

 **Planning Committee Map**
Site address: 338-346 inc, Stag Lane, London, NW9
© Crown copyright and database rights 2011 Ordnance Survey 100025260



London Borough of Brent - Copyright (C)
This map is indicative only.

RECEIVED: 25 August, 2011

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 338-346 inc, Stag Lane, London, NW9

PROPOSAL: Variation of condition 2 (approved plans and documents) to allow minor material amendment comprising:

- Installation of additional door to front elevation to create an extra commercial unit
- Removal of part of the existing building at the rear
- Installation of 2 satellite dishes to rear extension roof
- Modification to ground floor front glazing, removal of rear ground floor windows, alterations to rear extension roof design plus removal of door to south elevation of rear extension
- re-positioning of bin, cycle storage and plant areas

of full planning permission 09/1947 dated 21/04/2011 for alterations to outbuilding, single-storey rear extension to commercial units, alterations to shopfront and internal alterations to form one retail unit from 3 separate existing commercial units (two retail and one office), alterations to the existing 3 first-floor flats, alterations to and extension of roof to form 4 front dormer windows to create loft floor and provide a total of 6 self-contained flats, comprising 4 two-bedroom and 2 one-bedroom flats, replacement of 2 front and 2 rear first-floor windows and all windows to side elevations, formation of 6 car-parking spaces, provision of cycle and bin store and associated landscaping and subject to a Deed of Agreement dated 25 November 2010 under Section 106 of the Town and Country Planning Act 1990, as amended

APPLICANT: City Estates London Ltd

CONTACT: Cubic Building Surveying Limited

PLAN NO'S:
See Condition 2

RECOMMENDATION

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

SECTION 106 DETAILS

The application requires a deed of variation to the previous Section 106 Agreement, in order to secure the following benefits under this permission:-

(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) Contribution of £12,000, due on material start and index-linked from the date of Committee, for Education, Sustainable Transportation and Open Space & Sports in the local area.

(c) Join and adhere to the Considerate Contractors Scheme.

All contributions due on Material Start and index-linked from the date of decision.

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.

EXISTING

The application property is a two storey building comprising three ground-floor commercial units and three flats, (2 x 2-bedroom and 1 x 3-bedroom) on the first floor fronting Stag Lane. The application site is located in the Roe Green Village Conservation Area. The eastern boundary of the conservation area is along Stag Lane.

PROPOSAL

Planning permission was granted on 21 April 2011 (LPA Reference: 09/1947) for alterations to outbuilding, single-storey rear extension to commercial units, alterations to shopfront and internal alterations to form one retail unit from 3 separate existing commercial units (two retail and one office), alterations to the existing 3 first-floor flats, alterations to and extension of roof to form 4 front dormer windows to create loft floor and provide a total of 6 self-contained flats, comprising 4 two-bedroom and 2 one-bedroom flats, replacement of 2 front and 2 rear first-floor windows and all windows to side elevations, formation of 6 car-parking spaces, provision of cycle and bin store and associated landscaping and subject to a Deed of Agreement dated 25 November 2010 under Section 106 of the Town and Country Planning Act 1990, as amended.

This application proposes to vary condition 2 (approved plans and documents) to allow minor material amendments to this consent comprising:

- Installation of additional door to front elevation to create an extra commercial unit, subdividing the single commercial unit proposed under the original consent.;
- Removal of part of the existing single storey rear projection;
- Installation of 2 satellite dishes to roof of single storey rear extension;
- Modification to ground floor front glazing, removal of rear ground floor windows, alterations to rear extension roof design plus removal of door to south elevation of rear extension;
- Re-positioning of bin, cycle storage and plant areas

HISTORY

09/1947 - Alterations to outbuilding, single-storey rear extension to commercial units, alterations to shopfront and internal alterations to form one retail unit from 3 separate existing commercial units (two retail and one office), alterations to the existing 3 first-floor flats, alterations to and extension of roof to form 4 front dormer windows to create loft floor and provide a total of 6 self-contained flats, comprising 4 two-bedroom and 2 one-bedroom flats, replacement of 2 front and 2 rear first-floor windows and all windows to side elevations, formation of 6 car-parking spaces, provision of cycle and bin store and associated landscaping and subject to a Deed of Agreement dated 25 November 2010 under Section 106 of the Town and Country Planning Act 1990, as amended - granted 21/04/2011

07/2965 - Full planning application for alterations to existing first floor and erection of loft level, creation of 6 self-contained dwellings, comprising 4 two-bedroom and 2 one-bedroom flats at 338A, 338B & 346A - withdrawn

99/1279 - Full planning application for change of use from retail (Use Class A1) to offices (Use Class A2) for ground-floor commercial unit at 346 Stag Lane - granted 09/08/1999.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies are considered to be the most pertinent to the application.

Built Environment

- BE2 on townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE9 seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE26 seeks to ensure that alterations and extensions to buildings within conservation areas respect the materials, design characteristics and features that contribute to the character of the conservation area and should be complimentary to the original building in elevational features.
- TRN3 focuses on the environmental impact of traffic resulting from a planning proposal. It outlines that proposal should provide parking provision in accordance with standards set out in the adopted local plan and should not result in conditions that are prejudicial to highway and pedestrian safety and the free flow of traffic in the locality.
- TRN22 & TRN23 set out parking standards that should be applied when assessing planning proposals. Policy TRN22 covers non-residential developments and policy TRN23 cover residential developments

Brent Supplementary Planning Guidance

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

Provides comprehensive and detailed design guidance for new development within the borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

CONSULTATION

14 neighbouring properties were consulted, a site notice was displayed adjacent to site and the application was advertised in the local press.

1 objection was received from a local resident outlining the following concerns:

- Loss of existing soft landscaping including sycamore tree;
- Impact on boundary fencing
- Visibility of satellite dishes;
- Servicing vehicles should not have access to the rear of the building;
- Materials used for hardstanding.

Officer Comment: A section 73 application for variation of condition is in effect the grant of a new planning permission. As such, conditions attached to the previous planning permission are proposed to be duplicated which includes those relating to landscaping. Other matters are discussed in the Remarks Section of the report.

In addition, an objection letter was received from the Roe Green Village Residents' Association raising the following issues:

- Inclusion of rear windows not previously agreed;
- Use of tarmac for the hardstanding at the rear of the site which would not be a permeable material;
- Positioning of satellite dishes should be fronting onto Stag Lane and not facing the village.

Officer Comment: With regards to the inclusion of rear windows, no additional windows are being added to those approved within the original grant of permission. It is proposed for windows within the proposed single storey rear extension to be removed. Other matters are discussed in the Remarks Section of the report.

Internal Consultees

Transportation: Insufficient details provided to demonstrate that the two proposed retail units can be adequately serviced from an off-street location. Servicing can be accommodated with revisions to the scheme.

REMARKS

Key considerations

Your officers consider the following to be the key planning issues:

- (a) whether the proposed alterations would cause harm to the amenity of neighbouring residents
- (b) whether the proposed alterations would harm the visual amenities of the area
- (c) whether following the proposed alterations, a satisfactory means of parking and servicing for the ground floor retail units would be provided.

Background

This application is to vary condition 2 (approved plans) of planning application 09/1947. Recent changes to Government policy recognises that some things matter more than others; since 2009 applicants have been able to submit applications for amendments "whose scale and nature results in a development which is not substantially different from the one which has been approved." (CLG, 2009).

Amenity of neighbouring residents

Residential properties adjoin the site to the sides and rear. Amenity issues relating to the acceptability of the development were considered by the Planning Committee in 2009 when they resolved to grant planning permission.

In terms of the minor material changes proposed, the satellite dishes are unlikely to be readily visible from the surrounding properties given that they are proposed to be located on the single storey roof of the rear extension. As such, the satellite dishes would not have an material impact upon the amenities of neighbouring residents in terms of loss of outlook, access to natural light or privacy. The alterations to the roof of the single storey rear extension have the effect of reducing the overall bulk, again giving rise to no amenity issues.

Objections were raised in relation to additional windows being inserted in the rear elevation of the building. For clarification, no additional windows are proposed in the rear elevation. The application does now omit some of the windows at ground floor level which were previously approved.

The previous application proposed servicing by a transit sized vehicle at the rear of the building. A similar arrangement is still proposed and it is not considered that the subdivision of the unit would lead to a significant increase in vehicular activity that would give rise to amenity concerns. It should be noted that the existing building comprises 3 commercial units on the ground floor. A condition is suggested restricting the main unit (Unit 2) to retail (Use Class A1) and the smaller unit (Unit 1) to retail (Use Class A1) or financial and professional services (Use Class A2 - excluding betting offices).

Visual amenities of the area

The property is located on the boundary of the Roe Green Village Conservation Area. In design terms, it is not considered that any of the alterations proposed to the shop front would lower the standard of approved development. As such, it is considered that the development would preserve the character and appearance of the Conservation Area. The small rear projection to now be demolished would not harm the overall character of the building.

In terms of the positioning of the satellite dishes on the single storey rear extension, it is considered that this is an appropriate position given that it is not on the main roof slope where the satellite dishes would be visible from more far reaching views in the Conservation Area. It would not be recommended that they are located on the front elevation as they will appear prominent in the street scene. It is proposed that a condition be imposed requiring further details regarding the size and colour of the dishes to be submitted for approval.

In terms of the hard surfacing of the access road and parking area, it is intended that the details will be secured by condition. The use of tarmac as shown on the plans is not considered acceptable and suitable alternative surfacing materials will be required.

Parking, servicing, highway/pedestrian safety

The previous grant of permission saw the existing 3 existing commercial units being converted into 1 retail unit. It is now proposed for the ground floor to be converted into 2 retail units.

Transportation consider that it is an acceptable arrangement for both retail units to be served by 1 transit-sized parking bay which would be located to the rear of the building and accessible for both units. This would involve alterations to the submitted plans, requiring some changes to the internal layout of the retail units and an additional double-door being inserted adjacent to the existing proposed double door for unit 2, so that deliveries and servicing could be undertaken for both retail units.

A condition is recommended which requires a revised ground floor and site layout plans indicating the alterations outlined above, to ensure a satisfactory servicing arrangement is provided for both retail units prior to the commencement of any works on site. On this basis, subject to these alterations, the proposal is considered acceptable on highways grounds.

Conditions and s106

The conditions attached to the original decision notice are repeated, with additional pre-commencement conditions attached requiring a revised details relating to the satellite dishes and layout as detailed above. The standard time condition is amended to reflect the original decision date.

Conclusion

Subject to the discharge of proposed conditions, the changes proposed are not considered to significantly change the approved scheme. It is considered to present a satisfactory standard of

development that respects the character of the building, preserves the character of the Roe Green Conservation Area, respects the amenities of neighbouring occupants and is acceptable in terms of parking, highways and transportation safety. Your officers recommend the minor material amendment be approved.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17

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
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning from the 21/04/2011.

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):

C12770-100 REV C
C12770-101 REV C

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

- (3) Details, including samples of materials, proposed for:-

- (a) all external faces of the building
- (b) windows
- (c) roofing materials
- (d) all external lighting within the development

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site, and the development shall not be carried out otherwise than in accordance with the approved details. Wherever possible, recycled construction materials and/or re-used steel joists/girders shall be employed.

Reason: In order for the Local Planning Authority to retain control over the exact

materials to be used for the proposed development and to assess the suitability of the samples submitted, in the interests of visual amenity.

- (4) The communal garden and parking area to the rear shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition or construction work on the site, and such work shall be completed prior to occupation of the proposed dwelling units.

In particular, the scheme shall indicate:

1. Details of the existing vegetation to be removed *and retained*
2. Plant species, size and density of the proposed planting, together with a planting schedule.
3. Incidental planting elsewhere on the site.
4. Proposed walls and fencing, indicating materials and heights.
5. Other appropriate matters within the context of a landscaping scheme and areas of hard surfacing with regards to proposed car-parking spaces.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced with the prior written agreement of the Local Planning Authority, by trees/shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development is integrated into the visual amenity of the area.

- (5) The following use restrictions apply:

Unit 1 shall be used only for the purpose of a shop Use Class A1 or professional and financial Services (excluding betting offices) Use Class A2;

Unit 2 shall be used only for the purpose of a shop Use Class A1;

as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, without the prior written permission of the Local Planning Authority.

Reason: To ensure that no other use commences without the consent of the Local Planning Authority and to enable other uses to be considered on their merits

- (6) Unit 1 and Unit 2 shall not be used except between the hours of:-

8.00am and 11pm - Mondays to Sundays.

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

- (7) No satellites, antennas or other aerials shall be erected on the building (other than

those shown within the plans hereby approved) without written permission from the Local Planning Authority.

Reason: To ensure that such additions do not harm the visual amenity of the Conservation Area.

- (8) Notwithstanding the details shown on the approved plan, further details of the dimensions and colour of the satellite dishes shown within the approved plans shall be submitted to and approved in writing prior to installation of the satellite dishes. The satellite dishes shall be installed in full accordance with the approved details.

Reason: In the interests of the visual amenities of the locality and the wider Roe Green Conservation Area.

- (9) During demolition and/or construction works on site:-

(a) the operation of 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 - 1700 Monday - Friday, 0800 - 1300 Saturday and at no time on Sunday or Bank Holidays.

(b) all vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site.

(c) no waste or other material shall be burnt on the application site.

(d) all excavated topsoil shall be stored on the site for reuse in connection with the landscape works scheme.

(e) the applicant shall employ measures to mitigate against the impact of dust and fine particles generated during construction, including damping-down during demolition and construction, particularly in dry weather conditions, minimising the drop height of materials and damping from the skips/spoil tips, sheeting of lorry loads during haulage, utilising screening on-site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area.

Reason: To limit the detrimental effects of noise and disturbance from construction works on adjoining residential occupiers.

- (10) Any air conditioning plant or refrigeration shall be installed so as to prevent the transmission of noise and vibration into any neighbouring premises and noise levels from this plant shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises.

An acoustic assessment shall be undertaken to verify that this can be achieved, including a scheme of insulation works to mitigate the noise should the predicted levels exceed those specified in this condition, and submitted to the Local Planning Authority for approval prior to commencement of the works.

Reason: To safeguard the amenity of future occupants

- (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 building regulations 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, a revised ground floor and site layout plan shall be submitted to approved in writing by the local planning authority prior to commencement of the development to provide a satisfactory means of access for both commercial units for a transit-sized parking bay. The works shall be carried out in accordance with the approved details.

Reason: To ensure appropriate on site servicing is provided to serve the commercial units.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Roland Sheldon, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5232