



Planning Committee Map

Site address: Ex Willesden New Social Club, Rucklidge Avenue, London, NW10

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This map is indicative only.

RECEIVED: 18 November, 2013

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Ex Willesden New Social Club, Rucklidge Avenue, London, NW10

PROPOSAL: Erection of a part three, four and five storey building, with a set back fifth storey, accommodating 21 flats (100% affordable rent) and ground floor A1 retail use, together with associated cycle storage, landscaping and amenity space.

APPLICANT: Origin Housing Limited

CONTACT: Jones Lang LaSalle

PLAN NO'S:
See condition 2.

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal Services and Procurement.

SECTION 106 DETAILS

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

- (a) Payment of the Council's legal and other professional costs on completion of the deed in
 - (i) preparing and completing the agreement and (ii) monitoring its performance.
- (b) Notification of material start 28 days prior to commencement
- (c) Provision of 21 affordable rent units secured at 80% of market value (inclusive of service charge) as determined by reference to the RICS red book.
- (d) A contribution of £13,400 for landscaping open space enhancements
- (e) Sustainability – Code for Sustainable Homes Level 4 and Breeams 'Excellent' rating Post Construction Assessment and Certificate shall be submitted prior to occupation; achieve 50% on the Brent Sustainable Development Checklist, demonstrated through submission of a Detailed Sustainability Implementation Strategy prior to construction; compliance with the ICE Demolition protocol, demonstrated by submission of an independent report detailing demolition and new build material use and recycling; and details of any renewable technologies required to supplement any passive measures in order to achieve a minimum 40% reduction above the CO2 target emission rate required by the Building Regulations Part L 2010, to be submitted, approved and maintained throughout the lifetime of the development.
- (f) Prior to Practical Completion enter into a s278/s35 for any required highways works.
- (g) Join and adhere to the Considerate Constructors scheme.
- (h) The development shall be entirely "car-free".

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Core Strategy, Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£368,695.42** of which **£310,080.00** is Brent CIL and **£0.00** is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

This application relates to the Former Willesden New Social Club at the junction of Rucklidge Avenue and Park. The site is roughly rectangular in shape and has an area of just over 0.1 hectares. The former Club has now been demolished leaving the site vacant apart from a small functioning electricity sub station in the north east corner.

The south west and north west boundaries of the site front Rucklidge Avenue and Park Parade. The north east boundary abuts 1-12 St Josephs Court, a relatively modern three storey residential development fronting Park Parade and Leghorn Road. The south east boundary abuts Willows Terrace, a two storey terrace of Victorian properties fronting Rucklidge Avenue.

The site is within the Harlesden District Centre boundary and is therefore ideally located to take advantage of all the Centre's facilities. Park Parade is characterised by commercial development whereas Rucklidge Avenue is largely residential. Opposite the site on Park Parade are three storey properties with ground floor retail. At the junction of Park Parade and Rucklidge Avenue, opposite the site, is a three and four storey commercial building which fronts both Rucklidge Avenue and Park Parade.

The site has very good access to public transport (bus, rail and tube) with a PTAL of 5. The area is within the HW Controlled Parking Zone (CPZ) with restrictions in place between 8am and 6pm. The site is not located in a Conservation Area nor does it contain any listed features.

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

Primary Use	Existing	Retained	Lost	New	Net Gain
dwelling houses	0	0	0	1486	1486
financial and professional services	0	0	0	76	76
shops	0	0	0	76	76

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0	0	0	1638	1638

Monitoring Residential Breakdown

Existing

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
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Proposed

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
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PROPOSAL

See above.

HISTORY

13/0507 Planning permission granted at the Council's Planning Committee of 17 April 2013 - *Erection of a four and five storey building accommodating 22 flats, ground floor A1 and/or D1 floorspace and retention of electricity sub station and subject to a Deed of Agreement dated 31st May 2013 under Section 106 of the Town and Country Planning Act 1990, as amended.*

12/0915 Permission granted at the Council's Planning Committee of 20 June 2012 - *Erection of a four and five storey building accommodating 22 flats, ground floor A1 and/or D1 floorspace and retention of electricity sub station and subject to a Deed of Agreement dated 24 July 2012 under Section 106 of the Town and Country Planning Act 1990, as amended.*

POLICY CONSIDERATIONS

National Planning Policy

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It includes a presumption in favour of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant. The NPPF states that good quality design and a good standard of amenity for existing and future occupants of land and buildings are required. Accordingly, the policies contained within the adopted SPG's, London Borough of Brent Unitary Development Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

The London Plan 2011

The London Plan was adopted on 22nd July 2011.

The following policies within the London Plan are relevant to this decision:

3.5 Quality and design of housing developments - seeks to enhance the quality of local places, incorporate minimum space standards and promote exemplary design. The London Plan's minimum flat sizes are set out below:

Flat size	Floorspace (sqm)
1p	37
1b 2p	50
2b 3p	61
2b 4p	70
3b 4p	74
3b 5p	86
3b 6p	95
4b 5p	90
4b 6p	99

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

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

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)

SUSTAINABILITY ASSESSMENT

Policy CP19 of Brent's Core Strategy requires developments to contribute towards climate change mitigation and adaptation. The 2011 London Plan requires major schemes to achieve a 40% improvement in carbon reduction upon building regulations for both residential and domestic buildings. Additionally, London Plan policy 5.7 'Renewable Energy' requires a reduction in Carbon dioxide emissions of 20% from on site renewable's unless such a provision is demonstrated as not feasible.

The proposed development addresses local and regional planning policies on energy; in particular, mitigation of climate change and energy security through energy efficiency enhancements and use of renewable's. Following advice from Officers, a revised assessment following the energy hierarchy has been submitted and demonstrates that through a combination of efficiency measures and installation of appropriate renewable technologies, specifically 80m² photovoltaic panels on the flat roof, a 40.4% improvement above the requirements for the Building Regulations Part L 2010 will be achieved.

The photovoltaic system specified will provide a reduction in site wide carbon dioxide emissions of 17.7%. This is below the 20% target noted in the London Plan Policy 5.7, nonetheless, the building successfully achieves 40.4% improvement on Part L levels, as well as the mandatory energy requirements of the Code for Sustainable Homes Level 4 and BREEAM Excellent rating. It is recommended that a CSH Level 4 Post Construction Assessment and Certificate be submitted prior to occupation. This will be secured as part of the Section 106 agreement.

CONSULTATION

Letters sent to 186 neighbouring Owner/Occupiers, advert placed in local paper 23/01/2014 and site notices put up 13/01/2014. Letters resent to neighbours 11/02/2014 to inform neighbours of changes to the scheme during the application. These are explained in the remarks section of the report below. To date the Council have received 12 letters objecting to the development. Two of these 12 representations have been received after the re consultation date;

Main points are as follows;

- Building remains too high
- Balconies will result in infringement of privacy flats on Park Parade
- Concerns that scheme will put pressure on drains and sewerage system and increase dumping in locality
- Increased demand on parking in the area and cause traffic congestion in relation to residential and commercial element. Lack of parking spaces already and Park Parade is already very congested
- Lack of infrastructure to support development
- Traffic congestion associated with the ground floor use.
- Overly dense scheme, building line forward of properties on Willows Terrace is overbearing and over dominant

Statutory Consults

Internal

Environmental Health have no objection to proposals, subject to addition of conditions that address the following; contaminated land, Air Quality, Noise, Effects of Construction and Development.

Highways raise concerns similar to those raised previously. "car free", servicing for Commercial unit.

Landscape have no objection subject to a landscape contribution for open space improvements in the Harlesden or Kensal Green area to compensate for lack of provision within the site and further submission of full planting details of ground floor gardens, materials, planting and irrigation details of fourth floor roof terraces and details of green roof construction, supplier and plant species.

Design and Regeneration have no objection subject to revisions to make the upper storeys more lightweight in appearance.

External

Rucklidge Avenue Residents Association object to the development on the following grounds;

- The development would be forward of the building lines
- It is over intensive and would be visually overbearing
- The "set back" design to the ground floor is completely out of character with the area
- The size, bulk and mass is out of character with houses on Rucklidge Avenue
- It will not integrate with surrounding properties – it will completely overwhelm them
- The design creates a traffic hazard, as it obscures visibility for drivers
- The development will cause additional parking problems in Rucklidge Avenue
- There is not sufficient amenity space for 22 flats
- No parking on site – not even for disabled
- Conflicts with Brent Council's planning regulations and the Mayor's Plan for London

REMARKS

Background

1. Members may be familiar with this site as it has been the subject of two similar proposals in recent years. Both of these proposals were approved. The most recent of these was presented at Planning Committee held on 17th April 2013. The development description was, '*Erection of a four and five storey building accommodating 22 flats, ground floor A1 and/or D1 floor space and retention of electricity sub station and subject to a Deed of Agreement dated 31st May 2013 under Section 106 of the Town and Country Planning Act 1990, as amended.* Permission was granted 12/06/2013 following completion of the Section 106 agreement.
2. Origin Housing, a Registered Social Landlord, acquired the site with the above planning permission and have submitted this application, consisting of 21 affordable flats in a four and five storey building with a commercial ground floor corner premises fronting Park Parade, to enable some necessary changes to the layout and massing as a result of the proposal now being 100% affordable housing. The most recent approval proposed only 2 affordable units. The main changes to in relation to the approved scheme are as follows;
 - Scheme now proposes 100% affordable housing.
 - All units now London Housing Design Guide compliant pursuant to Affordable Housing tenure requirements
 - The number of storeys remains the same as approved however the height is increased by between 600mm- 1m at the corner of Rucklidge Avenue and Park Parade to enable sufficient floor to ceiling heights pursuant to affordable housing requirements.
 - Number of units reduced from 22 to 21.
 - Proportion of 3 bed units in mix is 14.2% compared to 13.6% in approved scheme.
 - Density reduced from 80 to 72 persons, 660hr/ha compared to 670hr/ha.
 - Scheme now achieves a 40% carbon reduction above 2011 Building regulations compared to 25% for previous scheme.
 - Previous site levels not plotted correctly. Current scheme now accurately reflects the true situation on site.

Pre Decision Amendments

3. Following discussion with Officers and consideration of objections received, the following changes have been made during the course of the application. A letter informing neighbours and Statutory consultees of these changes was sent 11/02/2014
 - The building mass has been reduced in the following locations; on the first floor above the service access on Park Parade to enable sufficient height for a service vehicle, on the third floor (fourth storey) adjacent to Willows Terrace, and on the set back top floor (fifth storey) at the rear of building to align with the massing of the previous approved scheme. These changes were sought in order to ensure that the development complies with adopted guidance.
 - Other external changes are as follows; removal of external amenity space on top floor adjacent to Willows Terrace and removal of associated parapet detail and balustrade/railings, aluminium cladding to reduced set back fifth storey at rear, balcony on third floor (fourth storey) moved 3.1m away from Willows Terrace.
 - The overall effect on the accommodation is as follows; total number of units reduced from 22 to 21 (loss of 1 x 1 bedroom flat on top floor), total number of bedrooms reduced from 42 to 40. Scheme remains 100% affordable housing, retains 3 x 3 bed flats, and 2 x 2 bed wheelchair accessible flats on ground floor.
 - As a result of the changes the revised description is as follows. *"Erection of a part three, four and five storey building, with a set back fifth storey, accommodating 21 flats (100% affordable rent) and ground floor A1 retail use, together with associated cycle storage, landscaping and amenity space."*

Principle

4. The site previously accommodated a social club (sui generis). This building has been demolished and the use long since ceased. The principle of a mixed use housing scheme was established in the previous decision. Previous applicants cited *Iddenden v Hampshire County Council (1972)* case law where it was concluded that where a building is demolished there is no obligation for it to be reinstated when a new application is submitted. In view of this, particularly in terms of the passage of time, the site is considered for the purpose of this application a vacant brown field site. In terms of national policy, The NPPF supports the redevelopment of vacant brown field sites particularly those in urban areas. In this case it has been vacant for a significant amount of time and has been subject to Environmental Health complaints relating to dumping and pests.
5. In terms of the proposed mixed residential commercial use, The London Plan (2008) housing capacity targets require Brent to provide 11,200 new home from 2007/08 to 2016/17, and the Boroughs Housing Register (as of 2008) lists 22,653 households in need of accommodation. Pursuant to this need, paragraph 1.18 of the Core Strategy confirms that the Council must facilitate the delivery of more homes.
6. The proposal envisages a mix of residential on the upper floors with a commercial use on the ground floor. The ground floor uses will be restricted to those that are orientated toward visiting members of the public to satisfy town centre policy requirements. The residential mix is considered to reflect the location and is sympathetic toward the residential area of Willows Terrace/Rucklidge Avenue, whilst the non residential ground floor use ties in with the Harlesden District Centre Location, specifically the town centre uses along its Park Parade boundary.
7. In more precise policy terms, the application is considered to utilise a brown field site with an appropriate Residential Density (660 habitable rooms per hectare) in accordance with the Council's strategic aims of increasing the supply of housing within the Borough. As such, there is no objection to a mixed use development on the site.

Density and Mix

8. The residential aspect of the scheme offers the following density and mix.
 - 5 x 1 bed flats
 - 13 x 2-bed flats (2 x wheelchair units)
 - 3 x 3-bed flats
9. This equates to a density of 660 habitable rooms per hectare (hr/ha). This density falls within the relevant

density range set out in the Mayors London Plan, which for urban areas with a good PTAL (4-6) is 200-700 hr/ha or 45-260 u/ha. This is a reduction in the density to the previously approved scheme which was 670hr/ha, another words a reduction of 8 persons.

10. 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. The tenure of the development is 100% affordable rent, secured at 80% of market value including service charge through the Section 106 agreement. Given the compact nature of the site resulting in a development that is served by a single core, a single tenure scheme such as this is more practical in terms of servicing, management and maintenance.
11. In addition, London Plan Policy 3.3 recognises the pressing need for more affordable homes in London in order to provide a real choice for all Londoner's at a price they can afford. The provision of 21 affordable flats fulfills a pressing need for more affordable housing in the Borough, particularly the provision of 3 x 3 bed units, for which there is the most acute need in the Borough pursuant to objective 7 of the Core Strategy 2010 which sets out that 25% of units in schemes capable of providing 10 or more units, should be family sized. 3 bed units account for 14.2% of the scheme . This is proportionally more than the previous approved scheme.
12. The mix in relation to the proportion of 1 beds and 2 beds ties in with the Paragraph 1.15 of the London Plan which states that there is likely to be a large increase in one person households and that these trends mean that London will have to plan for more homes, particularly meeting the accommodation needs of families and single person households, both of which are likely to increase in number. As such the mix is considered to be acceptable.

Design, Appearance and Character of the Area

13. The architectural approach is the same as the previously approved scheme, with some changes to the massing to facilitate the London Housing Design standards now required throughout to accommodate the 100% affordable tenure. The massing can be described as perimeter L shaped building, with principle elevations on Rucklidge Avenue and Park parade at a height of four storeys at either end, with an additional "penthouse" floor located at the corner junction. The submission documents include a red line which plots the building envelope of the previously approved scheme against the proposed development. The main changes in relation to the massing of the approved scheme can be summarised as follows;
 - Omission of the fourth floor massing adjacent to Willows Terrace.
 - The height on the corner section of the development is taller by between 600mm - 1m in order to accommodate the additional internal head height required and the gradient of the site.
 - In terms of the building line, notwithstanding cantilevered aspect on Park parade, the development is within the envelope of the previously approved scheme and in some places a greater set back from the street is achieved. On the Park Parade elevation, the proposal follows the recognised building line of the road thus providing a wide footpath (approximately 4 metres), which continues around the corner onto Rucklidge Avenue. For approximately half the buildings length on Rucklidge Avenue, the façade is set 4 metres back from the road. It is then set back a further 2 metres for a length of 13 metres and then set back an additional 2 metres for the final 7.5 metres of the building. At this point, the building follows the same line as the adjoining Willows Terrace. This represents a greater level of ground floor set back from the street compared to the consented scheme.
 - At the corner of Rucklidge Avenue and Park Parade, at 1st, 2nd and 3rd floor level, the buildings mass cantilevers over the commercial ground floor space as per the approved scheme. However in this case, the building over sails the pavement on Rucklidge Avenue 600mm less than the consented scheme and over sails an additional 300mm on Park Parade.
 - A cantilevered section has been introduced on the Park Parade Elevation to enable vehicular access to the service bay.
14. In terms of the buildings overall massing and form, the previously approved scheme was considered to achieve a reasonably comfortable transition between the residential buildings on Willows Terrace and the more built up Park Parade end. The omission of massing on the fourth floor adjacent to Willows Terrace improves the transition in scale further. In addition, at the rear of the building, Officers have negotiated some reductions to the massing on the third floor (fourth storey) adjacent to Willows Terrace, and on the set back top floor (fifth storey) at the rear of building to align with the massing of the previous approved

scheme.

15. With regard to height, it is acknowledged that is between 600mm - 1m higher than the previous approval, however the increase is marginal in relation to the overall height of the consented building and is not something that could reasonably support a recommendation for refusal. In addition, the increase is located at the Park Parade end of the scheme where there is a greater height precedent and is not proposed in order to facilitate more units but to adhere with internal head height standards for affordable housing. The building therefore maintains the balanced scale and mass which was evident in the approved scheme, with some significant aforementioned reductions which improve the transition in scale further.
16. In terms of elevation design treatment, on Willows Terrace, the building line is stepped which reduces the bulk and mass of the facade. The use of simple vertical detailing between the windows responds to the proportioning of the neighbouring Willows Terrace. The fenestration, comprising of aluminium frame windows and balcony doors, is well balanced and punctuated with aluminium panels to add variety. Mild steel balconies with toughened glass and mild steel balustrades have a lightweight presence on the facade. The use of London Stock brick, an aluminium clad set back fifth storey and a rendered ground floor commercial section creates a well balanced materials palette. The aluminium clad fifth floor works as means of breaking down overall scale adding to the visual interest of the building. The Park Parade elevation adopts a similar approach to that used on Willows Terrace which is appropriate. Due to the simplicity of the overall design, the scheme relies on high quality materials being used throughout. This will be secured through condition.

Electricity Sub Station

17. The proposed building does not occupy the air space above the electricity sub station on site. Neither did the most recent consented scheme, however the scheme prior to this, ref: 12/0915 did so. During that application ref:12/0915, The Electricity substation was considered in terms of Electro Magnetic Field exposure (EMF). Environmental Health Officers confirmed at the time that ICNIRP guidelines (adopted by both the UK and the EU) on exposure to non-ionising radiation had been correctly interpreted, confirming the substation would not expose adjoining residents to EMFs in excess of these guideline values. Since this application does not build over the substation and does not have any greater implications with regard to proximity, the conclusions that were reached previously satisfy Officers for this application. In addition the applicant has provided the Council with written confirmation from UK Power Networks which confirms that the readings are well within the guidelines.
18. In terms of the design implications, its operation will continue and the off street servicing parking space will be used for the ground floor use also (see servicing discussion below). It is not envisaged that the operational requirements of the substation will be hindered due to the infrequency of maintenance visits. Additionally, the applicant has consulted with UK Power Networks and confirmed that they do not object to the sharing of facilities.

Quality of accommodation

19. There have been significant changes to the internal layout in comparison to the most recently approved scheme ref:13/0507. The result is a more coherent layout in which units have a more practical perpendicular form. The communal hallways and entrances are more spacious which enable better internal accessibility. All units are designed to London Housing Design Guide standards and have appropriate internal floor area pursuant to the London Plan minimum sizes. A sufficient level of outlook is afforded to each unit, and daylight and sunlight considerations meet the appropriate BRE guidance. The London Plan requirement that 10% of new housing in schemes that provide 10 or more units be wheelchair accessible is fulfilled by the provision of two fully wheelchair accessible ground floor units. All of the units will be built to 'Lifetime Home' standards. Additionally the units have taken account of stacking considerations.

External amenity Space

20. SPG17 advises that amenity space should usually be provided at a rate of 50m² per family unit, and 20m² for others. Where there is a shortfall, the guidance allows some flexibility providing the development is in town centre location and/or a contribution can be secured for additional landscaping in the locality. In this instance, every flat has access to its own private balcony, garden or terrace, the two three bed flats on the fourth floor each with a private garden in excess of 40m². In addition, most flats have generous internal floor areas. Given the District Centre location, balconies/terraces which may fall short of SPG17 expectations but satisfy adopted London Design Guide amenity space standards, are considered acceptable in this instance, subject to additional contribution to offset this shortfall toward landscape improvements in the area. The previously applied standard charge of £3000 per bedroom includes a

provision of £907 towards open space, based on this amount, the under provision of amenity space relative to SPG17 and the proportion of different unit sizes in the development, a contribution of £13,397.28 will be secured through the Section 106 Agreement to mitigate the impact of the development. For the information of Members, this was also the approach that was taken when application 13/0507 came before them in April 2013.

Impact upon neighbouring properties

21. The previously approved scheme satisfied the Councils standards in SPG17 with regard to safeguarding neighbouring amenity. The building height and mass maintained an appropriate height in relation to a 45 degree line of site taken from a height of 2m at adjoining residential gardens, with the height of the building measured in relation to no 1 Willows Terrace only marginally above the recommended height. The building mass in this application projects further backwards than the previous approved scheme, as indicated by the red line. However as a result of negotiated reductions to the massing on the fourth storey at the rear of the building adjacent to no 1 Willows Terrace, the massing continues to only marginally exceed this requirement as illustrated on plan WY/OP5/07 rev D, and on balance is considered to be acceptable.
22. In addition, the fifth storey at the rear of the development has been reduced significantly during the application, resulting in the omission of a single unit from the fifth floor. The result is that the massing resembles the approved scheme ref:13/0507. In conjunction with this amendment, the external amenity space on the fourth adjacent to Willows Terrace was removed, along with the parapet detail and balustrade. Following the relocation of the balcony on third floor (fourth storey) 3.1m away from Willows Terrace, it is considered that the balconies at the rear do not pose any greater scope for overlooking than those approved in the previous scheme.
23. Habitable room windows at the rear of the development remain a minimum of 20 metres to nearest habitable room window on adjoining buildings, and a minimum of 10 metres from the rear boundaries. At the front, the distance between the front elevation and properties on the other side of Park Parade is approximately 13.5m which is comparable to other points on the street. Daylight and sunlight has been assessed which confirm that the proposal will not have a detrimental impact on adjoining properties. In summary, it is considered that the amenities of adjoining residential properties will not be detrimentally impacted upon. Adequate levels of privacy will be maintained and the building will not appear overbearing when viewed from neighboring gardens. As such the proposal meets the requirements of policy BE9 of the UDP and SPG17.

Commercial Unit

24. The ground floor commercial measures 160m² approximately. In accordance with concerns expressed at the previous Committee; the use will be restricted to those that have an orientation toward visiting members of the public pursuant to the viability and vitality of the town centre location, and certain uses within use class A2, specifically bookmakers, due to their proliferation within Harlesden, would be restricted. The following condition will be placed on this permission to that effect;

"The proposed commercial unit will be restricted to uses under Classes A1 and A2 (with the exception of betting shops/bookmakers) of the Use Classes Order, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In order to ensure that the parking and servicing available at the site match the impact of the proposed development, in the interests of safeguarding highway and pedestrian safety, that the use does not result in an over-concentration of similar uses with the Centre and that these does not impact on residential amenity in compliance with Policies SH3, TRN22, TRN24 and TRN34 of the UDP-2004."

Highways

25. Rucklidge Avenue, is a local access road which is defined as being heavily parked, and Park Parade is classified as a local Distributor road. The site lies within CPZ "HW" which operates 08:00 – 18:30 Monday to Saturday, and has excellent accessibility with a PTAL rating of level 6. Willesden Junction Station (Bakerloo tube & 2 Overground rail routes) is within walking distance of the site, and ten bus routes are locally available.
26. The proposed dwellings are predominantly 1-and-2-bed flats which can be permitted a maximum of 0.7 car parking spaces each, while the 3-bed flats can be allowed a maximum of 1.2 car spaces each. These are the stricter standards set out in PS14 of the UDP-2004, which can be applied when a site lies within an area with good PTAL ratings and a CPZ.

27. As such, up to 16.2 car parking spaces can again be permitted for the development and with no off-street parking proposed, the scheme again complies with standards. Consideration again needs to be given to the impact of overspill parking from the site on traffic flow and roads safety though and in this respect, the designation of the flats for affordable housing triggers a potential 50% reduction in the parking standard to nine spaces. Nonetheless, this still represents a significant increase for the site from its previous use.
28. The site cannot provide off-street car parking for the proposed flats, and the street is already defined as being heavily parked and cannot therefore provide on-street parking in fulfilment of the maximum standard. Transportation will therefore require a “car-free” agreement for all of the proposed dwellings, secured via a S106 Agreement.
29. Furthermore there will be 155sqm of A1/A2 commercial floor area on the ground floor frontage. One car space can be permitted per up to 400sqm (PS7) and the proposed use also requires servicing by at the very least a “Transit” sized vehicle (PS17). The servicing need can be fulfilled by the retained 7.5m long bay adjacent to the sub-station, which is served by an existing 5m wide crossover. Pedestrian access to this bay from within the proposed retail unit is available, which is important.
30. The off-street servicing parking space will be used for the ground floor use as well as for the substation: It is not envisaged that the operational requirements of the substation will be hindered due to the infrequency of maintenance visits. Additionally, the applicant has consulted with UK Power Networks and confirmed that they do not object to the sharing of facilities.
31. The amount and location of cycle parking is acceptable for both the residential and commercial elements of the scheme – 25 no. residential cycle spaces exceeds 1 per dwelling, and these are all secure and covered, while 2 no. cycle spaces for the commercial premises exceeds the PS16 guidelines for A1 uses.
32. The refuse and recycling stores for both the commercial and residential elements of the development are well placed to ensure ease of waste collection, which is also acceptable.

Air Quality

33. The Air Quality Assessment identifies the area as exceeding the National Air Quality standards for Nitrogen Dioxide however the excess is small and likely to decrease over time due to general improvements in vehicle emissions. Environmental Health Officers therefore agree with the assessment that mitigation measures are not required. In terms of the effect of the development on the surrounding environment there would appear to be no effect from additional traffic as the development is proposed to be car free. However Environmental Health Officers are concerned by the effect of the additional domestic boilers on NO2. In order to ensure that the effect is minimised, a restrictive condition will be placed on this permission.

Developer Contributions

34. The following contributions will be secured through the Section 106 Legal Agreement. Provision of 100% affordable housing as affordable rent secured at 80% of market value. A Landscape contribution will be sought for works in the surrounding area. Given the scheme provides 100% affordable housing, it will be eligible for relief from CIL contributions.

Consideration of objections

35. Concerns of neighbouring residents have been acknowledged and taken into account when determining this application.

Objections

It is over intensive and would be visually overbearing

It will not integrate with surrounding properties – it will completely overwhelm them

The development would be forward of the building lines

Balconies will result in infringement of privacy flats on Park Parade

Response

The purpose of this application is to accommodate changes required in order for the scheme to be eligible for grant funding to deliver an affordable housing scheme on site.

The number of units compared to the existing permission is less, the overall density has been reduced and there have been some noticeable reductions to the massing on the ground, fourth and fifth floor adjacent to Willows Terrace.

The stepping back of the building, ensures the

additional scale is located further away from the more sensitive residential boundaries, maintaining the comfortable transition in scale and setting that was achieved in the previous applications. (See Para 12-14).

Where there have been increases to the height, it has been as a result of the need to provide additional internal head height and internal floor area height pursuant to Affordable Housing requirements. Para (20-22) demonstrates that scheme adheres with adopted guidance with regard to safeguarding neighbouring amenity.

The size, bulk and mass is out of character with houses on Rucklidge Avenue

The "set back" design to the ground floor is completely out of character with the area.

The Local Planning Authority do not object in principle to the adoption of a contemporary or modern design approach provided that it can be demonstrated that this would embody a creative and appropriate design solution for the site that would respect the local context and character of the area. The building is considered to provide an appropriate response to the site context and character, whilst displaying a clear application of a chosen style, resulting in a high quality building. Materials, detail and landscaping will be conditioned to ensure the scheme has a high quality appearance and setting. (See Para 15).

The development will cause additional parking problems in Rucklidge Avenue
No parking on site – not even for disabled

The parking requirements, in accordance with PS14 of the Unitary Development plan, is approximately half compared to the consented schemes as there is a assumed 50% reduction in demand for housing of affordable tenure. Furthermore, the site is very well served by public transport with a PTAL rating of 6. In addition, the entire scheme will be subject to a "car free" agreement which prevents residents from applying for parking permits whilst the existing parking controls will safeguard existing parking provision during peak hours. (See para 24-29).

The design creates a traffic hazard, as it obscures visibility for drivers.

The building has been considered in relation to traffic flow and safety does not obscure visibility to an extent that would constitute a traffic hazard.

There is not sufficient amenity space for 22 flat

Each unit has its own dedicated external amenity, plus access to a communal area, whilst a financial contribution is secured to offset any shortfall. (See para 18 -19).

Scheme will put pressure on drains and sewerage system and increase dumping in locality.
Lack of infrastructure to support development

(See Para 31).

The level of financial contribution toward infrastructure in the Borough under the new Community Infrastructure Levy (CIL) regulations is expected to be comparable if not in excess of superseded standard charge secured through a Section 106 Agreement. The Government recognises the importance of the provision of affordable housing, and therefore has granted eligibility for relief from CIL for this type of development.

Conclusion

36. This application has been submitted in the response to a change of circumstances, namely the site being

taken on by an Affordable Housing Provider as well as queries over the site levels. This report has demonstrated that changes are relatively minor in relation to what has already been granted, and importantly the revised proposal is acceptable in its own right. The aesthetic of the building remains of a high quality, whilst the alterations to the massing do not undermine the careful consideration through which an appropriate scale was reached previously. The result is a high quality mixed use scheme providing much needed affordable housing and the redevelopment of a site which has languished for a long time. As such, through consideration of all the relevant planning policies, it is considered the scheme is in general conformity with relevant chapters of the Councils 2004 Unitary Development Plan and supplementary Guidance, the Councils 2010 Adopted Core Strategy and in broader policy terms, the 2011 London Plan and the National Planning Policy Framework. The application is therefore recommended for approval subject to a Legal Agreement.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 17 Design Guide for New Development

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

Built Environment: in terms of the protection and enhancement of the environment

Environmental Protection: in terms of protecting specific features of the environment and protecting the public

Housing: in terms of protecting residential amenities and guiding new development

Employment: in terms of maintaining and sustaining a range of employment opportunities

Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

Transport: in terms of sustainability, safety and servicing needs

Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

WY/OP5/01 Rev B

WY/OP5/02 Rev C

WY/OP5/03 Rev B

WY/OP5/04 Rev C

WY/OP5/05 Rev C

WY/OP5/06 Rev D

WY/OP5/07 Rev D

WY/OP5/08 Rev C

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The servicing space proposed shall be constructed and permanently marked out prior to first occupation of the commercial unit approved. Such works shall be carried out in accordance

with the approved plans and thereafter shall not be used for any other purpose, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure a satisfactory development which contributes to the visual amenity of the locality and which allows the free and safe movement of traffic throughout the site and to provide and retain car parking and access in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (4) No works shall commence on site before tree-protection details in accordance with BS5837:2005 have been submitted to and approved in writing by the Local Planning Authority. Such measures shall include details on how these landscape features will be protected during the construction phase and details of root-protection zones provided. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure retention and protection of trees and other landscape features on the site in the interests of amenity.

- (5) Domestic boilers installed in the residential units shall be rated for NOx emissions not exceeding 40 mg/kWh (equivalent to 3 'Pol2 ' credits on the Code for Sustainable Homes assessment)

Reason: To protect local Air Quality in accordance with saved UDP policy EP3

- (6) The development falls within an Air Quality Management Area that has been declared due to levels of particulate matter. The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by demolition and construction operations. This must include as a minimum:

Damping down during demolition and construction, particularly in dry weather conditions.

- Minimising the drop height of materials by using chutes to discharge material damping down the skips/ spoil tips as material is discharged.
- Sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation.
- Utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area.
- The use of demolition equipment that minimises the creation of dust.
- A suitable and sufficient means of suppressing fugitive emissions of dust must be provided and maintained.

Reason: To minimise dust arising from the construction and demolition works

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

- The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site.
- The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 0800 – 1800 Mondays-Fridays, 0800 -1300 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- Vehicular access to adjoining and opposite premises shall not be impeded.
- All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only. A barrier shall be constructed around the site, to be erected prior to demolition.

Reason:

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of nuisance caused by construction and demolition works

- (8) The proposed commercial unit will be restricted to uses under Classes A1 and A2 (with the exception of betting shops/bookmakers) of the Use Classes Order, unless agreed otherwise in writing by the Local Planning Authority.

Reason:

In order to ensure that the parking and servicing available at the site match the impact of the proposed development, in the interests of safeguarding highway and pedestrian safety, that the use does not result in an over-concentration of similar uses with the Centre and that the use does not impact on residential amenity in compliance with Policies SH3, TRN22, TRN24 and TRN34 of the UDP-2004.

- (9) The Electricity Sub Station should be separated from the new Commercial and Residential development by a 2 hour fire resisting enclosure under The Building Regulations. The applicant should also consult when design stage drawings are being prepared with the Statutory Undertakers re their specific requirements.

Reason: To provide sufficient protection for residents and occupants of the building in the event of a fire

- (10) All residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings-Code of Practice'to attain the following internal noise levels:

Criterion LAeq, T	Typical situations	Design range
Good resting conditions =16 hours 07:00 –23:00)	Living rooms	30 dB (day: T
Good sleeping conditions 8 hours 23:00 –07:00)	Bedrooms	30 dB (night: T = LAmax 45 dB
(night 23:00 – 07:00)		

A test shall be carried out prior to the discharge of this condition to show the required internal noise levels have been met and the results submitted to the Local Planning Authority for approval.

Reason: To obtain required sound insulation and prevent noise nuisance

- (11) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-

(a) materials (samples of which shall be submitted for approval by the Local Planning Authority) to be used on all external surfaces of the building(s) including; window details, aluminium panels, soffit and eaves detailing, railings on the top floor, brick work.

(b) the proposed boundary treatment including all fences, walls and gateways;

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

- (12) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed:-

(a) during the first available planting season following completion of the development hereby approved.

Such scheme shall also indicate:-

(i) Walls and fences

Proposed walls and fencing, indicating materials and heights.

(ii) Screen planting on boundary

Screen planting along the Willows Terrace boundary.

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

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990

- (13) Prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority that includes the results of any research and analysis undertaken. A remediation strategy shall be submitted to the local planning authority for approval, which specifies measures to contain, treat or remove any contamination found (unless the Planning Authority has previously confirmed that no remediation measures are required). The report shall include measures for the removal of the underground fuel tanks and associated fuel infrastructure.

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

- (14) Any remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority for approval, stating that remediation has been carried out in accordance with the approved remediation strategy and the site is permitted for end use, before any part of the development is occupied.

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (2) Whoever carries out the works is reminded of their obligation to comply in full with s60 of the Control of Pollution Act 1974 and the British Standard Codes of practice 5228:1997 Parts 1 to 4 which states that Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of: Monday to Friday 08:00 to 18:00, Saturday 08:00 to 13:00 and at no time on Sundays or Bank Holidays.

Any person wishing to inspect the above papers should contact Samuel Gerstein, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5368