

 **Planning Committee Map**

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

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This map is indicative only.

**RECEIVED:** 15 May, 2012

**WARD:** Dudden Hill

**PLANNING AREA:** Willesden Consultative Forum

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

**PROPOSAL:** Demolition of the existing building and erection of a new building consisting of D1 use on the ground floor and 47 residential units on seven upper floors.

**APPLICANT:** Ruffello Ltd

**CONTACT:** TP Bennett

**PLAN NO'S:**

1019-PR-114  
1019-PR-116  
1019-PR-112  
1019-PR-111  
1019-PR-113  
1019-PR-102  
1019-PR-104  
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1019-EX-011  
1019-EX-005  
1019-EX-004  
1019-EX-012  
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1019-EX-006  
1019-EX-010  
1019-EX-013  
1019-EX-001  
1019-EX-002  
1019-EX-003

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**RECOMMENDATION**

Refuse Consent

**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**

Please 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

In 2012 a planning application was granted permission (Ref No:11/2173) for the 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) and subject to a Deed of Agreement dated 23 March 2012 under Section 106 of the Town and Country Planning Act 1990, as amended on 29 March 2012. This application was considered at the Planning Committee of 14 March 2012.

## **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 submission meets Code for Sustainable Homes level 4 and achieves 45% compliance of the Sustainability Check-list, "Fairly Positive". The scheme includes photovoltaics panel array of 146sqm on the roof of the new residential development which would reduce CO2 emissions by 14.9%. This falls short of the London Plan presumption that major development proposals should provide 20% on site renewable energy generation (policy 5.7 - para 5.42. It proposes the use of communal gas CHP on site to provide to provide hot water and heating for the proposed development. There is no district heating network currently available in the area. No measures to offset the lack of onsite renewable's or to address the matter of no district heating

network. The Council would accept a financial contribution secured by a S106 in the absence of adequate onsite renewable's and a contribution toward sustainable heating measures. However in the absence of a S106 agreement, these elements cannot be secured.

## **CONSULTATION**

### **External**

57 Neighbouring properties were consulted on 16 May 2012. The Local Authority has not received any objections to date.

### **Internal**

Transport Engineer: In technical highway terms the Transport Engineer has not objection. 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.. If the application is to be approved a condition would also be sought requiring details of 4 no. publicly available cycle parking spaces within the external space adjacent to the proposed building, in order to serve staff and visitors of the D1 unit, in order to comply with Policy TRN11 and Parking Standard PS16 of the UDP-2004.

However, The proposed balconies will over sail the public foot path by 2m giving rise to highway safety issues and will restrict maintenance of service (eg, streetlights) located on the pavement.

#### 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:

Objection - Noise insulation and measures to mitigate against dust and fine particles generated through development have not been provided

#### Housing Officer:

Objection - The loss of the family sized accommodation that formed part of the 11/2173 permission is contrary to CP2 and CP21. 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 £642,000 is 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 Archeological Priority

#### Landscape Officer:

Objection: The North facing amenity space, enclosed on three sides by 7 and 8 storey buildings lacks detail, is not considered to be useable and will limit plant growth. Ground level planted areas are too small. These are also directly shaded by balconies above which will limit any plant growth. A contribution of £47,000 for street trees, as agreed in a similar fashion in the extant permission should be secured by legal agreement if members are minded to approve the application.

## **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. At the Planning Committee of March 2012, Members, following a site visit approved an application for 28 flats with 594m<sup>2</sup> of D1 space.

The proposal seeks permission demolish and re-develop the existing six-storey building into a eight-storey building, comprising of D1 space at ground floor and 47 residential units on the upper floors. Floors 1 to 7 of the building represent the residential element in the form of, 46 x 2-bedroom, and 1 x 3-bedroom (in total 47 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. The main changes noted between the extant permission and the proposal are note as:

<b>Extant Permission</b>	<b>Proposed Scheme</b>
28 units (4 x 1-bedroom, 20 x 2-bedroom, and 4 x 3-bedroom)	47 units (46x 2-bedroom and 1 x 3-bedroom)
594m <sup>2</sup> - D1 space	370m <sup>2</sup> - D1 Space
No higher than existing building	Higher than existing and extant permission
Good form of residential accommodation	Poor form of residential accommodation
No communal external amenity space	Communal external amenity space

These issues will be expanded upon below.

### **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 Core Strategy, UDP and SPG17 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.

The existing property provided 2,908m<sup>2</sup> of community space, the extant permission provided 594m<sup>2</sup> whilst the proposal will provide 370m<sup>2</sup>. During negotiations of the extant permission the applicant was uncertain how the D1 space was to be used. In an attempt to accommodate the varying end user(s) the Council required the space to have some degree of flexibility so to ensure it was useable. This flexibility was proposed in the form of moveable partitions, multiple entrances and high ceilings (4m - excluding services). The proposed development does not lend itself to such a flexible useable space by reason of its restricted floorarea (Net loss 87%), single access point and reduced height therefore failing to meet the aspiration to protect existing community facilities identified in CP23 and should form a reason for refusal.

### **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 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 portion of the ground floor will be lost to accommodate the servicing bay on White Hart Lane, external amenity space and what appears to be a pedestrian access into a vacant space. The upper floors of the building will be set in from White Hart Lane and Ilex Road to form a capital 'I' shape. In the permitted scheme the upper floors were reduced to a larger degree causing the planform to resemble a 'T' shape. The permitted scheme also sought to reduce the bulk of the building by having the two upper most floors further reduced and set in. However in the proposed scheme only the top most floor is set in from the Eastern edge

of so to accommodate a roof terrace to the only three bedroom unit. The height of the proposed building will exceed both the existing and permitted scheme. The change in roof design and increase in height creates a more dominant feature on Church Road, Ilex Road and White Hart, this is further amplified by increase in mass of the building (i.e. when compared with the extant permission).

The latest iteration is unacceptable in terms of mass and scale, the proposals ignore previous advice to set elements of the building back from its plot perimeter to reduce the impact on the streetscape and allow adequate livable proximities within the development site and with neighbouring buildings.

The large plan form will seriously restrict the ability for adequate levels of general light to the core of some of the residential units (eg, North facing set in bedrooms, internal kitchens etc).

The design rationale for this latest approach is the pursuit of a maximum number of units within a maximum envelop defined by the form of the existing building. This approach leads the designer to this unacceptably large inarticulate mass. Overall, the mass and form of the original building is and was appropriate as an institutional assembly building (Cinema/Bingo even Ecclesiastical etc) where day to day living standards are not an issue. However, the 'conversion to a residential use requires a completely different approach to the design of the plan arrangement.

The latest proposal includes a more restricted palette of materials and colours than the permitted scheme which also adds to the heavy nature of the mass. The applicant may suggest that they intend a quality brick and a terracotta/faïence solution however design officers are of the view the choice of colours and textures are not varied enough to contribute to the breaking down of the scale and mass.

The ordinary building is further exacerbated by the very regular nature of the elevational arrangement. The fenestration is very regular as is the rhythm and staking of the balconies. Unfortunately, the architecture is very reminiscent of the buildings that the Council are seeking to replace within our growth areas. The quality of detailing is not communicated by the elevations.

The latest proposals do not make enough distinction between the independent uses, the institutional element within the plinth is in a different material but the expression of the architecture does not help with the legibility of this community facility within the neighbourhood. The nature and scale of entrances is important and for a building of this size the entrances should be appropriately scaled with larger doors and door sets. The design approach is not supported in principle.

There is no objection in principle to a large building, as evident in the Council granted permission for a large building in the previous application, however the proposed development, by reason of the design, overall size, siting, bulk, scale, excessive height and density would constitute form of development that detracts from the character of the locality and relates poorly to surrounding forms of development. The development is therefore considered to result in the detriment of the visual character and appearance of this area.

### **Quality of Residential Accommodation**

The Council's guidance in conjunction with the Mayors Plan, 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. Whilst all proposed residential units are considered to be large enough, the quality of space proposed is not considered to be acceptable as evident in all bedroom windows on the proposed East elevation being angled and obscure glazed, thereby light into and limiting outlook out of the proposed units. Further the set back bedrooms on the North elevation located between the projecting lift blocks are not considered to gain adequate light. These arrangements result in a very poor form of accommodation and is considered to be reason in itself to refuse the application.

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 of 970sq.m. The proposal contains private balconies to all units of various sizes and communal external space at groundfloor. The external space (including balconies and first 6m of space fronting the street) proposed will provide 1074m<sup>2</sup>. It must be acknowledged that this is unevenly distributed and a large portion of the space provided will be located at ground floor level (The first 6m of which will need to be discounted as the UDP identifies this space as landscaping and exclusively as amenity space). The communal space will be sandwiched between the former White Hart Pub and the proposed building. Owing to its North facing orientation at low level the communal space it is not considered to gain an appropriate level of light, resulting in the space being dark and damp. In the extant permission, the entire ground floor was occupied by D1 space. Owing to the upper floors (from 1st floor up) being set in, two terraces were created on the flat roof of the D1 space. The screened terraces were seen to be an appropriate

use for the vacant flat roof.

Issue is also taken with the relationship between neighbouring balconies of the proposed building, e.g., On the North elevation, direct facing balconies will be located approx 10.7m apart (as expanded below). While it is accepted the proposed external space will meet quantitative requirements, the external space provided is not considered to meet the qualitative assessments discussed above and is therefore not considered to be acceptable.

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 5 and 6 on the sixth and seventh floor. There is also a concern over noise intrusion between the D1 ground floor use and the first floor residential units. No details to mitigate noise intrusion between the inappropriately stacked units and the ground and first floor have been submitted.

In assessing the quality of accommodation provided it would appear whilst sufficient space has been provided, the quality of the space appears to be very poor and is considered to be reason in itself to refuse the application.

### **Impact on Neighbours**

SPG17 requires the size and scale of new development to respect the height of adjoining buildings and the immediate area. Whilst it is acknowledged, the existing building forms a material consideration in the assessment of this application, the Local Authority still has a responsibility to ensure the new building does not cause an overbearing impact on neighbouring amenity.

In the extant permission, the proposal sought to set the building away from the common boundary with No 2 Ilex Road and steps the upper most floors (x2) away from the Eastern Elevation (Fronting 2 Ilex Road). As explained in the 'Design' section of the plan form of the upper floors resembled a 'T' shape, causing the mass of the building to be located on the Western Elevation (Fronting Church Road).

In the current application, the building is set away from the boundary with 2 Ilex Road, is higher and wider than the existing and extant permission (as evident its capital 'I', plan form described above) with only the 8th floor being set away from the Eastern Elevation (Fronting 2 Ilex Road). Owing to the new development being, larger, higher and more bulky than previously approved, the proposal is considered to cause an overbearing impact on neighbouring amenity especially in the case of No 2.

SPG17 requires directly facing windows to be located 20m away from one another. The extant permission saw the new block being located 20m away from units on the Southern Elevation (Ilex Road) and 10m away from the Northern (White Hart) elevation. In the North elevation of the extant permission, two bedroom windows located at first floor level looked directly onto screened roof terraces. The screens were considered to obscure direct views onto neighbouring properties of White Hart Lane. Two small east facing balconies were also proposed on the North Elevation. Owing to the set back nature of the building and obscured views created by screening, the approved arrangement was on balance considered to be acceptable.

The proposed development will see the upper floors (i.e. above groundfloor) being set of the North (White Hart Lane) and South (Ilex Road) boundaries. On the Southern Elevation a 18m separation from directly adjoining properties has been created, which is less than the acceptable range (i.e. 20m) creating a loss of privacy, amplified by the presence of balconies. On the Northern Elevation a 8-9m separation has been provided for. This North flank wall will contain 14 setback single aspect bedroom windows, located approximately 15m away from neighbouring habitable rooms. This elevation will also contain 7 dual aspect Juliette balconies located 8m away the neighbouring White Hart building. The lack of an appropriate separation between units, amplified by Juliette balconies is considered to have a detrimental impact on neighbouring amenity.

All North facing units will also have balconies leading out from the kitchen/dining/living areas. These balconies will be located approximately 10.7m away from directly facing balconies of neighbouring units in the same building. The lack of separation between balconies (more especially as upper floor balconies will have the ability to have direct views into lower balconies) will create an unacceptable level of overlooking and lack of privacy. For the avoidance of doubt, no screening measures have been submitted.

The Eastern elevation will contain 14 obscure glazed angled bedroom windows and a setback screened terrace which will protect neighbouring amenity.

The inappropriate separation between units, amplified by the presence of balconies results in insufficient



consideration of this developments impact on neighbouring amenity and is considered to be reason in itself for the application to be refused.

### **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 (594sqm to 370sqm) 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. In addition, the planning statement says that the potential use will actually be either a clinic or a crèche, both of which are likely to have a lower traffic impact than a place of worship. Furthermore the presence of a CPZ in the local area will serve to restrain visitor parking, at least during the working week.

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 33.4 car spaces, a very significant increase over the 21.6 spaces calculated for the previously approved proposal. This could be reduced somewhat by the proposed options for affordable housing provision, however the combined parking demand would still be likely to exceed local parking supply. Given that the increase cannot be accommodated off-street or on-street in the locality of the site, a car-free scheme could be accepted provided this applies equally to all the proposed flats, and is secured via S106 Agreement, however a legal agreement has not been secured

The proposed balconies along the Church Road frontage appear to over sail the public highway, projecting from the building by as much as 2m. Transportation will not accept this level of over sailing as it would impact on Highway safety by, for example interfering with the servicing of street lights. On the same theme, the proposed porch over the Church Road entrance to the D1 unit projects into the highway by 1m at a minimum height of 2.8m above the highway. This will not conflict with any existing street furniture and so can be accepted. For the avoidance of doubt balconies on the extant permission were not as prominent (i.e. 1m deep – approx) and did not protrude as far as those proposed here (i.e. 2m deep - approx)

Visitors to the D1 unit have not been provided with cycle parking, while this should under PS16 of the UDP-2004 be provided at a rate of 1 space per 8 staff and/or visitors. It is not at this point clear how many staff and visitors will come to the site, as the use is not precisely defined, and even the layout of the D1 unit is not presently available. It will be possible to provide cycle parking within the private curtilage of the development site, for example in place of some of the soft landscaping on the Ilex Road frontage. Two “Sheffield” type stands (4 spaces) would cater for up to 36 staff and visitors, which seems a reasonable initial estimate.

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 as in the case of 11/2173 a maximum viable quantum of affordable housing in line with planning policy requirements. The applicant has proposed three options to meet the Councils requirements and these will be discussed in turn:

- 1) 26% shared ownership (12 flats) on a nil grant basis
- 2) 15% affordable rent (7 flats) on a nil grant basis
- 3) Commuted sum of £642.857 in lieu of on-site provision (£375,000 in 11/2173)

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.

Having assessed the application, the current proposal for the reduction in family sized accommodation from 4 to 1 is considered to be contrary to policy CP2 and CP21. The increase in 2-bed units would effectively replace the development of new family sized units (which previously gained permission) which would have contributed towards Brent's housing need. The provision of new family sized residential accommodation on the site was appropriate in helping to meet a known need in the borough and to contribute towards Brent's housing target as identified in CP21 and CP2.

### **Other**

#### **Environmental Health**

The development is located within an Air Quality Management Area and is therefore likely to contribute to background air pollution levels. No measures to mitigate against the impacts of dust and fine particles generated by the operation have been employed.

#### **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 had been agreed on the previous application. Whilst the applicant has suggested their willingness to enter into similar negotiations these arrangements can not be secured without a legal agreement.

#### **Mayors CIL**

If the application were to be approved, it would need to be chargeable to the Mayoral Community Infrastructure Levy.

**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. The applicant has not provided an assessment of proposed ground works.

**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. Members will be updated at the meeting

### **Conclusion**

While the principle of a residential development is acceptable as indicated by the approval of 11/2173, the proposal has a number of serious shortcomings which cumulatively result in an unacceptable scheme which would be detrimental to neighbouring amenity, highway safety and would fail to provide an acceptable quality of residential environment for future occupants. Primarily, given the overbearing scale and bulk of the apartment block, the detrimental impact on neighbouring amenity and poor form of accommodation proposed without a legal agreement to secure a car free development, housing contributions in Lieu and sustainability matters, it is clear that the proposal represents an overdevelopment of this site. The proposal fails to comply 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 unacceptable scheme. The proposal is therefore recommended for refusal

### **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Refuse Consent

## CONDITIONS/REASONS:

- (1) The proposed development, by reason of the design, overall size, siting, bulk, excessive height, proximity to site boundaries, relationship to the streetscene and neighbouring properties, ordinary elevational treatment and prominence on site would constitute an unacceptable form of development, detracting from the character of the locality and relating poorly to surrounding forms of development in particular to the streetscene of Ilex and Church Road. The proposal would thus result in a development that is to the detriment of the visual character and appearance of this area. As a result, the proposal would be contrary to policies BE2, BE9 and H12 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: Design Guide for New Development
- (2) The proposed development would result in the loss of family sized housing (As evident in previous planning permissions of 11/3173) for which there is an identified need within the Borough and as such the proposal would be contrary to policy CP2 and CP21 London Borough of Brent Core Strategy adopted 2010
- (3) The proposal by reason of reduced floor space, reduced height and single entry form would result in a loss of Community facilities contrary to policy CP23 of the adopted Core Strategy 2010
- (4) The proposed development, by virtue of poor quality adequate external amenity space, inappropriate stacking and poor outlook is considered to present an unacceptable form of accommodation for future occupiers. As a result, the proposal is contrary to policies H12 and BE9 of Brent's adopted Unitary Development Plan 2004 and Supplementary Planning Guidance SPG17:
- (5) The proposed development would, by reason of its height, size, siting, location of habitable windows and balconies be detrimental to the amenities of adjoining occupiers, by reason of loss of light, loss of outlook, loss of privacy and the creation of an overbearing impact on neighbouring amenity. The proposal would be contrary to policies BE9 and H16 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance SPG17: "Design Guide for New Development."
- (6) In the absence of a legal agreement to control the matter, the proposal fails to comply with the principles of sustainable development and would be harmful to the aims and objectives of the Council, which seek to ensure that new development and land uses achieve sustainable development, and is therefore contrary to Policies STR14 and BE12 of the Brent Unitary Development Plan 2004 and the guidance contained within Supplementary Planning Guidance SPG19: "Sustainable Design, Construction and Pollution Control".
- (7) In the absence of a legal agreement to control the matter, the development would fail to provide an acceptable mix and quantity of affordable housing, it would result in additional pressure on transport infrastructure, without a contribution to sustainable transport improvements in the area, an increased pressure for the use of existing open space in an area of open space deficiency, without contributions to enhance open space, an increased pressure for public sports facilities, without any contribution to the provision of sports facilities, and an increased pressure on education infrastructure, without any contribution to education improvements. As a result, the proposal is contrary to policies STR19, TRN4, TRN23 and OS7 of the adopted London Borough of Brent Unitary Development Plan 2004, policy CP2 of the adopted Core Strategy 2010, the Mayors London Plan and the Councils' Supplementary Planning Document;- s106 Planning Obligations.

- (8) The proposed balconies will oversail the public highway to the detriment of highway and pedestrian safety and will unacceptably prevent maintenance of the public highway and services located on it contrary to policies TRN3 and TRN34 of the adopted London Borough of Brent Unitary Development Plan 2004,

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

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