

RECEIVED: 2 May, 2006

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: 391-395, Chapter Road, London, NW2 5NG

PROPOSAL: Demolition of existing buildings and creation of 38 dwellings, comprising 3- and 5-storey building (block A-B) consisting of 28 self contained flats, 4-storey building (block C) consisting of 6 self-contained flats, 3-storey building (block D) containing healthcare premises on ground floor and 4 self-contained flats above, new electricity substation to rear of 24 Cooper Road, new vehicular access onto Cooper Road, new pedestrian access from Cooper Road to Chapter Road, provision of 4 car parking bays and provision of external bin stores (accompanied by Design Statement April 2006 and Ground Investigation Report April 2004.)

APPLICANT: Hill Lake Properties

CONTACT: Alexander Sedgley Ltd

PLAN NO'S:

- EX-01, 02 PL.
- SP-01 P2.
- GA-01, 02, 03 P2.
- GA-05, 06, 07, 08 P2.
- GA-09 PL2, GA10 PL3, GA11 P2.
- GA-12 PL, GA-13 PL, GA-14 P2, GA-15 P2.
- 3D-01, 3D-02 P2, 3D-03 P2.

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.
- Payment of £33,500 to go towards the provision of medical related facilities or other community use within the vicinity of the site;
- Payment of £19,750 to go towards improvements to non-car modes of transport or other highway improvements;
- Payment of £19,000 to go towards environmental improvements, or improvements to existing play areas, within the vicinity of the site;
- Payment of £5,000 to go towards the monitoring, and improvement, of air quality in the locality;

- Payment of £115,800 to go towards education contributions;
- A "car-free" development.
- Provision of a total of 15 units of affordable housing.
- The applicant shall include/retain appropriate design measures in the development for those energy and water conservation, sustainable drainage, sustainable/recycled materials, pollution control, and demolition/construction commitments made within Brent's Sustainability Checklist and other submitted documentation (or agreed by further negotiation), and adopt adequate procurement mechanisms to deliver these commitments.
- On completion, independent evidence (through a BRE Post-Construction Review) shall be submitted on the scheme as built, to verify the implementation of these sustainability measures on site, and the achievement of at least a "Good" rating on EcoHomes and/or BREEAM assessments.
- The applicant shall provide evidence that materials reclamation/recycling targets, negotiated using the Demolition Protocol (where relevant), have been implemented.
- If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the applicant shall either:
 - propose acceptable measures to remedy the omission; or, if this is not feasible,
 - propose acceptable compensatory measures on site; or otherwise:
 - pay to the Council a sum equivalent to the cost of the omitted measures, to be used by the Council to secure sustainability measures on other sites in the Borough.

EXISTING

This is a currently vacant site on the northern side of Chapter Road, adjacent to the entrance through to Dollis Hill underground station. Buildings on different parts of the site have previously been used for food preparation purposes, as well as a community centre. There are currently two vehicle access points to the site, from Chapter Road and Cooper Road.

The site is identified in the adopted Brent UDP as Site Specific Proposal HP6. This policy sought the removal of an existing bad-neighbour use and indicated that if this did not happen, then the provision of housing on the site would not be suitable. This planning application does involve the land previously occupied by the bad-neighbour. In addition, HP6 requires the retention of a community use on the site.

PROPOSAL

Demolition of existing buildings and creation of 38 dwellings, comprising 3- and 5-storey building (block A-B) consisting of 28 self contained flats, 4-storey building (block C) consisting of 6 self-contained flats, 3-storey building (block D) containing healthcare premises on ground floor and 4 self-contained flats above, new electricity substation to rear of 24 Cooper Road, new vehicular access onto Cooper Road, new pedestrian access from Cooper Road to Chapter Road, provision of 4 car parking bays and provision of external bin stores.

HISTORY

00/0727 - Change of use from day-centre to business office, high-tech & light industry (Use Class B1), conversion of offices to 3 self-contained flats, demolition of lobby and alteration to floor in sports hall and erection of double garage. Appeal dismissed.

01/0274 - Conversion and extension to build mixed use comprising 5 no. live/work units, 1 no. detached house, community rooms, applicant's food preparation areas and flat; demolition of 2 rear lobby/store areas and erection of double garage. Withdrawn.

05/2052 - Demolition of existing vacant warehouse, office and existing community care day-centre, erection of part two-, three- and four-storey building for use as surgery, erection of part three- and four-storey building, consisting of 11 self-contained units, erection of part four-, five- and six-storey building, consisting of 37 self-contained units, provision for 6 parking bays, bike store, refuse-storage area. Withdrawn.

In addition, there have been a number of planning applications submitted in relation to the adjacent No's 387-389 Chapter Road site, a cleared site previously occupied by a two storey building in use as a recording studio, none of which have as yet had a decision on them.

06/0823 -Erection of a 3 storey building comprising 12 self contained flats (6 x 1 bed, 4 x 2 bed and 2 x 3 bed) including cycle racks storage, bin and recycling stores, soft and hard landscaping (as accompanied by Urban Design Statement dated 20 February 2006). Withdrawn June 2006.

05/2378 - An application for the erection of a four-storey building with roof garden, comprising 4 live/work units and 10 self-contained flats, including bin store and associated landscaping was withdrawn in November 2005.

04/2724 An application for the erection of a part 7-, part 8-storey building comprising 36 units: 8 one-bedroom and 28 two-bedroom self-contained flats was withdrawn in November 2004.

POLICY CONSIDERATIONS

The following policies and standards contained within the Council's Adopted Unitary Development Plan 2004 are considered to be relevant to consideration of the application.

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.

BE1- requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.

BE2 - Proposals should be designed with regard to their local context, making a positive contribution to the character of the area.

BE3 - relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.

BE4 - states that developments shall include suitable access for people with disabilities.

BE5 - Proposals should, amongst other things, clearly defined public, private and semi-private spaces in terms of their use and control.

BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, boundary treatments to complement the development and enhance the streetscene.

BE7 – A high quality of design and materials will be required.

BE9 - Creative and high-quality design solutions (for extensions) specific to site's shape, size, location and development opportunities Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality materials.

BE12 - states that proposals should embody sustainable design principles commensurate with the scale and type of development.

EP3 - requires developments within Air Quality Management Areas to support the achievement of National Air Quality Objectives.

H1 - A net additional housing of at least 9650 (480 per year) dwellings should be provided between 1997 and 2016 (of which at least 4800 should be affordable) subject to suitable locations and the maintenance of a quality environment.

H11 - Housing will be promoted on previously developed urban land which the Plan does not protect for other land uses.

H12 - Layout and urban design of residential development should reinforce/create an attractive/distinctive identity appropriate to the locality, housing facing streets, have access and internal layout where cars are subsidiary to cyclists and pedestrians, appropriate car parking and cycle parking, where dedicated on-street parking is maximised as opposed to in curtilage parking and avoids excessive tarmac and provides an amount and quality of open landscaped area appropriate to the character of the area, local availability of open space and needs of prospective residents.

H13 - The appropriate density will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites and meets the amenity needs of potential residents. The most dense developments will be in areas with good and very good public transport accessibility. Surrounding densities should at least be matched unless it would harm residential amenity. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.

H14 - States that planning permission will be refused where development would under-utilise a site.

H15 - States that the density and height of any buildings should be subsidiary to the street fronting development.

EMP9 - stipulates that the development of Local Employment Sites for uses other than those employment uses such as B1, B2 and B8 will not be permitted except where there would be unacceptable environmental problems associated with the use of the site for employment use, or there is no effective demand for the premises and no reasonable prospect in the medium term of re-use, or redevelopment to modern standards.

TRN3 - Where a planning application would cause or worsen an unacceptable environmental impact from traffic generated it will be refused, including where:

(a) The anticipated level of car generation/attraction is greater than the parking to be provided on site in accordance with the Plan's standards and any resulting on-street parking would cause unacceptable traffic management problems; and/or

(b) The proposal would have unacceptable environmental problems such as noise or air quality (especially affecting air quality management areas); and/or

(c) The development would not be easily and safely accessible to pedestrians and/or cyclists; and/or

(d) Additional traffic generated would have unacceptable consequences in terms of access/convenience for pedestrians and/or cyclists; and/or

(e) The proposals would produce unacceptable road safety problems; and/or

(f) The capacity of the highway network is unable to cope with additional traffic without producing unacceptable levels of traffic congestion – especially where this would hinder the ability of the Strategic Road Network and/or London Distributor Roads to cope with through trips, or would introduce through traffic onto local roads; and/or

(g) The proposal would cause a significant increase in the number and/or the length of journeys made by the private car.

TRN11 - Developments shall comply with the Council's minimum cycle parking standard (PS16); with parking situated in a convenient, secure, and where appropriate sheltered location.

TRN23 - Parking standards for residential developments require that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.

TRN35 - On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.

PS14 - Residential parking standards - Maximum of 1.2 spaces per for 2 bedroom units. Spaces should be unallocated as far as possible.

PS15 - 10% of spaces should be widened to 3.3 metres for disabled parking. A minimum of 1 space will be required for developments of 10 units or more.

PS16 - 1 cycle parking space per unit

HP6 - Site Specific Proposal.

Supplementary Planning Guidance(SPG) 17 - "Design Guide for New Developments".

Supplementary Planning Guidance(SPG) 19 - "Sustainable Design, Construction & Pollution Control".

SUSTAINABILITY ASSESSMENT

A sustainability checklist has been submitted with this application and an assessment of the checklist can be found in the main body of the report.

CONSULTATION

A total of 220 letters to residents were sent out on 9 May 2006. In addition, a series of site notices were posted in the vicinity of the site along both Chapter and Cooper Roads on 11 and 17 May 2006. A press notice advertising the development as being of public interest appeared in a local newspaper on 18 May 2006.

A total of 4 letters have been received making some, or all, of the following points:-

- what about the impact on car parking problems? The roads are busy already.
- vehicular access to Cooper Road will change the character of the road. It will not be able to cope with the additional traffic generated by the development.
- only 4 car parking spaces for the number of flats proposed will cause parking problems.
- no buildings over 3 storeys in height should be allowed.
- development will add to crime levels.
- connection between Chapter Road and Cooper Road is out of the question.
- site should have a supermarket, bank or post office on it, rather than more flats.

During the lifetime of the application, it has transpired that the previously expressed support from the Brent PCT for a three storey medical centre, fronting Chapter Road, has been retracted and the development proposal has been changed to reflect this. Residents were informed about the changes to this frontage block D in a letter dated 10 July 2006 and any additional comments received will be reported orally at the meeting.

LANDSCAPE DESIGNER

There is some concern about the limited scope for the landscaping of the site. There are no features on site worthy of protection and the site is not in a Conservation Area. If consent is granted, this should be with a condition requiring details of a landscaping scheme to be agreed. The contribution of £19,000 towards off-site environmental improvements, or improvements to existing play areas, nearby is noted.

HIGHWAY ENGINEER

No objections, subject to the application scheme being "car-free" and a contribution be paid towards non-car access improvements in the vicinity of the site, as per the normal arrangements for residential developments of this kind.

ENVIRONMENTAL HEALTH OFFICER

Makes a number of detailed comments on the proposal concerning the fact that the site might be contaminated, it falls within an Air Quality Management Area (AQMA) and that it should comply with the principles of the Council's SPG19 on sustainable development.

REMARKS

Introduction

This site has been the subject of numerous pre-application consultations with the Planning Service in recent years, along with formal planning submissions that have been summarised above. In addition, the adjacent site at No's 387-389 Chapter Road has had a similar long history of development proposals, since the use of that site ceased. Despite the submission of numerous applications over time, it is a number of years since a formal decision was made by the Council as applications are always withdrawn before determination. Members will be aware that an application for the adjacent site was due to be considered at the last Committee, but was withdrawn prior to a decision being made.

These two most recent applications, despite the sites to which they relate being physically adjacent to each other, have been submitted by different applicants and with different architects representing them. Advice given to all parties over time by Council Officers has been that the two sites should ideally be considered comprehensively in one formal submission, so as to allow a proper consideration of the development of the site to take place. However, for whatever reason, this has not been achievable and we have the current situation, which does at least provide for some sort of "Masterplan" for the two sites, with each submission showing the other development on its own drawings. Nevertheless, there remains the situation that in the event that planning permissions were forthcoming for both sites, (or one might secure a consent whilst the other would not), only one of them might be implemented and this needs to be taken into account in considering the proposals as free-standing applications, regardless of what the "Masterplan" shows.

Principle of the Use

The site was most recently used as a food preparation business and a community centre, although these uses ceased a number of years ago. Much further back, this site was the Grunwicks factory, the scene of a famous, and long-running, industrial dispute in the 1970's. There is a site specific proposal in the adopted UDP that relates to this site. HP6 indicates that the development objectives for the site are:-

"Former industrial building partially in community use well suited to live-work development & community use. Housing not suitable if developed next to existing bad neighbour industry on part of the site."

The principle of developing the site for residential purposes (38 units in total, with 23 for private sale and 15 being affordable) is, therefore, considered to be acceptable, as is the provision of a medical centre to compensate for the loss of the existing community facility on the site. The discussion below relates to whether, or not, the replacement provision is adequate compensation for the Centre's loss.

Metropolitan Housing Trust (MHT) has been involved with the development of the scheme and have confirmed, in writing, their support for the proposal. 40% affordable housing is offered on a unit basis and the Council's Housing Service have confirmed that the mix, and number of units, are acceptable, taking into account the physical constraints of the overall site. For their part, MHT have stated that they "are confident that there is strong need for such accommodation in Brent....."

Provision of a Medical Centre

Until recently, the application proposal included a 3 storey building fronting Chapter Road that would have been used as a medical centre. Information submitted to your Officers indicates that this level and type of accommodation met the minimum requirements of Brent PCT and it was on this basis that the building was submitted in the form that it was.

It now transpires that during the lifetime of this planning application the Brent PCT have indicated that they are, in fact, no longer interested in the site and will not consider funding the project to enable any GP practice to occupy this building. As a result, there is a real issue about the fact that the medical centre which was considered to represent an adequate replacement for the loss of the original community centre use on the site, is now not going to take place as proposed. As indicated above, the retention of a community use on the site is a specific requirement of site specific proposal HP6 in the UDP.

The situation is unfortunate for all concerned. Despite having originally proposed a new purpose-built medical centre, the PCT have suggested that, at this time, they are considering other ways of meeting the health needs of the community in this part of the Borough. In connection with this point, the applicants have changed their plans to now provide for medical care related accommodation at ground floor level, but with a total of four self-contained flats in the upper floors. The applicants have made it clear that they do not have a specific user in mind for the ground floor accommodation.

The issue is finely balanced, and Officers consider that it is absolutely critical to ensure adequate replacement for the former community use on the site. At the same time, the PCT appear to have revised their ideas for this part of Brent and have decided to look again at health provision for this part of the Borough. Recent experience has made it clear that there is little point in officers continuing to insist on a three storey medical centre building without the necessary support from the PCT. To compensate for the reduction in facilities, officers have, however, negotiated a sum of £33,500 to go towards the provision of health-related proposals or other community related uses within the locality. It is considered that the combination of a ground floor medical centre, controlled by condition, and a financial contribution of the sum agreed means that the loss of the former community use on the site can be accepted.

Highway Matters

A new pedestrian and vehicular access is proposed from Cooper Road at the rear of the site, and a total of four disabled parking spaces will be provided, being the only car parking.

The application site is located on the north-western side of Chapter Road, a local access road. Chapter Road is defined as being "heavily parked" and the site lies within a Controlled Parking Zone (CPZ). Access to public transport is classed as being very good, as the site is immediately next to Dollis Hill Station (Jubilee Line) and at least six bus routes are within close walking distance.

Car parking standards for the existing site, which comprised some 945sqm of B1/B2 floorspace, would have allowed a maximum parking provision of three car spaces and the proposed residential redevelopment would represent a significant increase in the standard, even at the lower residential parking level. The 35 flats will attract a maximum of 24.5 car spaces, and the proposed surgery would be allowed a maximum 1 car space per 5 staff. It would not be acceptable to provide for these spaces on-street and there is limited space on site in order to provide car parking for this scheme.

The applicants are proposing a predominantly "car-free" scheme, with two bays intended for drivers with disabilities, and a further two for the surgery itself. In both cases these comply with existing parking standards, while the PTAL rating and the existence of a CPZ allow the principle of a "car-free" scheme in this case to be accepted, subject to this being secured by a Section 106 legal agreement.

Bicycle parking requirements (PS16) seek 1 space per proposed flat, plus for the surgery 1 space per 5 staff and a further 1 space per 5 visitors. The submitted drawings indicate a scheme that meets this standard in numerical terms and, although the provision of some of the spaces at upper floor level is not ideal, it is considered that the proposal would meet the aspirations of the Council to provide a genuinely balanced approach to car and non-car modes of transport.

In terms of the details of the scheme, the Council's Transportation Engineer has made a number of additional comments:-

- Footpath links within the site are well provided for, with the main route 3 metre in width, and the other site footways all between 1.5m and 2m in width. The main footway will need to be adopted by the Council as highway through a Section 38 Highways Agreement as a condition of any approval.
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- The applicant mentions in the design statement an interest in implementing a "Car Club" scheme. This will also need to be secured within the S106 Agreement.
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- A standard contribution of £1,000 per flat would normally be sought in schemes of this nature to go towards matters such as the improvement of non-car access, highway safety, new parking controls and a City Car Club. However, in this case, the applicant has argued that the fact that they are creating a link through the site from Cooper Road and Chapter Road, thus improving pedestrian access in the area should be considered to off-set at least some of the financial contribution normally sought. The Transportation Engineer has considered the matter carefully and has decided that it would be appropriate in this case to accept a lower amount (£19,750 rather than £39,500).
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- Any gate or barrier at the Cooper Road entrance must not open out into the highway. The redundant crossover onto Chapter Road shall be reinstated as kerb-and-channel.

Design of Buildings and Impact on the Streetscene

A significant amount of work has been undertaken by your officers over a number of years and also during the lifetime of this application in order to get a scheme which, in design terms, is now considered to be acceptable. This application indicates that the heights of the buildings proposed are a combination of three, four and five storey elements. It is considered that there is, in principle, no objection to the provision of this height of building on this site, providing that it can work in streetscene terms and can relate to adjacent buildings in an acceptable way.

The site occupies a fairly prominent location, with views of it from Chapter Road, Cooper Road and the railway to the rear. The fact that the applicant has paid attention to this rear elevation, in terms of the treatment of the building, is something that does not always happen on developments close to railway lines and is a positive feature of the scheme.

Blocks A and B would be a maximum of 5 storeys in height sited parallel to the railway line, whilst block C would be 4 storeys in height sited adjacent to the Cooper Road entrance to the site. Block D would be 3 storeys in height and would front onto Chapter Road, taking reference from and relating well to existing buildings around the entrance into Dollis Hill tube station. It is considered that the scheme would provide for a modern, well proportioned development which, although different to what is around, would be acceptable in its own right, but would still relate well to the character and appearance of the locality. There is no objection to the proposal in urban design terms.

The front elevation of block A and B has a four storey expression, with a set back top (fifth) floor. This reduces the scale and impact of the building when viewed from the nearby roads. In addition, it is considered that the appropriate use of materials, along with the proposed fenestration and articulation of the front (and rear) elevation, serves to break up the overall mass of the development. As indicated above, and as alluded to in the "History" section of this report, it has been a difficult task to get a scheme that officers have felt able to support in terms of the design and appearance of buildings, but also the amount of total development proposed for the site, and although it is acknowledged that this application does envisage a relatively intensive use of the site (a perception that is certainly not helped by the fact that so little activity, of any description, has taken place on the site over recent years) it is considered that this is the sort of site, given its location immediately adjacent to an underground station with very good access to public transport, that is appropriate for developments of this kind.

Amenity of Future Occupiers

The Council's SPG17 "Design Guide for New Development" is the starting point for the assessment of this residential development. One of the key sections in the SPG covers the standards that would be applied relating to the required distances between habitable-room windows and other windows, as well as site boundaries.

It is considered that the standard of amenity that would be enjoyed by future occupiers of the proposed units within the development would be acceptable, in terms of the room sizes proposed and the relationship between different units.

SPG17 sets out the minimum unit sizes for flats having different numbers of bedrooms. The Council's current standards seek the following flat sizes as a minimum:

- 1-bedroom flat – 45 square metres.
- 2-bedroom (3-person) flat – 55 square metres.
- 2-bedroom (4-person) flat – 65 square metres.
- 3-bedroom flat – 80 square metres.

An assessment of the current proposal indicates that the flats shown on the plans meet the Council's guidelines, in quantitative terms. There is an issue about the fact that there are windows proposed for the rear elevation of Blocks A & B facing the railway line and this will have an impact on the quality of outlook likely to be enjoyed by people in those rooms. However, the units concerned are all dual aspect flats, with the main living room area and largest bedroom (in the case of the larger units) to the front of the building. It is a balanced assessment, and is one that will need to be made on all of sites like this which back onto a railway line, but it is considered that the development proposed would provide for an adequate standard of amenity for occupiers of blocks A & B.

There is a related issue here in that the application proposes the erection of a residential development immediately adjacent to the potentially noise generating railway line. PPG24 on "Noise" sets out various categories of sites and indicates the level of remediation measures that are considered necessary in order to ensure that the occupiers of the flats will have their amenities protected. The applicants have indicated that the acoustic report produced by consultants indicates that this is a Category C site. PPG24 states that planning permission should not normally be granted on these sites. Conditions should be attached to any consent that is issued requiring a scheme of insulation works to be approved and implemented prior to the occupation of the development.

The applicants have indicated that they are aware of the implications of the noise report and that they will be content with a condition requiring a scheme to be agreed which provides a commensurate level of protection against noise. In the circumstances, it is considered that this issue can be adequately addressed in order to protect residential amenity.

In terms of detached blocks C and D, it is considered that the quantity and quality of the proposed accommodation would meet SPG17 in terms of outlook, privacy and relationship with nearby occupiers.

Amenity Space Provision

There is an issue here about the amount of amenity space available for the future occupiers of the proposed units. There is a limited amount of greenery and open space on the site, given the obvious physical constraints here, and the site is located in an area identified in the UDP as an area of public open space deficiency. The form of the rear building, stepping down at one end, does allow for a communal roof terrace for the benefit of occupiers of Block A at upper floor level. In addition, there is also a small communal area to the rear of Block C and at the end of Block A. A number of units in Blocks A and B have external terrace/balcony areas at upper floor levels and Block D also have designated ground floor areas as well as a terrace above.

The Council's Landscape Designer has indicated that he considers that there is, on balance, sufficient scope on site in order to provide for a landscape treatment of the development. A condition should be attached to any approval requiring details of this landscaping in order to ensure that the areas are treated as garden space and not just areas of lawn. The current absence of any greenery on the site needs to be taken into account.

Nevertheless, the amount of amenity space available for occupiers is a critical consideration, particularly given the number of larger units proposed. The applicants have indicated their willingness to make a financial contribution to, amongst other things, improvements to existing areas of open space in this part of the Borough or other environmental improvements. It is considered that this would be absolutely essential in the circumstances and that there are a number of existing areas in the locality that would benefit from improvements. These would contribute to a general enhancement in the level of amenity enjoyed by, not only future occupiers of this development, but also other existing and future residents of this part of the Borough. Whilst no specific projects are identified at this stage to benefit from the monies offered, as indicated, there are a number of areas of open space in the locality that could be selected. The amounts offered (£19,000) are in line with comparable developments with similar open space shortages and represents an opportunity to improve both existing open spaces and the general environment.

Impact on Residential Amenity

The site is currently vacant, although there are buildings on it. These buildings inevitably previously had an impact on people living nearby, as a result of their height, scale and siting, and in the case of the food manufacturer, smells and fumes, (it was specifically referred to as a "bad neighbour" in site specific proposal HP6) so it is important to take this situation into account in assessing what the impact on residents would be as a result of this application proposal.

It is considered that the proposed buildings would not impact to a significant degree on the nearby properties, by reason of a combination of careful siting and treatment of the elevations of the proposed buildings and the fact that the existing buildings on site already have an impact on those living nearby.

The applicants have been asked to provide a series of sections through this, and the adjacent Chapter Road properties, in order to compare the relationships between the sites. What this information shows is that, in terms of the overall, and relative, heights, the situation towards the front of the site (Blocks C and D) would be no worse than that existing, given the fact that the building would be sited away from the boundary with the rear gardens/windows of Chapter Road.

Further into the site, the relationship changes in that there are buildings proposed in parts of the site where there are none at present. However, it is considered that given the separation distance between the existing and proposed buildings, the amenities of those residents in Cooper Road should not be affected so significantly so as to justify withholding consent. The issue of a potential loss of privacy is also dealt with by virtue of the fact that the windows in the flank elevations of the proposed buildings, at upper floor levels, will either be obscure glazed, sited at high level or be angled in such a way so as to physically prevent overlooking. In the event that consent were to be granted here, details of the treatment of all these flank windows, which could potentially result in a loss of amenity, should be conditioned.

As with many aspects of the scheme, this assessment is balanced, given that it is evident that things will change for those people living nearby, but given the location of the site and the form of development in the area, the proposed relationship would be acceptable. A further consideration here, in terms of evaluating the impact on residential amenity, is the fact that as mentioned above the existing use of the site (which has patently been underused for sometime) could potentially be intensified at any time in the future with a subsequent impact on the amenities of those living nearby.

Sustainability Issues

As this is a residential development consisting of over 10 units, a Sustainable Design checklist is required, in order to comply with the Council's adopted SPG19 and such a document has been submitted.

The applicant's Sustainability Checklist has been assessed. Their self-assessment indicated 56.5% or 'Very Positive', however, officer assessment rates the scheme as 23% (at the top of 'Fairly Detrimental'). This figure could be significantly improved with a bit more attention to the form of development.

The applicant has made unsubstantiated claims within the Checklist that are not validated in the submitted scheme. In order to ensure that the development achieves an acceptable level of sustainability, the following clauses need to be included in the S106 agreement to secure the sustainability measures claimed by the applicant, and ensure compensation in the event of non-compliance on site:

- The applicant shall include/retain appropriate design measures in the development for those energy and water conservation, sustainable drainage, sustainable/recycled materials, pollution control, and demolition/construction commitments made within Brent's Sustainability Checklist and other submitted documentation (or agreed by further negotiation), and adopt adequate procurement mechanisms to deliver these commitments.
- On completion, independent evidence (through a BRE Post-Construction Review) shall be submitted on the scheme as built, to verify the implementation of these sustainability measures on site, and the achievement of at least a "Good" rating on EcoHomes and/or BREEAM assessments.
- The applicant shall provide evidence that materials reclamation/recycling targets, negotiated using the Demolition Protocol (where relevant), have been implemented.
- If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the applicant shall either:
 - propose acceptable measures to remedy the omission; or, if this is not feasible,
 - propose acceptable compensatory measures on site; or otherwise:
 - pay to the Council a sum equivalent to the cost of the omitted measures, to be used by the Council to secure sustainability measures on other sites in the Borough.

Relationship with Adjacent Site

As indicated above, Officers have consistently asked all parties to consider submitting one application for both this and the adjoining site so as to allow a comprehensive assessment of both to be made. This has not

happened, but it is considered that in spite of this it would be possible for this scheme to be built out independently of whether anything happens on the adjoining smaller site. The development of this site would not prejudice that of the other and, although it would be much more sensible to consider this as one site, the fact that it has been submitted as two is not a problem in planning terms.

Summary of Financial Contributions

In addition to the matters mentioned above relating to the scheme being "car-free" and the need to ensure that the proposal constitutes a sustainable form of development, Officers have also negotiated the following contributions to ensure that the impact of the development on this part of Brent is minimised:-

- £33,500 to go towards the provision of medical related facilities or other community uses within the vicinity of the site;
- £19,750 to go towards improvements to non-car modes of transport or other highway improvements;
- £19,000 to go towards environmental improvements, or improvements to existing play areas, within the vicinity of the site;
- £5,000 to go towards the monitoring, and improvement, of air quality in the locality;
- £115,800 to go towards education contributions.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

- Brent's Unitary Development Plan 2004
- Central Government Guidance
- Council's Supplementary Planning Guidance

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

- Built Environment: in terms of the protection and enhancement of the environment
- Environmental Protection: in terms of protecting specific features of the environment and protecting the public
- Housing: in terms of protecting residential amenities and guiding new development
- Transport: in terms of sustainability, safety and servicing needs
- Community Facilities: in terms of meeting the demand for community services
- Site Specific Policies

CONDITIONS/REASONS:

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

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

(2) The development hereby approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith.

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities of the locality.

(3) All areas shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in

accordance with a detailed scheme to be submitted to, and approved by the Local Planning Authority, prior to commencement of any demolition/construction work on the site, and such landscaping work to be completed prior to occupation of the buildings and thereafter maintained to the satisfaction of the Local Planning Authority.

The scheme shall also indicate:-

- proposed walls and fencing, indicating materials and heights;
- other appropriate matters within the context of a landscaping scheme, such as details of seating, usage of areas and areas of hardsurfacing.
- treatment of the area fronting Chapter Road adjacent to Block D.
- treatment of the roof terraces, including methods of screening the areas to prevent overlooking.

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

Reason:

To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the area.

- (4) Before building works commence on the site, a scheme providing for the insulation of the proposed dwelling units against the transmission of external noise (and vibration) from the adjacent railway line shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed to the satisfaction of the Local Planning Authority before any of the dwelling units are occupied.

Reason:

To safeguard the amenities of the future occupiers of the development and in order to comply with PPG24 "Planning & Noise".

- (5) Further details of the proposed development shall be submitted to and approved 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:-

- details of refuse and recycling facilities.
- details of bicycle storage facilities.
- details of precise methods of screening of electricity sub-station and methods (eg: levels) by which visual impact would be reduced.

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

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

- (6) During demolition and construction on site:-

- (a) - The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site;
- (b) - The operation of site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Hoidays;
- (c) - Vehicular access to adjoining and opposite premises shall not be impeded;

- (d) - All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only;
- (e) - No waste or other material shall be burnt on the application site;
- (f) - All excavated topsoil shall be stored on the site for reuse in connection with landscaping.
- (g) - A barrier shall be constructed around the site, to be erected prior to demolition;
- (h) - A suitable and sufficient means of suppressing dust must be provided and maintained.

Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of noise and disturbance.

- (7) Details of materials for all external work (including windows, balcony details, external walkway's) including samples, shall be submitted to and approved by the Local Planning Authority before any work is commenced.

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

- (8) The ground floor of Block D, as shown on the approved drawings, shall be used as a medical centre, (or a health related use), and shall not be used for any other purpose within Use Class D1, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure that no other use commences without the prior permission of the Local Planning Authority, in order to comply with land-use policies, and to enable other uses to be considered on their own merits.

- (9) Any gates at the Cooper Road access into the site shall open into the site at all times, and shall under no circumstances, open out across the highway. Furthermore, all existing vehicular crossovers rendered redundant by the development, hereby approved, shall be made good, and the kerb reinstated, at the expense of the applicants prior to the first occupation of the development.

Reason:
In the interests of highway safety.

- (10) Further details of the precise treatment of flank windows in the buildings hereby approved shall be submitted to, and approved in writing by the Local Planning Authority in order to ensure that there would be no loss of amenity to people living nearby. These details should include the nature of obscure glazing, high level design or physical measures to protect privacy.

Once approved, these details shall be implemented and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

- (11) The development hereby approved, shall not be occupied until a footpath/cycle path has been provided through the site linking Cooper Road and Chapter Road and has been constructed to adoptable standards. The route shall thereafter be offered for adoption as highway to Brent Council.

Reason:
To improve non-car accessibility in the locality.

- (12) Further details of the methodology for treating and removing the Japanese knotweed from the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the development commencing. The removal shall be carried out in accordance with these details.

Reason:
In the interests of amenity.

(13) Prior to the commencement of the development (hereby permitted):

- a site investigation shall be carried out by an appropriate person 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 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 any contamination found and
- a completion report and certification of completion shall be provided to the LPA by an appropriate person stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use

Reason: To ensure the safe development and secure occupancy of the site proposed for use in accordance with UDP policy EP6.

(For further information or advice please contact Ciara Longman of Environmental Health on 0208 937 5252).

(14) With regards the electricity sub-station proposed for the site, the applicant must submit the following:

- The magnitude of the electric and magnetic field at the base station based on its maximum usage and an assurance that the station will remain compliant with the ICNIRP recommendations;
- The projected electric and magnetic fields at the site boundary (compared to existing background) and that at the nearest residential premises.
- Details of noise/ vibration mitigation measures in the installation such as acoustic insulation/ screening or anti-vibrational mountings.
- Details of the distance of the station from the nearest residential/ work premises (the applicant should ensure that the installation is at least 10m from adjacent residential premises as a precautionary measure).

Reason:

In the interests of residential amenity and to allow the Local Planning Authority to exercise proper control over the development.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

- Brent UDP 2004
- SPG17 and SPG19
- 4 letters of objection.

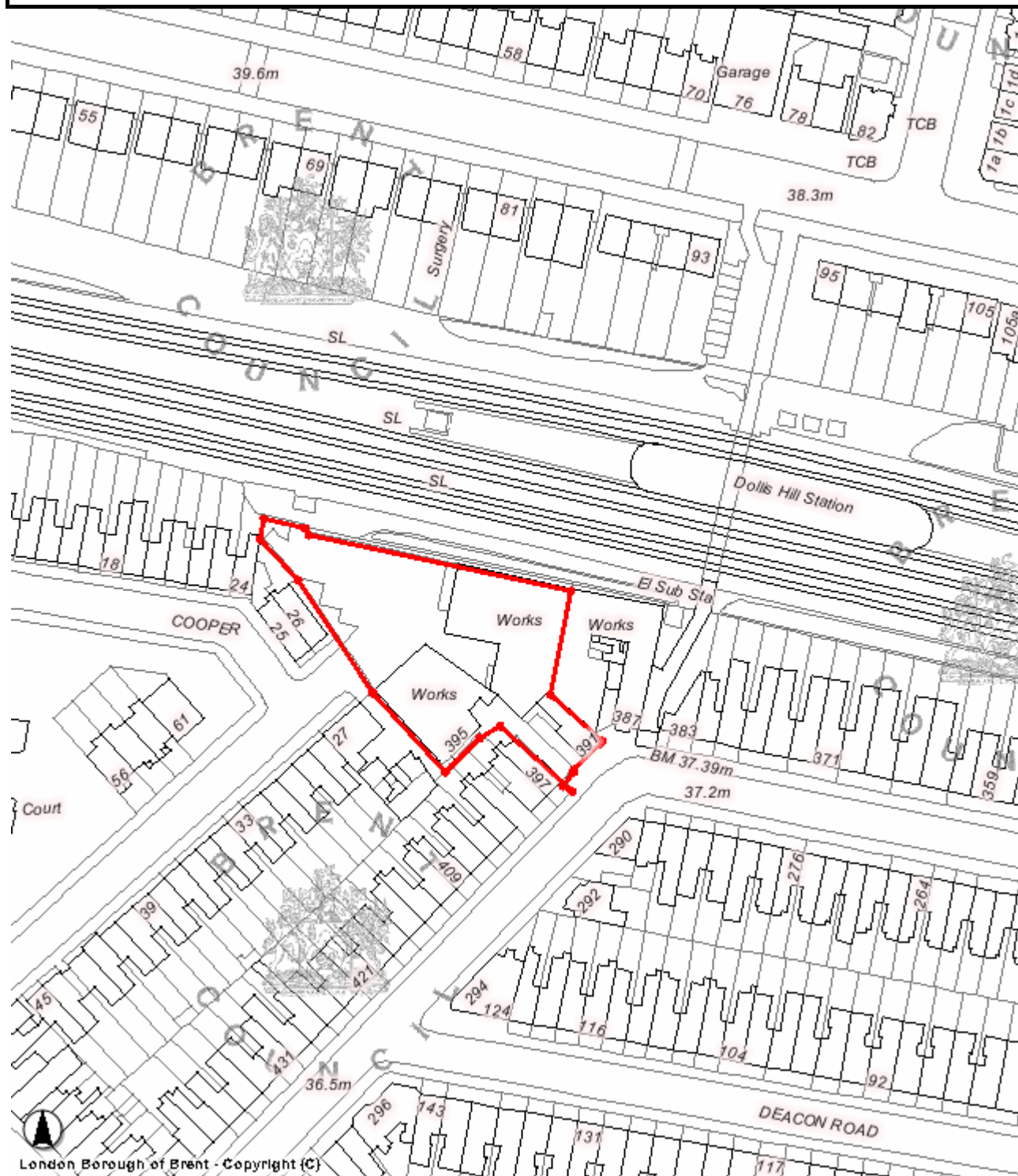
Any person wishing to inspect the above papers should contact Andy Bates, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



Planning Committee Map

Site address: 391-395, Chapter Road, London, NW2 5NG

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