

Committee Report
Item No.09
Planning Committee on 17 April, 2013
Case No.13/0224

Site address: 904 Harrow Road, London, NW10 5JU

RECEIVED: 15 February, 2013
WARD: Queen's Park
PLANNING AREA: Kilburn & Kensal Consultative Forum
LOCATION: 904 Harrow Road, London, NW10 5JU
PROPOSAL: Demolition of existing petrol filling station and construction of part three, part four storey (over undercroft) building comprising 21 residential units, amenity space, undercroft car and cycle parking and associated landscaping and access arrangements
APPLICANT: Rontec Ltd.
CONTACT: Barton Willmore LLP

PLAN NO'S:

| | |
|------------|------------|
| 862-PL-207 | 862-PL-206 |
| 862-PL-205 | 862-PL-204 |
| 862-PL-203 | 862-PL-202 |
| 862-PL-201 | 862-PL-200 |

Air Quality Assessment
Arboricultural Report
Code For sustainable homes pre-assessment
Contamination Desk Top Study
Daylight and Sunlight Report
Design and Access Statement
Energy Strategy
Environmental Noise Survey
Planning Statement
Sustainability Checklist

RECOMMENDATION

Refuse

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £52,325.00.

EXISTING

The site is a corner plot with Wakeman and Rainham Road to the north which is comprised of two storey terraced housing and Harrow Road to the south. It is currently occupied by the Total Garage petrol station. Opposite the site across Harrow Road lies Kensal Rise Cemetery. The site lies in close proximity to the Kensal Green Conservation Area.

DEVELOPMENT SCHEDULE

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

Floorspace Breakdown

USE

| Number | Primary Use | Sub-Use |
|--------|-----------------|----------------------|
| 1 | dwelling houses | housing - private |
| 2 | dwelling houses | housing - affordable |

FLOORSPACE in sqm

| Number | Existing | Retained | Lost | New | Net gain |
|--------|----------|----------|------|------|----------|
| 1 | 0 | 0 | 0 | 1092 | 1092 |
| 2 | 0 | 0 | 0 | 403 | 403 |

TOTALS in sqm

| Totals | Existing | Retained | Lost | New | Net gain |
|--------|----------|----------|------|------|----------|
| | 0 | 0 | 0 | 1495 | 1495 |

PROPOSAL

See above

HISTORY

12/2176 Application withdrawn following advice from Officers that the recommendation would be refusal;

Demolition of existing petrol filling station and construction of part three, part four storey (over undercroft) building comprising 21 residential units, amenity space, undercroft car and cycle parking and associated landscaping and access arrangements

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. It seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. It includes a presumption in favour of sustainable development in both plan making and decision making. The NPPF is intended to provide a framework within which local people and Councils can produce their own distinctive Local and Neighbourhood Plans. It aims to strengthen local decision making and reinforce the importance of keeping plans up to date.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. The Core Strategy will also need to be in conformity with both the London Plan and the NPPF. In doing so it has significant weight attached to it.

LDF Core Strategy 2010

CP1 - Spatial Development Strategy

CP2 - Population and Housing Growth

- CP17 - Protecting and Enhancing the Suburban Character of Brent
- CP18 - Protection and Enhancement of Open Space, Sports and Biodiversity
- CP19 - Brent Strategic Climate Change Mitigation and Adaptation Measures
- CP21 - A Balanced Housing Stock

Brent Saved policies Unitary Development Plan 2004

STR3 - In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).

STR5 - A pattern of development which reduces the need to travel, especially by car, will be achieved.

STR9 - The Council will ensure that development proposals do not conflict with the role of GLA Roads and London Distributor Road whilst discouraging through traffic on local roads.

STR12 - Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.

STR13 - Environmentally sensitive forms of development will be sought.

STR14 - New development to make a positive contribution to improving the quality of the urban environment in Brent.

STR15 - Major development should enhance the public realm.

BE2 - Townscape: Local Context & Character

BE3 - Urban Structure: Space & Movement

BE4 - Access for disabled people

BE5 - Urban clarity and safety

BE6 - Public Realm: Landscape design

BE7 - Public Realm: Streetscene

BE9 - Architectural Quality

BE12 - Sustainable design principles

EP3 - Local Air Quality Management

EP6 - Contaminated land

EP10 - Protection of Surface Water

H4 - Off-Site Affordable Housing

H11 - Housing On Brownfield Sites

H12 - Residential Quality; Layout Considerations

H13 - Residential Density

TRN1 - Transport assessment

TRN3 - Environmental Impact of Traffic

TRN4 - Measures to make transport impact acceptable

TRN10 - Walkable environments

TRN11 - The London Cycle Network

TRN14 - Highway design

TRN23 - Parking Standards – residential developments

TRN24 - On-Street Parking

TRN34 - Serving for New Development

TRN35 - Transport access for disabled people & others with mobility difficulties

PS14 - Residential Parking Standards

PS15 - Parking for disabled people

PS16 - Cycle parking standards

Brent Council Supplementary Planning Guidance and Documents

SPG12 - Access for disabled people

SPG17 - Design Guide for New Development
SPG19 - Sustainable design, construction and pollution control
SPD - Section 106 Planning Obligations

Mayor of London

The London Plan 2011 Mayor of London Supplementary Planning Guidance (a) Sustainable Design and Construction (May 2006), (b) Planning for Equality and Diversity in London (October 2007), (c) Accessible London: Achieving an Inclusive Environment (April 2004), (d) Providing for Children and Young People's Play and Informal Recreation (March 2008)

CONSULTATION

Letters sent to 144 neighbouring owner/occupiers, advert placed in local newspaper 14/03/2013 and site notice put up 18/03/2013. To date eight letters of support have been received as well as the support of the Kensal Triangle Residents Association and a single letter of objection has been received. In addition ward Cllrs have been consulted.

The main points of support from residents are as follows;

- Elevation treatment is of a high quality
- Petrol station is prone to anti social behaviour and scheme has potential to improve area in this respect.
- Scheme provides good quality of accommodation
- Consultation with neighbouring residents has been carried out and addresses many concerns of residents.

Main points not in favour are that

- Area is a crime hotspot
- Development would reduce visibility which currently provides some reassurance to residents regarding crime.

Cllrs Denslowe, Adeyeye and Lorber have expressed support for the scheme setting out that the scheme will improve the area significantly.

REMARKS

Background

For the information of Members this scheme has been the subject of consultation with the Kensal Triangle Residents Association, and which has gathered the local support of the residents association and Cllrs, Denslow, Lorber and Adeyeye. This support has been brought to Officers attention during the application and has been taken into consideration in this assessment. Whilst the support is acknowledged, there remains fundamental Planning issues with the proposal which Officers have attempted to resolve during the previous application, the pre application process and during the application itself. Unfortunately given that these issues remain unresolved the recommendation is for refusal. The following report sets out the reasons for refusal.

Principle

The council will have to start monitoring the loss of its petrol stations, although at this stage there is no policy safeguard for them. In terms of national policy, The NPPF supports the redevelopment of brownfield sites particularly those in urban areas. The proposed residential use is in accordance with the Council's strategic aims of increasing the supply of housing within the Borough. As such, there is no objection to the residential development on the site.

Density and mix

In more precise policy terms, the total Garage is in a Public Transport Accessibility Level area of '4' placing it in the London Plan recommended density range of 200-700 habitable rooms per hectare. The proposal is circa 539 hr/ha. Whilst this falls within the recommended range, the provision of 21 units on this site which is circa 1000sqm, is a dense scheme.

The residential aspect of the scheme offers the following density and mix.

7 x 1 bed
9 x 2 bed
5 x 3 bed

In terms of the mix, London Plan policy 3.8 Housing Choice, sets out that new developments should offer a range of housing types across the private, social and intermediate sector whilst the Council's Core Strategy, objective 7 sets out that 25% units in schemes capable of providing 10 or more units, should be family sized (3 bedroom) units. In pursuit of this, the housing mix does offer a range of unit types, with 24% 3 beds units.

In terms of tenure, the Local Development Framework Core Strategy policy CP2 sets a target of 50% affordable housing on sites with the capacity to deliver ten or more homes subject to viability. The submitted viability assessment has been prepared in support of this application and includes 6 units as affordable housing, which equates to circa 29%. Of these units four are to be social rent whilst 2 are to be intermediate homes. The inclusion of the 3 beds in the social rent tenure meets the borough's specific needs. Officers have examined the submitted Toolkit, together with detailed supporting evidence on build cost and sales values assumptions, and have identified only limited scope for the scheme to viably deliver additional affordable housing beyond the proposed six units.

Whilst the level is on balance considered to be a reasonable contribution, this is based on an assumption of no contribution toward affordable housing from social housing grant, and a developer's return of 30% of the existing land use value. As such it would be recommended that any Section 106 heads of terms for the application have a financial viability review, possibly involving a deferred contribution, based on future sales performance, with a reduced assumption of 20% developer's return on the existing land value, and a review of the funding streams - on the basis that further capacity for affordable housing may be identified.

Massing

The building occupies a corner plot with Rainham Road to the north and Harrow Road to the South. It has a single mass spanning the width of the plot, increasing in

scale from three/four storeys to five as you move westwards up Harrow Road toward the corner junction. The maximum height on Harrow Road side is five storeys including an undercroft car park and two ground floor units, whilst on the Rainham Road side the maximum height is four storeys with residential from the ground floor up. This is due to the gradient on site which drops away from Rainham Road down to Harrow Road.

The scale raises concern with regard to its relationship with the surrounding two storey residential context, particularly as you approach the development from Rainham Road. Whilst the building is set back by 2m from neighbouring front building line, the proposed three storey flank elevation intersects the established pitch roof line, projecting significantly above, as a result having an imposing presence in the street scene. Whilst this raises concern, the gradual increase in scale moving toward the corner junction, and the set back of the fourth floor reduces the impact to an extent. In addition, the massing on the Rainham Road elevation has been developed through consultation with Planning and neighbouring residents to reach a form that whilst being significantly larger than what's around it, has necessary punctuations in the massing and set backs of upper floors to lessen its presence and impact in the street. The proposed drawings illustrate how the massing falls within SPG17 recommended design lines on the Rainham Road side. As such, whilst the scale on this elevation does raise concern, it does not constitute a reason for refusal.

On the Harrow Road elevation, the scale rises from four storeys to five. The front elevation is for the most part coherent in terms of its massing, starting level with the neighbouring properties rear elevation and gradually stepping out toward Harrow Road as you approach the junction. There is however a ground floor unit, L:02, which projects forward of the main front elevation as a single storey front extension. In terms of its integration within this elevation, it sits in a completely different plane to the storeys above it appearing at odds with the mass of the building. Officers have suggested this unit be removed from the scheme, so that the front elevation exhibits a the kind of quality and coherence pursuant to the Councils expectations for a front elevation on a major scheme in close proximity to the Kensal Green Conservation Area and the high quality built environment which surrounds it. The advice has not been followed. As a result this element is considered to detract from the quality of this elevation, appearing as an incongruous feature which does not read well with the rest of the front elevation.

Elevation Design Treatment

As mentioned above, the Rainham Road elevation has evolved through consultation with Planning and local residents. The massing and variation in brick treatment makes reference to the scale, and width specifically, of the neighbouring terrace on Rainham Road. In the end it was considered that windows could be larger to improve the quality of accommodation and appearance, however owing to other fundamental shortcomings in the scheme as explained above, these concerns were not resolved. The approach to the Harrow Road elevation in terms of its appearance, unlike the Rainham Road elevation, lacks a clear application of a chosen style. This facade, in particular the coloured elements, contain large expanses brick with no detailing whilst the fenestration and massing is quite piecemeal. Overall the appearance is quite confusing and lacks the coherence and rational which is evident in the Rainham

Road elevation. In addition the plinth on the top of the scheme is thick and detracts from the design quality.

Quality of Accommodation

All units have been designed to meet London Plan minimum space standards whilst the units from the ground floor up have sufficient aspect and outlook. The Design access statement sets out that 10% of units will be capable of being wheelchair accessible pursuant to London Plan standards. The plans however do not make clear which units this relates to and in order to satisfy this requirement fully, wheelchair units should be integrated into the scheme as opposed to being deliverable if the need arises. In addition, whilst the scheme provides two wheelchair parking spaces, these are not sited with easy access to the units above given that the route is through the car park, across the entrance, and up the lift.

The two ground floor units, L0:1 and L:02 have deficiencies with regard to quality of accommodation. With regard to unit L:01, the unit is sited in part below pavement level so that only the tops of windows provide aspect onto Harrow Road. It does however provide additional aspect over Rainham Road as the building curves around, however this is the point where the units is at its lowest below street level which is evident when looking at the south elevation drawing. There is some limited external space provided around the unit, facilitated through the buildings set back of 2m from the street. External Space in such close proximity to pavement however that is unlikely to provide an acceptable quality owing to deficiencies in privacy and proximity to a major distributor road. Pursuant to the this the Councils Unitary Development Plan policy discounts areas in such close proximity to the highways from its definition of amenity space for the reasons stated above. In addition its siting directly adjacent to the refuse point for the development is likely to worsen the quality of external space.

With regard to unit L:02, the outlook is also limited, with the windows being sited only 1.5m from back of pavement. Additionally the quality of amenity suffers the same deficiencies with regard to its proximity to the street. As such these units raise significant concern as to the quality of accommodation they will provide for the reasons set out.

External amenity

In terms of the provision of external amenity across the whole scheme, the Councils Supplementary Planning Guidance SPG17 sets out that units should have a minimum of 20sqm or 50sqm for ground floor 3bed + properties. The Mayor's Housing SPG November 2012 also states that balconies should have a minimum of 5 sqm for 1-2 person homes and an extra 1 sqm for each additional occupant and a width of 1,500 mm should be met. Pursuant to these standards. the outdoor spaces are take the form of gardens, balconies and terraces and generally range between 6-9m² with some exceptions. This complies with the Mayors standards whilst the they fall short of meeting the SPG. In particular the 3 bed units as follows; Unit 1_04 1st Floor 3 bedroom home = 8 sqm balcony and Unit 2_04 2nd Floor 3 bedroom home = 18 sqm terrace. The SPG makes provision for additional contributions to offset shortfalls in external amenity providing units are generous in size. Officers assessment has revealed that the units do generally exceed minimum space standards with the exception of L:01, G:01 and G:02. There has however been no

offer of compensatory payment toward open space provision to make up for this shortfall.

In addition landscape Officers have made the following remarks with regard to the current provision;

“Terraces are shown at ground floor, however these appear to be drawn as slab paved, with no landscape details. Hedges are shown to boundary, no details of species proposed. It is questionable how private these terraces will be, spaces are fronting the street, relying on the proposed hedges to give privacy. Access to shared bins and cycle parking is also via some of these terraces, so cannot be called private spaces if other residents will pass through with cycles and their refuse. Also refuse collection staff will have to enter terraces to collect bins for emptying, so again these terraces would not be private space. Elevation drawing shows balconies at upper levels with extensive vegetation, however there is no indication of how this will be achieved, or how such plants would be maintained or watered.

Other than retention of trees, no other landscape details are given, although Design & Access Statement quotes Brent Council ‘Design Guide for New Development on quality of landscaping However no landscape details are given and no indication of how a high quality landscape will be achieved. This can only be done by providing fully detailed landscape design drawings at application stage.

No precise details provided for where each area of private amenity space is or how each area relates to and is accessed from individual flats. Some figures are given for total areas of external space and terraces/ balconies. These need to be shown on plan and type of space identified. For example communal footpath to entrance cannot be counted as private amenity space.

No proposals for any green roofs included, this is now normal practice in many new developments and should be considered here.”

Contamination/Air quality/Sound insulation

Given the site current use as a petrol station, a desk based contaminated Land study has been submitted with the application. The Councils Environment Health Officers recommendations are as follows. The submitted Desk Study shows the potential for soil contamination on site, which may require remediation prior to construction works. Given the current use as a petrol station, decommissioning of the fuel infrastructure and the potential removal of associated contamination would need to be undertaken prior to building works

In relation to the sites location in a designated air quality management area, measures would be required during construction to control pollution arising from the construction. This would be sought through condition. In relation to noise attenuation, The submitted noise assessment shows the site to be located within noise exposure category C (NEC C). Planning permission should normally not be granted in NEC C situations, unless conditions are applied to mitigate the impact of the noise on future end users. This would not however be a grounds for refusal as it is considered this could be mitigated by conditioning recommend that future residents have sufficient sound insulation within their dwellings in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings-Code of Practice.'

Impact to Neighbouring amenity

The scheme has been assessed in relation to its impact to the amenity of surrounding residential properties particularly those opposite on Wakeman and Rainham Road. The form has developed over time with an aim to lessening its impact. The main difference between this application and the previously withdrawn application is the setting back of part of the first second and third floors on the eastern portion of the building by a further 1m. The effect of this is that the building line is set below a 30 degree line as per SPG17 standards and the submitted BRE light study sets out the development will not have an unacceptable impact toward the daylight/sunlight of adjoining occupiers. The site layout plan shows its relationship to properties on Wakeman Road, with the nearest property no 149 having a distance of 18.5m from its front bay window to the nearest habitable room window in the scheme. The recommended level is 20m although on balance this shortfall of 1.5m is not considered to constitute a reason for refusal given the remainder of the scheme complies and the fact that it is across a public road.

On the Harrow Road side of the development, there are concerns regarding the relationship between the terrace set on the roof of unit L:02 and rear habitable room windows and garden for the neighbouring Rainham Road property. The front extension containing unit L:02 projects 10.5m from the main body of the building. Its height is 3m with an additional 1.8m opaque screen proposed on the eastern edge to prevent overlooking into the garden of the neighbouring Rainham Road property. The east elevation - section shows this relationship clearly, demonstrating the combined height of screens and extensions at between 4m and 4.8m. This is considered to be a significant mass in such close proximity to the adjacent habitable rear elevation windows with likely impact toward their current level of amenity. It is considered that this is a further justification for Officers to have consistently sought the removal of this particular element of the development.

Highways

This application proposes a basement car park with access off Harrow Road, taking advantage of the change in levels across the site from south to north. The car park would provide a total of 17 car parking spaces, 2 of which are shown as disabled spaces. In accordance with PS14, the combined parking standard would be 14.6 spaces, but if the reduction for social housing is not taken then the combined standard is 17.2 spaces. On this basis the number of car spaces provided is acceptable. Nevertheless, the issue of safeguarding the existing parking provision along nearby Wakeman and Rainham Road means that the scheme would need to be subject to "permit free", controlled by legal agreement in order to ensure that on-street parking capacity is not used up as a result of this development. In terms of access, the Highway Engineer has confirmed that it is acceptable in technical terms and that the layout of the car park provides sufficient aisle widths for manoeuvring.

Sustainability

The scheme has gone through the energy hierarchy in accordance with the London Plan, and demonstrates that through a combination of Lean measures, which relate to the buildings U-values improving insulation, as well as the chosen green measure which is solar panels, the annual Carbon emissions will be 25% less than Building regulations. In addition the submitted Sustainability Checklist shows a score of 51.1.

Developer Contributions

The following contributions would need to be secured through the Section 106 Legal Agreement. Provision of 6 affordable housing units as per the application forms and tenure/bedroom split, and a contribution of £3,000 per bedroom/£2,400 per affordable housing bedroom, index-linked from the date of committee, for Education, Sustainable Transportation, Open Space and Sports in the local area. In addition a landscape contribution will be sought for works in the surrounding area. In addition the Council are now collecting on behalf of the Mayor of London Community Infrastructure Levy (CIL) contributions at a rate of £35 per metre (GIF).

Trees

The condition and health of the trees along the perimeter of the site has been considered in the submitted arboricultural statement. Following advice from Officers during the previous application, this proposal has pulled the building mass away from the tree canopy by 1m, partly to provide greater space for the canopy. The tree report has identified that the trees are likely to grow significantly, and as they are considered to have a high landscape value. The tree report shows the canopy clashing with the envelope of the proposed building, which means that trees are likely to have extensive pruning requirements which would reduce their visual amenity. As such, although the retention of trees is clearly an aspiration, and the building mass threatens their health and contribution to the visual amenity, they are not the subject of a TPO and on this basis Officers consider that, on balance, the impact would not form a further basis for refusal.

Consideration of comments/Conclusions

There has been support expressed by KTRA and adjoining occupiers for the application. Points relate to the improved design following consultation with residents, improved brick materials palette, and the improvement to the quality of environment which the revised scheme has the potential to achieve. Another point related to the ability of the proposal to introduce a new development into a plot which is currently subject to incidence's of anti social behaviour. Officers have consulted with the youth Offending Team and checked the crime mapping data provided by the metropolitan police which has provided some verification for these concerns. These concerns are taken seriously and it is acknowledged that the garage itself and the land surrounding has had a number of crimes reported in 2013.

In response to these concerns and to summarise the main points of this report, it is acknowledged that the scheme has addressed concerns of residents and has made steps to satisfy some of the concerns of Officers. The proposal however still has some fundamental shortcomings relating to design, provision of external amenity, impact to neighbouring amenity, and quality of accommodation, and Planning have to make a recommendation based on these material planning considerations. As such the application is recommended for refusal.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The design, form and appearance of the proposed development, in particular in terms of the ground floor forward projection and the proximity of the building to the Harrow Road frontage, relates poorly to the massing of the remainder of the building and the Harrow Road street scene, and owing to its height, siting and proximity to the neighbouring boundary, has a detrimental impact toward the amenity of adjoining occupiers on Rainham Road. In addition, there is a lack of detail relating to the treatment of the space around the building and the ability to provide acceptable landscaping in order to improve the setting of the building, contrary to Unitary Development Plan policies BE2, BE7, BE9 and the advice contained within Supplementary Planning guidance 17 Design Guide for New Development.
- (2) The standard of accommodation for the ground floor units facing Harrow Road provides unacceptable living accommodation in terms of their outlook, privacy, relationship to the parking access and to the public footpath on Harrow Road, in addition there are shortfalls in the amount and quality of external amenity across the scheme as a whole, and a lack of clarity over the siting of wheelchair units and their access from designated wheelchair parking bays, contrary to Unitary Development Plan Policies BE9, and the advice contained with SPG17 Design Guide for new Development.
- (3) In the absence of a legal agreement to control the matter, the development would result in additional pressure on parking demand and transport infrastructure, without a "car-free" agreement or any contribution to sustainable transport improvements in the area, an increased pressure for the use of existing open space, public sports facilities and education infrastructure, without any contributions respectively. As a result, the proposal is contrary to policies TRN4 and TRN23 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Document: "S106 Planning Obligations".

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Samuel Gerstein, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5368