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**RECEIVED:** 4 June, 2009

**WARD:** Dudden Hill

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** Site of former White Hart pub, junction of Church Road and High Road, London, NW10

**PROPOSAL:** Erection of a part 2-, 3-, 4- and 6-storey building, comprising 76 flats (33 x one-bedroom, 35 x two-bedroom, 7 x three-bedroom and 1 x four-bedroom) with 27 affordable units, commercial space (Use Class A1/A2/B1) on the ground floor and provision of 45 car-parking spaces with access off Cobbold Road

**APPLICANT:** Paradigm Housing Group

**CONTACT:** KKM Architects

**PLAN NO'S:**

209011/001	209011/010
209011/030	209011/031
209011/032	209011/110A
209011/120B	209011/121B
209011/122B	209011/123B
209011/124B	209011/125B
209011/130B	209011/131B
209011/132B	2188-DT-01
2188-LA-01	

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**RECOMMENDATION**

Refusal

**SECTION 106 DETAILS**

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

- (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) 40% Affordable Housing - 20 social rented units in Core A and ground floor of Cores C, D and E (6x1bed, 6x2bed, 7x3bed and 1x4bed and 7 Intermediate units in D (4x1bed and 3 x2bed)
- (c) A contribution of between £140,600 and £337,800 (£3,000 per bedroom/ £2,400 for AH), index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area. 50% due on Material start. The further 50% on Practical completion unless the Council receives an acceptable independently inspected financial appraisal showing a return of less than 15%.
- (d) Sustainability - submission and compliance with a Sustainability check-list ensuring a minimum of 50% 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.
- (e) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an appropriate in-lieu payment to the council who will provide that level of offset renewable generation.

- (f) Join and adhere to the Considerate Contractors scheme.
- (g) Removal of the right of residents to apply for parking permits.
- (h) Prior to Occupation submit, gain approval for and adhere to a Travel Plan.

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

## **EXISTING**

The site, which was the location of the former vacant public house/hotel, function hall and outbuildings and a car park on which a market was held, is now vacant. It is 2,891sqm in total.

The site is located within Church End and lies opposite the Magistrates Court on the north side of High Road. Also to the north and east are light industrial and employment land uses, including the Homebase store. The site adjoins Cobbold Road to the south-east, which is a residential road with two storey terrace houses along its western side which back onto an employment use. White Hart Lane forms the sites south-western boundary, beyond which is the Church of the Miracles, Signs and Wonders. A signalled controlled junction lies immediately in front of the site to the west, forming the junction between Church Road and High Road, on the edge of the retail area of Church End.

## **PROPOSAL**

Erection of a part 2-, 3-, 4- and 6-storey building, comprising 76 flats (33 x one-bedroom, 35 x two-bedroom, 7 x three-bedroom and 1 x four-bedroom) with 27 affordable units, commercial space (Use Class A1/A2/B1) on the ground floor and provision of 45 car-parking spaces with access off Cobbold Road

## **HISTORY**

04/3002 Granted

Redevelopment of The White Hart Hotel and adjacent car park incorporating the erection of a two-storey building and a part 3-, 4- and 6-storey building comprising an indoor retail market, 61 residential apartments and car-parking at basement and subject to a Deed of Agreement dated 24<sup>th</sup> July 2007 under Section 106 of the Town and Country Planning Act 1990, as amended

04/2711 Refused, then Appeal Withdrawn

Redevelopment of The White Hart Hotel and adjacent car park incorporating the erection of a two-storey building and a part 3-, 4- and 6-storey building comprising an indoor retail market, 65 residential apartments and car-parking at basement level

03/0740 Appeal Dismissed

Redevelopment to provide a 3-storey building and a part 3-, 4- & 5-storey building comprising 41 one-bedroom, 19 two-bedroom, 1 three-bedroom, 4 four-bedroom apartments, 3 three-bedroom maisonettes, 1 four-bedroom maisonette, landscaping, industrial unit (Use Class B1)/or doctor's surgery (Use Class D1)

## **POLICY CONSIDERATIONS**

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

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

### **Site Specific Allocations - Proposed Submission June 2009 - CE3. Former White Hart PH and Church**

#### **SUSTAINABILITY ASSESSMENT**

A S106 agreement will require the scheme to achieve 50% on the Council's Sustainability Checklist. It would also be required by S106 agreement that the development offset 20% of the site emission with on-site renewable technologies and a CHP system is being considered.

#### **CONSULTATION**

##### **External**

The Owner/Occupiers of the neighbouring properties were consulted on 10th June 2009, and a site notice was posted at the site on 11th June 2009. 1 objection has been received.

- The height of the proposed 6 storeys would seriously block light and reduce privacy
- Concern about provision of more shop units as so many of the existing are empty
- Although plans include some parking it is not adequate for the number of properties which will place more pressure on parking in the area.
- Keen to see site redeveloped but the area is not spacious enough for a 6-storey building

Another objection was expressed over the phone but written comments have not been received.

Dudden Hill Ward Councillors were consulted on 10th June 2009, no comments have been received.

##### **Internal**

Landscape: Officer appreciate quality of landscaping but the actual amount of useable space is a negative. Loss of trees without replacement in current proposal and limited amount of proposed soft landscaping.

Transport: Objection - revisions have addressed the shortfalls identified

Environmental Health: Conditions about contaminated land required.

#### **REMARKS**

The proposal is for the erection of a part 2-, 3-, 4- and 6-storey building, comprising 76 flats (33 x one-bedroom, 35 x two-bedroom, 7 x three-bedroom and 1 x four-bedroom) with 27 affordable units, commercial space (Use Class A1/A2/B1) on the ground floor and provision of 45 car-parking spaces with access off Cobbold Road.

#### **Policy and landuse**

The site is allocated as CE3 with the Church End Growth Area in the 'Site Specific Allocations - Proposed Submission June 2009'. This allocates the site for '*mixed use redevelopment including residential and indoor market and amenity/open space although the Council will now consider financial contribution towards an open air market in the Church End local centre in lieu of on-site market provision and will accept small retail units on the ground floor of the development instead*'.

The site specific allocation document acknowledges the existing approval at the site (04/3002) and gives the indicative development capacity at 61 units.

The current proposal is for 76 residential units and a single commercial unit at ground floor. The uses are as suggested by the site specific policy but differ in their numbers. The number of residential units exceeds the 'indicative development capacity', there is no in principle objection to this but it indicates that the density would be significantly increased which results in an overall tightening of the scheme in terms of design and amenity space which are discussed below.

A single ground floor commercial unit of 360sqm is proposed. 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 proposed unit is significantly larger than the premises on Church Road but it is not considered to be overly large.

**Building form, design & scale**

The site is presently vacant. The existing permission (04/3002) for 61 flats takes the form of a part 3-, 4- and 6-storey building, as well as an individual 2-storey house. The new proposal retains the house, splitting it into 2 flats, and adds an additional, set back storey to the previous 3- and 4-storey sections resulting in the development being 4-, 5- and 6-storeys.

On the corner of the site between High Road, Church Road and White Hart Lane, where the White Hart public house was situated, it was previously considered acceptable for the building to be 6-storeys, this took the form of 4 main storeys with the 5th and 6th set back reducing their bulk. The change in the current proposal is the loss of the set back to the 5th storey but given the acceptability of the previous 6 storeys, the prominence of this location neighbouring the Church of Miracles, Signs and Wonders and the Court House opposite, the design with 5 main storeys and a 6th set back appears reasonable in the streetscene on the immediate corner. The addition of glazed elements in the balustrade to the 6<sup>th</sup> floor terrace has lifted the appearance of this section of the building. Other than these notably large scale buildings the area is characterised by 2 and 3 storey Victorian terraces on Ilex, Cobbold and Church Road.

The continued height of the building along High Road has increased the scale and bulk of the building. Continuing along High Road towards Cobbold Road the building steps down to 5 storeys and then 4 storeys on the High Road and Cobbold Road corner (in each case with the top floor set back but less so to the latter). The stairwells have been reduced in height to add some breaks to the otherwise long unbroken building lines.

The elevational design of the approved scheme 04/3002 encompassed windows inset from the elevation and a significant break between the 6- and 4-storey element. In this current proposal the 4- and 5-storey part of the building has a fairly attractive mix of materials with brick panels around windows and render surrounding giving a distinctive appearance, particularly at the curved end on the corner of Cobbold Road. Whilst the 6-storey part appears as quite a different building which, given the difference in scale, seems appropriate though there is no physical break at any point. Here the detail around windows appears metallic as the upper setback floor is.

**Dwelling Mix and Affordable Housing**

Beds	Total	Affordable
1	33	10
2	35	8
3	7	7
4	1	1

The mix of units is slightly improved on the approved scheme, providing proportionately more larger and family sized units.

Previously 23 of 61 units were proposed as affordable accommodation. The current proposal is creates a total of 76 flats of which 27 are envisaged as providing affordable accommodation. Their designation is as follows:

- 20 social rented units in Core A and ground floor of Cores C, D and E (6x1bed, 6x2bed, 7x3bed and 1x4bed)
- 7 Intermediate units in D (4x1bed and 3x2bed)

The Council's Housing Officers have indicated that a split of 18:9 would be preferable the proposal would be acceptable.

### **Accommodation for future occupants**

The standards set out in SPG17 are 45sqm, 55sqm/65sqm (for a 3 or 4 person), 80sqm and 90sqm respectively. All units internally meet or exceed minimum standards.

The stacking of the units is acceptable, without any apparent conflicts between uses above or below sensitive rooms.

There are a number of single aspect units, which was not avoided in the approved scheme 04/3002. Common features are combined living/kitchen rooms which are up to 9m in depth with a window opening onto a small balcony space at the living room end. Outlook then in some cases is quite limited, for example onto the narrow White Hart Lane facing the adjacent church or onto the vehicular accessway to the undercroft parking. Also in comparison with the previous scheme there are more bedrooms which face onto White Hart Lane and therefore are affected by the proximity of the church under 8m away.

The scheme provides parking at ground floor which is accessed via Cobbold Road. Vehicles would pass the garden of the proposed terrace building and would be in very close proximity to balconies and windows at first floor and above in Core D. This block is surrounded by the High Road to the north and then Cobbold Road leading to the vehicular accessway to its east and south. It is considered to be in quite a vulnerable position and the 3-bed maisonette unit on the corner is particularly exposed. This is a situation which officers are concerned about and it was hoped could be resolved in a more satisfactory way. A revision has been made to provide enclosed balconies facing the accessway, attempting to limit the impact of vehicles in close proximity on the use of these spaces.

Ground floor and first floor maisonette units have private access from the highway through small individual forecourts, which affords some clear separation of public and private space.

The distances between the habitable room windows facing into the courtyard is generally between 15-20m and is very similar to that previously approved. The distance at 1 point is a minimum of 10m where windows are not directly facing. The various cores are set at angles which helps this situation as usually a minimum of 20m would be sought. A notable difference to the disadvantage of the current scheme, is the omission of reasonably sized trees in the courtyard which would assist in breaking direct views between habitable rooms.

### **Amenity**

Amenity space is provided in the form of private balconies and roof terraces, communal roof terraces and a 'podium' space. Originally there was an overall average provision of 15sqm per unit, the applicant has now calculated that the overall provision is at most 84% of SPG17's standards. However it must be acknowledged that this is unevenly distributed. In the approved

scheme of 61 units, the requirement of 20sqm per unit was exceeded and it is apparent that the reduction in amenity space is an impact of the overall tightening of the scheme which has resulted from the increase in its density.

In terms of private balconies all units have a private balcony space ranging between 3.2sqm and 5.9sqm, this is significantly larger in 11 cases (4 units on the 6th storey with generous private terraces and 7 units with privately allocated space on the podium level), and access to communal space. The development is split into 4 'cores' which means communal roof terraces are accessible only to a single block. Core B has a good provision of communal roof terraces, measuring 141sqm, though this space is only accessible to occupants of Core B. Core A has a communal roof terrace of 35sqm whilst Core's C and D have none.

The final part of the amenity space is the podium which includes a children's play area. The communal podium space is 400sqm which is smaller than in the approved scheme, the children's play space is 45sqm, the same as the approved scheme, not having increased proportionately for a higher density scheme.

Core D, containing 3x3 bed maisonette units and designated as 'shared ownership', is at the worst advantage for amenity space. The balconies of up to 6sqm are still a significant under provision for family units and the communal space is relied upon to compensate. Access from this block to the podium is across the vehicular accessway and up the stairs which lead through the children's play space.

The site is in an area acknowledged as deficient in Local Level Open Space (over 400m from a public space of more than 2ha) as well as being deficient in District Level Open Space (over 1200m from a public space of more than 20ha). This further increases the importance of providing good levels of amenity space on site. A condition is suggested to increase the size of balconies where possible, this could be explored particularly for Core D.

### **Impact on neighbours**

In 04/3002 it was not considered that existing neighbours would be adversely effected by the scheme. The only difference in this respect is the addition of a floor which is unlikely to create so much additional overlooking as to make this unacceptable. The closest residential neighbours are to the south and east of the proposed building and should not therefore be impacted on in terms of light.

### **Transportation**

The position of the entrance gate allows for 8m of standing room meaning the highway would not be obstructed. 4 disabled parking spaces have been indicated which would satisfy standards.

45 car parking spaces are to be provided in total which is clearly less than a space per unit, even taking into account a reduced provision for the affordable units. In order for this to be acceptable and not impact on local surrounding Heavily Parked Streets a 'car-free' agreement is necessary and is included in the s106 Heads of Terms.

The headroom of the parking area must be 4.5m where servicing vehicles will need access, this includes an allowance of 500mm for ducting, services, lighting etc, 4.2m of actual headroom is required. The applicant has confirmed on plans that adequate clear head room will be maintained to ensure access is not problematic for larger vehicles.

With commercial vehicles expected to enter the car park the Council's Highways officers recommend that the width of the accessway should be 4.8m in width to allow delivery lorries and cars to pass one another with 450mm margins plus 4m kerb radii at the junction with Cobbold Road. These requirements have now been roughly achieved removing objections from Highways Officers.

The provision of a loading bay is essential to service the commercial unit, its proposed size and location are satisfactory.

Officers are not convinced that there is adequate space for the stated number of residential bicycle parking spaces and the proposal lacks any public bicycle parking necessary for the commercial part of the development. Details of both of these points will be required by condition.

When taking into account the requirements in litres for refuse and recycling storage for collection, the number and size of bins shown at ground floor level would be sufficient.

The expansion of the site on to White Hart Lane results in a narrow footway, the depth of proposed forecourts has been reduced to allow a minimum of 1.5m footway without expanding further into the already limited road width. There is a total width of 6m including both pavements and the road which should be sufficient. It is because this private road is so restricted in width that servicing is necessary from within the site.

It has been noted that, again in comparison to the approved scheme, there relationship between the proposed scheme and the public highway is tighter. It appears a more generous amount of the site itself was designated as public highway allowing more pavement, particularly around the commercial unit. Although there is no transportation objection there is a tight relationship between an existing bus stop on the pavement of High Road and the boundary walls of the front private forecourts.

## **Conclusion**

This is a scheme which the applicants view as viable and meeting their needs as a Housing Association, much of the assessment has been made with comparisons to the approved scheme 04/3002, which included an underground car park, and which the applicants now consider to be unfeasible.

The principle of a large building has been established as acceptable and the proposed design is not vastly different from the approval. Whilst all units meet minimum internal size standards there is approximately a 16% overall under provision in amenity space which will be more notable to some units than others as discussed above. The scheme is very tight, just satisfying transportations requirements and compensating for short distances between habitable windows by directing them slightly away from each other. Also, given its location it is inevitable that some units, or at least some habitable rooms within units, will have quite poor outlook i.e. onto White Hart Lane or over the vehicular accessway.

The scheme makes the very most that it can of the site and in the majority of instances should provide a good quality of accommodation.

## **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

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

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

Built Environment: in terms of the protection and enhancement of the environment  
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 the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

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

- (3) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed prior to occupation of the building.

Such scheme shall also provide details of:-

- (i) Proposed walls, indicating materials and heights.
- (ii) Proposed planting to all designated areas.
- (iii) Hard landscaping within site.
- (iv) Screening between terraces

Any shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced 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.

- (4) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-

- (a) enclosed balcony screens (Core D) including ventilation and operation

NOTE - Other conditions may provide further information concerning details required.

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

- (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) 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.

- (7) The commercial unit shall remain as 1 unit and not be subdivided without written approval from the Local Planning Authority.

Reason: Sub-division would cause additional parking and servicing requirements to the detriment of highway safety.

- (8) Notwithstanding the hereby approved plans details of cycle storage for all residential units, demonstrating capacity and useability, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building is occupied. In addition,

- 4 publicly accessible cycle spaces for the commercial unit.

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

- (9) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-

- (a) An increase in the size of balconies where possible, with particular attention to Core D.

NOTE - Other conditions may provide further information concerning details required.

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

- (10) Prior to the commencement of building works hereby approved, a site investigation shall be carried out by a person approved by the Local Planning Authority to determine the nature and extent of any contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain, treat or remove and contamination found. The results of the investigation shall be submitted to the Local Planning Authority and any remediation measures required by the Local Planning Authority shall be carried out in full.

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004.

- (11) A verification report shall be provided to the Local Planning Authority stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Local Planning Authority has previously confirmed that no remediation measures are required)

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

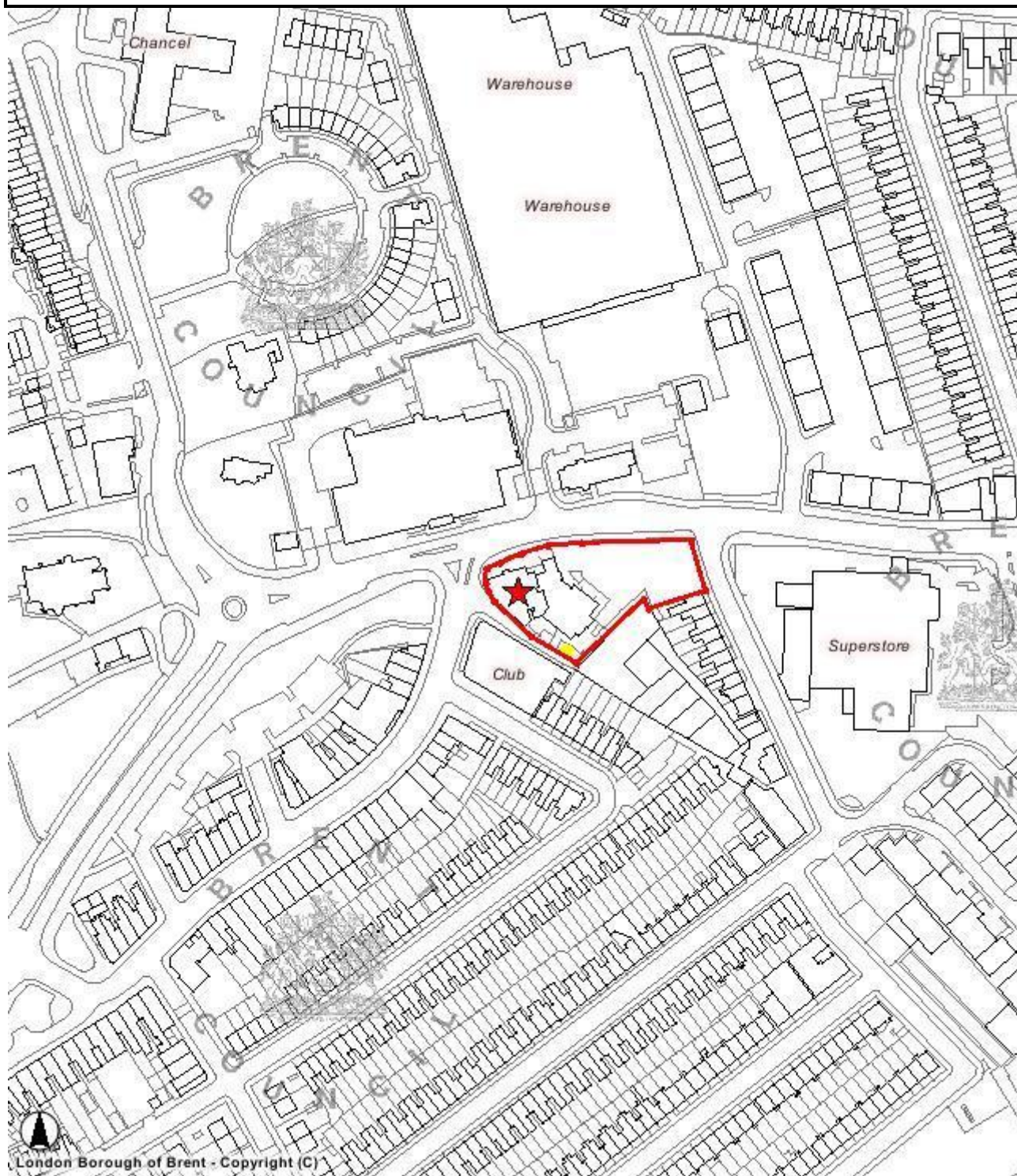
Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



### Planning Committee Map

Site address: Site of former White Hart pub, junction of Church Road and High Road, London, NW10

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