

Committee Report
Planning Committee on 13 January, 2010

Case No. 09/1947

RECEIVED: 9 September, 2009

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 338-346 inc, Stag Lane, London, NW9

PROPOSAL: Alterations to outbuilding, single-storey rear extension to commercial units, alterations to shopfront and internal alterations to form one retail unit from 3 separate existing commercial units (two retail and one office), alterations to the existing 3 first-floor flats, alterations to and extension of roof to form 4 rear dormer windows to create loft floor and provide a total of 6 self-contained flats, comprising 4 two-bedroom and 2 one-bedroom flats, replacement of 2 front and 2 rear first-floor windows and all windows to side elevations, formation of 6 car-parking spaces, provision of cycle and bin store and associated landscaping

APPLICANT: Catina Design

CONTACT:

PLAN NO'S: 1516/01 B, 1516/02, 1516/101 D, 1516/102 D

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture 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.
- A contribution of £12,000, due on material start and index-linked from the date of Committee, for Education, Sustainable Transportation and Open Space & Sports in the local area.
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- Join and adhere to the Considerate Contractors Scheme.

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

Free-standing building within but on the boundary of Roe Green Village Conservation Area. The building comprises three ground-floor commercial units and three flats, comprising 2 x 2-bedroom and 1 x 3-bedroom, on the first floor.

PROPOSAL

Alterations to outbuilding, single-storey rear extension to commercial units, alterations to shopfront and internal alterations to form one retail unit from 3 separate existing commercial units (two retail and one office), alterations to the existing 3 first-floor flats, alterations to and extension of roof to form 4 rear dormer windows to create loft floor and provide a total of 6 self-contained flats, comprising 4 two-bedroom and 2 one-bedroom flats, replacement of 2 front and 2 rear first-floor windows and all windows to side elevations, formation of 6 car-parking spaces, provision of cycle and bin store and associated landscaping.

HISTORY

07/2965 - Full planning application for alterations to existing first floor and erection of loft level, creation of 6 self-contained dwellings, comprising 4 two-bedroom and 2 one-bedroom flats at 338A, 338B & 346A, was withdrawn.

99/1279 - Full planning application for change of use from retail (Use Class A1) to offices (Use Class A2) for ground-floor commercial unit at 346 Stag Lane was approved on 09/08/1999.

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

BE7 Public Realm: Streetscape

BE9 Architectural Quality

BE25 Development in Conservation Areas

BE26 Alterations & Extensions to Buildings in Conservation Areas

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: New Planning Obligations (s106)

CONSULTATION

External

Neighbours were consulted on 22nd September and a site notice was posted on 23rd September. 9 representations, which included 8 objections and 1 comment, were received. The concerns raised include the following:

- Loss of privacy - overlooking from rear dormer windows into gardens
- Increase in parking demand and congestion
- Noise, water and refuse pollution
- Children's safety
- Destruction of trees and garden and its conversion to excessively paved car parking
- Injurious alterations to the existing building
- Endanger Conservation Area status
- Intrusive in relation to the site and on adjoining properties.
- Not appropriate for Conservation Area
- Congregating in car park

Internal

Environmental Health:

In order that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their land, a noise assessment (carried out in accordance with PPG24) and a vibration assessment should be carried out and the results forwarded to this department. This information will be conditioned.

Landscape Design:

The scheme is supported, following various amendments and the required amount of amenity space. A condition requiring submission of a landscaping scheme has been attached to this recommended approval.

Transportation:

The scheme is supported following amendments made to the scheme.

REMARKS

Introduction

Extensions and alterations to buildings of this nature for a greater intensity of residential development are reliant on certain pre-conditions. Uppermost of these is the requirement for proposals to satisfy policies BE2, BE9, BE24, BE25 and H12 of the Brent Unitary Development Plan, which stipulate that proposals must respect or improve the existing townscape, be appropriate to its setting, protect and enhance the locality, does not impact adversely on the amenity of the neighbouring residents. Further amendments were made to the scheme following discussion with the Residents' Association and advice from your officers. For the reasons discussed below, the proposal is considered to be of sufficient quality of design to comply with the above policies.

It is a free-standing two-storey rectangular building on the boundary but within the Roe Green Village Conservation Area. The ground floor was built as four separate retail units and the first floor contained spaces for community use. Later the first floor was used as primary school.

The ground floor, at the present time, comprises three commercial units, two retail and one office. A single-storey disused outbuilding in a state of disrepair is located to the rear, about 8m from the rear wall of the building. A structure attached to the rear face of the main building at ground-floor level has now been removed.

To the north there is a driveway off Stag Lane which leads to the rear of the building which originally would have been used to service the ground-floor shops and community rooms on the first floor. Currently this is a disused yard, overgrown and in a state of disrepair.

The first floor currently comprises three self-contained flats, two of which are accessed from the north-facing flank elevation and one from the south-facing elevation. The existing flats are poorly converted, providing substandard accommodation.

The building gives an impression of it having a pitched roof. In reality its roof is pitched along the front and sides (with dormer windows) and forms a "U"-shaped pitched and hipped roof with its middle infilled with a flat roof which sits at a lower level (at eaves level) and faces the rear.

It is proposed to alter the existing outbuilding and to extend the ground floor to the rear, thus infilling the space between the existing rear wall and the current outbuilding. This will provide increased retail and ancillary space. The proposal also involves replanning of the existing 3 flats on the first floor to provide 4 flats. 2 loft flats are created by alterations to the existing roof, such

that it is sloped along all the elevations with a flat crown just below the existing ridge line. Roof lights are inserted in the crown. Four dormers are installed in the front roof slope. The proposed altered and extended roof thus allows the creation of 6 self-contained flats - 2 x 2-bedroom and 2 x 1 one-bedroom on 1st floor, and 2 x 2 two-bedroom flats in the loft floor.

Various revisions were required and your officers consider that the proposed scheme addresses the concerns raised by residents and also matters raised when assessing the withdrawn application under ref. no. 07/2965.

Design & Scale and its impact on Residential Amenity of adjoining residents

The existing building has a prominent presence on Stag Lane, due to its attractive design features, including the roof sweeping down to the first-floor level to the side with dormer windows and the vertical tile hanging on the roof to the front. However, insensitive adaptations and lack of investment over a period of time have disfigured the building and it is in a state of disrepair. The proposed alterations to the front and side elevations can be regarded as restoration of the building in terms of its original features & design. It proposes to replace some of the windows to the first floor, both to the front and rear, and the side dormers so that they match the original windows. The existing insensitive modern shopfronts and signage will also be replaced and the original design of articulated fenestrations and central entrance restored. The existing chimneys which are an important feature are also retained. Alterations and extensions to the ground floor and roof are to the rear of the building and therefore the proposals do not have any impact on the street scene.

The proposal for use of the ground floor as one retail unit does not have any impact on the design and scale of the existing building. The proposal involves extending the retail space to the rear thus infilling the space between the rear wall of the building and the outbuilding. The proposed floor area will increase by 118m² to a total of 420m².

The main alterations involve remodelling internally the first floor to create four flats (in place of 3 flats) and alterations to the roof to create a loft floor comprising two flats. Floor area in the loft is maximised with 4 dormer windows to the front and alterations to the existing "U"-shaped roof. The existing front and side elevations remain unaltered and infilling the 4 slopes along the perimeter of the building with a flat crown roof with rooflights. The rooflights on the resulting crown roof, which is set lower than the ridge, are not visible from the street or the rear of properties on Roe End and Roe Lane.

Whilst front dormer windows are not generally permitted, it should be noted that these are part of the character of dwellings within Roe Green Village. The dormer windows are designed in keeping with the existing original side dormers to this building and are not considered to be over-dominant or overbearing.

Standard of Accommodation and Amenity for Future Residents

Units comply with SPG17 in terms of internal space.

Flat No.	Beds	Area (m²)	SPG 17 - Area (m²)
1	1	47	45
2	1	45.2	45
3	2	69.2	55/65
4	2	55.6	55/65
5	2	64 (above 2.3m high)	55/65
6	2	63 (above 2.3m high)	55/65

Both the 1-bedroom and 2-bedroom flats conform to the guidelines set out in SPG17. Flats 1, 2, 3 & 4 are on the 1st floor and flats 5 & 6 are within the loft.

The distance between the existing dormer windows on the flanks, serving as sole outlook for a bedroom in flat 2 and one in flat 4 and the site boundary is 2.9m and 4.5m respectively. Whilst this is contrary to standards set out in SPG17, it should be borne in mind that these are guidelines and should be applied flexibly and the proposal is for alterations to an existing historic building in order to restore it and bring it back into use. Furthermore there exists a bedroom in the existing flat in the same location as that in flat 2 with a sole dormer window. From both these windows, there is an extensive unobstructed outlook along the Stag Lane by virtue of the relationship between this property and the neighbouring properties which are both set further back from Stag Lane than this property. There is no direct overlooking of the neighbouring adjacent properties and thus no loss of privacy is anticipated.

The level of amenity space suggested by SPG17 is 20m² per flat. As this historic building was never intended to for use as residential, no space was designated for gardens. The rear yard was intended as a service yard to the retail element on ground floor and the community use for the first floor. In the proposed scheme, this yard is designated for parking of 6 vehicles occupying approximately half of the rear yard. The rest of the area is designated as private communal gardens and the area exceeds that set out in SPG17. Separation between the retail use and the residential use is maintained. A comprehensive landscape scheme is required and a condition is accordingly attached to this recommended approval. Additionally, the roof over the rear extension to the ground floor is a green roof which will add to visual amenity to all the flats.

Transportation

The site has low access to public transport with PTAL level 1. 1 parking space per 400m² is required for retail units. There are 3 designated off-street parking spaces at the present for the shops. 6.8 parking spaces are required for the residential element which includes visitor parking and thus some reduction may be allowed and 6 spaces are acceptable. The car park is accessed through the existing vehicular access and drive off the Stag Lane.

Refuse storage points are within the accepted maximum refuse-carrying distances. Emergency vehicle access is provided.

The retail unit requires space for a transit-sized van. This is provided alongside the proposed condenser unit at the northern end of the building. Cycle parking for the retail unit is provided to the front. Cycle stores are also provided to the rear for use by the dwelling units and shop staff.

Existing Access Gates to No. 336 Stag Lane

There exist gates within the boundary fencing with the adjacent no. 336 Stag Lane. The applicant has stated that there does not exist any right of way and that the access is provided as a courtesy to access a structure to the rear and within the garden of no. 336 Stag Lane. The current use of this structure is not known and your Officers will establish its status and include this in a Supplementary Report. Historical documents confirm that no right of way exists and that permission for erection of temporary cycle and tool shed was granted in 1935.

Response to Objectors

The proposed dormer windows which were visible from the rear of properties on Roe End and Roe Lane, have been removed and thus no loss of privacy will result. There already exists three flats on the first floor. Remodelling of this floor allows an addition of one more flat. These flats fall within the standards set out in SPG17.

The distances between the proposed sloped roof to the rear and habitable-room windows within the houses along Roe End and Roe Lane exceeds the standards set out in SPG17. The distances between the existing boundaries and amenity area of no. 18 Roe End exceeds the standards set out in SPG17 and thus your officers do not envisage that the proposed change from a flat roof to a sloped roof would be over-dominant or overbearing. The rear yard of the property has now been redesigned and over half its width is used as amenity area, thus maintaining the open and green character currently resulting from the overgrown and untended rear yard.

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:-

Environmental Quality: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development
Design and Planning Standards

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) Notwithstanding the description of architectural details and materials given in the application, details of the materials, including samples, proposed for all external surfaces of the building and all areas of hard landscape works, and drawings showing details to be replicated, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site, and the development shall only be carried out in accordance with such approved details. (Where appropriate, a schedule of the exact product references shall be provided.)

Reason: In order for the Local Planning Authority to assess the suitability of the samples submitted, in the interests of visual amenity and character of the area.

- (3) Before the first occupation of the residential accommodation, the amenity area shall be laid out and access to it provided within the curtilage of the site, in accordance with details to be submitted to the Local Planning Authority for prior written approval.

Reason: In the interests of the amenity of future residential occupiers.

- (4) The communal garden to the rear shall be landscaped in accordance with a scheme

to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition or construction work on the site, and such work shall be completed prior to occupation of the proposed dwelling units.

In particular, the scheme shall indicate:

1. Details of the existing vegetation to be removed
2. Plant species, size and density of the proposed planting, together with a planting schedule.
3. Incidental planting elsewhere on the site.
4. Proposed walls and fencing, indicating materials and heights.
5. Other appropriate matters within the context of a landscaping scheme and areas of hard surfacing with regards to proposed car-parking spaces.

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 with the prior written agreement of the Local Planning Authority, by trees/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 is integrated into the visual amenity of the area.

- (5) The A1 Unit fronting Stag Lane shall not be used except between the hours of 8.00am and 11pm, Mondays to Sundays.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (6) No satellites, antennas or other aerials shall be erected on the building without written permission from the Local Planning Authority.

Reason: To ensure that such additions do not harm the visual amenity of the Conservation Area.

- (7) During demolition and/or construction works on site:-

(a) 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 Monday - Friday, 0800 - 1300 Saturday and at no time on Sunday or Bank Holidays.

(b) all vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site.

(c) no waste or other material shall be burnt on the application site.

(d) all excavated topsoil shall be stored on the site for reuse in connection with the landscape works scheme.

(e) the applicant shall employ measures to mitigate against the impact of dust and fine particles generated during construction, including damping-down during demolition and construction, particularly in dry weather conditions, minimising the drop height of materials and damping from the skips/spoil tips, sheeting of lorry loads

during haulage, utilising screening on-site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area.

Reason: To limit the detrimental effects of noise and disturbance from construction works on adjoining residential occupiers.

(8) Details, including samples of materials, proposed for:-

- (a) all external surfaces of the building
- (b) windows
- (c) roofing materials
- (d) all external lighting within the development

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site, and the development shall not be carried out otherwise than in accordance with any such approval. Wherever possible, recycled construction materials and/or re-used steel joists/girders shall be employed.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted, in the interests of visual amenity.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Amina Hirani, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5211



Planning Committee Map

Site address: 338-346 inc, Stag Lane, London, NW9

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