



Planning Committee Map

Site address: MIRACLE SIGNS & WONDERS MINISTERIE, Church Road, London, NW10 9NR

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This map is indicative only.

RECEIVED: 30 December, 2011

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: MIRACLE SIGNS & WONDERS MINISTRIE, Church Road, London, NW10 9NR

PROPOSAL: Part conversion and re-development of existing building to facilitate the erection of a 7 storey building to accommodate D1 use on ground floor and 28 residential units on upper floors ('Car Free' Scheme)

APPLICANT: Ruffello Ltd

CONTACT: Mr Richard Lesnick

PLAN NO'S:

Please see condition 2

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Assistant Director (Planning & Development) to agree the exact terms thereof on advice from the Director of Legal and Procurement

SECTION 106 DETAILS

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

- Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- A contribution of £168,000 (£3,000 per bedroom), index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area. 50% due on Material start with the further 50% on Practical completion
- Submission and compliance with a Sustainability check-list ensuring a minimum of 40% score is achieved and Code for Sustainable Homes level 3, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- Commuted sum of £17,000 in lieu of Code of Sustainable Homes level 4 and low scoring checklist 50% due on Material start with the further 50% on Practical completion
- Commuted sum of £ 28,000 in lieu of landscaping 50% due on Material start with the further 50% on Practical completion
- Commuted sum of £375,000 in lieu of on-site social housing provision. 50% due on Material start with the further 50% on Practical completion
- Removal of the right of residents to apply for parking permits.
- Join and adhere to the Considerate Contractors scheme.

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

EXISTING

The site currently comprises a dilapidated former cinema/bingo hall which was granted permission in 1997 to change use to a church, and in 2004 was allowed to create new floorspace at the upper levels. The site does not benefit from off-street car parking or vehicular access arrangements.

The site is located within Church End and lies to the South of the signalled controlled junction between High Road and Church Road on the edge of the retail area of Church End. To the North and East are light industrial and employment land uses, including a Homebase store. Directly to the North West of the site is an open space, part of which is used as a car park and a market on Wednesdays and Saturdays. The site adjoins Ilex Road, which is a residential road defined by two storey terrace houses. White Hart Lane forms the sites North Eastern Boundary beyond which is the Former White Hart Pub currently under development to provide a flatted development.

PROPOSAL

See above

HISTORY

In 2004 a planning application (Ref No: 04/2847) for the installation of new windows on the sides and front, 15 rooflights, refurbishment of existing front canopy, installation of roller shutters in existing canopy and creation of new floor space within the existing building at first, second and third floor levels of church was granted permission

In 1997 a planning application (Ref No: 97/0545) for the change of use of existing building from comedy club/cinema (Use Class D2) to a church (Use Class D1) was granted permission

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

STR11 Which seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.

STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment.

STR19 New housing developments should provide adequate amenity, reduce need for car travel and improvement to public infrastructure.

BE2 Townscape: Local Context & Character

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

BE9 Architectural Quality

H9 Dwelling Mix

H12 Residential Quality – Layout Considerations

TRN23 Parking Standards – Residential Development

PS14 Parking Standards

EP8 Notifiable Installations

CF3 Community Facilities

Site Specific Allocations - Proposed Submission June 2009

CE3. Former White Hart PH and Church

Core Strategy

CP 10 - Church End Growth Area

CP21 - Balanced Housing Stock

Mayor's London Plan 2011

Supplementary Planning Guidance Note 17: Design Guide for New Development Supplementary Planning Document: S106 Planning Obligations

SUSTAINABILITY ASSESSMENT

Within growth areas, new Major proposals are required to achieve a minimum rating of Code for Sustainable Homes Level 4 rating, subject to a scheme of feasibility. The submitted demolition report indicates 50% of the original floor area will be retained. However it is clear that only approximately 30% of the floor area will be retained along with 40% of external walls and 90% of structural steels. Notwithstanding this the development includes a relatively large amount of conversion and some degree of flexibility should be applied to factor in the constraints of such a scheme as far as the code is concerned.

The submission whilst high scoring fails to meet Code for Sustainable Homes level 4 by three points and achieves 40% compliance of the Sustainability Check-list. A commuted sum of £16,600 to offset CO2 omissions in lieu of Code for Sustainable Homes level 4 has been agreed in principle and shall be secured by Legal Agreement. In light of the above, your officers recommend a further assessment of the development to increase scores on the sustainable checklist. Details of which shall be secured by condition. The assessment should explore amongst other things:

- Methods of passive ventilation of the D1 space
- Demolition Protocol

On balance, your officers consider the relatively high scoring scheme with financial contribution and scope to explore a higher score on the sustainability checklist to provide a sustainable standard of development within the Growth Area.

CONSULTATION

External

56 Neighbouring properties were consulted on 5 January 2012. The description of the development was amended from '*Change of use of existing building from entirely D1 use to D1 on the ground floor only and 28 residential units on the upper floors*' to '*Erection of a 7 storey building to accommodate D1 use on ground floor and 28 residential units on upper floors*'. An additional 21 day consultation period with the amended description was carried out on 30 January 2012. The Local Authority has not received any external representations.

Servicing requirements were subsequently amended and the Councils Transport Engineer and Streetcare officer were duly consulted on 22 February 2012 for a 14 day period. Members will be updated on any comments made.

Internal

Transport Engineer:

No Transportation objections - The site located within an area of good transport links is able accommodate a 'car free scheme'. The single floor D1 space will generate less traffic than that of the existing multi floor D1 space. The development will be adequately serviced by way of a transit sized bay and secure cycle and refuse storage.

Sustainability Officer :

No objection - subject payment of sum of £17,000 in lieu of Code for Sustainable Homes level 4 as discussed in the 'Sustainability' section of the report

StreetCare:

No Objection -The proposed refuse and recycling storage area is considered be of an appropriate size and easily accessible via Ilex Road

Environmental Health:

No objection - Subject to adequate noise insulation and measures to mitigate against dust and fine

particles generated through development

Housing Officer:

No objection - The applicant has submitted a viability study which your officers consider to be reasonable in terms of demonstrating a maximum viable quantum of affordable housing in line with planning policy requirements. The applicant has proposed three options. Your officers consider a commuted financial contribution of £375,000 in lieu of on-site affordable housing to be an acceptable approach. These matters are expanded upon below.

English Heritage

No Objection - The site falls within an Area of Archaeological Priority, however no ground works are proposed.

Landscape Officer:

No objection - Subject to a financial contribution of £28,000 towards landscaping in the locality.

REMARKS

Introduction

The application site occupied by a former cinema building previously in use as a religious centre (Use Class D1) is located on the junction of Church Road and Ilex Road. The existing 6-storey building is currently vacant.

The area is defined by a mix of uses which include residential, retail and some commercial floorspace. The far end of Church Road is designated as a Local Centre where according to Policy SH4 of Brent's UDP 2004 small scale retailing and town centre uses will be permitted where they serve a local catchment area meeting people's day to day needs.

The boundary to the north of the site is defined by a private lane i.e. White Hart Lane. White Hart Lane is sandwiched between the former White Hart Public house (currently under construction for a 2, 3, 4 and 6-storey building, comprising 76 on the upper floors and commercial space on the ground floor) and the subject site. To the south of the site are two-storey terrace houses. To the south west of the site, are single storey buildings in commercial use. The site is in close proximity to the junction of Church Road and High Road. To the north side of the High Road is the Magistrates Court, which is a six-storey building.

The proposal seeks permission to part convert and re-develop the existing six-storey building into a seven-storey building, comprising of D1 space at ground floor and 28 residential units on the upper floors. Floors 1 to 6 of the building represent the residential element in the form of 4 x 1-bedroom, 20 x 2-bedroom, and 4 x 3-bedroom (in total 28 units). These units are divided into two sections, accessible via two staircases which are located in the central core of the building.

The proposal envisages a 'car free' development with one servicing bay for a transit vehicle with access provided from White Hart Lane. There are separate pedestrian accesses to the D1 space and residential elements of the scheme, from Church Road and Ilex Road respectively.

Land Use

The subject site titled CE3 within the 'Site Specific Allocations - Proposed Submission June 2009' has been allocated to a 'mixed use redevelopment including residential'. Policy CF3 of the UDP 2004 states the loss of any D1 community use will be resisted, unless appropriately replaced, or adequate alternative can be provided. The application seeks to retain the use on the ground floor. The Core Strategy, UDP and SPG17 also envisages a mix of uses within redevelopment schemes where appropriate, so to create a well used, active area and to reduce the need to travel especially by car. Therefore it is considered the use of the upper floors of the building as a residential use is acceptable in principle, subject to assessment viewed in relation to further policies regarding the overall design, impact on highways, neighbouring amenity, traffic impact, provision of affordable housing etc. which are discussed in more detail below.

Design

There is no concern regarding the loss of the existing building, however the redevelopment should be of a size and design which would not dominate neighbouring buildings and respect the character of the area. The existing mass and plan form of the original building is appropriate to its use as a religious building however, the large floor plate is not appropriate to the architectural planning and setting out of a residential building at upper floor levels. The core would be very dark and unable to comply with the requirements of BRE bulletin 209. SPG 17 notes the size and scale of new development should respect the height of the adjoining buildings and immediate area. The scheme in question is the result of some protracted negotiation between the owner, his consultants and planning officers to allow the building to sit appropriately on its site and have a neighbourly relationship with the ongoing development on the former White Hart site.

The current scheme is governed by the envelope and mass of the existing building to some degree. This is especially true of the ground floor where the majority of the building footprint has been retained, in that only a small portion of the ground floor will be lost so to accommodate the servicing bay on White Hart Lane. The upper floors of the building will have a plan form that sets the North and South Side in from their respective boundaries by 5m causing the mass of the building to be reduced to a T-shape. The top two upper most floors (x2) will be further set in from the Eastern edge of the building so to be more sympathetic to the residential scaled dwellings on Ilex Road. The height of the proposed building will not exceed the ridge height of the existing building, however the design of the roof will be altered from a ridged roof to flat roof. The proposed building will not be any higher than the development currently under construction at the former White Hart Pub. Whilst the change in roof design could arguably create a more dominant feature on Church Road, Ilex Road and White Hart Lane it is acknowledged, owing to the significant reduction in the mass of the building and its height being no higher than that of the neighbouring building, the design approach is supported in principle.

The ground floor D1 element of the scheme is considered to be recognisable by reason of appropriate architecture with functional fenestration that will help to illuminate the large internal floor plate. The entrances are identified with appropriately scaled openings with expressive materials to help mark them and create legibility for the scheme. There are some detail that has been raised during pre-application and indeed the life of the application that has not been addressed, and as such these shall be secured by condition:

- The canopy over the entrance has been insufficiently detailed. Further detail seeking further composition and detailing shall be secured by condition.
- Whilst a render finish is not usually preferred, there appears to be a case to restore and improve the existing situation. However sufficient detail of materials have not been submitted and shall be secured by condition.
- The east elevation is a rather large inexpressive plane, it would benefit from some articulation i.e. recessed brick panel or panels, such detail shall be secured by condition.
- The parapet coping or capping appears to be heavy and inappropriate. A reviewed slimmer approach shall be secured by condition.

The finished development subject to changes to be secured by condition should coordinate with the other on-going developments in the locality to form a centre of gravity from which the regeneration of Church End can build. The finished scheme will retain some of the historic character of the 1930's Cinema building allowing the building to remain comfortable in its context whilst the alterations will be of an architectural quality that will complement and build upon the contribution of the historic fabric with particular attention paid to the quality of building materials and detailing that will be employed. The preserved community use at ground floor will contribute to the activity and business at street level of Church and Ilex Roads and will provide a much needed space for the community to meet in a useful high quality environment.

Quality of Residential Accommodation

The Council's guidance (SPG17) outlines the requirements of new development to provide adequate amenity for occupiers, providing satisfactory internal floor area, sunlight, daylight, privacy and outlook for future residents. Owing to the cramped nature of the site and indeed the orientation of the existing building all units are required to be dual aspect so to ensure an acceptable level of sunlight and daylight is achieved. All units will be dual aspect and are considered to receive adequate sunlight and daylight.

All new flats exceed the minimum floor area standards set out the Mayors London Plan 2011. SPG17 requires flats and family sized accommodation to have 20sqm and 50sqm of external amenity space respectively, which would result in a total requirement of 680sq.m. The proposal contains private balconies to all units of various sizes, but no communal landscaped external space. The external space (balconies) proposed will have the ability to provide 84.5% (574sqm) of the total required by SPG17. It must be acknowledged that this is unevenly distributed. SPG17 states the shortfall of external amenity space can be offset by additional internal floorarea, which is the case here. Owing to the upper floor nature of the large residential units on balance, your officers are satisfied the proposal adequately addresses the deficit of external amenity space. A compensation for the lack of landscaping on the site is discussed below.

Where residential units are placed one above another, to limit noise intrusion unless sufficient soundproofing can be installed, bedrooms should not be placed either above or below living room and kitchen areas in other units. There are some units that appear to be inappropriately stacked. Specifically between units 1, 4 and 5 on the first floor and second floor, and between units 1 and 2 on the fourth and fifth floors. There is also a concern over noise intrusion between the D1 ground floor use and the first floor residential units. Details to mitigate noise intrusion between the inappropriately stacked units and the ground and first floor shall be secured by condition.

Impact on Neighbours

SPG17 requires directly facing windows to be located 20m away from one another. The upper floors (i.e. above groundfloor) of the proposed building will be set of the North and South boundaries. On the Southern Elevation a 20m separation from directly adjoining properties on Ilex Road has been created, which is acceptable. On the Northern Elevation a 10m separation has been employed. This North flank wall will contain 2 bedroom windows at first floor level. The proposed windows will look directly onto the screened roof terraces which are considered to obscure direct views onto neighbouring properties on White Hart Lane. The screens on the this elevation will be conditioned to be 2m in height so to ensure a degree of privacy is maintained. Owing to the set back nature of the building and obscured views created by screened roof terraced, the proposed arrangement on balance is considered to be an improvement on the existing situation.

The Eastern elevation will contain one bathroom window. The bathroom window shall be obscure glazed and fixed so to protect neighbouring amenity. The Eastern elevation will also contain a roof terrace. In an attempt to protect neighbouring amenity the terrace shall be set of the edge of the building by 3m and any further unlikely views will be obscured by a 2m high screen located on the edge of the building.

Highways Consideration

It is clear that a place of worship arranged over one level will not attract a larger number of worshippers than the existing larger building. Furthermore the presence of a CPZ in the local area will serve to restrain visitor parking, at least during the working week. Sundays are a traditional day of worship for this type of religious building and this may still cause some traffic issues, however owing to the reduced floorspace of the D1 use, any traffic congestion caused will be significantly lower than that of the pre-existing situation (i.e. Prior to the building becoming vacant) and therefore should not form a reason for refusal.

The proposed residential accommodation will be permitted maximum levels of car parking as set out in PS14 of the Unitary Development Plan. The stricter standards can be applied here since the site has good PTAL ratings (Level 4) and lies within a CPZ, whereby each 1-or-2-bed flat can be permitted up to 0.7 car spaces and each 3-bed flat can be permitted up to 1.2 car spaces. For the proposed mix of dwellings the combined maximum standard will be 21.6 car spaces, a significant increase.

Given that the increase cannot be accommodated off-street or on-street in the locality of the site, a car-free scheme will be accepted provided this applies equally to all the proposed flats, and is secured via S106 Agreement. This approach has been agreed in principle by the applicants

All refuse and recycling will be serviced via Ilex Road. Adequate refuse and recycling for both uses have been proposed. The servicing bay will be accessed via the D1 space. These arrangements are considered to be acceptable

Affordable Housing

Sites of above 0.5 Ha or proposals of above 10 residential units are required to provide an element of affordable housing on-site, to contribute towards the borough wide requirement for affordable housing. The applicant has submitted a viability study which your officers consider to be reasonable in terms of demonstrating a maximum viable quantum of affordable housing in line with planning policy requirements. The applicant proposed three options to meet the Councils requirements and these will be discussed in turn:

- 1) 25% shared ownership (7 flats) on a nil grant basis
- 2) 18% affordable rent (5 flats) on a nil grant basis
- 3) Commuted sum of £375,000 in lieu of on-site provision

Church End is characterised by high concentrations of social rented accommodation and therefore the opportunities should be taken to introduce different tenures into the area in order to support a balanced, mixed and sustainable community. The choice would therefore seem to fall between shared ownership and commuted sum.

A number of concerns with the shared ownership option have been raised:

- The relatively small number of flats involved and their location in a single residential core with private flats
- The potential for conflicting competition with other shared ownership schemes in the area (e.g. White Hart and proposed Catalyst redevelopment of the town centre)

The option of a commuted sum, with the potential to either use the monies to deliver affordable housing in the local (e.g. the proposed Catalyst redevelopment of the town centre) or wider area appears to be more appealing as it affords the opportunity to introduce different tenure options to an area that appears to be largely dominated by affordable housing and will go some way in achieving a balanced, mixed and sustainable community. The commuted sum is therefore considered to be an acceptable solution.

Environmental Health

The development is located within an Air Quality Management Area and is therefore likely to contribute to background air pollution levels. As such measures to mitigate against the impacts of dust and fine particles generated by the operation must be employed. Such detail shall be secured by condition. The energy report proposes an acceptable degree of photovoltaic.

Landscape

Owing to the nature of the development there is limited scope for landscaping on site. The Growth Area is in dire need of Street Trees as such, a sum of £28,000 for street trees and maintenance has been agreed in principle. The monies in lieu of landscaping shall be secured by a S106 Legal Agreement.

Other

Archaeological Priority Area: The site is part of an Archaeological Priority Area and has potential to house the remains of mediaeval periods. Policy BE30 of the Revised UDP states that the applicants should have the implications of any proposal involving groundworks on such sites assessed by a recognised archaeological group. This should assess the level of importance of any finds and means of protection. A condition requiring an assessment of works if necessary to be carried out in advance of any development on site. English Heritage have not raised any objection to the scheme.

Crime Prevention – No comments have been received from the Metropolitan Police Crime Prevention Officer

Notifiable Installations – Owing to the subject site being located within 6m of a high pressure pipeline an assessment against policy EP8 is required. As the proposal seeks to retain the groundfloor no groundworks are proposed.

Conclusion

The proposal complies with requirements set out in the Mayors London Plan 2011, Councils Core Strategy 2010 and Unitary Development Plan 2004 and is considered to be an acceptable scheme on balance. The proposal is therefore recommended for approval subject to a legal agreement and the attached 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
Central Government Guidance
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
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
Design and Regeneration: in terms of guiding new development and Extensions
Site-Specific Policies

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 drawings:

1013-EX-002
1013-EX-003
1013-EX-004
1013-EX-005
1013-EX-006
1013-EX-016
1013-EX-015
1013-EX-013
1013-EX-012
1013-EX-011
1013-EX-010
1013-PR-116 REV B
1013-PR-117 REV B
1013-PR-102 REV H
1013-PR-103 REV G
1013-PR-104 REV E
1013-PR-105 REV C
1013-PR-106 REV C
1013-PR-107 REV E
1013-PR-108 REV E

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

- (3) No water tank, air conditioning or ventilation plant, extraction equipment or other roof structure shall be erected above the level of the roof hereby approved without the further written consent of the Local Planning Authority.

Reason: To ensure that such further structure(s) do not prejudice the amenity of the neighbouring occupiers or the appearance of the area.

- (4) Details of materials for all external work, including samples of bricks, balconies (Balconies on the Northern Elevation should be 2m), canopies, windows and parapet detail, 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

- (5) Details of any air-conditioning systems, including particulars of noise levels, shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. The approved details shall thereafter be fully implemented.

Reason: To safeguard the amenities of the adjoining occupiers

- (6) An assessment to achieve an increased sustainability score on the Councils Sustainability Checklist, 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 sustainable development which does not prejudice the amenity of the locality

- (7) Prior to occupation of the dwellings results of the post-completion testing undertaken to demonstrate that reasonable resting conditions (Living rooms) LAeq, T 30 dB (day: T =16 hours 07:00 –23:00), reasonable sleeping conditions (Bedrooms) LAeq, T 30dB (night: T = 8 hours 23:00 – 07:00) LAm_{ax} 45 dB (night 23:00 – 07:00) have been met should be submitted and approved in writing by the Local Planning Authority and thereafter the development shall not be occupied until the approved scheme has been fully implemented.

Reason: To ensure that the occupiers are not subjected to excessively high noise levels and to ensure an adequate standard of amenity.

- (8) In the event any groundworks are required, an assessment to ensure no archeological loss is caused 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 heritage of the locality

- (9) Details of mitigation measures against the impacts of dust and fine particles generated by operations 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) Details of CHP and Biomass 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

- (11) Further details of articulation of the Eastern Elevation 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

- (12) The first floor window inserted into the Eastern Elevation of the building shall be obscure glazed and non-opening.

Reason: To ensure neighbouring amenity is protected.

- (13) In order to mitigate against the possibility of numerous satellite dishes being installed on the buildings hereby approved, details of a communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented.

Reason: In the interests of the visual appearance of the development in particular and the locality in general.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245