

 **Planning Committee Map**  
Site address: All Flats at Jubilee Heights, Shoot Up Hill, London, NW2  
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This map is indicative only.

**RECEIVED:** 13 April, 2012

**WARD:** Mapesbury

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

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

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

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

of full planning permission 11/1307 approved under appeal dated 27/02/12 for Erection of a 5-storey building, comprising 5 self-contained flats with roof garden, attached to southern elevation of Jubilee Heights

**APPLICANT:** Redab Midtown Ltd and Redab Kilburn Ltd

**CONTACT:** ADA Architects

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

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## **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 Section 106 Agreement, in order to secure the following:

- (a) Payment of the Councils legal and other professional costs in
  - (i) preparing and completing the agreement; and
  - (ii) monitoring and enforcing its performance.
- (b) A contribution of £100,000 toward Affordable Housing in the borough, due on material start and index-linked from the date of the previous decision.
- (c) A contribution £42,000 (£3,000 per additional private bedroom), due on material start and index-linked from the date of the previous decision for Education, Sustainable Transportation, Open Space and Sports in the local area
- (d) Join and adhere to the Considerate Contractors Scheme.

## **EXISTING**

The subject site is an eight-storey residential block which has been converted and extended over the past 15 years from its original function as offices. It is located on the corner of Shoot Up Hill and Exeter Road adjacent to the Kilburn Underground Railway Station. Shoot Up Hill forms the borough boundary with London Borough of Camden to the east.

The building contains 91 residential units (including the conversion of the ground floor from offices to residential flats and the erection of a 6 storey extension), divided as follows: 15 x 1-bed, 71 x 2-bed, 5 x 3-bed. The surrounding uses are predominantly residential although to the south there is a short section of

Secondary Shopping Frontage.

The property is not a listed building, although its curtilage abuts the Mapesbury Conservation Area (to the rear of Cedar Lodge).

## DEVELOPMENT SCHEDULE

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

### Floorspace Breakdown

#### USE

Number	Primary Use	Sub Use
1	dwelling houses	housing - private

#### FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	0	0	0	507	507

#### TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0	0	0	507	507

Mayoril CIL multiplier is £35 per SQM of total net gain floorspace, therefore Amount Payable is £17,745.00

## PROPOSAL

The application proposes a minor material amendment to a previously approved development (LPA Ref: 11/1307) for the erection of a 5-storey building comprising 5 self-contained flats with roof garden, attached to southern elevation of Jubilee Heights.

This application proposes to change the mix of units within the approved building from 5 x 2 bedroom flats to provide 1 x 2 bedroom flat (retained on the ground floor) and 4 x 3 bedroom flats on the upper floors

There are no external changes proposed other than minor alterations to the window arrangement in the elevation facing Exeter Road.

## HISTORY

There is a detailed planning history relating to this site. The most relevant application is that below:

**11/1307** - Erection of a 5-storey building, comprising 5 self-contained flats (5 x 2 bedroom flats) with roof garden, attached to southern elevation of Jubilee Heights- planning permission was refused on 15 July 2011 for the following reasons:

- The introduction of a five storey extension sited within the southern end of the existing communal amenity space fronting Shoot Up Hill is considered to significantly impact upon this existing amenity space, as it results in the loss of an area of external space which has high amenity value evident through its orientation currently receiving good daylight and sunlight throughout most of the day; and in addition adversely impacts upon the remaining external space through the removal and screening of sunlight for the majority of the day to this space. The harmful impact is not considered to be sufficiently offset by the provision of a roof garden, particularly as the site is located within an Area of Open Space Deficiency. The proposal is contrary to policies BE9, H12 and H13 of Brent's adopted Unitary Development Plan 2004 and the guidance as outlined in the adopted Supplementary Planning Guidance No. 17 "Design Guide for New Development".*
- The introduction of a five storey extension on the southern end of Jubilee Heights, by reason of its close proximity and excessive depth in relation to the kitchen windows of existing flats at first to third floor levels, is considered to restrict outlook from these windows and have a general overbearing appearance and undue sense of enclosure, to the detriment of the amenities of the occupiers of the existing flats. The impact is exacerbated by the proposed extension resulting in a loss of morning*

*sunlight to these important habitable rooms. This would be contrary to policy BE9 of Brent's adopted Unitary Development Plan 2004 and the guidance as outlined in Supplementary Planning Guidance No. 5 "Altering and Extending Your Home".*

3. *In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places, and increased pressure for the use of existing open space, without contributions to enhance open space, sports or make other contributions to improve the environment and air quality. As a result, the proposal is contrary to policy CP18 of Brent's adopted Core Strategy 2010 and policies CF6, TRN2, TRN3 and TRN11 and the adopted S106 Planning Obligations Supplementary Planning Document.*
4. *In the absence of a legal agreement to control the matter, the proposed development does not provide sufficient affordable housing on site or make satisfactory provision to compensate off site, contrary to Policies 3A.9, 3A.10, 3A.11 of the London Plan 2008, policies CP2 and CP21 of Brent's adopted Core Strategy 2010*

An appeal was lodged to the Planning Inspectorate. The proposal was allowed under appeal on 27 February 2012.

## **POLICY CONSIDERATIONS**

### ***National***

*Greater flexibility for planning permissions Guidance, Department for Communities and Local Government, November 2010.*

#### *National Planning Policy Framework*

The NPPF was published on 27 March and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. Its intention is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

LDF Core Strategy and UDP saved policies referred to in the report below have been considered in the assessment of the application and the recommendation is considered to comply with the NPPF.

### The London Plan

**3.11: Affordable housing targets** - In setting targets boroughs should take account of local assessment of need, the Mayor's strategic target for affordable housing provision that 50% of provision be affordable, and the promotion of mixed and balanced communities.

**3.12: Negotiating affordable housing on individual private residential and mixed-use schemes** - Boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private residential schemes, having regard to their affordable housing targets.

**3.13: Affordable housing thresholds** - Boroughs should normally require affordable housing provision on a site which has capacity to provide 10 or more homes.

### Core Strategy

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

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

**CP18: Protection and Enhancement of Open Space, Sports and Biodiversity:** Support will be given to

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

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

#### Brent's UDP 2004

In addition to the Core Strategy, there are a number of policies which have been saved within the Unitary Development Plan (UDP), which was formally adopted on 15 January 2004. The saved policies will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:

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

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

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

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

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

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

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

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

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

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

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

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

### **Supplementary Planning Guidance**

SPG5 "Altering and Extending Your Home"  
SPG17 "Design Guide for New Development"

### **Supplementary Planning Document**

S106: Planning Obligations

## **CONSULTATION**

**Consultation Period: 08/06/2012 - 29/06/2012**

### **Public Consultation**

192 neighbours consulted – 6 letters of objection received with the following matters

- Loss of sunlight to neighbouring properties at Watling Gardens;
- Impact on health of neighbouring residents in surrounding buildings;
- Increase pollution and noise;
- Parking problems already exist within Jubilee Heights and surrounding streets- this proposal will allocate more parking spaces away from existing residents which in turn will further increase pressure on local parking issues;
- Existing extensions have damaged facilities at Watling Gardens including central heating;
- Over populating the estate;
- Concerns over access to the rooftop garden potentially being accessed via the 5th Floor corridor of Jubilee Heights causing a disturbance to the residents.

*Officer Comment:* As a minor material amendment application, the development which the application seeks to amend has already been judged acceptable. Consideration must therefore be focused on any policy changes or other material considerations that may have changed significantly since the original permission, as well as the changes sought.

### **Internal Consultation**

Highways & Transport Delivery – No transport objections subject to a revised Section 106 Legal Agreement confirming additional payment towards highway safety improvements and improving non-car access.

## **REMARKS**

### ***Background***

This application is for some minor material amendments. 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).

### ***Key considerations***

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

- (a) whether the revised mix and quality of accommodation is acceptable;
- (b) whether the proposed alterations would have an adverse impact on neighbouring amenity;
- (c) whether following the proposal would give rise to any highways issues;
- (d) whether there are changes required to the legal agreement to mitigate the impacts of the

development.

### **(a) Mix and Quality of Accommodation**

This application proposes 4 x three-bedroom self contained flats and 1 x two-bedroom self contained flat. The mix of units is considered acceptable for the site; the provision of family sized units is supported by policy CP21 in the Core Strategy 2010.

#### *- Affordable Housing provision*

The previous appeal decision indicated that the flats will be market housing; this application did not in itself require the provision of affordable housing as it provides 5 units (below the 10 unit threshold). However, due to the incremental increase of units on the site since 2007 totalling 19 (including this proposal), overall the additional units exceeded the threshold for the provision of affordable housing as set out in the London Plan and policy CP2 of Brent's Core Strategy 2010 and it was considered that mitigation was required.

The legal agreement which was signed as part of the previous application (LPA Ref: 11/1307) to secure a contribution of £100,000 towards affordable housing in the Borough. The policy position for the current application has not altered since the previous decision (the updated London Plan 2011 reiterates its previous stance on affordable housing provision) therefore such a contribution would still be required.

#### *- Unit sizes*

Supplementary Planning Guidance 17 indicates minimum unit sizes for flats and seek the following flat sizes as a minimum:

- 2-bedroom (4-person) flat – 65 square metres.
- 3-bedroom (5-person) flat – 80 square metres.

However the London Plan 2011 revised space standards are larger and seek the following flat sizes as a minimum:

- 2-bedroom (4-person) flat – 70 square metres.
- 3-bedroom (5-person) flat – 86 square metres.

An assessment of the current scheme indicates that all flats shown on the plans are in excess of the Council's guidelines and those set out in the London Plan. As such, the internal space is considered acceptable.

All of the units are dual aspect; outlook is considered acceptable for the habitable windows of the all five flats.

#### *- External amenity space*

All proposed flats are provided with a balcony of 6sqm. Each flat also has access to the communal roof garden which is measures 104sqm. In terms of the amenity space requirements set out in SPG17, this does not change as a result of the proposal; the three bedroom units are not located on the ground floor therefore the guidance would not trigger the requirement for 50 sq m of amenity space per unit.

### **(b) Neighbouring Amenity**

The footprint and relationship of the proposed extension remains unchanged to the previously approved proposal. The Planning Inspectorate considered the impact on outlook, privacy and daylight to the adjoining occupiers and considered that this was within acceptable limits.

Concern has been raised regarding the increase in use of the communal corridors from residents within Jubilee Heights and those in Cedar Lodge to access the communal roof terrace. Whilst it is acknowledged that the provision of a roof terrace may increase the footfall of residents using the internal corridors, given the provision of other areas of external amenity space within the site and it being unlikely that the use of this terrace by a large numbers of residents would occur at any one time, the proposal would not give rise to any significant amenity concerns. Notwithstanding this, it is a matter that would fall within the remit of management of the building as a whole.

### **(c) Highway Considerations**

This proposal will increase the total number of flats on the site to 126 flats (including the existing flats within Cedar Lodge), meaning that there is scope to provide an on site parking for each unit including those proposed as part of this application. It is therefore recommended, as per the previous approval, that a management plan to be conditioned providing details of how each space will be allocated for existing and proposed units.

No details of refuse or recycling storage for the new units have been provided. Cycle parking has been indicated on the plans, but full details of the design and siting have not been submitted. It is recommended such details be secured by condition as with the previous consent.

### **(d) Section 106 Contributions**

On this particular application, the proposed Heads of Terms, including the total financial contribution required to comply with the Council's adopted SPD on the subject has been agreed within the previous legal agreement. However, as the size of the units have increased, providing an additional 4 bedrooms, an increase in contribution is necessary. The Council charge per additional bedroom is £3,000 and therefore an increase of £12,000 is also required. The applicant has also agreed in principle to affordable housing contributions. The Heads of Terms that are sought are as follows:

- (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) A contribution £42,000 (£3,000 per additional private bedroom), due on material start and index-linked from the date of the previous decision for Education, Sustainable Transportation, Open Space and Sports in the local area
- (c) A contribution of £100,000 toward affordable Housing in the borough, due on material start and index-linked from the date of the previous decision
- (d) Join and adhere to the Considerate Contractors scheme.

### **Other matters**

Objections have been raised in relation to a number of matters, similar to the original proposal. However as the Planning Inspectorate allowed the original proposal and this is a minor material amendment to that scheme, these matters raised have been already been taken into account in the consideration of the original proposal and remain unchanged.

Planning conditions have been carried over from the previous planning consent.

**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  
Brent Core Strategy 2010  
London Plan 2011  
Central Government Guidance: the NPPF  
Council's Supplementary Planning Guidance Nos. 3, 17 and 19 and Supplementary Planning Document *s.106 obligations*

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



## CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on 27 February 2012.

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):

### *Plan numbers*

PL/266/01-001 Rev X  
PL/266/01-002 Rev X  
PL/266/01-003 Rev X  
PL/266/01-004 Rev X

The following plans and documents are part of the previous consent and still apply:  
PL/266/1000; PL/266/1001; PL/266/1005; PL/266/1006; PL/266/1007; PL/266/1008;  
PL/266/1009; PL/266/1010; PL/266/1011; PL/266/1012; PL/266/1013; and PL/266/1014

A266 Design & Access Statement prepared by Alton Design Associated dated 20 May 2011  
ADA Jubilee Heights Amenity Study 12.05.2011  
Amenity Space/Landscaping by Alton Design Associates dated 20 June 2011  
Transport Statement prepared by Icen Projects Limited dated April 2011  
Architectural and urban design appraisal prepared by KM Heritage dated April 2011  
Noise and Vibration Assessment Revision – 2 prepared by Acoustic Logic  
Daylight and Sunlight Report prepared by Drivers Jonas Deloitte dated 21 April 2011

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

- (3) The window to bedroom 2 of the ground floor of the ground floor flat hereby approved shall be constructed with obscure glazing upto 1.8m above internal floor level and shall be so maintained thereafter unless the prior written consent of the Local Planning Authority is obtained to any variation.

Reason: To minimise interference with the privacy of the occupier(s).

- (4) The roof-lights within the communal roof top garden hereby approved shall be constructed to be obscure glazed and non-opening and shall be so maintained thereafter unless the prior written consent of the Local Planning Authority is obtained to any variation.

Reason: To minimise interference with the privacy of the occupier(s) and in the interest of visual amenity of the locality.

- (5) Details of materials for all external work shall be submitted to, including samples and/or manufacturer's literature, and approved in writing by the Local Planning Authority before any construction work is commenced. The work shall be carried out in accordance with the approved details and shall be retained thereafter for the lifetime of the development.

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

- (6) Notwithstanding the submitted plans otherwise approved, further details of the communal roof top garden shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The proposed garden shall thereafter be constructed in full accordance with the approved details prior to the first occupation of any of the flats hereby permitted. Such details shall include:

a) Details of the roof construction including drainage and hard landscaping; and

b) Details of proposed plant species and substrate.

Any landscaping planted in accordance with the landscaping scheme which, within 5 years of planting is removed, dead or dying, seriously damaged or becomes diseased shall be replaced in similar positions with soft landscaping of similar species and size to those originally planted unless otherwise agreed in writing by the Local Planning Authority.

Reason: These details are required to ensure that a satisfactory development is achieved.

(7) Full details of the landscaping works and treatment of the remaining communal amenity spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any demolition/ 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 by the Local Planning Authority. Such a scheme shall include:

a) The identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;

b) details of proposed planting including species, plant sizes and planting densities;

c) areas of hard landscape works and proposed materials;

d) a buffer between the remaining communal amenity space and the ground floor flat within the proposed development;

e) details of the proposed arrangements for the maintenance of the landscape works;

f) details of any exterior lighting to be provided on the site.

Any trees, shrubs and other plants planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

(8) Details of the location and nature of refuse and recycling storage facilities meeting the required capacity as outlined within "Brent's Waste and Recycling Storage and Collection Guidance for Residential Properties" for existing and proposed units within Jubilee Heights shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved facilities shall thereafter be constructed prior to the first occupation of any of the flats hereby permitted and thereafter retained.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection.

(9) Details of cycle parking facilities to accommodate 16 secure cycle parking spaces including details of the location and design of the cycle store shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The cycle parking facilities and cycle store shall thereafter be constructed in full accordance with the approved details prior to the first occupation of any of the flats hereby permitted and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

(10) Details of the management arrangements showing how the car parking spaces within the Jubilee Heights/Cedar Lodge site will be allocated for each unit within Jubilee Heights/Cedar Lodge, including the additional five units hereby approved, shall be submitted to and approved

in writing by the Local Planning Authority prior to any works commencing on site. The approved management arrangements shall be implemented prior to the first occupation of any of the flats hereby permitted and thereafter retained.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to ensure a satisfactory standard of amenity by providing and retaining adequate on site car parking.

**INFORMATIVES:**

None Specified

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