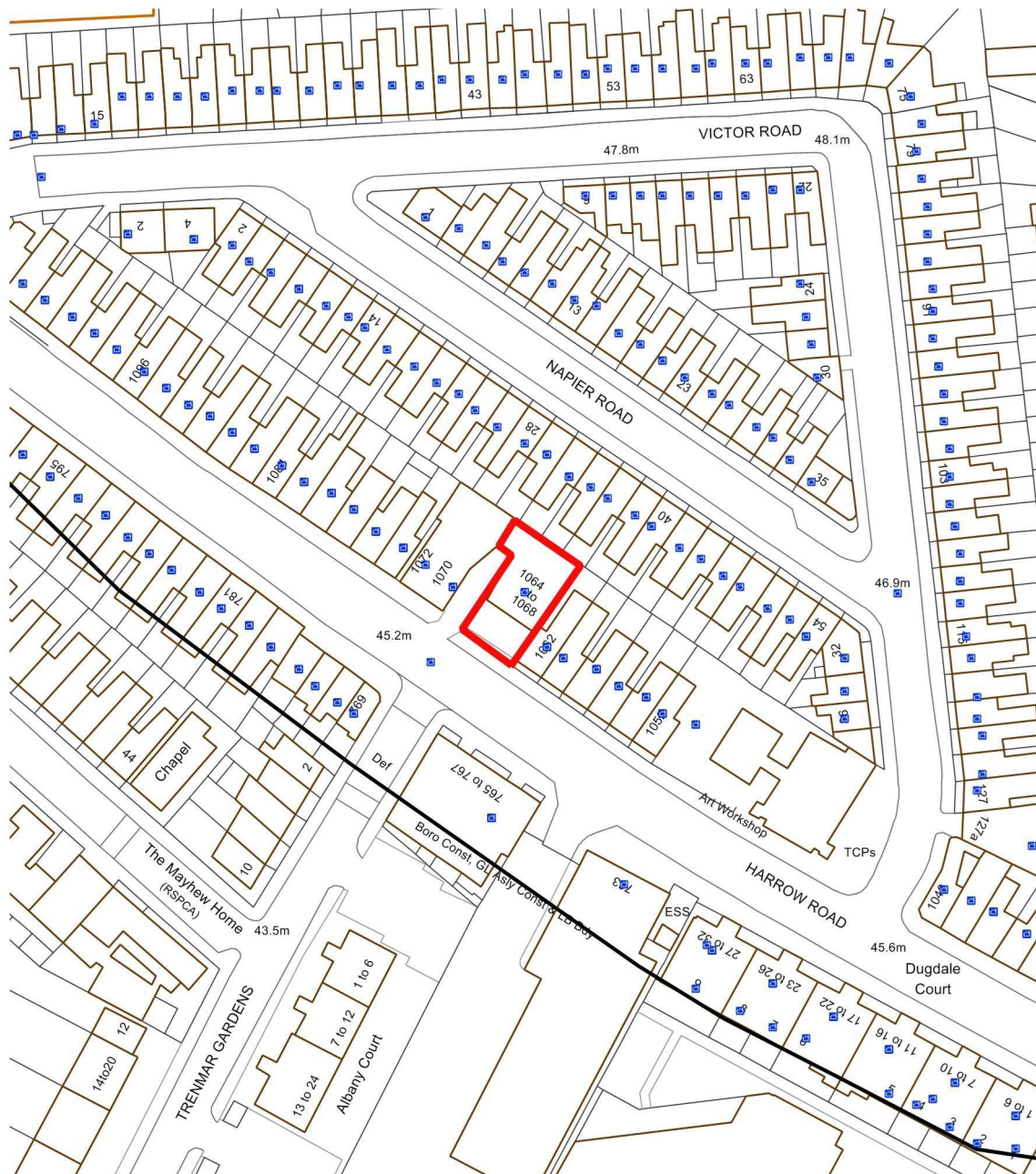




Planning Committee Map

Site address: 1064-1068 Harrow Road, London, NW10 5NL

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This map is indicative only.

RECEIVED: 5 July, 2013

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: 1064-1068 Harrow Road, London, NW10 5NL

PROPOSAL: Demolition of existing single-storey building and erection of part 3 storey building with basement and roof space accommodation, comprising 7x1 bed and 2x2 bed flats with refuse and cycle storage facilities

APPLICANT: Spincross Ltd C/O City Land

CONTACT: Salisbury Jones Planning

PLAN NO'S:

Site Location Plan
7665/10
7665/15
7665/16
7665/50B
7665/51B
7665/60B
7665/61B
7665/62

RECOMMENDATION

Refusal

EXISTING

The site is occupied by a vehicle maintenance and repairs workshop and includes an open forecourt fronting onto Harrow Road between the flank walls of number 1062 and 1070 Harrow Road, and a single storey building on the rear of the site which is built up to the boundary with the rear gardens of the dwellings on nos.32-36 Napier Road.

The site is not within a Conservation Area nor is it within the setting of a listed building. This site is not within any designated shopping area but the neighbouring site at 1070 Harrow Road is within a local centre. The site is considered to be a local employment site

PROPOSAL

As above

HISTORY

In December 2012 a planning application (12/2916) was refused under delegated powers for the "*Demolition of existing single-storey property and erection of a proposed part 3/part 2/part single storey building with basement containing 394sqm of commercial floor space at basement and ground floor level and 5 (one-bed) flats above with associated roof terraces, refuse and cycle storage.*".

In summary the application was refused for the following reasons:-

1. The inappropriate loss of a local employment site.
2. The overbearing impact of the development on the outlook, light and privacy of neighbouring occupiers (two reasons).
3. The development would have a harmful impact on the character and appearance of the area.

4. In the absence of a legal agreement, a failure to secure appropriate s106 contributions.
5. In the absence of a legal agreement, the development would result in an unreasonable demand for on-street parking and servicing that cannot be met.
6. The development would fail to provide satisfactory standards of residential accommodation.

The current application is for a similar form of development but includes residential accommodation in the ground floor and basement area instead of commercial floor space.

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27th March 2012 and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making.

Saved policies from the adopted UDP have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where LDF Core Strategy, UDP saved policies and SPG's are referred to in the report below they have been considered in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

Core Strategy 2010

CP2 Population and Housing Growth

CP17 Protecting and Enhancing the Suburban Character of Brent

CP20 Strategic Industrial Locations and Locally Significant Industrial Sites

CP21 A Balanced Housing Stock

UDP 2004

BE2 - Townscape and Local Character

BE7 - Public Realm

BE9 - Architectural Quality

BE25 - Development in Conservation Areas

BE26 - Alterations & Extensions to Buildings in Conservation Areas

H11 - Housing on Brownfield Sites

H12 - Residential Quality - Layout considerations

TRN3 - Environmental Impact of Traffic

TRN11 - The London Cycle Network

TRN34 - Servicing in New Development

TRN23 - Parking Standards – Residential Development

PS14 - Parking Standards

EMP9 - Development of Local Employment Sites

Supplementary Planning Guidance Note 17: Design Guide for New Development

Supplementary Planning Document: S106 Planning Obligations

CONSULTATION

Public Consultation

Consultation letters, dated 9th July 2013, were sent to Ward Councillors and 200 neighbouring owner occupiers. In response one letter of objection was received. The objector raises concerns that the development will exacerbate existing on-street parking congestion within the locality of the site.

Whilst the application has not been reported under the provisions for Member Call-In, Cllr Hector and Cllr Jones have expressed support for the application to be determined by the Council's Planning Committee.

As the site is adjacent to the borough boundary the London Borough of Hammersmith and Fulham were consulted. They raise no objection to the proposal.

Internal Consultation

Transportation Unit - The Council's Transportation Unit do not object to the proposal provided it is subject to a 'permit-free' agreement where future occupiers of the development would not be entitled to apply for on-street parking permits.

Environmental Health - The Council's Environmental Health Officer recommend conditions requiring sound insulation, the submission of further information relating to impact on local air quality and requiring soil contamination investigations should planning permission be approved.

Planning Policy & Research - Object to the proposal on the basis that it would result in the unjustified loss of a local employment site without meeting the tests set out in UDP policy EMP9 (further detail in the Remarks section).

REMARKS

Loss of Local Employment

1. 1064-1068 Harrow Road is a Local Employment Site that until recently was in use as a motor car workshop and MOT testing centre. The NPPF states the planning system is to contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support economic growth. Furthermore, paragraph 21 of the NPPF outlines the requirement for local planning authorities in their Local Plan to; *'meet the anticipated needs of businesses over the planning period'*. If too much land is released the Council might be unable to meet these anticipated needs.
2. The mechanism for assessing if sufficient employment land of the right type and in the right place is available is through an Employment Land Demand Study (ELDS). Brent's updated ELDS (September 2013) assesses likely demand and available supply of employment land in quantitative and qualitative terms. To ensure 'anticipated needs' are met as required by the NPPF viable sites need to be retained, whilst those which are no longer fit for purpose or unviable released. Based on the qualitative assessment the study identifies sites which should no longer be safeguarded and those 'high quality or 'strategic' sites which should continue to be retained. The subject site is not specifically identified in the updated ELDS.
3. The study recommends any proposals to release employment land beyond the identified sites in the ELDS should continue to be assessed against the criteria in saved UDP policy EMP 9. Saved UDP policy EMP9 allows for the managed release of employment sites where there is no effective demand and corresponds to the principles of the NPPF. EMP9 states development of Local Employment Sites for non-employment uses will not be permitted except where:-
 - a) Unacceptable environmental problems are associated with the use of the site for employment use.
 - b) There is no effective demand for the premises.
4. Supporting text to the policy (paragraph 7.7.16) states lack of effective demand will normally be demonstrated by lack of success in finding an occupier after vigorous marketing efforts. The vacancy of the premises for at least two years despite marketing efforts would be seen as confirming a lack of effective demand.
5. As stated in the Design and Access Statement supporting the application the site was until recently in employment use and no marketing of the property has been undertaken. In addition the operation of a vehicle repair garage on the adjacent plot indicates there is demand for such a use in this location. Therefore criteria b of EMP9 does not apply.
6. The applicant states the continued use of the site would give rise to environmental problems as the building is not compliant with modern day requirements. It is stated that the emission testing which took place in the building required significant revving of engines which caused noise, disturbance and emissions.
7. The site is located adjacent a busy road in an area characterised by a mix of commercial and residential uses and is adjacent a vehicle repair garage. The majority of residential premises along this stretch of Harrow Road are located above commercial premises. The building on 1064-1068 Harrow Road in which the emission testing took place is set back from the residential premises to the east of the site.
8. The continued use of the site for employment use is in keeping with the character of the area and would

not significantly increase existing levels of noise or disturbance. It is also not clear why routine measures couldn't be introduced to limit potential problems. It is also noted that the proposed redevelopment of the site would result in residential premises in closer proximity to an employment uses of a similar nature to the MOT testing station, than the existing situation.

9. Furthermore, the supporting text to EMP9 makes it clear that where intrusive employment uses need to be removed, it may nevertheless still be possible for the site to be redeveloped to accommodate employment uses that have an acceptable impact. As stated the site is currently vacant, any future proposals for employment use would be assessed against saved UDP policy EMP10 (The environmental impact of employment development) which would ensure the site remains in employment use without unacceptable environmental impacts.
10. In conclusion the continued use of the site for employment is in keeping with the character of this section of Harrow Road, and it has not been demonstrated that this would result in unacceptable environmental problems. Therefore criteria a of EMP9 does not apply and the loss of the existing employment use is not supported by officers.

Design

11. The existing site is occupied by single storey flat roof workshop building which is set back from the main building line of both neighbouring forecourts to provide a forecourt area. The proposed development would involve the erection of a three storey building fronting on to Harrow Road with a pitched roof with dormer windows to the front. To the rear the main roof will have a mansard style with dormers. The rear of the property would be comprised of a part 3, part 2 storey projection with a pitched roof.
12. The proposed building appears to have been designed on the principle of extending the existing terrace of three-storey buildings along this section of the Harrow Road.. As such, in design terms a three storey frontage is considered to be appropriate in this location. However, although there has been an attempt to pick up on the rhythm of the fenestration on the uppers floors of the adjacent terrace, the proportion of the proposed windows varies significantly with the very consistent approach that characterises the adjoining terrace. Whilst it is recognised that the modern construction may have different floor to ceiling heights, there is clearly still potential to change the proportions of the windows to more closely reflect with the existing terrace. This will have the added bonus of creating much lighter and more attractive internal spaces as well.
13. The front elevation presents 4 prominent front dormer windows in a location where there is no precedent for this. This would also detract from the group quality and character of the adjoining terrace.
14. The front boundary treatment would comprise of a metal railing. This approach has presumably been adopted to limit the impact on the proposed basement. However, is not consistent with the brick wall boundary treatment to the rest of the terrace and is likely to increase litter and noise into the basement and ground floor units.
15. Whilst it is acknowledged that there are rear projections to other properties in the adjacent terrace, the change in roof pitch to the rear, in conjunction with the rear dormers, the stepped outrigger, the projecting bay windows and the significant site boundary treatment creates a building mass that will appear to be significantly larger than the adjacent buildings when viewed from the rear of Napier Road
16. The rear projection marginally fails to comply with the guidance on scale and massing contained in SPG17, but it is the lack of separation between the rear of the proposed building and the rear of the neighbouring properties on Napier Road which would primarily cause the proposed building to appear overbearing in terms of its scale and design. At first floor level this separation is only 7.9m.
17. The relationship between the existing rear projection to 1062 Harrow Road and that proposed to the new development would create an enclosed space, 3.35m wide with two/three storey structures on either side. There appear to be residential windows to the rear of 1062 which would overlook this space and, whilst these types of relationships are relatively common amongst Victorian/Edwardian terraced properties, these windows have enjoyed relatively unenclosed views up to now. It is considered that the proposed rear outrigger would have an unreasonably overbearing impact on the outlook from these windows.
18. At first floor level there appear to be habitable room windows in the flank wall of the existing building at 1070-1072 Harrow Road which would directly face the flank wall of the proposed development across a shared access road which is 3.63m wide. It is considered that the close proximity and bulk of the

proposed building would also appear overbearing to occupiers of these units.

Impact on neighbouring occupiers

19. In terms of the impact on adjoining properties, the overbearing impact of the proposed development on the outlook of neighbouring occupiers is discussed above.
20. The applicants have submitted a daylight/sunlight report in support of the application. Whilst, the report finds general compliance with the BRE guidance for daylight and sunlight, it does highlight some areas of concern with regards to the relationship with the flank wall of 1070-1072 Harrow Road, which contains habitable room windows. The report finds that there would be adverse impacts on the daylight and sunlight to these windows but concludes that as the resulting levels of daylight/sunlight would still be above the minimum standards that this would be acceptable. Whilst the resulting levels of daylight and sunlight may exceed the minimum guidance, the fact remains that there would be significant reduction for existing levels that would be noticeable to occupiers of the unit. As such, this compounds concerns raised above regarding the overbearing impact of the development on these occupiers.
21. In terms of privacy, the separation between the rear of the proposed development and the rear of the neighbouring properties at Napier Road would be only 7.9m at first floor level which would not comply with the 20m guidance set out in SPG17. However, to overcome this issue the windows at first floor level to the rear of the proposed development would have obscured glazing to a height of 1.8m. Whilst this may go some way to reducing any loss of privacy this would cause other issues with the quality of the internal accommodation (discussed below).

Residential Quality

22. The development would provide 9 units, two of which would be located at basement level. The quality of accommodation of these basement units (Flats 1 and 2) is of particular concern in terms of the outlook, light and amenity for potential occupiers.
23. The sole living/dining space to each of these units would have a solely north facing aspect across a small courtyard, with a depth of approximately 4m towards the retaining/boundary wall with the properties along Napier Road, which when viewed from the basement flats would have a height of approximately 6m. The sole bedroom to each of these units, whilst orientated towards the south, would also have a restricted outlook across a 2m lightwell, above which would be the footpath along Harrow Road, a busy and heavily trafficked distributor road. Disturbance to these bedrooms is likely to be high whilst outlook and privacy would be poor.
24. In order to address the limited separation (7.9m) between the proposed development and the windows on the rear of the properties along Napier Road, at first floor level, the sole living dining areas to flats 5 and 6 would be served by bay windows treated with obscured glazing to a height of 1.8m. This would severely inhibit the outlook from these habitable rooms and would provide substandard levels of residential quality for potential occupiers.
25. With the exception of the basement flats, no external amenity space is provided to the remaining 7 units. It is acknowledged that in some urban locations it will be difficult for new development to meet the normal amenity space standards and therefore SPG17 sets out ways in which a shortfall of amenity space might be addressed. One way would be through financial contributions to improve local public space, however, at present, until the Council finalise the publication of a CIL Regulation 123 list the Council are unable to secure this type of contribution and, in any case, there are a lack of Brent open spaces within the locality which could reasonable be improved for use by potential occupiers of the development.
26. The guidance contained in SPG17 suggests a more practical solution and that would be to provide increased unit sizes to provide more generous internal areas for potential occupiers. However, of the 7 flats without access to some private amenity, only 2 are some 20% over minimum standard. Flats 7, 8 and 9 only just meet the minimum internal floor space standard and flats 5 and 6 only exceed the minimum standard by 2sqm. The combination of minimum or near minimum internal areas and the absence of private amenity space for most of the flats is considered to be contribute to a cramp and substandard form of accommodation for potential occupiers.

Transport, Parking and Servicing

27. The existing B2 use is subject to parking standards set out in PS6 of the UDP-2004, whereby 1 car space can be permitted per 150sqm outside of major town centres. The site currently provides car parking for at least four vehicles on the forecourt. During a site visit it was observed that despite being vacant vehicles

were still being parked on the forecourt. The applicant has stated that these vehicles were parked without the owners consent.

28. The proposed development would attract a maximum parking standard of 6.3 spaces. The site following development will not have room to accommodate residential car parking, and an increase in on-street parking cannot be permitted on a Distributor road. However, since the PTAL rating is good and there is a CPZ, this issue could be resolved through a 'permit-free' agreement, secured via S106 Agreement, whereby future occupiers of the development would be restricted from applying for on-street parking permits. However, as the application is recommended for refusal no agreement has been entered into with the applicant and, in the absence of an agreement, the proposed development would have an unacceptable impact on parking in the local area and would need to be added as a separate reason for refusal.
29. Secure and covered cycle parking is shown for all 9 dwellings in a store adjacent to the rear lightwell of one of the basement flats. Other than this basement flat, occupiers of the other units would need to use a shared drive between the site and the adjoining premises at 1070-1072 Harrow Road which operates on the ground floor as a motor spares retail unit to the front with a car repair workshop to the rear. Refuse and recycling storage would be provided within an internal store to the flank of the new development and access to this store would also be dependent the shared access.
30. The reliance of the shared drive to access these residential facilities is of concerns for a number of reasons. Firstly, the shared drive is current outside of the redline application site and no blue line has been provided to indicate the applicants ownership over the land. The applicant has written to officers to confirm that they enjoy joint ownership of the shared drive with the owners of 1070-1072 Harrow Road. However, Officers need to be satisfied that access to the cycle and refuse/recycling stores can be reasonably provided.
31. Secondly,.during a site visit, car repairs were taking place within the shared drive. This was raised with the applicant who has stated that they have a legal opinion that the drive should be used for access only and that the neighbouring premises are not entitled to undertake repairs on the drive. This is issue is of concern as undertaking car repairs on the shared drive would give rise to conflicts with the proposed residential use harming amenity and the ability to properly service the proposed development. However, even if evidence of the ability to access and enforce the use of this accessway were provided, it is considered that the incident noted is likely to be an example of the problems associated with residential occupiers sharing an access with a use such as a vehicle maintenance business.
32. The redundant vehicular crossover on the south-eastern side of the development site will need to be restored to kerb-and-channel at the developers expense. If the application were to be recommended for approval, a condition would normally be attached to this effect.

CIL

33. Although refusal is recommended, if Members were minded to approve the application the development would attract a CIL liability. Whilst, the exact liability would be subject to a more detailed assessment, broadly it is likely that the scheme would attract a Brent CIL in the order of £75k and a Mayoral CIL in the order of £13.5k.

Conclusion

The proposed development is considered to be unacceptable for the reasons identified above. Accordingly the proposal is recommended for refusal for the reasons set out below.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed development results in the loss of an employment use, that would prejudice the provision of such uses to the detriment of the Borough's economy and reduce employment opportunities for the Borough residents, contrary to policy EMP9 of the London Borough of Brent Unitary Development Plan 2004.

- (2) The proposed development, by virtue of its excessive bulk, scale and massing, would have an overbearing appearance and would harm the outlook of occupiers of neighbouring residential properties, in general, and, in the case of 1070-1072 Harrow Road, would also result in an unreasonable loss of daylight and sunlight, contrary to policy BE9 of the London Borough of Brent Unitary Development Plan 2004 and advice contained in Supplementary Planning Guidance 17:- Design Guide For New Development.
- (3) The proposed development, by reason of the lack of outlook and light to basement flats, the lack of outlook from living areas in the first floor flats and the absence of amenity space without suitable mitigation to a number of units, would constitute a substandard form of residential accommodation which would harm the amenity of future occupiers contrary to policy BE9 and H12 of the London Borough of Brent Unitary Development Plan 2004 and advice contained in Supplementary Planning Guidance 17:-' Design Guide for New Development' and the Mayor's Housing SPD.
- (4) The proposed development, by reason of the unsympathetic siting and proportioning of windows to the front elevation, the incongruous and excessive formation of front dormer windows, and the provision of an uncharacteristic and poor quality front boundary treatment, would result in a building design that would detract from the character and appearance of the adjacent terrace and streetscene contrary to policies BE2 and BE9 of the London Borough of Brent Unitary Development Plan 2004 and advice contained in Supplementary Planning Guidance 17:- 'Design Guide for New Development'.
- (5) As it would require access over land which is outside of the application ('red line') site, the proposed development would fail to provide satisfactory arrangements for the storage of refuse/recycling and the secure storage of cycles contrary to policies TRN11 and TRN34 of the London Borough of Brent Unitary Development Plan 2004.
- (6) In the absence of a legal agreement to control the matter, the development would result in a local demand for parking which cannot be met either on site, on the adjacent Distributor Road or within the local side streets which are heavily parked, without causing unreasonable harm to local highway and pedestrian safety contrary to policies TRN3, TRN23 and TRN24 of the London Borough of Brent Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Employment Land Demand Study 2013

Any person wishing to inspect the above papers should contact Robin Sedgwick, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5229