



Planning Committee Map

Site address: STORAGE LAND OPPOSITE LINDEN AVENUE, Station Terrace, London

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This map is indicative only.

RECEIVED: 22 October, 2012

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: STORAGE LAND OPPOSITE LINDEN AVENUE, Station Terrace, London

PROPOSAL: Erection of 9 residential units with 5 (A1) retail units and 1 (B1) office.

APPLICANT: Mr Paul Evers

CONTACT: Architect DAS

PLAN NO'S:
Please see condition 2

RECOMMENDATION

Approve 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:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Servicing Management Plan
- Car Free Agreement (Residential and Business Users)
- Landscaping (£50000)

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

Based on the above floor areas the Brent CIL liability is estimated as **£167,595.34**.

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 **£20,289.95**

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 Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The site located on Station Terrace is bound by a Railway line to the North, a Skip Yard to the West and a parking lot to the East. The site is accessed via Station Terrace.

The Western end of the site itself is occupied by a two storey building, which is in use as an office to a roofing company. The remainder of the site is used for the storage of shipping containers. The site is not located within a Conservation Area, nor is any part of the site considered to be a listed feature. The property is located within a Local Centre.

PROPOSAL

Please see above

HISTORY

Planning permission (Ref No: 98/0219) for the redevelopment of site to provide two detached 2-storey Use

Class B1 (Business Class) buildings (as amended by plan received on 14/09/98) was granted on 2 December 2002.

Planning application (Ref No: C5648 1449) for the erection of a single storey office building extension was refused on 27 September 1971.

Planning application (Ref No: P1864C 3654) for the erection of an extension to provide a cloakroom and accommodation was granted permission on 13 June 1976.

Planning application (Ref No: P1864A 1554) for the erection of a new workshop and office block was refused permission on 6 September 1966

POLICY CONSIDERATIONS

The following planning policy documents and guidance are considered to be of particular relevance to the determination of the current application

The National Planning Policy Framework (NPPF)

National Planning Policy Framework (NPPF)

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

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

The recommendation here is considered to comply with the Core Principles set down in the NPPF:

- Planning should be genuinely plan led empowering people to shape their surroundings. Plans should be kept up-to-date and provide a practical framework within which decisions on planning applications can be made.
- Creation of the opportunity to be creative in finding ways to enhance and improve places in which people live their lives.
- Proactively drive and support sustainable economic development to deliver homes, business and industrial units, and thriving local places that the country needs. Plans should set out a clear strategy for allocating sufficient land which is suitable for development in their area taking account of the needs of the residential and business communities.
- Secure a high standard of design and levels of amenity.
- Promote the vitality of the main urban areas whilst protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside.
- Aim for a low carbon future in a changing climate and encourage the use of renewable resources.
- Conserve and enhance the natural environment and reduce pollution. Allocations of land for development should prefer land of lesser environmental value.
- Encourage the use of brownfield land provided it is not of high environmental value.
- Promote mixed use developments.
- Conserve heritage assets in a manner appropriate to their significance.
- Manage patterns of growth to make the fullest use of public transport, walking and cycling focussing significant development on locations which are or can be made sustainable.
- Support strategies which encourage health, social and cultural well being for all and deliver community and cultural facilities and services to meet local needs.

Mayors London Plan 2011

The London Borough of Brent LDF Core Strategy 2010

CP2 Population and Housing Growth
CP21 A Balanced Housing Stock

The London Borough of Brent Unitary Development 2004 ('saved' policies)

BE2	Townscape: Local Context & Character
BE7	Public Realm: Streetscape
BE9	Architectural Quality
H12	Residential Quality – Layout Considerations
TRN23	Parking Standards – Residential Development
PS14	Parking Standards
SH3	Major Town Centres and Districts Centres

Supplementary Planning Guidance Note 17: Design Guide for New Development

CONSULTATION

113 neighbouring properties were consulted on 31 October 2012 and 1 October 2013. The Council has received, 10 supporting and 9 objecting representations:

External

Objections:

- The proposed development is too high and is poorly designed
- The upper floors should not be used for residential purposes as residential units are of no benefit to the existing community
- Loss of neighbouring amenity (I.e. Privacy, light, sunlight, view, overlooking)
- The proposal is out of scale with the character of the area and will create an overbearing impact on neighbouring residents
- Noise pollution to residents on Clifford Gardens
- Parking congestion on Clifford Gardens
- No provision of off-street parking.
- The proposal should constitute a single storey building that accommodates retail uses. The roof of which should contain more greenery
- The proposal could also seek permission for the an upstairs cafe to educational space to be connected with the afore mentioned green roof.
- The proposal should better consider the community needs.

Support:

- The development will improve the otherwise vacant piece of land.

Internal

Highway Engineer: No objection, as expanded below

Environmental Health: No objection, subject to conditions to manage noise transmission and land contamination

Other

Network Rail are responsible for the operation of the adjacent railway, they are concerned to ensure that no development has a detrimental impact on the everyday functioning of the railway. They normally require any new development to be located 3m away from over-head power lines. The proposed development will be located 2.75m away from a over-headline line, on balance Network Rail have decided the shortfall is not sufficient to raise an objection. A condition requiring the development to be no closer than 2.7m from the closest overhead power line shall be attached to this permission if Members are minded to grant the application.

There has been some discussions over the location of the Northern Boundary Line. The matter has been raised with Network Rail, who have not raised concern/objection with the Northern Boundary as detailed on subject application

REMARKS

Principle of development

1. The site in use as storage and offices, has arguably been under-used in recent years. Policy EMP9 restricts the loss of employment sites but expands to state where a site is adjacent a town centre, and contributes to regeneration, then uses for which the sequential approach applies will be permitted. Policy SH3 requires new Major Development to be subject to the sequential approach (I.e. The first preference will be for development on sites within Wembley and Kilburn). However as the development is not considered to be a Major development, the sequential approach set out in Government Policy is not applicable here. Policy SH3

also requires new development to demonstrate a need for the development. Retail (A1) and Offices (B1) uses are considered to contribute to the vitality and viability of the Town Centre itself.

2. The site is located adjacent Kensal Rise town centre therefore a scheme comprising ground floor retail and office uses with residential above meets aspirations of EMP9. As such the format of the development is accepted. The site benefits from a very good Public Transportation Accessibility Level (5) and as such is considered to be appropriately located in terms of access

Urban design

3. The character here is generally mixed with the subject site sited between a Bus Depot to the South, a railway line to the North, skip goods yard to the West, a car park to the East and 3 storey terraced housing to further North and South. The proposal envisages a 4-storey block with A1 on the ground floor and residential on the upper three floors. The site is physically constrained so any development is likely to follow the form currently proposed.

4. The proposed development will help to strengthen the building line which the existing vacant site fails to do. It is noted that Chamberlayne Road and Clifford Gardens have higher groundlevels than that of Station Terrace, as such the 4 storey building is considered to be a balanced approach for a development in this location. The proposed scale of the development appears to sit comfortably within the streetscape. The height of the new building will be one recessed storey higher than properties on Station Terrace. Owing to its recessed nature and varying ground levels from the directly adjoining properties, your officers, on balance consider the development to be acceptable in street scene terms.

5. The recessed circulation cores split the development into 6 elements which effectively reduces the scale of the block. The front elevation is reasonably well proportioned with strong elements of both vertical and horizontal emphasis. The arrangement of material (which will need to be secured by condition for clarity) and fenestration creates a visually interesting and coherent building which is likely to present an improvement to the existing streetscene. The variety within the palette of materials creates an interesting architectural language and is generally supported.

6. The ground floor shopfront does not include any detail of future signage or even an indicative zone where future advertising might take place. It is considered that, whilst this absence might not be a reason for refusal on its own, it is something that needs to be considered in order to avoid unacceptable signage proposal at a later date. A condition securing such details is attached.

7. The site occupies a fairly prominent location, with views of it from Station Terrace, Clifford Gardens and the railway to the rear. The applicant has proposed seamless, non opening windows between an aluminium cladding system. Details of the cladding system will be secured by condition so to ensure a good quality development is realised. Officers are of the view that it is essential that attention is paid to this rear elevation in addition to the front. The elevation that faces the railway line will be hugely visible both to passengers who use the station, but also those who travel along the railway line through the Borough, and failure to have regard to this issue can result in a significantly poor quality of development that would be unacceptable in visual terms. It is considered that sufficient attention has been paid to all elevations in order for the proposal to be supported.

8. The proposed development has been designed to respect the established scale and design of the surrounding streetscene. The Council's Design Officer has commented on the proposal and considers that the new development is appropriately sited and laid out, whilst maintaining the existing street formation and grain. The proposed elevations represent a simplistic design approach and a contemporary development is proposed. The simple palette of materials is welcomed and details will be secured by condition.

Quality of Accommodation

8. The site is located on Station Terrace and backs onto a Railway Line. The potential for noise nuisance therefore exists and it is important that the residential units are built to a specification that will reduce the impact of noise. Details will be secured by condition. Noise transmission can be mitigated by correct insulation and in order to deal with the issue of street noise the applicant will be required to undertake a noise assessment to ascertain what level of mitigation is needed. This will ensure that suitable attenuation is achieved in the rooms facing the Railway Line

9. The Mayors London Plan 2011 details internal floor area requirements for proposed self contained units. The current standards require 2-bedroom (3-person) flat to be a minimum of 61 square metres. 6 of the 9 units proposed exceed floor areas for their intended occupancies, whilst 3 units fail to meet the requirement by 1sqm. The shortfall of 1sqm is not considered to be reason in itself to refuse the application, however the issue is expanded upon below. The internal space provision is:

Flat No	No of Rooms	No of Occupants	Flat size
Flat 1	3 Bed	6 Person	131.6sqm
Flat 2	2 Bed	4 Person	90.1sqm
Flat 3	2 Bed	4 Person	78.6sqm
Flat 4	2 Bed	4 Person	76.2sqm
Flat 5	2 Bed	4 Person	70.9sqm
Flat 6	2 Bed	3 Person	69sqm
Flat 7	2 Bed	3 Person	67.9sqm
Flat 8	3 Bed	6 Person	98.3sqm
Flat 9	2 Bed	4 Person	88.8sqm

10. External amenity space is only provided in the form of balconies. The total quantity of external amenity space provided (210sqm). Whilst SPG17 requires 240sqm (7 x 20sqm + 2 x 50sqm) for a development of this quantum, the Guidance Note also makes an allowance for a more flexible approach to be employed, particularly in urban areas such as this where it is inevitably more difficult to meet the guidance requirements. The proposed balconies located to the front of the property are of a sufficient size (providing a minimum of 20sqm of external space per unit) to provide an element of useful external space, but the issue is a balanced one and Officers consider that the over-sized internal floor area in two thirds of the units and limited external amenity space on balance means the development provides a suitable standard of accommodation.

11. The issue of having residential units next to a railway line has been considered. Whilst the units are proposed to be dual aspect which will maximise the amount of light and outlook available to them, the windows fronting the railway line will be secondary windows only and will be fixed closed so to minimise noise transmission into the units. Post completion noise testing will ensure this is the case. On Balance, your officers are of the view the development is considered to propose an acceptable standard of accommodation for future occupiers.

Impact on Neighbouring amenity

12. SPG17 requires there to be a minimum separation of 20m between directly facing habitable room windows. Windows fronting the railway will be fixed closed and will be in excess of 20sqm from neighbouring properties on Clifford Gardens. Windows fronting Station Terrace will follow the traditional relationship of neighbouring properties across the street from one another (in excess of 10m).

13. SPG 17 normally requires a 5m separation between habitable room windows and boundaries. Notwithstanding this, Members will be aware that each application needs to be considered on its own merits and the particular circumstances of the case need to be considered in every instance. In this case, the neighbouring gardens of Clifford Gardens are located some 17m across the way from the railway line and, as such, it is considered that separation distances do not need to be fully complied with.

14. As explained above, the scale, mass and positioning of the building is on balance considered to be acceptable. As a result, whilst matters will inevitably change for those residents of Clifford Gardens and Station Terrace who look out towards the application site, the physical impact of the buildings will be within acceptable limits and the erection of the new block, presenting their flank walls and with a distance in excess of 20 metres between them, will not have such an unacceptable visual impact so as to justify refusing the scheme on this ground. As explained, due consideration has been given to these gardens, but the proposed development is considered to be of an appropriate scale.

15. Owing to the separation distances between the subject site and that of neighbouring properties any loss of amenity would be within acceptable limits.

Highways and Access

16. The site is located on a Local Access Road and lies within a CPZ. It has a very good accessibility with a PTAL rating of 5. The site occupied by a light industrial use comprising over 475sq of B8 floorspace. This attracts a maximum car parking standard of 1 cars, and required servicing provisions of at least a single full sized bay (for a 8m rigid vehicle).

Commercial

17. The proposed development will attract a maximum of 6 car spaces for the A1/B1 office development and will require 3 "Transit"-sized servicing bays to fully meet standards. One transit servicing bay has been provided on neighbouring land which is in the ownership of the applicant. Whilst the provision of 1 transit bay falls short of the stricter requirements quoted above, the Highway Engineer is of the view given the small

sizes of the commercial units, all units could be serviced adequately if details were secured via a management plan. As such details of servicing shall be secured via a condition and controlled through a legal agreement. Failure to control this would render the proposal unacceptable.

Residential

18. Above the proposed retail and office units will be nine residential properties, which will attract a further 8.3 car spaces. There is not room to provide car parking to the maximum standards, either off-street or on-street, but Transportation would accept a “car-free” agreement in this location, which would mean no provision of car parking, and would remove the rights of residents and business owners to apply for on-street parking permits. This would need to be secured via Section 106 Legal Agreement.

Other

Refuse and Recycling

19. The proposed refuse and recycling storage facilities for the commercial and residential properties are located in two storage areas, one at either end of the proposed property frontage. These stores mean that residents and business occupiers will need to carry waste a maximum of approximately 30m from their front doors, which complies with Safer Streets guidance on maximum carry-distances

Cycle Parking

20. Residential properties should each be provided with a secure and covered facility, while retail units require secure facilities too. The requirement for retail cycle parking may be waived as there is local on-street cycle parking within 40m of the site, however residential cycle parking should be provided at a rate of 1 space per dwelling, within secure lockers or similar arrangement. The amended submission shows the development to fall in line with these requirements.

Contamination

21. The proposed development is on a site that has been identified by Brent Council as being potentially contaminated as a result of previous uses that have taken place. So to ensure a safe development is achieved, if Members are minded to grant permission, details of ground testing and due remediation (if so required) should be secured by condition

Consultation Overview

Objection	Officer Comment
The proposed development will be out of scale and of poor design	The design of the proposed development is discussed a paras' 2 - 6
There is insufficient parking for the proposed flats which will result in unsafe and congested parking conditions within the locality of the site.	This issue is discussed in paras 15-17 of the above report
Loss of Neighbouring Amenity	This issue is discussed in para 11 of the above report
Noise Pollution to gardens at Clifford Gardens	The mixed use development across a railway line is unlikely to cause a detrimental impact on properties at Clifford Gardens
The proposal is of limited value to the community	Please see paragraph 1

22. Members should note that the proposal has also generated a number of supporting letters on the basis that the development will improve the appearance of the land. This is of course noted but this is not the only development that could involve an improvement of the land and needs to be taken into account in considering these supporting statements.

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

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

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:

E'01-E'03
P'01-P'05

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

- (3) No water tank, air conditioning or ventilation plant, extraction equipment or other roof structure shall be erected above the level of the roof hereby approved without the further written consent of the Local Planning Authority

Reason: To ensure that such further structure(s) do not prejudice the amenity of the neighbouring occupiers or the appearance of the area.

- (4) Details of materials for all external work, cladding system, including bricks, balconies, canopies, windows and render shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality

- (5) Prior to occupation of the dwellings results of the post-completion testing undertaken to demonstrate that reasonable resting conditions (Living rooms) LAeq, T 30 dB (day: T =16 hours 07:00 –23:00), reasonable sleeping conditions (Bedrooms) LAeq, T 30dB (night: T = 8 hours= 23:00 – 07:00) LAmax 45 dB (night 23:00 – 07:00) have been met should be submitted and approved in writing by the Local Planning Authority and thereafter the development shall not be occupied until the approved scheme has been fully implemented.

Reason: To ensure that the occupiers are not subjected to excessively high noise levels and to ensure an adequate standard of amenity.

- (6) In order to mitigate against the possibility of numerous satellite dishes being installed on the buildings hereby approved, details of a communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented.

Reason: In the interests of the visual appearance of the development in particular and the locality in general.

- (7) Further details of the shop and office frontages (Including signage zone) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality

- (8) 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 the principles of BS 10175:2011. A report shall be submitted to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination, and an appraisal of remediation options should any contamination be found that presents an unacceptable risk to future site users. The written report is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the safe development and secure occupancy of the site

- (9) 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, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

Reason: To ensure the safe development and secure occupancy of the site

- (10) The A1 units shall not be used except between the hours of:-

0800 hours and 1900 hours Mondays to Saturdays

0900 hours and 1700 hours Sundays and at no time on Bank Holidays without the written consent of the Local Planning Authority.

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

- (11) The redundant vehicular crossover shall be restored to kerb-and-channel, and any street markings altered at the developer's expense, before the development hereby permitted is occupied, in the interests of highway and pedestrian safety" is the condition we use.

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

- (12) No development shall be carried out until what time as the person carrying out the works is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.

Reason: To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.

- (13) Prior to commencement of the development, further details of construction and maintenance shall be submitted to and approved in writing by the Local Planning Authority and Network Rail. The work shall be carried out in accordance with the approved details.

Reason: To ensure the safe development and secure occupancy of the site

- (14)

Prior to commencement of the development, the applicant must submit details of the proposal for the approval of Network Rail and the Local Planning Authority in that the building must not be located within 2.75 of Network Rails boundary in order for any future maintenance of the development to commence in a place of safety due to the presence of electrified overhead line equipment (OHLE).

Reason: To ensure the safe operation of the railway and occupier during construction and completion of the development

- (15) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning

(General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the use of the area denoted as A1 and B1 on the ground floor plan hereby approved shall only be for purposes within Use Classes A1 and B1, unless otherwise agreed in writing by the Local Planning Authority, providing that any extraction equipment required by the uses are approved by the Local Planning Authority in advance of the unit being served by the required extract equipment being occupied.

Reason: To allow an appropriate level of flexibility in the use of this floorspace and in the interests of amenity.

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

Such scheme shall also indicate:-

(a) Walls and fences

Proposed walls and fencing, indicating materials and heights.

(b) Physical separation

Adequate physical separation, such as protective walls and fencing, between landscaped and paved areas.

(c) Signboards and seating

Other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, foot ways and other paved pedestrian and vehicle parking areas.

(d) Maintenance details

Details of the proposed arrangements for maintenance of the landscaping.

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.

INFORMATIVES:

- (1) The applicant is informed that, the quality of imported soil must be verified by means of in-situ soil sampling and analysis. The Council do not accept soil quality certificates from the soil supplier as proof of soil quality.
- (2) 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
- (3) The applicant is advised to contact Network Rail prior to commencement of work.
- (4) 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 Tanusha Naidoo, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5245