



## Planning Committee Map

Site address: 152 Olive Road, London, NW2 6UY

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This map is indicative only.

**RECEIVED:** 12 August, 2013

**WARD:** Mapesbury

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 152 Olive Road, London, NW2 6UY

**PROPOSAL:** Demolition of former Cricklewood Library building and erection of a five storey building including basement comprising 10 No. residential units (2 x1-bed, 6 x 2-bed, 2 x 3-bed) and 157m2 of D1 (multi-functional community) floorspace.

**APPLICANT:** Cricklewood Library Limited

**CONTACT:** Nicholas Taylor & Associates

**PLAN NO'S:**

500; 501; 502 Revision E; 522 Revision F; 524 Revision F; 525 Revision D; 526 Revision D; 527 Revision F; 530; 540 Revision F; 541 Revision F; 520; 523 Revision H; Planning Design and Access Statement; Community Hub Use Supplementary Report; Parking Survey; Sustainability Statement; Code for Sustainable Homes Pre-Assessment Report.

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**RECOMMENDATION**

Refusal.

**EXISTING**

The subject application site relates to the former Cricklewood Library, 152 Olive Road, NW2. The library was closed as a in October 2011 and has been vacant since its closure.

The site has a total footprint of approximately 550sqm.

The internal layout of the ground floor of the site as existing is predominantly open plan, with a reading room and reception area to the ground floor and a store room and WC to the rear. The upper floors are predominantly ancillary areas including store rooms, a kitchen and a WC. The Net Internal Floor Area is approximately 458sqm.

The site is just over 35.8m deep, and 13m wide to its rear. The site becomes slightly wider to the front elevation and is 17.6m wide to its front pavement.

The site is bounded by Oman Court to the south, a 1920's/ 30's L-shaped four storey block of flats located 3m from the site boundary to its front, stepping away from the site boundary at a depth of 8m to be approximately 9.5m from the boundary of the site. A planning application was approved for an additional floor to the block in 2010 (LPA Ref: 10/2012). There are habitable rooms throughout the block to the northern elevation of the site adjoining the library. Its car park lies to the rear (east) of the subject site.

Gladstone Park adjoins the site to the west, and there is an entrance to the park from Olive Road.

To the north of the site there are predominantly two storey semi detached dwellinghouses. No. 150 Olive Road directly adjoins the site to the north and has a two storey side extension which sits on the site boundary, and was converted from a dwellinghouse to five flats in 1989 (LPA Ref: 88/2288). There are habitable room windows within the flank wall of the two storey side extension.

The site is within a Controlled Parking Zone (CPZ). Restrictions apply from 10.00 am - 9.00 pm Mon – Sat. The site has “Very Poor” public transport access (PTAL Level 1a) and no car parking is available on site.

**PROPOSAL**

Demolition of former Cricklewood Library building and erection of a five storey building including basement

comprising 10 No. residential units (2 x 1-bed, 6 x 2-bed, 2 x 3-bed) and 157m<sup>2</sup> of D1 (multi-functional community) floorspace.

## **HISTORY**

The site has a lawful D1 use, although the library has been vacant since October 2011. There is no other relevant site history.

Oman Court, to the south of the site, has approval for an additional storey to form a five storey block of flats (LPA Ref: 10/2012).

## **POLICY CONSIDERATIONS**

### **National policy considerations**

The NPPF, adopted in March 2012, sets out a “presumption in favour of sustainable development ” including the economic, social and environmental impacts of new development.

The relevant objectives within the NPPF are to:

- Promote high quality design
- Deliver a wide choice of quality homes
- Protect and deliver social, recreational and cultural facilities and services
- Promote sustainable travel

### **Regional policy considerations**

The London Plan, adopted 2011, is legally part of the development plan for the 33 London boroughs of Greater London; their local development documents are required to be in general conformity with it, including any Supplementary Planning Guidance.

Relevant policies include:

#### *Social Infrastructure*

#### 3.16 Protection and Enhancement of Social Infrastructure

#### *London's Response to Climate Change*

- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 5.13 Sustainable Drainage

#### *London's Transport*

- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.7 Better streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 6.14 Freight

#### *London's living places and spaces*

- 3.11 Affordable Housing Targets
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local Character

7.5 Public realm  
7.6 Architecture  
7.8 Heritage assets and archaeology  
7.14 Improving air quality  
7.15 Reducing noise and enhancing soundscapes  
7.19 Biodiversity and access to nature  
7.21 Trees and woodlands

#### *London Plan SPG*

The Mayor's Transport Strategy (May 2010)  
Sustainable Design and Construction – Supplementary Planning Guidance (2006)  
Accessible London: achieving an inclusive environment (April 2004)  
Planning for Equality and Diversity in London (October 2007)  
The Mayor's Housing Design Guide (November 2012)

Relevant Supplementary Planning Guidance

#### ***Local policy considerations***

The local development plan for the purposes of S54A of the Town and Country Planning Act is the Brent Unitary Development Plan 2004 and the Brent Core Strategy 2010.

Further details of these policies are considered below.

#### *Brent Core Strategy 2010*

The following spatial policies are considered relevant to this application:

##### CP 1 Spatial development strategy

This sets out the spatial strategy, outlining where growth is to be focused.

##### CP2 Population and Housing Growth

Sets out the mix and level of affordable housing for the borough as well as the overall housing target.

##### CP 5 Place making

Sets out requirements for place making when major development schemes are considered

##### CP 6 Design & density in place shaping

Sets out the requirements for appropriate design and density levels for development

##### CP 15 Infrastructure to support development

Requires that the infrastructure requirements of new development are met

##### CP18 Protection and enhancement of Open Space, Sports & Biodiversity

Protects all open space from inappropriate development. Promotes enhancements to open space, sports and biodiversity, particularly in areas of deficiency and where additional pressure on open space will be created

##### CP 19 Brent strategic climate mitigation and adaptation measures

Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas

##### CP 23 Protection of existing and provision of new community and cultural facilities

Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

#### *Brent Unitary Development Plan 2004*

##### *Strategic*

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 Reduces the need to travel, especially by car.

STR6 Parking controls

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 should make a positive contribution to improving the quality of the urban environment

STR15 Major development should enhance the public realm

#### *Built Environment*

BE2 Townscape: Local Context & Character

BE3 Urban Structure: Space & Movement

BE4 Access for Disabled People

BE5 Urban Clarity & Safety

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

BE9 Architectural Quality

BE12 Sustainable Design Principles

BE19 Telecommunications

#### *Transport*

TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.

TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.

TRN4 Measures to make transport impact acceptable

TRN10 Walkable environments

TRN11 The London cycle network, schemes should comply with PS16

TRN12 Road safety and traffic management

TRN13 Traffic calming

TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.

TRN16 The London Road Network

TRN20 London Distributor Roads

TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.

TRN23 Parking Standards – Residential Developments

TRN30 Coaches and taxis should be accommodated to ensure unloading or alighting does not obstruct the highway

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.

PS12 Car parking standards – Class D1

PS15 Parking standards for disabled people

PS16 Cycle parking standards

#### *Housing*

H13 Residential Density

H22 Protection of residential amenity

#### *Environmental Protection*

EP2 Noise and Vibration

EP3 Local Air Quality Management

#### *Brent Supplementary Planning Guidance*

SPG 17 “Design Guide for New Development” Adopted October 2001

Provides comprehensive and detailed design guidance for new development within the borough.

The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

SPG19 “Sustainable Design, Construction & Pollution Control” Adopted April 2003

This supplementary planning guidance focuses on the principles and practice of designs that save energy,

sustainable materials and recycling, saving water and controlling pollutants. It emphasises environmentally sensitive, forward-looking design, and is consistent with current government policy and industry best practice, aiming to be practicable and cost-effective.

## CONSULTATION

### Public Consultation

The application has been subject to widespread public consultation.

The Council consulted within a radius of 200sqm of the site and as such 384 adjoining neighbours were consulted by letter on 13/08/2013. The Local Residents' Group, Friends of Cricklewood Library, were consulted by email on 13/08/2013. A Site Notice was placed outside the Library on 03/09/2013, and a Press Notice was placed in the local paper on 20/08/2013.

Councillors for Dudden Hill, Dollis Hill and Mapesbury Wards were consulted alongside all Lead Councillors and Local MP Sarah Teather on 13/08/2013.

Councillor Leaman of Mapesbury has objected to the proposal.

There has been a fairly significant response to the consultation. So far, in total, 56 objections and 4 letters of support have been received from members of the public.

The council has been made aware of two potentially falsified letters of support to the proposal. One of the letters provides no exact address whilst the second does not appear to have been written by the owner of the property. Officers have written to the latter resident to determine whether the letter of support was indeed falsified, and will report back any further information to the Planning Committee on this issue within a Supplementary Report

In summary the concerns of the objectors relate to the following issues:-

| <b>Issue:</b>  | <b>Officer Response:</b>   |
|--|--|
| <b>Community use/ hub</b>  |  |
| 1. There have already been a number of developments in this area which has put more pressure on local community facilities, such as the St. Michael's Road development and the additional floor approved at Oman Court. The community therefore needs more public facilities not fewer | Paragraphs 2.1 to 2.7  |
| 2. The level of space provided is too small to meet the community's needs  | Paragraphs 2.1 to 2.7  |
| 3. There would be no natural light to the basement   | Paragraphs 2.1 to 2.7  |
| 4. The proposed floorspace fails to meet the required local demand   | Paragraphs 2.1 to 2.7  |
| 5. There will be a loss of community space and civic amenity in an area where these facilities are already lacking.  | Paragraphs 2.1 to 2.7  |
| The loss of community facility is not offset by the provision of new homes   | Officers recognise that there is a demand for new homes within the borough, as set out in the Core Strategy. However, the need for new homes needs to be balanced against the need to protect and provide community facilities that meet a local demand. |
| 6. The layout and floorspace of the hub is not usable or viable  | Paragraphs 2.1 to 2.7  |
| 7. The proposed community hub is insufficient,   | Paragraphs 2.1 to 2.7  |

|  |  |
|--|--|
| unsuitable and impractical for meeting community needs   |  |
| 8. The development would harm local employment as a facility which could be used for social enterprise or to develop skills would be lost.                 | Whilst community facilities could be used to support employment and training initiatives this is just one of a wider range of facilities that could be provided. Further assessment of local need is required. |
| 9. Arrangements for the future ownership of the community hub is unclear and no business model has been provided to show that it would be genuinely viable | Paragraphs 2.1 to 2.7  |
| 10. The applicant has failed to consult the local community in developing the proposals for the community hub  | Paragraphs 2.1 to 2.7  |
| 11. The basement area of the community hub would not be suitable for some users and would provide a substandard space for community use                    | Paragraphs 2.1 to 2.7  |
| 12. There are lack of fire exits and the basement is not suitable for use by disabled people   | The issue of Fire Regulations is covered by Building Control, and falls outside of planning legislation.   |
| <b><i>Design, scale and massing</i></b>  |  |
| 13. The existing building is attractive and historic. It should be retained  | The demolition and replacement of the building is not unacceptable in principle. Any replacement building would have to be high quality and fully accord with the Council's design policies and principles     |
| 14. The development would result in the loss of an attractive and distinctive building   | The demolition and replacement of the building is not unacceptable in principle. Any replacement building would have to be high quality and fully accord with the Council's design policies and principles     |
| 15. The proposed building fails to respect the existing character of the area  | Paragraphs 3.1 to 3.4  |
| 16. The development is too large and bulky   | Paragraphs 3.1 to 3.4  |
| 17. The development will result in overshadowing to the park opposite  | The proposed building is some distance from the park and is not considered to cause overshadowing to the park.   |
| 18. The building is too tall and fails to fit in with the heights of the other existing buildings in the locality  | Paragraphs 3.1 to 3.4  |
| 19. The design is crude and poor quality   | Paragraphs 3.1 to 3.4  |
| <b><i>Quality of proposed residential accommodation and impact on existing residential amenity</i></b>   |  |
| 20. Loss of light, outlook and privacy to the residential units adjoining the site   | Paragraphs 6.1 to 6.5  |
| 21. The proposal would overlook the gardens of the adjoining residential properties  | Paragraphs 5.1 to 6.5  |
| 22. The development lacks outdoor amenity space  | Paragraphs 5.1 to 5.10   |
| 23. There is no affordable housing proposed  | Paragraphs 4.1 and 4.2   |
| 24. The quantum of residential development with no outside space is an overdevelopment of the site   | Paragraphs 5.1 to 5.10   |
| <b><i>Parking, highways and traffic impact</i></b>   |  |
| 25. The development will increase parking and traffic problems within the locality of the site   | Paragraphs 7.1 to 7.7  |
| 26. The sightlines across this part of Olive Road are poor and further parking would exacerbate the existing highway safety problems                       | Paragraphs 7.1 to 7.7  |

|  |  |
|--|--|
| 27. The development does not provide adequate facilities for the storage of refuse/recycling and bicycles. | Paragraphs 7.1 to 7.7  |
| <b>Other</b>   |  |
| 28. There should be no more flats in the area. It is already overpopulated                                 | The Council's Core Strategy supports sustainable levels of population growth and the additional supply of housing to address the chronic housing shortage across the borough which has to be finely balanced with the impacts on other residents, such as highways implications etc. |
| 29. There has been inadequate consultation on the planning application                                     | There has been extensive public consultation on the planning application as set out in the 'Consultation' section of this report   |
| 30. There has been inadequate pre-application consultation from the developer                              | Paragraphs 2.0 to 2.7  |
| 31. The erection of a basement is likely to cause subsidence to neighbouring properties and buildings      | The erection of a basement is not unacceptable in planning terms and would not warrant refusal of the application.   |
| 32. The supporters of the application do not live in the area  | Any member of the public has a right to make a representation on a planning application if they wish.  |

The letters of support received to the proposal relate to: the replacement of the dilapidated library with a new, modern facility; the design and height of the building, which relates nicely to the park and adjoining buildings; the provision of new housing for which there is a large need in Brent; the level of space provided by the new community facility, which is large enough to meet the needs of the local population including schools without being too large and costly for it not to be viable.

### **Internal Consultation**

The relevant internal council departments were consulted on 13/08/2013 including Transportation; Design; Landscape; Streetcare; Planning Policy; Housing; Transportation; Design and Environmental Health.

#### **Transportation:**

The council's Transportation Department have objected to the proposal on the grounds of overspill parking, to the detriment of highway and pedestrian safety.

#### **Environmental Health:**

The Environmental Health Department have objected to the lack of detail/ inaccuracies within the plans provided for the Combined Heat and Power (CHP) system which is potentially polluting and may cause noise and disturbance to the residential uses.

Amended plans showing the type of CHP system to be used including its location have been requested alongside a Noise Assessment for the CHP system before Officer support can be given. Further detail has also been requested in relation to the noise impact of the community use on the residential uses above.

#### **Design:**

The Head of Design has objected to the proposal. It is considered significantly overscaled and fails to positively respond to its context.

Concerns have also been raised about the design of the building and its use of materials, for which there is no clear explanation or detail provided.

#### **Landscape:**



The Landscape Department have raised concerns about the lack of landscaping detail submitted for the development and have requested that all residents have access to the rear garden.

No representations have been received from Streetcare, Planning Policy, Housing or Design.

## **REMARKS**

### **1. Main Considerations**

2. The proposed development would involve the conversion of the vacant building, most recently used as a library (Use Class D1), into a community hub (Use Class D1), six self-contained flats and one self-contained dwellinghouse. It is considered that the main planning consideration in relation to the determination of the application are:-

- Whether sufficient mitigation is provided for any loss of community or cultural facilities
- Whether the density, design, scale and massing of the proposal would make a positive contribution to the streetscene
- Whether the proposed residential mix and tenure meets the council's policy requirements
- Whether the proposed residential units provide an acceptable quality of residential accommodation and amenity for future occupiers
- Whether the proposed development has an acceptable impact on the amenities of adjoining residents
- Whether the proposed development would have an acceptable impact on local highways, parking and servicing conditions
- Whether the proposed development meets the statutory development plan's sustainability and renewable energy requirements
- Whether the proposed development meets the statutory development's requirements with regard to the public realm and landscaping

3. The above is a summary of the main planning considerations affecting the current proposal. The application should be determined in accordance with the development plan and any other material planning considerations as set out in this report.

### **4. Replacement of community facilities**

5. The existing building has been vacant since the former use of the building as a public library ceased in 2011. The cessation of the former use was as a result of the Council's Library Transformation Project. The applicant argues in their submission that through this process, adequate mitigation has already been provided, in the form of new and improved library facilities, to justify the loss of the existing building. The Library Transformation Project does provide a comprehensive and efficient library service in the borough. However, the development does not adequately address local demands for wider forms of community facilities. Whilst the Council's library use has ceased, the building remains capable of being used to meet other wider community needs and therefore sufficient mitigation would need to be provided if the loss of the community use is to be supported.

6. The existing building has a gross internal floor area of 413 sqm arranged over 2 floors. Under its previous use the ground floor acted as the main reading room and reception area, with ancillary staff areas, a WC and storage space to the rear, totalling a Net Floor Area of 265sqm. The first floor, accessed via a spiral staircase, were predominantly ancillary store rooms, a kitchen and a WC totalling 148sqm Net Floor Area.

7. The proposal would involve the formation of a community hub occupying part of the ground floor of the building and part of the proposed basement floorspace, yet to be excavated. The applicant has stated that the proposed community hub facility would have an internal floor area of 157sqm (GIA); however discounting circulation space this figure is 123sqm; 141 sqm (GIA) less than the former ground floor library reading room and reception and 290sqm (GIA) less than the former library as a whole. This is a sizeable shortfall in terms of the quantity of floorspace to be reprovided and these concerns are compounded by the fact that the limited floor space would be provided over two levels with 90sqm (GIA) of this space provided at the ground floor level and 33sqm (GIA) provided at the basement level.

8. Notwithstanding concerns regarding the quantity of community use floor space to be provided, consideration also needs to be given to the quality of the space and its functionality in terms of meeting the demands of the local community. The open plan layout of the spaces does not appear to lend itself particularly well to concurrent use of the space by multiple user groups which is suggested in the list of

activities on page 44 of the applicant's 'Community Hub Supplementary Report' (CHSR). For example, if one group wished to use the basement area, whilst another the ground floor, conflicts would be likely to occur in terms of accessing the main entrance, which would have to be shared to access the basement floor. Whilst access could be provided via the residential entrance, this is not considered acceptable for safety, amenity and management related issues. It is noted there are some discrepancies in the plans and the Community Hub Supplementary Report, with the latter intimating there are separate entrances for the ground floor, basement, residential and bin/ cycle stores which are not shown in the plans. Three options have been proposed for the basement level which would include a WC with the potential for a large community hub/ small community hub with one office/ small community hub with two offices. It is noted the two latter options would allow for the toilet to be used for both rooms without interruptions to the different users, although the first option would not present this. More generally, there are concerns regarding the quality of the space at basement level, as this would suffer from a lack of natural light and ventilation, and no solutions are proposed to overcome this.

9. In the submission the applicant proposes a number of flexible uses within the facility which have been identified through public consultation, including indicative plans to show how the space might be used. The submitted details include a schedule of activities occurring Monday to Sunday. Very little detail has been given in terms of identifying the number of estimated users for these activities, and how much floorspace will be required in light of this level of demand. This is of some concern, particularly where activities will be taking place in the facility simultaneously. Furthermore, information on the form and extent of the public consultation undertaken to identify the local demand for community facilities is extremely limited within the submission documents and it is not clear to what extent the proposed uses would meet the wider demands of the local community as well as that of the local community groups.

10. The applicant sets out in the planning statement that the space will be "offered to a community use provider on a rent free or heavily subsidised basis in perpetuity" and this provider will be identified through a tender process. However, again details are limited and it is difficult for officers to be certain that there is a reasonable chance that through this process the community hub will be deliverable and sustainable.

11. Overall, there are significant concerns regarding the quantity, quality and future use and sustainability of the proposed community hub, and the level of community engagement undertaken to ensure that the proposals respond to the local need for community facilities. As such, it is the view of officers that the proposal would fail to provide sufficient mitigation to justify the loss of the existing community facility.

## **12. Density, design, scale and massing**

13. The application seeks to demolish the existing library and erect a five storey building (including basement) comprising 10 No. residential units (x2 1-bed, x6 2-bed, x2 3-bed) and 157m<sup>2</sup> of D1 (multi-functional community) floorspace.

14. The proposal has a total of 36 habitable rooms (N.B. all rooms over 18sqm counted as two habitable rooms as defined within Brent's Unitary Development Plan, 2004). The density of the development, at 720 hr/ha, is thus akin to a development located in an "Urban" location with a Public Transport Accessibility Level of 4 to 6 as set out within the London Plan Density Matrix. The London Plan recommends, for urban areas of a PTAL of 1 to 2, a density of 150 to 200hr/ha. The proposal is thus clearly an overdevelopment of the site.

15. There are severe site constraints given the shape of the site which is deep and narrow, and flanked by habitable room windows from both the north and south. The proposal would be four storeys in height viewed from Olive Road, and would maintain the same property line as 148/ 150 Olive Road to the north, but would project forward of Oman Court by approximately 4.7m. It is generally considered that in new development, the front building line and distance between adjoining properties should respect the layout of the adjoining buildings and street. The footprint of the building clearly fails to do so and furthermore has implications for existing amity of residents of Oman Court to the south (this is covered in more detail in paragraphs 26 to 29). The Council's Head of Design has commented on the proposal and considers the massing of the building to be significantly over scaled. It is not considered the development provides a sensitive transition between Oman Court and the house to the north, and whilst the height may be acceptable for a more sensitively massed and scaled building, the existing proposal is too close to its north and south boundaries and is too large to enable the building to sit comfortably with its context. The majority of the site is occupied by internal accommodation, thus appearing in size, scale and massing as an industrial building and compromising the usefulness and quality of the exterior space.

16. The fenestration of the proposed building makes reference to the 1920's/ 30's Art Deco building to the

south of the site, Oman Court, although has larger more contemporary windows to the north western front elevation with a set back of grey render at third floor and part set back at first and second floors. The Head of Design has commented on the proposal, remarking that the building is neither a high quality self-justifying piece of contemporary architecture nor a well-informed interpretation of contextual cues, and that the elevations are more a result of the site proportion and relationships with neighbours than a conscious attempt to design a sympathetic well-ordered building. It is further noted that very little information has been supplied to explain the quality of the proposals in terms of materials and architectural detailing. These considerations are particularly important when designing for a building of this type in an area of established context.

## **17. Proposed residential mix and tenure**

18. The proposed development seeks to provide x2 1-bed, x6 2-bed, x2 3-bed units and thus would broadly comply with Brent's Core Strategy policy CP2 to provide a minimum of 25% family housing.

19. No affordable housing is proposed; the justification for this given in the Design and Access Statement is that it is offset against the cost proposal to provide the community hub in perpetuity. The application was made invalid in light of the lack of Affordable Housing Toolkit for which the applicant responded that *"the application submission does not include an Affordable Housing Statement because the applicant is not providing any affordable housing....because he is providing a community hub instead..paragraph 7.27 of the Planning Design and Access Statement makes this clear"*. Whilst this may be the case, the absence of an Affordable Housing Toolkit, the viability of the mixed use development, or lack thereof, cannot be confirmed.

## **20. Quality of proposed residential accommodation**

21. The proposed residential accommodation will be provided in the form of ten self-contained flats, with the main access from Olive Road to the north of community hub entrance with a centrally located stair core and lift to the upper floors. The flats would be arranged over four floors; two one-bedroom flats on the ground floor along with the community hub, three flats to each of the first and second floors and two flats on the third floor.

22. The three eastern facing flats to the ground, first and second floors, Apartment Nos. 1, 4 and 7, have reasonable outlook with approximately 10m between the rear habitable windows and the site boundary, providing adequate levels of light and visual amenity. It is noted there are no closely located habitable rooms outside of the site to the rear (east) of the site, providing unrestricted views across the car park belonging to Oman Court.

23. With regard to the south and eastern facing three bedroom unit to the third floor, Apartment 10, adequate outlook is provided to the living/ kitchen/ dining room and bedroom 2. However, bedrooms 1 and 3 are oriented to the south of the site with their windows facing east to limit their impact on the privacy and amenity of habitable rooms to Oman Court from the south. Consequently, the eastern facing window within the master bedroom, at only 700mm wide, provides restricted views which would effectively be a 13 deep expanse of wall to the north at only 1m from the site boundary to the south, with bedroom three having an outlook of 2.4m to void space onto the rear wall of the unit's living/ kitchen/ dining room window. The latter window could be obscure glazed to prevent any privacy issues, however the proposed outlook to both bedroom 1 and bedroom 3 would be considerably restrictive and boxed in. Whilst it is noted that some light would be provided from the south, this does not address the issue of poor quality outlook. Furthermore, light to these rooms would be reliant on land outside the site boundary to Oman Court to the south which could potentially be worsened with the erection of an additional storey to Oman Court (approved under application Ref: 10/2012). It is normally expected that unrestricted views of 10m are provided across the site with a distance of 20m between directly facing habitable rooms. There are habitable rooms facing north at Oman Court which would have unrestricted views into these rooms, resulting in an unacceptable impact on proposed residential privacy.

24. There are similar outlook, amenity, privacy and light issues to the other apartments located on the southern of the site; Apartment 5 on the first floor and Apartment 8 on the second floor have master bedrooms which directly adjoin the southern boundary of the site with east-west facing windows. The windows are of a similar size windows to that of Apartment 10 (i.e. 700mm wide). Whilst a dual aspect is provided, the windows to both apartments are boxed in and have a width of 1m with restricted views to a depth of 5m and 13m east west respectively, resulting in a poor level of outlook and visual amenity. Similarly, Apartment 2 on the ground floor would also rely on light and outlook to the south/ east/ west which would be restricted by the mass of the rest of the development to the north and its close proximity to its southern boundary. The master bedroom to Apartment 10 would have an outlook of 2.4m to the south which would not only provide restrictive outlook to the site boundary, but would also allow for overlooking into the bedroom

from the upper habitable rooms to Oman Court. The kitchen/ living/ dining room would have dual east-west aspect windows with similar issues of restrictive outlook and amenity as those bedrooms to Apartments 5 and 8.

25. Apartments No. 3 (first floor), No. 6 (second floor) and No 9 (third floor) are oriented to the north/ west of the site. The apartments have a similar layout with bedroom 1 and the kitchen/ living/ dining room windows located to the front (west) of the site across Olive Road and towards the park. These windows provide an acceptable level of light and amenity. Bedroom 2 within all apartments has an east facing aspect which clearly seeks to reduce any potential impact of overlooking/ privacy to No. 150 Olive Road which has flank habitable rooms, with the northern boundary approximately 3m from this window. In consideration of the massing of the rest of the proposed building, the window serving bedroom 2 would receive limited light, with a respective 11m and 13m east-west flank wall to either side of the window. Bedroom 3 to apartment No. 9 on the third floor would also suffer a similar relationship to its southern boundary, with a western facing habitable room window boxed in by the southern flank of the site with a distance of just over 1m between the flank wall and boundary, with the front wall of the building projecting over 3m beyond the window.

26. In terms of the internal and external space standards, these are set out in the table below:

| Flat No. | Unit Type    | Total unit Size/ London Plan minimum requirement (sqm) | Amenity Space/ Minimum SPG17 requirement (sqm) | Total net floorspace/ SPG17 and London Plan requirement (sqm) |
|----------|--------------|--|--|---|
| 1        | 1bed 2person | 56 (50)  | 145 (20)                                       | 201 (70)  |
| 2        | 1bed 2person | 50 (50)  | 22 (20)  | 72 (70)   |
| 3        | 2bed 3person | 76 (61)  | 6 (20)   | 82 (81)   |
| 4        | 2bed 3person | 64 (61)  | 8 (20)   | 72 (81)   |
| 5        | 2bed 4person | 81 (70)  | 14 (20)  | 95 (90)   |
| 6        | 2bed 4person | 76 (70)  | 7 (20)   | 83 (90)   |
| 7        | 2bed 3person | 63 (61)  | 5 (20)   | 68 (81)   |
| 8        | 2bed 4person | 81 (70)  | 3 (20)   | 84 (90)   |
| 9        | 3bed 5person | 96 (86)  | 40 (50)  | 136 (136)   |
| 10       | 3bed 5person | 87 (86)  | 7 (50)   | 96 (136)  |

27. The minimum floorspace requirements have been met internally with all units meeting the floorspace set out within the London Plan. In terms of external amenity space, only three of the proposed units comply with the guidance contained in SPG17, which recommends a minimum of 20sqm be provided per flat and 50sqm per family dwellinghouse. Notwithstanding this, SPG17 does offer some flexibility with regard to unit sizes, allowing for a lower amount of amenity space where larger units are provided internally or in areas of particular constraint, and it is noted the proposal is very closely located to parkland. At a minimum, all units would be required to have access to well designed, oriented and usable amenity space with three bedroom units ideally providing direct access to a garden. Indeed, whilst it is noted that all flats have some level of amenity space, it is thus unclear why the 2 x three bedroom units have been located on the third floor when clearly the largest provision of amenity space could be best accommodated on the ground floor where a ground floor one bedroom unit is proposed which has private access to a 145sqm garden.

28. Many of the proposed amenity spaces are badly designed, poorly oriented and cause issues of overlooking. The terrace to Apartment 2 on the ground floor would sit directly to the north of the boundary fence, which would be likely to overshadow these spaces for much of the day and face habitable rooms within Oman Court. The south facing terrace to Apartment 5 at first floor alongside the balconies to Apartments 4, 7 and 10 (1st, 2nd and 3rd floor respectively) would be oriented to the south of the site, also directly facing the habitable rooms of Oman Court. Normally, unless it can be demonstrated that privacy can be maintained through design, there should be a minimum separation of 20m between directly facing habitable room windows on main rear elevations.

29. To the north of the site the balcony to the first floor of Apartment 4, by virtue of its of its set back, proximity to the gardens of No. 150 and its high level, would result in overlooking to the gardens of the flats. It is also noted that the third floor north/ eastern facing terrace proposed to Apartment No. 9 is shown to have obscure glass to the balustrade prevent overlooking to the flank habitable room windows and gardens to the flats at No. 150 Olive Road. However, the proposed indicative glazing would fail to restrict these views in consideration of its height which is proposed to be less than 1m and furthermore any additional height to the balustrade the northern boundary would disrupt the visual integrity of the front and flank elevations.

### **30. Impact on adjoining residential amenity**

31. It noted that the overdevelopment of the site causes a material loss of amenity to the those units with habitable rooms within Oman Court and to the rear gardens of 150 Olive Road by virtue of the proximity of the development to its boundaries.

32. There are habitable rooms located both within the northern facing units at Oman Court and the southern flank windows to 150 Olive Road. As set out within Brent's SPG17 document, the minimum direct distance between habitable rooms on the main rear elevation (not extensions) and the rear boundary, or flank wall of adjoining development, should normally be 10m or more. Oman Court is a U-shaped four storey block of flats, with the closest habitable rooms located less than 3m away from the site boundary. Although the proposal has effectively designed out any directly facing habitable rooms, this close relationship, which is worsened in comparison with the existing library given the proposed development's extra width (4m) and height (0.5m maximum additional height, with 7.5m additional height to the southernmost/ northernmost part of the development), the proposal would have a detrimental impact on light and outlook to both properties, failing to comply with SPG17 and Brent's Unitary Development Plan policies.

33. There are concerns about the worsening relationship with the development's neighbouring boundaries. Supplementary Planning Guidance Note 17, "Design Guide for New Development" states that in general, the building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of the adjoining existing property, measured from height of 2m above floor level. The development clearly fails to comply with this rule adjoining Oman Court to the south and whilst it is noted the existing library also fails to comply with this rule, it is expected that the situation should not be worsened which, unfortunately, is with the proposed building envelope. Where proposed development adjoins private amenity/ garden areas, the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. Whilst this rule may not be relevant for developments which generally respect the adjoining building lines and thus do not have an impact, it is noted that the development projects some 16m or more distance beyond the rear walls of the adjoining properties to the north, No. 150 and 148 Olive Road, and thus in this case it is considered relevant. Although the depth of the existing library is deeper than that of the proposed development, it complies with the 45 degree angle adjoining the gardens of Nos. 150 and 148 Olive Road, whereas the proposed development does not.

34. In addition to this, those southern facing flank windows to ground floor apartment No. 2 and the rear balconies/ terraces of 4, 5, 7 and 10 would directly face those north facing habitable rooms within Oman Court; as previously noted it is normally expected that a minimum separation of 20m between directly facing habitable room windows are maintained on main rear elevations.

35. Finally, as noted within paragraph 25, the balcony to first floor Apartment 4 and third floor Apartment 9 would overlook the gardens of No. 150 Olive Road.

### **36. Transport, Parking and Servicing**

37. The site has no existing parking and lies within an area of very poor Transport Accessibility (PTAL). It is within a Controlled Parking Zone (CPZ) where restrictions apply from 10.00 am - 9.00 pm Mon – Sat.

38. The residential element of the proposed scheme provides two 1-bed flats, six 2-bed flats and two 3-bed flats. These are subject to parking standards set out in PS14 of the UDP-2004, and in a location which does not benefit from good PTAL ratings the full standards are applied whereby 1-bed flats can be permitted up to 1.0 car spaces, 2-bed flats up to 1.2 car spaces and 3-bed flats up to 1.6 car spaces. With the proposed dwelling mix, a combined residential parking standard of up to 12.4 car spaces may be calculated. This is a very significant increase over the existing use of the site. The proposed use of the site will retain a D1 use, which will be subject to the same PS12 standard. As such, at least two car spaces are permissible for this premises.

39. The proposal will not provide any on-site car parking and as such, the impact of the proposal on on-street car parking should be considered. Olive Road is defined as being heavily parked, and within CPZ "GM" as a whole 1092 permits have been issued in a zone with just 1220 spaces in total (89.5% of capacity).

40. The applicant has submitted an overnight parking beat survey in support of their application which found that of 108 car spaces within 200m walk of the site, only 61 were occupied (56% of spaces). This is a long way below the threshold for heavily parked streets, which is 85% of capacity. It is noted that the Council's Transportation Department has conducted their own survey which showed that 101 spaces were occupied

with a figure of 60% capacity as the parking stress level.

41. Notwithstanding the existing on-street capacity, Policy TRN23 of the UDP-2004 specifies that on-street parking may be acceptable “for the frontage of the development only.” The frontage of the development site measures approximately 17.5m, and thus is able to accommodate three cars. Opposite the site lies Gladstone Park, and as such there is the potential capacity for three further cars. However, this would satisfy only 50% of the maximum residential parking standard.

42. Notwithstanding the spare parking capacity identified in the locality by the applicant, the policy is clear regarding the parameters of acceptable on-street car parking to be considered within a planning application. As such, the development is likely to lead to excessive levels of overspill car parking to the detriment of highway and pedestrian safety.

43. With regard to cycle parking, six spaces are shown in a secure and covered store to the side of the block which fails to meet the requirement outlined in UDP policy PS16, which requires one space per dwelling. Three “Sheffield” type cycle stands provide up to six cycle spaces for the proposed D1 use which is acceptable. Refuse and recycling storage for all of the flats and the D1 unit are proposed within communal stores close to the street frontages, which are satisfactory.

#### **44. Sustainability and renewable energy**

45. Major applications outside Growth Areas are required to meet Code for Sustainable Homes (CSH) Level 3 and a minimum of 50% on the Council’s Sustainability Checklist is also sought. At the time of submission for the application, an improvement of 25% over Target Emission Rate of Part L of 2010 Building Regulations was required, as set out by London Plan policies 5.1 and 5.2. No Sustainability Checklist has been submitted as part of the proposal, however it is noted this could be secured by condition.

46. A Renewable Energy Options Assessment and a has been submitted which shows compliancy with these policies. Although no Sustainability Checklist was submitted as part of the application, this could be secured through a S106 and as such has not been included for a reason for refusal.

47. Both the sustainability report and Code for Sustainable Homes (CSH) pre-assessment assume the use of CHP for the scheme. The details of the system in these two documents are not fully consistent with each other in that the heat -to-power ratios assumed in the Sustainability statement are not available in the Gas Turbines considered in the CSH assessment; according to the applicants own figures a more polluting Gas Engine would be required.

48. The level of projected NOx emissions and how this translate into assessments of actual pollution cannot properly be assessed, nor can the impact on the residential uses without the specific location of the CHP unit and outlet stack. Without details of an end-of-pipe measure showing the NOx output and without plans showing the location and subsequent impact of the unit, support cannot be given to the proposal.

#### **49. Public realm and landscaping**

50. It is noted that very little has been provided by way of landscaping and public realm details; however it is noted there are no sensitive trees or landscaping/ public realm issues that would be required to be submitted up front, and as such this has not been included for a reason for refusal.

#### **51. Community Infrastructure Levy**

52. The following table provides a summary of the development schedule for the proposed scheme:

| Use                  | Existing Floorspace<br>(sqm GIA) | Proposed Floor Space<br>(sqm GIA) | Net Difference<br>(sqm GIA) |
|----------------------|----------------------------------|-----------------------------------|-----------------------------|
| Community (D1) Use   | 413                              | 157                               | -256                        |
| Residential (C3) Use | 0                                | 874                               | +874                        |
| <b>TOTAL</b>         | <b>413</b>                       | <b>1031</b>                       | <b>+618</b>                 |

53. If approved, the application would attract a liability for both Brent and Mayoral Community Infrastructure Levy (CIL).

54. In terms of Brent CIL this would only be applicable on the residential element of the scheme as community uses are charged at a zero rate. Based on the above floor areas the Brent CIL liability is

estimated as £178,719.28.

55. In terms of Mayoral CIL this would be chargeable on the whole development. Based on the above floor the Mayoral CIL liability is estimated as £36,894.08

## **56. Conclusion**

57. Overall, for the reasons set out above it is considered that the proposal would fail to provide sufficient mitigation for the loss of the existing community facility, would fail to provide a sufficient standard of residential quality and amenity for future occupiers and would have a detrimental impact on adjoining residential amenity. The size, scale and density of the development is clearly too large for the plot and fails to respect its context. The proposed on-street parking would result in overspill parking to the detriment of highway safety. As such, officers recommend that the application be refused.

**RECOMMENDATION:** Refuse Consent

## **CONDITIONS/REASONS:**

- (1) The applicant has failed to demonstrate that the proposed community hub would be of a size, layout and quality that sufficiently and suitably meets the local need for community facilities to a degree that it would adequately compensate for the loss of the existing community facility on site. As such, the proposal would be harmful to the future provision of community and cultural facilities for local residents contrary to policy CP23 of the London Borough of Brent LDF Core Strategy 2010.
- (2) The proposed development, by reason of its scale and massing, design, proximity to site boundaries and failure to respect existing property lines, constitutes an overdevelopment of the site that fails to respect its context, appearing overly bulky within the street scene and cramped within the plot, contrary to policies H13, BE2, BE7 and BE9 of the Adopted Brent Unitary Development Plan 2004, London Borough of Brent LDF Core Strategy 2010 policy CP17 and Supplementary Planning Guidance 17 - "Design Guide for New Development".
- (3) The proximity and relationship of the of the proposed habitable rooms within Apartments 10, 5, 8, 3, 6 and 9 to the site boundaries results in restricted light and outlook to habitable rooms and provides a lack of usable quality amenity space for the proposed future occupiers, symptomatic of the overdevelopment of the site and contrary to Core Strategy policy CP17, Brent Unitary Development policies BE9, H13 and H22 and Brent's Supplementary Planning Guidance Note 17, "Design Guide for New Development".
- (4) The proposed development, by reason of its proximity to habitable rooms within Oman Court to the south and to neighbouring properties to the north fronting Olive Road, would result in loss of light, outlook and appear overbearing when viewed from these properties and their gardens. The proposed amenity spaces at high level would provide unrestricted views to neighbouring properties and gardens on Olive Road to the north and would allow for direct views into the habitable rooms of Oman Court. The development is thus contrary to Brent's London Borough of Brent LDF Core Strategy 2010 policy CP17, Unitary Development Plan (2004) policies BE9, H22 and SPG17 "Design Guide for new Development".
- (5) It has not been demonstrated that the proposed car parking demand can be satisfactorily accommodated without resulting in excessive overspill of car parking onto surrounding residential streets, to the detriment of highway and pedestrian safety. The proposal therefore fails to comply with TRN23 of Brent's Unitary Development Plan 2004.
- (6) In the absence of an Affordable Housing Viability Assessment, the proposed development provide a sufficient level of affordable housing contrary to policy CP2 of London Borough of

Brent LDF Core Strategy 2010 and policy 3.11 of the London Plan 2011.

- (7) Information has not been submitted to demonstrate that the Combined Heat and Power system would have an acceptable impact on air quality for existing and proposed residential accommodation. As such, the proposal is contrary to London Borough of Brent LDF Core Strategy 2010 CP19 and policies EP2 and EP3 of Brent's Unitary Development Plan 2004.

**INFORMATIVES:**

- (1) The applicant is reminded of the pre-application advice that was given on 17/05/2013. As the applicant has failed to address the issues set out in this letter, the Council has resolved to refuse the application.

Any person wishing to inspect the above papers should contact Laura Jenkinson, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5276