policy Statement 4 - Planning for Sustainable Economic Growth

Planning Policy Statement 23 - Planning and Pollution Control

Planning Policy Guidance 24 - Planning and Noise

Regional Planning Policy

The London Plan - Consolidated with Alterations since 2004

3A.3: Maximising the potential of sites

3A.5: Housing Choice
3A.9: Affordable housing targets
3A.10: Negotiating affordable housing in individual private residential and mixed-use schemes
3A.11: Affordable housing thresholds
3D.13: Children and young people's play and informal recreation strategies
4A.1: Tackling climate change
4A.3: Sustainable design and construction
4A.4: Energy Assessment
4A.6: Decentralised Energy - Heating, Cooling and Power
4A.7: Renewable Energy
4A.9: Adaption to Climate Change
4A.11: Living Roofs and Walls
4A.14: Sustainable Drainage
4A.19: Improving Air Quality
4A.20: Reducing noise and enhancing soundscapes
4B.1: Design principles for a compact city
4B.5: Creating an inclusive environment

Local Planning Policy

Brent's Core Strategy 2010

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 following policies are considered to be relevant for this application:

CP2: Population and Housing Growth
CP6: Design & Density in Place Making
CP16: Town Centres and the Sequential Approach to Development
CP17: Protecting and Enhancing the Suburban Character of Brent
CP18: Protection and Enhancement of Open Space, Sports & Biodiversity
CP19: Brent Strategic Climate Mitigation and Adaption Measures
CP21: A Balanced Housing Stock

Brent 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:

BE2: Townscape - Local Context & Character
BE3: Urban Structure - Space & Movement
BE5: Urban Clarity & Safety
BE6: Public Realm - Landscape Design
BE7: Public Realm - Streetscape
BE9: Architectural Quality
BE11: Intensive and Mixed-Use Developments
BE12: Sustainable Design Principles
BE25: Development in Conservation Areas
BE31: Sites of Archaeological Interest
EP2: Noise & Vibration
EP3: Local Air Quality Management
H12: Residential Quality - Layout Considerations
H13: Residential Density
TRN3: Environmental Impact of Traffic

TRN11: The London Cycle Network
TRN15: Forming an access onto a road
TRN22: Parking Standards - Non Residential Developments
TRN23: Parking Standards - Residential Developments
TRN34: Servicing in New Development
TRN35: Transport Access for Disabled People & Others with Mobility Difficulties

Supplementary Planning Guidance

Supplementary Planning Document: "S106: Planning Obligations"
Supplementary Planning Guidance 2 - "Commenting on a Planning Application"
Supplementary Planning Guidance 17 – "Design guide for new development"

SUSTAINABILITY ASSESSMENT

The applicants have submitted an "Energy Demand and Renewables Option Assessment" and "Sustainability Statement".

The scheme proposes a number of measures to contribute towards achieving sustainable development. These include measures to reduce carbon emissions; onsite renewables; water efficiency measures; sustainable materials; brown roofs; landscape measures and a permeable paving system.

Reduction in carbon emissions and onsite renewables

Policy CP19 of Brent's Core Strategy requires developments to contribute towards climate change mitigation and adaption. Details of the measures proposed to reduce carbon emissions and consideration of onsite renewables are set out in the "Energy Demand and Renewables Option Assessment". The reduction in CO2 emissions is achieved by the combination of improved insulation, air tightness, low energy lighting and communal Gas Absorption Heat Pump. The average carbon reduction across the development is 31% which exceeds the requirements required for Code for Sustainable Home Level 3.

A number of options for onsite renewable energy measures have been considered, and the use of solar PV and solar thermal have been identified as suitable options and are proposed to be incorporated within the scheme. This includes 88sqm of the 'pergola' area over the roof terraces together with 19sqm of the flat roof area for evacuated tube solar thermal collectors and the remaining 147sqm of unshaded flat roof area for solar PV. This will provide a further 16.25% of carbon reduction. It is recommended that further details of the evacuated solar thermal panels and PV panels are secured as part of the Section 106 Heads of Terms.

Code for Sustainable Homes

Policy CP19 requires the development to achieve a minimum Level 3 in relation to the Code for Sustainable Homes (CSH). A pre-assessment report has been prepared which indicates that the scheme will achieve a score of 59.75 which meets Level 3. It is recommended that a CSH Level 3 Post Construction Assessment and Certificate is submitted prior to occupation. This should be secured as part of the Section 106 Heads of Terms.

Brent's Sustainable Development Checklist

This application is required to achieve a minimum score of 50% on the Brent Sustainable Development Checklist. The applicants have submitted the checklist achieving a score of 52.5%. Officers have reviewed the checklist and have a score of 50%. This is still considered to be an acceptable level and it is recommended that the Section 106 Heads of Terms secures a score of 50% on the Brent Sustainable Development Checklist, demonstrated through submission of a Detailed Sustainability Implementation Strategy prior to construction.

Other Matters

In addition to the above, officers recommend that the Heads of Terms of the Section 106 Agreement secure compliance with the ICE Demolition protocol and for the development to join and adhere to the Considerate Constructors scheme.

CONSULTATION

Consultation Period: 15/09/2010 - 06/10/2010

Press Notice: 16/09/2010 - 07/10/2010

Site Notices Displayed: 23/09/2010 - 14/10/2010

Public Consultation

276 neighbours consulted - 12 letters and one petition with 22 signatures received, objecting to the development on the following grounds:

- Overdevelopment of the site
- Design, layout and appearance do not fit in with the character and appearance of the surrounding area.
- Proposal will significantly increase traffic in an already heavily congested area (which is particularly bad during the rush hours and child drop-off and pickup times) making it difficult for emergency services to access the area due to cars parking on Old Church Lane.
- No parking provided for retail element.
- Increased traffic levels will lead to further pollution and noise.
- Increased traffic levels will compromise the safety of pedestrians in the vicinity of the site, including children at the adjacent school.
- Development will overshadow the back gardens and rear living areas of adjacent properties, particularly Nos. 1 and 3 Old Church Lane.
- Development will result in a loss of privacy for adjacent properties, including Nos. 1 and 3 Old Church Lane.
- Location of vehicular access next to No. 1 Old Church Lane will lead to additional disturbance to this property.
- Development would create a precedent if approved, resulting in the loss of family housing and changing the overall character of the area.
- Planning rules within the conservation area are very restricted, i.e. permission required for a garden shed, but this building is much larger and should also not be allowed.
- A new retail unit would have a detrimental impact on other smaller businesses in the area.
- The size of the retail unit proposed is inappropriate for a neighbourhood centre and would undermine the vitality and viability of Neasden District Centre.
- Loss of public house.
- No play facilities for children.
- The public house is a Listed Building and should be preserved.
- Proposal will adversely affect house prices in the area.
- Impact of noise and air pollution on adjoining property, No. 1 Old Church Lane.
- Construction of building, i.e. digging of the foundations, basement car park and new planting, damaging neighbouring buildings and land, including trees and boundary fences.
- Insufficient consultation period.

The two letters of support raised the following point:

- The proposal will enhance the area which is currently run-down

The above matters are discussed in the "Remarks" section of the report.

Internal Consultation

Transportation Unit

Proposal can be supported on transportation grounds subject to a financial contribution of £45,000 towards non-car access/highway safety improvements and/or parking controls in the vicinity of the site and conditions requiring the provision of a 10m radius kerb on the northern side of the car park access and reinstatement of the redundant crossover onto Blackbird Hill to footway at the developer's expense.

Policy & Research Team

With regards to the retail element, the proposal passes the sequential test as there are no alternative available sites within the catchment area. The proposed store is not considered to have any significant adverse impacts on the existing Neighbourhood Centre, and can be supported.

It is recommended that the proposed store provides an ATM cash machine so as to strengthen the offer of the Neighbourhood Centre.

Officer comment: A condition will be imposed to secure the provision of an ATM cash machine.

Environmental Health

No objections raised, subject to conditions securing post-completion testing for noise levels and control of hours for construction and demolition.

Urban Design & Conservation

Recognises that the development adheres to many general urban design principles. However, suggests that further work could be done on the greening of the building and the overall quality of the elevations. There is also the opportunity to enhance the public realm.

Landscape Team

The landscape elements of the proposal are acceptable in principle. However, it is recommended that full details of hard and soft landscape features are secured by condition and submitted to and approved by the Local Planning Authority prior to commencement of any demolition/construction work on site.

Policy & Research Team - Sustainability

Proposal can be supported on sustainability grounds subject to details being secured as part of the Section 106 agreement. Further details are set out in the "Sustainability" section of this report.

External Consultation

Thames Water

Comments provided on surface-water drainage. These details are recommended to be included as an informative to the decision.

Environment Agency

No comments to make as it is considered to pose a low environmental risk.

English Heritage (Greater London Archaeology Advisor Service)

As the site lies in an area where heritage assets of archaeological interest can be anticipated, it is recommended that a condition is secured for the implementation of a programme of archaeological work.

REMARKS

Introduction

This application proposes to demolish the former Blarney Stone Public House and erection a mixed use development on the site comprises retail (Use Class A1) and residential use (Use Class C3). This report will consider the principle of the development; archaeological importance of the site; the design, scale and massing; density and unit mix; affordable housing provision; standard of proposed accommodation; impact upon surrounding properties; parking and transportation; landscape features; and environmental health considerations.

Principle of Development

Loss of a public house

The scheme proposes to demolish the existing building which although is now vacant was previously used as a public house (Use Class A4). There is no policy in place within Brent's Core Strategy or Unitary Development Plan that protects the use of a building to be retained as a public house. The building itself is not listed or situated within a conservation area, and thus can be demolished without the benefit of planning permission.

The loss of the public house is therefore considered acceptable in principle, subject to an appropriate mixed-use scheme in accordance with policies contained within the Core Strategy and UDP.

Introduction of a retail unit on the site

The application site is not located within a defined centre but directly adjacent to the site, on the opposite side of Old Church Lane, is the Blackbird Hill Neighbourhood Centre. The existing building falls within Use Class A4, and can be converted to retail (Use Class A1) without the benefit of planning permission. The existing gross internal floor area of the public house is 480sqm. The gross internal floor area of the new retail unit is comparable to the existing floor area.

Notwithstanding the above, the applicants have submitted a retail assessment. The site has been considered as an 'Out of Centre Retail Development' and in line with PPS4 and policy CP16 of Brent's Core Strategy has considered the appropriateness of the location in terms of the sequential approach and the ability to locate the floorspace in policy defined Centres. The retail assessment has also considered the impact of the proposed retail unit on the vitality and viability of nearby centres and the other defined 'impacts'.

Your officers have reviewed the retail assessment and consider that the proposal passes the sequential test as there are no alternative suitable sites within the catchment area. It is also considered that the proposal will not have any significantly adverse impacts on the existing Neighbourhood Centre. However, your officers recommend that the proposed store provides an ATM cash machine so as to help strengthen the offer of the Neighbourhood Centre. It is recommended that details of the ATM cash machine are secured by condition. In conclusion, it is considered that the retail store meets the objectives of PPS4 and policy CP16 of Brent's UDP and can be supported in this location.

It is also recommended that a condition is secured to control the hours of use of the new retail unit given its relationship with the residential units. The recommended hours of use are 7am to 11pm.

Introduction of residential use on the site

There are no policies within Brent's Core Strategy or UDP that restricts the principle of residential use on the site. The London Plan also encourages mixed use development. Whilst the principle of a residential use is acceptable, it is subject to consideration of the density of the proposal, impact of the proposal upon the character of the area, quality of proposed accommodation, impact on

neighbouring properties, highway considerations and other matters. These have been discussed in detail below.

Affordable Housing

The application proposes to provide 10 of the 36 residential units for affordable housing, accounting for 28% of the total units or 31% of total habitable rooms. Brent's Core Strategy and the London Plan seeks to deliver 50% affordable housing on new housing sites of ten units or greater. This scheme falls short of this target, and in response to this shortfall the applicant has submitted a GLA Three Dragons Toolkit to show that the scheme cannot provide any further affordable housing..

Officers have reviewed the toolkit and at this stage can advise that evidence has not been provided to substantiate the values provided within the toolkit. As such, officers would be requesting a review of the toolkit at the post-construction stage of the development. This is to be agreed with the applicant and will be addressed in further detail within a supplementary report to members.

Density and Mix

The scheme proposes 36 units with a total of 147 habitable rooms as counted according to the method set out in the borough adopted UDP; habitable rooms larger than 18sqm are counted as 2 habitable rooms. The proposed scheme has a site area of 2,400m² (0.24ha), as stated in the application form. The area for calculating density, however, includes an area up to half the width of the longest adjacent road, to a maximum width of 6m (p104, Appendix 3, UDP 2004); this increases the site area to 2,820m² (0.282ha).

The overall density is 521 habitable rooms per hectare (hrh), or 148 dwellings per hectare (dph). This high hrh figure compared to the dph figure is a result of the high percentage of family housing on the site, which gives an average habitable room per unit figure of 3.11.

Density guidance within SPG17 suggests a range of 150 - 350hrh for sites located in areas of moderate and above moderate transport accessibility. Given the sites location along a main arterial route and the mix of different uses in the vicinity of the site, it is considered reasonable to refer to this site as 'urban' rather than 'suburban' for the purposes of the London Plan density matrix, suggesting a range of 200 - 450 hrh.

Whilst the proposed scheme exceeds the suggested density range as set out in the London Plan and SPG17, increased densities are promoted in PPS3, the London Plan and the borough UDP where public transport accessibility is good due to the need to use land more efficiently, increase housing delivery and in part due to the sustainability advantages increased density can confer. This is a specific objective of the borough's UDP as stated in policy STR3, which states that development of previously developed urban land will be maximised. As defined by PPS3, this site is previously developed urban land.

Policy H13 relates to density and states that the primary consideration in determining the appropriate density of new development will be achieving an appropriate urban design which makes efficient use of land and meets the amenity needs of future residents. It goes on to say that density should have regard to context and nature of the proposal, the constraints and opportunities of the site and the type of housing proposed. Your Officers are of the view that the proposed scheme meets Policy H13 (UDP 2004) as the proposal is considered to respect the context of the surrounding buildings, provides a satisfactory standard of accommodation (see below) and as such meets the design led approach.

Of the 36 units proposed, 10 are affordable housing (social rented) and 26 are market housing. The affordable element comprises 2 x 4-bed houses, 2 x 1-bed flats, 5 x 2-bed flats and 1 x 3-bed flats. The market housing element comprises 8 x 1-bed flats, 11 x 2-bed flats and 7 x 3-bed flats. According to this mix 28% of units are three or more bed units, which is considered acceptable given the location and is in accordance with policy CP21.

Design, Appearance and Character of the Area

The application site is located on a prominent corner location. The proposal takes advantage of the level differences across the site by proposing a part three part four, part five and part six storey building with basement space. The topography-cutting into the slope has assisted in concealing much of the mass of the building, and allowed for a piazza which will be a shared surface to encourage pedestrians to cross the public part of the site. The building is set back from both the Blackbird Hill and Old Church Lane frontages respecting the established building lines and allowing for the introduction of soft landscaping along the Blackbird Hill frontage.

The building has respected the height of adjacent buildings, with the height proposed at three storeys next to Gower House School and three storeys with the fourth floor set in next to No.1 Old Church Lane. Whilst it is higher than the houses along Old Church Lane, there is a sufficient gap between the properties to allow for the increased height. Towards the junction of Blackbird Hill and Old Church Lane, the building increases in height to five storeys, with the sixth storey set back. It has been designed to provide a transition between the larger-scale blocks on Blackbird Hill and the domestic properties on Old Church Lane.

The building has been well articulated, with the massing broken up by the angles between the blocks; use of external materials, set back of the upper floor and angled pergolas; and the use of window and balcony design. The proposed materials have taken on board the character of the surrounding area, including brick work and white render, but of a more contemporary design solution. The use of a green wall along the Blackbird Hill frontage has also assisted in provide visual interest. Subject to samples of external materials and further details of the green wall, the choice of materials is considered acceptable.

Access to the houses and affordable units are provided off the Blackbird Hill frontage. Access to retail unit and the other flats is provided via the piazza from both the Blackbird Hill frontage and Old Church Lane frontage. The entrances to the flats have designed to be legible and attractive. The signage for the retail unit has been designed to be integrated into the base of the building wrapping around both frontages. The signage is considered acceptable in principle, but officers recommend that further details of the design and illumination levels are secured by condition.

Quality of Residential Accommodation

All units meet or exceed the minimum standards for internal floor areas as outlined in SPG 17.

The standard of amenity provided is in general compliance with the requirements of SPG17. With regards to outlook, whilst some of the units do not provide dual aspect, in all the case of all of these units, none of the habitable rooms have outlook in a north-facing direction. It is also noted that outlook for the ground-floor units is restricted to the rear by the proximity of the boundary between the unit's private external amenity space and the communal external amenity space. It is considered that, given that the outlook is restricted to the bedrooms rather than living area, and that this boundary will form an attractive barrier between the private and communal space, a good level of amenity will still be provided for these units.

Privacy levels for the proposed units are generally considered acceptable. Although it is observed that the units within the corner of the 'L' shape of the building will be in close proximity to one another. Given the angle between these units, views between the units will be restricted.

The London Plan requires 10% of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair adaptable. It also requires all new homes to be built to 'Lifetime Home' standards. Policy H26 of Brent's Unitary Development Plan advocates a similar approach. The Design and Access Statement confirms that four of the units are adaptable for wheelchair users and all of the units will be built to 'Lifetime Home' standards.

External amenity Space

General guidance suggests amenity space should usually be provided at a rate of 50sqm per family unit, and 20sqm for others. The ground-floor units all have access to private gardens, balconies and the communal amenity space. Security and privacy will be provided for the private gardens through the use of timber fencing and hedges. All of these units meet the minimum guidance for private external amenity space, except for one of the three-bedroom units (Unit A16) which has access to 36sqm of private external amenity space and 5sqm of balcony space. However, given that the size of the unit exceeds SPG17 and that they will also have access to the communal amenity space, it is not considered that this shortfall warrants a reason for refusal.

The upper-floor units all have access to private balconies or roof terraces together with the communal garden. The total amount of usable communal external amenity space proposed is 352sqm. Combined with the balconies and roof terraces, the equates to 22sqm of external amenity for the upper floor flats, which meets SPG17.

Play features are proposed within the communal amenity space including swings and stepping stone logs. Policy 3D.13 of the London Plan seeks developments to make provision for play and informal recreation. Based on the calculations provided in the London Plan SPG on Children and young people's play and informal recreation strategies, the child yield for this development is 10.86. This equates to 108sqm of play space required for the development with a reduction in the allowance for children under the age of five in houses with gardens. The proposed play features meet the objectives of the London Plan policy. It is also noted that the site is not within a defined area of local level or district level open space deficiency.

Your officers recommend that a condition is attached to secure details of the landscape proposals for the amenity space areas together with details of the boundary treatments.

Impact upon neighbouring properties

SPG17 sets out general guidance for the massing of new buildings, to ensure they do not have an overbearing impact on the neighbouring properties and avoid unnecessary overshadowing. In general, the building envelope should be set below a line of 30 degrees from the nearest rear habitable-room window of adjoining existing properties, measured from height of 2m above floor level. Due to the orientation of the proposed development and the siting of rear habitable rooms of adjoining properties, the 30-degree guidance is not considered applicable in this case.

SPG17 goes on to say that where proposed development adjoins private amenity/garden area, then the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. The proposed development generally sits below this line. However, it is marginally broken in the gap between the garage of No. 1 Old Church Lane and the electricity substation. However, given that this area is of limited value in amenity terms, this shortfall is not considered to have a detrimental impact upon the amenities of No. 1 Old Church Lane, and would not warrant a reason for refusal.

SPG17 sets out the standards of privacy levels between existing properties for new developments. It requires a minimum distance of 20 metres between directly facing habitable rooms and a minimum distance of 10 metres between habitable-room windows on the rear elevation and rear boundary or flank wall of adjoining development. The proposal does not direct face habitable-room windows of adjoining properties. A distance of 15m is achieved between the

proposed development and the boundary with No. 1 Old Church Lane which exceeds the guidance as outlined in SPG17. In addition to meeting the minimum privacy distances, landscaping is proposed along the boundary with No. 1 Old Church Lane and a boundary wall of 1.8m high.

Local residents have raised concerns with increased noise and disturbance as a result of increased traffic movement within the site and the proposed vehicular access located next to No. 1 Old Church Lane. Your officers viewed the existing parking provision and vehicular access arrangements for the site when in use as a public house. A site plan from planning application ref: 05/1785 indicated that there were 36 car-parking spaces at ground level along the boundary with Gower House School, Blackbird Hill and Old Church Lane frontage. No dedicated service area was provided. Two vehicular access points were provided, one off Old Church Lane and one off Blackbird Hill. The one off Old Church Lane is proposed to be retained as part of this proposal. There is an electricity sub-station between the access and No. 1 Old Church Lane. Given that there is an existing vehicular access on the Old Church Lane frontage, and the level of car-parking is comparable with the existing use, it is not considered that the proposal will materially harm the amenities of surrounding residential properties. It should also be noted that the car park will be at basement level which with soft landscaping at ground floor, will assist in reducing noise levels from vehicles and improve the visual appearance of the site.

In summary, it is considered that the amenities of adjoining residential properties will not be detrimentally impacted upon. Adequate levels of privacy will be maintained and the building will not appear overbearing when viewed from the neighbouring garden. The proposal meets the requirements of policy BE9 of the UDP and SPG17.

Parking and Transportation

The site is located on the northwestern corner of the signalised junction of Blackbird Hill and Old Church Lane. No entry is available into Old Church Lane from Blackbird Hill at these signals, whilst pedestrian crossing phases are provided on the Old Church Lane and Blackbird Hill arms of the junction. The existing site has an extensive car park and servicing area, accessed via crossovers of 9m and 5m width onto Blackbird Hill and Old Church Lane respectively. Public transport access to the site is moderate (PTAL 3), with five bus services within 640 metres.

On-street parking along Blackbird Hill frontage and Old Church Lane junction is prohibited at all times, with loading also prohibited at peak times. These restrictions relax to 8am - 6.30pm Mondays to Saturdays only along Old Church Lane, with unrestricted parking on the western side of the road to the north of the site. At the time of your officer site visit, it was observed that the unrestricted length of Old Church Lane was fully parked.

Car parking

Car-parking allowances for the proposed uses are set out in standards PS7 and PS14 of the adopted UDP. As the site does not have good access to public transport services, the full residential allowances apply, permitting a maximum of 46 off-street parking spaces. The application proposes 37 car-parking spaces located in a basement car-park that is accessed from Old Church Lane. The proposed provision will allow one space per unit to alleviate any concern that the development may lead to extensive overspill parking in the surrounding streets. As such it would comply with standard PS14 of the UDP.

No vehicular parking is proposed for the retail unit. Your officers in the Transportation Unit have not raised objections to the absence of parking provision for the retail use. The absence of parking provision for the retail unit is considered acceptable given the proximity of the site to the existing Neighbourhood Centre and existing transport links within the area.

Six of the 37 parking spaces are proposed to be designated as disabled bays. This provision is sufficient to allow one such space to be allocated to each designated wheelchair accessible unit, whilst still providing two surplus spaces to meet more general requirements. This complies with

standard PS15 of the adopted UDP.

Cycle parking

Standard PS16 requires the provision of at least one secure bicycle-parking space per unit. A total of 28 cycle spaces are proposed within the car park, and a further 16 spaces are provided in the entrance hall to Block B. The use of a "Josta" double-parking system is proposed. The proposed provision is considered to satisfy Standard PS16. In addition, three bicycle stands are proposed in front of the retail store entrance for public use. Given that the cycle stands will form part of the street furniture within the piazza area, it is recommended that further details of the design of the cycle stands are conditioned.

Pedestrian access

Pedestrian access to both the houses and affordable flats is provided directly off Blackbird Hill, and the access to the private flats is accessed off Old Church Lane. A shared surface piazza is proposed which will allow pedestrian access across the public parts of the site and the public highway in front of the application site will be improved as part of the proposal. Such works are recommended to be secured as part of the Section 106 Agreement.

Servicing arrangements

The retail unit requires access by at least transit sized vehicles. The servicing for the retail unit is proposed to be provided within the shared surface area accessed off Old Church Lane. The applicants have submitted the swept path of a rigid 10m lorry indicating that the proposed servicing area can accommodate a vehicle of this size tracking for 10m. Whilst your officers in Transportation have advised that this arrangement is acceptable in principle, it is considered that the proposed crossover for the car-park entrance appears unnecessarily wide and provision of a 10m kerb radius on the northern side of this access would assist in reducing the width of the crossing over the Old Church Lane frontage to around 6m. The agreed works are recommended to be secured as part of the Section 106 Heads of Terms.

It is recommended that a condition is secured to control the hours for servicing/delivery vehicles for the retail unit. The recommended hours for when such vehicles can service the site are between 7am and 9pm on Mondays to Saturdays, and 8am to 6pm on Sundays and Bank Holidays. This is to safeguard the amenities of the residential units above.

Other works to the highway

The existing crossover on the Blackbird Hill frontage will be made redundant as part of this proposal. The crossover will need to be reinstated to footway and it is recommended that such works are secured as part of the Section 106 Agreement.

Financial contribution

Your transportation officers have requested a financial contribution of £45,000 towards non-car access/highway safety improvements and/or parking controls in the vicinity of the site. This contribution will be secured as part of the Section 106 agreement.

Refuse storage

Separate refuse-storage areas are provided for the affordable flats and for the private flats. The two houses will also have their own refuse-storage area within the front forecourt of the houses. A separate refuse-storage area is provided for the retail unit. Your officers in Transportation have advised that the location of the refuse-storage areas will allow refuse carrying distances to be complied with without the need for refuse vehicles to enter the site.

The Council's *Waste and Recycling Storage and Collection Guidance* revised in January 2010, sets out the required amount of refuse-storage facilities that should be provided for residential developments. This includes both general refuse and recyclable refuse. The two houses require provision for 1 x 240l or 1 x 140l wheeled bin for refuse; 1 x 240l wheeled bin for organic waste; and

1 x 44l box for dry recycling. Two bin stores have been indicated within the front forecourt of the two houses. It is, however, recommended that further details of the design of the bin store, demonstrating that they can accommodate both general and recyclable refuse, is conditioned.

The affordable flats require a refuse-storage area to accommodate a capacity of 900l of refuse and 660l of dry recyclable material. The proposed storage area is sufficient to accommodate the required provision. The private flats require a refuse-storage area to accommodate a capacity of 3060l of refuse and 2244l of dry recyclable material. The proposed storage area is sufficient to accommodate the required provision.

In addition to the above, timber "bee hive" composters are proposed to be provided within the planting strip, away from the buildings. The applicants have also confirmed that the Contractor will commit to providing a Site Waste Management Plan.

Landscaping

A number of landscape improvements are proposed as part of the development. These include a landscape buffer and new trees planted along the Blackbird Hill frontage which will assist in defining this boundary and improve the visual appearance of the streetscene. New trees and soft landscaping are also proposed along the Old Church Lane frontage, and along the boundary with No. 1 Old Church Lane. The existing Sycamore tree and laurel hedge located next to the electricity substation are proposed to be retained as part of the proposal. A tree survey has been submitted with the application confirming the retention of the Sycamore tree.

A brown roof is also proposed onto of the building which will incorporate a number of biodiversity features including a Redstart Box, Bat Brick, Wet Area and Loggery for Stag Beetles.

It is recommended a condition is attached to secure the submission of full landscape details prior to the commencement of works on site together with details of the proposed protection method statement and construction method statement in relation to the Sycamore tree.

Environmental Health

Noise

Given the site's location next to Blackbird Hill, the applicants have submitted a noise survey, in accordance with the guidance as outlined in PPG24. The survey reveals that the worse case facades fall into Noise Exposure Category C. The remainder of the facades fall within Noise Exposure Category B. Noise should be taken into account when determining planning applications and, where appropriate conditions imposed to ensure an adequate level of protection against noise.

By incorporating noise-mitigation measures, the internal noise criteria required as part of BS 8233 should be achieved. Such mitigation measures include suitably specified glazing and ventilation. Your officers in Environmental Health have advised that post-completion testing is carried out to verify this prior to the occupation of the units, and for further mitigation measures to be carried out, should the noise criteria not be achieved.

It is also recommended that a condition is secured to control the hours of use for construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary.

Air Quality

An Air Quality Assessment Report has been submitted which indicates that National Air Quality Objectives will be exceeded for NO₂. Mitigation measures are therefore required to minimise the future occupiers' exposure to air pollution. It is recommended that a mechanical closed air ventilation system is used. The system is required to be installed in accordance with Building

Regulation ADF Table 5.2d System 4).

A number of objections have been raised by neighbouring properties concerning increased air pollution as a result of additional traffic in the area. The Air Quality Assessment Report concludes that the development related traffic generation onto the local traffic network will have an insignificant impact on air quality for occupiers of existing local residential property.

Archaeology

The site is designated as a Site of Archaeological Importance. The applicants have submitted an archaeological desk-based assessment. English Heritage have reviewed the submitted desk-based assessment. They have advised that given that the proposal may affect remains of archaeological importance, it is recommended that a condition is secured as part of the planning permission for the implementation of a programme of archaeological work in accordance with a written investigation.

Response to Objectors

A large number of objections have been received during the consultation period, raising a number of concerns. A number of the points raised by local residents and business have been addressed above, which include the following points:

- Overdevelopment of the site
- Design, layout and appearance do not fit in with the character and appearance of the surrounding area
- Loss of public house
- The public house is a listed building and should be preserved
- No parking provided for retail element
- A new retail unit would have a detrimental impact on other smaller businesses in the area.
- The size of the retail unit proposed is inappropriate for a neighbourhood centre and would undermine the vitality and viability of Neasden District Centre
- No play facilities for children
- Development will overshadow the back gardens and rear living areas of adjacent properties, particularly Nos. 1 and 3 Old Church Lane
- Development will result in a loss of privacy for adjacent properties, including Nos. 1 and 3 Old Church Lane
- Location of vehicular access next to No. 1 Old Church Lane will lead to additional disturbance to this property
- Increased traffic levels will lead to further pollution and noise

The following points have not been addressed within the Remarks section of the committee report and are discussed below:

- *Increased traffic levels will compromise the safety of pedestrians in the vicinity of the site, including children at the adjacent school.*

The Transport Statement has advised that the traffic generation for the proposed scheme will be low and will not have a material impact on the operation of the public highway. It is also considered that pedestrian safety along the Blackbird Hill frontage will be improved as part of the proposal as the footway will be reinstated next to Gower House School.

- *Development would create a precedent if approved, resulting in the loss of family housing and changing the overall character of the area.*

The proposal is not considered to create a precedent within the area. Each application is assessed on its individual merits, being considered in line with the policies contained within the Core Strategy

and UDP. This application does not result in the loss of family housing, and if in the future an application came in which involved the loss of family housing, it will need to be considered in line with policy CP21 of the Core Strategy.

- *Planning rules within the conservation area are very restricted, i.e. permission required for a garden shed, but this building is much larger and should also not be allowed.*

The application site lies outside of the conservation area. This report has discussed the reasons why the building of the size and scale proposed is appropriate for this location.

- *Proposal will adversely affect house prices in the area.*

This is not a material planning consideration and therefore cannot be considered as part of the application.

- *Construction of building, i.e. digging of the foundations, basement car park and new planting, damaging neighbouring buildings and land, including trees and boundary fences.*

The building construction works and impact of the building upon the structural soundness of neighbouring buildings is not a planning consideration. Construction works are considered as part of Building Regulations.

- *Insufficient consultation period and no opportunity for the public to meet Council representatives to discuss the case.*

Prior to the application being submitted to the Council, the agents undertook a public exhibition on 12 June 2010 at St Andrews Church.

Since the application has been submitted to the Council, the Local Planning Authority has consulted on the application in accordance with The Town and Country Planning (Development Management Procedure) Order 2010 and the guidance as outlined in the Council's SPG2 "Commenting on a Planning Application". The time period available for the consultation is considered to be sufficient.

The case officer for the application responded to local residents' request for a meeting to discuss the application. This offer was not taken up by the residents.

Conclusions

The proposal redevelops an under-utilised site, adding to the Borough's housing stock and provides significant benefits in the form of affordable housing. Furthermore the proposal will add to the vitality and viability of Blackbird Hill Neighbourhood Centre. The scheme meets the current relevant standards and policies in terms of parking provision, residential amenity and the protection of adjoining residents. The proposed scheme is in accordance with Unitary Development Plan policies and central government guidance, and therefore is recommended for approval, subject to a Section 106 Agreement.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent's Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance
Supplementary Planning Document: "S106: Planning Obligations"

Supplementary Planning Guidance 2 - "Commenting on a Planning Application"
Supplementary Planning Guidance 17 – "Design guide for new development"

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

Built Environment: in terms of the protection and enhancement of the environment
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
Employment: in terms of maintaining and sustaining a range of employment opportunities
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
Transport: in terms of sustainability, safety and servicing needs
Design and Regeneration: in terms of guiding new development and Extensions

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):

Environmental Noise Survey and PPG24 Assessment Report prepared by HannTucker Associates
Transport Statement prepared by Savell Bird & Axon
Design and Access Statement prepared by Chassat + Last Architects
Air Quality Assessment prepared by Accon UK
Retail Assessment prepared by Barton Willmore
Sustainability Statement prepared by Energy Solutions
Energy Demand and renewables Option Assessment prepared by Energy Solutions
Archaeological Desk Based Assessment prepared by CgMs Consulting

Application Drawings as listed below:

OCL-01; OCL-02; OCL-03; OCL-04; OCL-05; OCL-06 Rev A; OCL-07 Rev A;
OCL-08 Rev A; OCL-09; OCL-10; OCL-11; OCL-12; OCL-13 Rev A; OCL-14;
OCL-15 Rev A; OCL-16 Rev A; OCL-17; OCL-18 Rev A; OCL-19; OCL-20; OCL-21;
OCL-22; OCL-23; OCL-24; OCL-25; OCL-26; OCL-29; OCL-31; OCL-32; OCL-40;
OCL-42 Rev A; OCL-46; OCL-49 Rev A; OCL-50; OCL-53; OCL-54; OCL-55;
OCL-57; OCL-64; OCL-66; OCL-67; OCL-68; and OCL-69

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

- (3) The brown roof layout shall be full implemented in accordance with the details as proposed in Plan Nos: OCL-53 and OCL-54 prior to first occupation of any of the units hereby approved, and thereafter permanently retained in accordance with the approved details.

Reason: In the interests of biodiversity.

- (4) All of the parking spaces proposed in the basement car shall be constructed and permanently marked out prior to first occupation of any of the units approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure a satisfactory development which contributes to the visual amenity of the locality and which allows the free and safe movement of traffic throughout the site and to provide and retain car parking and access in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (5) The proposed cycle parking facilities and refuse storage facilities for the units of both the affordable and private units shall be provided in accordance with the details as shown in approved Plan Nos: OCL-03, OCL-04; and OCL-57, and thereafter retained in accordance with such approved details unless the prior written approval of the Local Planning Authority has been obtained.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality and to provide adequate facilities for cyclists..

- (6) Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried only between the hours of:

Monday to Fridays 08:00 to 18:00

Saturday 08:00 to 13:00

At no time on Sundays or Bank Holidays

Reason: to safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance from noise, dust, odour.

- (7) The premises shall not be open for retail trade except between the hours of 7am and 11pm, Mondays to Saturdays, and 10am and 6pm, Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjoining residential occupiers.

- (8) The premises shall not be open for servicing/ delivery vehicles except between the hours of 7am and 9pm, Mondays to Saturdays, and 8am and 6pm, Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjoining residential occupiers.

- (9) Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (10) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development shall be submitted to and approved in writing by the Local

Planning Authority prior to the commencement of any demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (i) areas of hard landscape works including details of materials and finishes. These shall have a permeable construction;
- (ii) the location of, details of materials and finishes of, all street furniture, storage facilities and lighting (including the cycle parking facilities within the piazza);
- (iii) proposed boundary treatments including walls and fencing, indicating materials and height;
- (iv) all planting including location, species, size, density and number;
- (v) any sustainable construction methods which are to be used;
- (vi) details of proposed children's play equipment;
- (vii) details of the green walls;
- (viii) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.

Any planting that is part of the approved scheme that, within a period of five years after planting, is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

- (11) Details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material for the two houses shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved. Such details shall include a location of each storage area and details of its means of construction, including materials.

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

- (12) No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority, and thereafter fully implemented in accordance with the written scheme of investigation.

Reason: In the interests of archaeological remains within the site.

- (13) The results of the post-completion testing undertaken in the noise-affected units as identified in the Environmental Noise Survey and PPG24 Assessment Report, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the units hereby approved. If the results of the post-completion testing do not meet the criteria set out in BS8233, further mitigation measures shall be submitted to and approved in writing by the Local Planning Authority to achieve the defined criteria.

Reason: To verify that the internal noise levels specified can be met and safeguard

the amenity of future occupants of the development.

- (14) Further details of the proposed shopfront, including details of materials, design and illumination and the location and design of the proposed ATM cash machine, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The signage and ATM cash machine shall thereafter be fully implemented in accordance with the approved details unless the prior written approval of the Local Planning Authority has been obtained.

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

- (15) No works shall commence on site (including demolition) before tree-protection details in accordance with BS5837:2005, including the protection of the existing sycamore tree and laurel hedge along the boundary with the electricity substation fronting Old Church Lane, have been submitted to and approved in writing by the Local Planning Authority. Such measures shall include details on how these landscape features will be protected during the demolition and construction phases and details of root-protection zones provided. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure retention and protection of trees and other landscape features on the site in the interests of amenity.

INFORMATIVES:

- (1) The development of this site is likely to damage heritage assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.
- (2) With regards to surface-water drainage it is the responsibility of a developer to make proper provision for drainage to groundwater courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. This is to ensure that the surface-water discharge from the site will not be detrimental to the existing sewerage system.

REFERENCE DOCUMENTS:

Letters and petition of objection

Letters of support

Planning Policy Statement 1 – Creating Sustainable Communities

Planning Policy Statement 3 – Housing

Planning Policy Statement 4 - Planning for Sustainable Economic Growth

Planning Policy Statement 23 - Planning and Pollution Control

Planning Policy Guidance 24 - Planning and Noise

The London Plan - Consolidated with Alterations since 2004

Brent's Core Strategy 2010

Brent UDP 2004

Supplementary Planning Document: "S106: Planning Obligations"

Supplementary Planning Guidance 2 - "Commenting on a Planning Application"

Supplementary Planning Guidance 17 – “Design guide for new development

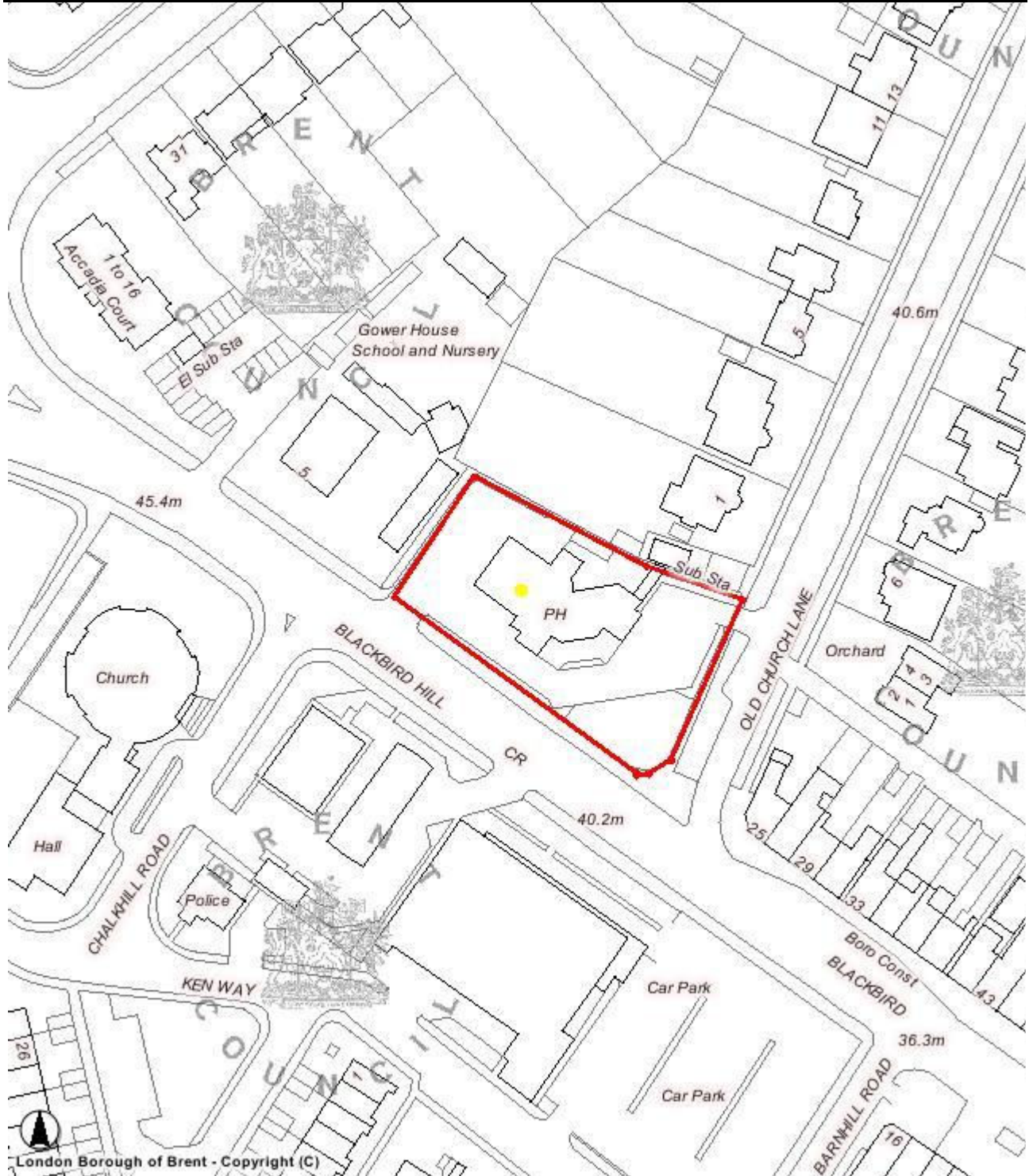
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: Former Blarney Stone, Blackbird Hill, London, NW9 8RR

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