

**Committee Report
Planning Committee on 8 June, 2010**

**Item No. 15
Case No. 10/0569**

RECEIVED: 17 March, 2010

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: 147-153 High Street, London, NW10 4TR

PROPOSAL: Outline application for erection of 3- and 4-storey building with basement to provide 20 affordable flats, consisting of 1 one-bedroom, 12 two-bedroom and 7 three-bedroom flats (matters to be determined: access, appearance, layout and scale)

APPLICANT: Albemarle Trust PLC

CONTACT: Robin Bretherick Associates

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 Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

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 in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) 100% Affordable Housing – to be agreed by the Council
- (c) A contribution £110,400 (£2,400 per additional AH bedroom), due on material start and, index linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports in the local area.
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 3, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (e) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- (f) Join and adhere to the Considerate Contractors scheme.
- (g) The Removal of the rights of residents to apply for parking permits.
- (h) A contribution £30,000, due on material start and, index linked from the date of committee for local play and open space improvements in the local area.

And, to authorise the Director of Environment and Culture, 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 application relates to a vacant site situated on the northeast side of High Street, Harlesden. The building was most recently in use as a petrol filling station but has since been demolished and cleared. The site is not within a conservation area or area of distinctive residential character, and is not within any designated centre. The High Street is a London Distributor Road.

PROPOSAL

Outline application for erection of 3- and 4-storey building with basement to provide 20 affordable flats, consisting of 1 one-bedroom, 12 two-bedroom and 7 three-bedroom flats. The Outline application is to determine matters of: access, appearance, layout and scale: outstanding matters are Landscape which will be determined under a separate Reserved matters application.

HISTORY

- Planning reference 09/2240 was refused at Planning Committee 17th December 2009, for "Outline application (matters included: access, appearance, layout and scale) for erection of a 4-/5-storey building (with basement) comprising 23 affordable flats (2 one-bedroom, 9 two-bedroom and 12 three-bedroom)

The reasons for refusal were:

"The proposed four- and five-storey building (with basement), by reason of its overall height, width, bulk, and proximity, relates poorly with properties on Rucklidge Avenue and would have an unacceptable impact on the amenities of neighbouring occupiers to the rear of the site, by reason of the creation of an overbearing impact on existing properties, impacting on privacy and outlook. The proposal would thus result in a development that is out of character with the existing and adjoining buildings to the detriment of the visual character and appearance of the area. As a result, the proposal would be contrary to policy BE9 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance SPG17: "Design Guide for New Development"

"The proposed flats are located in an area which is deficient in public open amenity space and, by reason of the limited amenity value of the private external space of some of the large family units, the development would be contrary to policies H9 and H18 of the Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17: "Design Guide for New Development"

"The proposed treatment of the rear elevation, by reason of its poor use of materials and articulation, does not succeed to break the overall bulk and width of the development, while resulting in a building which fails to add a positive contribution to the street-scene, and is thus contrary to policies BE2 and BE9 of the Unitary Development Plan 2004"

"The proposed internal arrangement of the proposed flat units do not provide satisfactory living conditions, in terms of the duplex units on the ground and lower ground floors. All units should be arranged to achieve acceptable levels of natural daylighting and ensure natural street surveillance. The proposed fails this by placing bathrooms at the front elevation on the ground floor with centrally based kitchens, and is thus contrary to policies BE5 and BE9 of the Unitary Development Plan 2004"

Other reasons for refusal related to the absence of legal agreements to control matters of: contributions; sustainable development; car free agreements; and affordable housing.

- 07/2829 was refused at Planning Committee 19th December 2007, for the "Erection of four-storey building comprising 449m² retail floor space (Use Class A1) on ground floor and 14 self-contained flats on upper floors, consisting of 3 x one-bedroom flats, 9 x two-bedroom flats, and 2 x three-bedroom flats, formation of roof terrace at first-floor and third-floor level to rear and third-floor front, new vehicular access to front, provision of 2 car-parking spaces, cycle storage for 19 cycles, refuse and recycling stores, hard and soft landscaping to site".
- The applicants subsequently appealed the Council's decision, the appeal was dismissed 28th July 2008. The main issue highlighted by the appeal inspector was *"the effect of the proposal on the living conditions of neighbours"*.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

STR11 – The quality and character of the Borough’s built and natural environment will be protected and enhanced; and proposals which would have a significant harmful impact on the environment or amenities of the Borough will be refused.

STR14 – New development will be expected to make a positive contribution to improving the quality of the urban environment in Brent by being designed with proper consideration of key urban design principles relating to townscape (local context and character), urban structure (space and movement), urban clarity and safety, the public realm (landscape and streetscape), architectural quality and sustainability.

STR20 – Where suitable and practical, housing development on sites capable of accommodating 15 or more units, or 0.5 hectares or over, should include the maximum reasonable proportion of affordable housing consistent with the Plan’s affordable housing provision levels.

BE2 - Design should have regard to the local context, making a positive contribution to the character of the area. Account should be taken of existing landform and natural features, the need to improve the quality of existing urban spaces, materials and townscape features that contribute favourably to the area's character, or have an unacceptable visual impact on Metropolitan Open Land. Proposals should not cause harm to the character and/or appearance of an area. Application of these criteria should not preclude the sensitive introduction of innovative contemporary designs.

BE3 – Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.

BE5 - Development should be understandable, free from physical hazards and to reduce opportunities for crime, with a clear relationship between existing and proposed urban features outside and within the site. Public, semi-private and private spaces are clearly defined in terms of use and control, informal surveillance of public and semi-private spaces through the positioning of fenestration, entrances etc., front elevations should address the street with, where possible, habitable rooms and entrances, with private areas to the rear and significant areas of blank wall and parking should be avoided on back edge of pavement locations, entrances should be overlooked by development with good lighting and visible from the street, rear gardens should not adjoin public space, parking spaces are provided within view and if not made safe in other ways and are not normally accessible via rear gardens of residential properties and accessways are through or adjoining a site are overlooked by development, provided with good lighting, set away from cover, provide clear sightlines and not run next to rear gardens.

BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, new planting of an appropriate species, size, density of planting with semi-mature or advanced nursery stock, new integrally designed structural landscaping on appropriate larger sites, boundary treatments which complement the development and enhance the streetscene and screening of access roads and obtrusive development from neighbouring residential properties.

BE7 – A high quality of design and materials will be required.

BE9 – Creative and high-quality design solutions (for extensions) specific to site's shape, size, location and development opportunities Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

BE11 – Proposals for higher densities than that prevalent in the surrounding area will be encouraged in appropriate locations, which will include town centre locations in Areas of Very Good & Good Public Transport Accessibility (as defined in the Transport Chapter section 6.7), and transport interchanges (Policy TRN6). Proposals in these areas are encouraged to include a mix of compatible land uses.

BE12 – Proposals should embody sustainable design principles.

EP6 – When development is proposed on or near a site suspected of being contaminated an investigation of

the hazards posed and any necessary remedial measures will be required from the developer.

H4 – Where affordable housing is appropriate this should be provided “in-situ”, other than in exceptional circumstances.

H9 – On developments capable of 10 or more dwellings, or residential sites of 0.5 ha or more, irrespective of the number of dwellings, a mix of family and non-family units will be required, having regard to local circumstances and site characteristics. Exceptions may be made for developments of sheltered or supported housing, housing in or adjoining town centres or where the site is unsuited to family occupation. Special regard will be had to affordable housing developments designed to meet the needs of a particular priority group.

H11 - Housing will be promoted on previously developed urban land which the Plan does not protect for other land uses.

H12 – The layout and urban design of residential development should comply with the policies in the Built Environment Chapter, and in addition they should have a site layout which reinforces or creates an attractive and distinctive identity, have housing facing onto streets and defining roads, have access to and layout which achieves traffic safety, have appropriate car parking, and avoid excessive coverage of tarmac or hard landscaping.

H13 – The primary consideration in determining the appropriate density of new residential development will be achieving an appropriate urban design which makes efficient use of land and meets the amenity needs of potential residents. The most dense developments will be appropriate in those parts of the borough with good or very good public transport accessibility.

H14 – Planning permission will be refused where development would under-utilise a site, where there are no pressing considerations to protect the character of an area. Outline permission will be subject of a condition specifying a minimum number of dwellings at reserved matters stage.

TRN11 – Developments should comply with the plan’s minimum Cycle Parking Standard (PS16), with cycle parking situated in a convenient, secure and, where appropriate, sheltered location.

TRN23 – Residential developments should not provide more parking than the levels as listed in standard PS14 for that type of housing, with its maximum assigned parking levels. Lower standards apply for developments in town centres with good and very good public transport accessibility. Where development provides or retains off-street parking at this level then on-street parking will not be assessed. Car-free housing developments may be permitted in areas with good or very good public transport accessibility where occupation is restricted by condition to those who have signed binding agreements not to be car owners. Such persons will not be granted residents’ parking permits.

Supplementary Planning Guidance

SPG17 – Design Guide For New Development

SPG19 - Sustainable Design, construction and pollution control

SPD - S106 Planning Obligations

SUSTAINABILITY ASSESSMENT

The development proposal aims to achieve a minimum Code Level 3 for sustainable homes in terms of construction and energy efficiency with the potential to reach Code Level 4. The subject site is not located in a designated growth area where even higher standards are sought and therefore Code Level 3 is deemed acceptable.

CONSULTATION

Consultation letters, dated 23rd March 2010, were sent to 94 neighbouring owners/occupiers. Eleven letters of objection and one petition with 161 signatures were received, the following comments were made:

- Concerned about the height of the proposed building and its impact upon sunlight upon garden areas and habitable rooms,
- Overlooking into rear garden areas,

- The side flank of Number 155 High Street had always been visible from the street and a gap retained between Numbers 155 and 153 High Street;
- No parking on site for residents, and will have a negative effect on local parking conditions;
- Proximity in relation to side kitchen windows at Number 139 High Street;
- Proposed front balconies are out of character in relation to the street-scene;
- The guard rails are not a natural feature and are out of character with the locality;
- The proposed four stories is out of character with the two-storey dwellings on Rucklidge Avenue;
- Overlooking, SPG17 states there should be a minimum of 20m between facing windows;
- Balconies are closer than 20m;
- The proposed multi-bed units have low areas of residential amenity and the communal area of amenity is restricted;
- The building is only one metre further away than the previous scheme considered and refused by Committee;
- The design does not take into account the constraints or possibilities of the site, has ignored rights to privacy, overlooking and daylight;

The issues highlighted above are discussed in detail below. It should be noted that there have been changes to the proposed scheme since its submission in an attempt to take account of officer and residents' comments.

Internal Consultation:

The issues raised by: Transportation, Environmental Health and Housing Officers are included within the remarks section below.

REMARKS

The site is currently vacant and has been cleared, it is adjoining one side of the High Street frontage by Number 139 and Number 155 on the other. To the rear there are rear gardens of houses in Rucklidge Avenue which are above the level of the site.

Principle of Development

The loss of the petrol filling station use is acceptable as the Council does not seek to protect petrol stations as local employment sites. The site is not designated within any centre and therefore the principle of residential development is considered acceptable. While normally policy would have allowed a commercial ground floor, this scheme is 100% residential and this is considered to be acceptable, subject to detailed design/amenity considerations as set out below.

Main alterations from previous refusals

As indicated earlier in this report, a scheme for 14 flats and retail floorspace at ground floor level was dismissed at appeal following a Hearing to discuss the case. As a result of this decision, a critical consideration here is to assess how this revised proposal takes account of the Inspectors decision letter of July 2008. A new proposal was submitted but subsequently refused at Planning Committee in December 2009 as the main issues which were raised at appeal were not considered to be successfully dealt with.

The 2008 Inspector stated that the proposal was overbearing "as a result of the height, width, and proximity of the proposal" upon neighbouring properties at Rucklidge Avenue. In comparison with the previously dismissed appeal and refused application at planning committee, the current proposal has been reduced in height, width and proximity to the properties to the rear which has resulted in a reduction of units from 23 to 20 and the replacement of the ground floor commercial use with residential accommodation and a different residential mix. These changes will be discussed in detail below.

Housing Mix

In terms of the mix of units proposed, these are summarised in the table below.

Bedroom Size	Number	Percentage
1	1	5
2	12	60
3	7	35

The proposed number of three bedroom family units has been reduced from the previously refused application 09/2240. All three bedroom (duplex) units are on two floors having access to rear gardens of approximately 30m² of usable amenity space (not including lightwells). Housing Officers are supportive of the

principle of 100% affordable housing. Officers were originally concerned with the 6 person occupancy levels of the 3 bedroom family units on upper floors without direct access to a sufficient area of amenity, these however have now been removed from the proposal and Housing support the scheme for affordable units despite the limited private gardens to the family units and layout constraints related to creating basement accommodation.

Residential Quality for Future Residents

Supplementary Planning Guidance 17 indicates minimum unit sizes for flats, the Council's current standards seek the following flat sizes as a minimum:

- 1-bedroom flat – 45 square metres.
- 2-bedroom (3-person) flat – 55 square metres.
- 2-bedroom (4-person) flat – 65 square metres.
- 3-bedroom flat (5/6 person) – 80 square metres.

All flats shown either meet, or are in excess of, the Council's minimum guidelines for internal floorspace. Previously, concerns were raised in relation to the internal arrangement of the duplex units where natural street surveillance was restricted at the ground floor. This arrangement has been subsequently altered and deemed acceptable in relation to policy BE5 of the UDP 2004.

Although there are instances where differing habitable rooms are 'stacked' above one another, which can cause noise problems between bedrooms and kitchens/living rooms, this is a new build that provides opportunities for appropriate sound insulation during construction.

Officers were concerned with the quality of daylighting into front and rear light wells into the duplex bedrooms. For clarity, lightwells are areas of excavated ground in front of habitable room windows which serve to provide natural daylighting. The lightwells to the rear have been increased to 3m in depth and further modelling has been submitted to demonstrate the proposed quality and outlook of the lightwells. Proposed rear lightwells will serve two bedrooms and the applicant has sought to increase daylighting through ensuring that the walkways, allowing residents to access their gardens will be glazed. Notwithstanding this detail a condition shall be attached to ensure that these lightwells will use high quality durable materials with appropriate screening and that front lightwells will be improved through reducing the height of dividing walls at lower ground level. The British Research Establishment (BRE) has an established means of testing the impact of new development upon neighbouring properties and upon the quality of daylight within new development. A further BRE test was requested and it has confirmed that the proposed lightwells, which seek to provide daylighting into lower ground bedrooms, will provide adequate internal natural daylighting for their use.

The proposed duplex units on the ground and lower ground floors have their own access to rear private amenity space of approximately 30m². Although this is under the required 50m² by SPG17 for family units, this when it is considered in combination with the lightwell terraces will provide a sufficient amount of amenity space. All units located on the upper floors have access to private balconies as well as a communal garden of approximately 52m². The revised proposals have included an upper communal terrace on the roof of the third floor, providing approximately 32m² amenity space, this is sited 6.2m from the main rear flank wall of the building and should not therefore cause overlooking into rear gardens in Rucklidge Avenue. In addition to the on-site provision of outside space a financial contribution is sought through the legal agreement to go towards the improvement of Bramshill Park, approximately 600m from the site, where funding has been gained to improve the existing play space but extra funds are required for the further enhancement of facilities.

Although Landscaping is not a matter for consideration here, officers would note that proposals for landscaping will need to include details of all boundary treatments, in particular fencing between rear gardens in separate occupation and the rear boundary wall facing Rucklidge Avenue. Due to the height and appearance of the rear boundary wall improvements to its appearance will be sought and is likely to include vigorous evergreen and semi-evergreen climbers on a lattice wire mesh to be tracked up the rear wall.

Officers have raised concerns with the proposed quality of accommodation for residents within the ground and lower ground duplex units, in particular because there is inevitably going to be restricted outlook from, and to, the proposed flats. However, these issues have been discussed with Housing officers who are in support. The Housing Officer has confirmed that: *"The scheme proposes new social rented housing and will therefore help those in most pressing housing need within the borough. The proposed unit size mix is also considered acceptable, and allows for a healthy proportion of larger three bedroom affordable family accommodation, of which there is an acute shortage in the borough"*

Design and Appearance

The applicant has designed the proposed three and four storey building in context to the natural street rhythm of High Street and has also introduced a 6.4m break in the centre of the upper floor between two parts of the building. . The width and general mass of the proposed structure is broken further by using varied materials to create two distinct blocks. These proposed blocks are separated further at third floor level with a section of aluminium cladding. The proposed rear elevation has improved from the previous submission from the sheer mass of brick with aluminium at the fourth and fifth floor towards a varied mix of brick, aluminium, and timber which responds to the character and appearance of the front elevation.

The existing street-scene of High Street consists of two, three, and four storey buildings and as such the proposed three and four storey building is in character with the locality. In terms of surrounding building heights, Number 155 High Street is 7.8m and Number 139 is 8.7m in height and although these are below the proposed building height, Number 161-163 is 16.4m and significantly larger than the proposal. The elevations are clean and simple but the use of breaks within the upper floor, varied materials, glazing and balconies to provide further interest successfully break up the massing of the proposed three and four storey building.

Impact upon neighbouring properties

Size and scale

In assessing the impact of size and scale of the proposed, the properties likely to be affected by this application are those on Rucklidge Avenue and adjoining properties at Numbers 155 and 139 High Street. The appeal inspector for the previous refusal (07/2829) considered this was the main issue. The design and access statement submitted within this application illustrates how the current proposal has reduced the impact upon neighbouring residents and also how it complies with the guidance in SPG17.

The appeal inspector for 07/2829 noted that the rear gardens of Rucklidge Avenue were shorter than most properties, partly as a result of this the proposal was deemed overbearing. The current proposal will not have a negative impact upon the rear gardens of Rucklidge Avenue; where the proposed building is significantly clear of the 45° degree line when measured at a point of 10m from the rear of the two storey rear projections at Rucklidge Avenue which is something the appeal inspector considered to be the right approach. This is also illustrated in the 'worst case' at Number 49 Rucklidge Avenue. Furthermore, the building height has been reduced by approximately 1.2m from the dismissed appeal and the depth of the building has been reduced from 15m to 11.4m and 12.6m (at first floor). This in combination with the fact that the building has moved away from the rear of the site and broken in width at the top floor, has significantly reduced impacts upon neighbouring rear gardens at Rucklidge Avenue and is thus deemed acceptable with adopted policy and design guidance SPG17.

Objections have been raised in relation to the impact of the proposed building upon obstructing the side flank of Number 155 High Street. Although it is noted that there is a forward projection of the building at this corner of approximately 1.4m the appeal inspector did not feel that it was a sufficient reason, in itself, for withholding planning permission.

Privacy

Privacy standards for residential development are: 10m separation between habitable windows on the rear flank of the development and the rear boundary; and 20m distance between habitable rooms which face each other, as per SPG17. The distance between windows on the rear elevation and the rear boundary at ground floor level is an average of 9m this shortfall is not considered unacceptable providing that further detail is submitted in relation to the quality of the rear garden space. All other windows above ground floor level are outside the 10m to rear boundary standard.

In relation to directly facing habitable room windows, previous proposals have fallen significantly short of the required 20m separation distance, which added to the unacceptable impact of the proposals. For clarification, the 20m separation line has been drawn from the habitable room windows located within the side return of properties in Rucklidge Avenue to the rear façade, as the windows to the first floor rear in Rucklidge Avenue properties have been identified as non habitable (obscurely glazed). There will be no directly facing windows or balconies that are less than the 20m separation distance. There are points on the first and second floor where the proposal falls 0.8m under, but this is not deemed detrimental in terms of overlooking and privacy as the 20m separation distance is specifically in relation to directly facing windows. There is also one window which is not obscurely glazed (Number 49 Rucklidge Avenue) at first floor level which is within 16.4m to the rear flank of the proposed building however, no windows are directly facing this property.

Daylight & Sunlight

Objections have been raised in relation to the impact of the proposed structure upon residential flat units at Number 139 High Street. In response, at first floor level and above, the building has been set away by another metre, from 5m to 6m and is deemed acceptable. Although windows located on the side flank of the site boundary are sole windows to kitchens, these are particularly small areas without room for dining. It must be noted that these windows are located on the site boundary. In view of the regular street pattern of conjoining buildings of four, three and two stories an increased separation distance of more than 6m would not follow the existing building form on this road.

The applicant has submitted a technical daylight and sunlight report which has assessed the impact of the proposed building upon neighbouring residents. It is noted that in terms of daylight for affected windows in Rucklidge Avenue, the proposal fully satisfies the 'Vertical Sky Component (VSC) Daylight Distribution and Average Daylight Factor Guidelines'. The Vertical Sky Component (VSC) measures daylight striking the window and the Average Daylight Factor (ADF) value provides a measure of overall internal lighting conditions. The report concludes that "there will be no material impact on daylight received by Rucklidge Avenue properties".

It reaches a similar conclusion on sunlight. Whilst the report notes that the results for sunlight availability are very good, one window will experience an impact at Number 53 Rucklidge Avenue, in excess of the guideline standards. This impact is however, 0.8% of the total available amount of sunlight throughout the year. The affected window is recessed back between original rear projections and faces south-west and the percentage loss is marginal. In cases such as this, light is one assessment that needs to be considered, but compliance with a Daylight & Sunlight report does not, in itself, demonstrate that a particular relationship is acceptable. As important are, the size and scale tests contained within SPG17, which are used to assess the impact of new development upon the living conditions of neighbouring occupiers. These demonstrate that the proposal meets these guidelines.

Highway Considerations

Transportation Officers note that the subject site is located in an area with very good access to public transport and is located within a Controlled Parking Zone. In consideration that the site is located on a major London Distributor Road where demand for on-street parking is high and with no scope for overspill parking, a "car free" agreement has been sought. This will be secured by a legal agreement, as part of the S106, which restricts the right of future residents to apply for parking permits and therefore the proposal will not result in an increase in parking demand or traffic generation in the locality.

The proportion of cycle storage has increased to accommodate 24 stacked bicycles and therefore complies with adopted policy TRN11 of the UDP 2004, which requires one bicycle space per flat. The area designated for refuse accommodates sufficient storage for general waste and recycling. This is internal and located to the front of the building which allows for routine collection.

Contaminated Land

The site, a former petrol station, has the potential to be contaminated. The site has already been cleared and all the buildings and surface materials removed. The contamination report provided is deemed satisfactory with Environmental Health officers. A condition requiring a site investigation focusing on sensitive areas (proposed rear gardens) with soil samples analysed for a full suite of potential contaminants will be requested via condition.

Section 106 Contributions

On this particular application, the proposed Heads of Terms, including the total financial contribution required to comply with the Council's adopted SPD on the subject has been agreed, in principle and is set out at the start of this report. Although they have been aware of the Council's requirements for some time, the applicants have requested that the payments are staged rather than paid up front. In addition, they are indicating that they wish to submit a viability assessment with a view to reducing the final sum paid. Officers would be prepared to consider such information, but none has been submitted at this time of drafting this report. Members will be updated in a supplementary report but they will note that there is a "dual recommendation" on this Major Case whereby failure to conclude the legal agreement within the statutory period will result in the application being refused.

Sustainability measures to achieve 20% renewables have been agreed to be secured by a legal S106 agreement. Due to the lack of amenity space provided within this development contributions are sought to improve local open playspace at Bramshill Park, this shall be confirmed in the officers' supplementary report.

Conclusion

The principle of residential development at the site is acceptable. The negative impacts of the proposal dismissed at appeal have been resolved, in that the size and scale of the building has been reduced and the siting amended. The small nature of rear gardens at Rucklidge Avenue have been fully taken into account and the scale and massing of the proposed building would comply with adopted SPG17 guidance. The proposed development seeks to provide 20 affordable housing units (which is supported by the Council's Housing Service) which provide acceptable levels internal living space. Although the areas of external amenity are restricted this is considered acceptable, on balance, providing financial contributions are secured to improve areas of local public open space. Members are informed that if the S106 contributions and staging of payments are not agreed it would make this scheme unacceptable.

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
Central Government Guidance
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
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) Details of all of the reserved matters: landscaping, shall be submitted to be approved in writing by the Local Planning Authority before:-

- (i) the expiration of three years from the date of this permission; or
- (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 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): 507S_00 P3; 507GAB1 P5; 507GA00 P4; 507GA01 P4; 507GA02 P4; 507GA03 P4; 507GA05 P4; 507GE00 P4; 507GS01 P4; 507GS02 P4; 507GS03 P4; 507GE01 P4.

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

- (3) During construction on site:-

- (a) - The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site;
- (b) - The operation of 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 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays;
- (c) - Vehicular access to adjoining and opposite premises shall not be impeded;
- (d) - All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only;
- (e) - No waste or other material shall be burnt on the application site;
- (f) - All excavated topsoil shall be stored on the site for reuse in connection with landscaping.
- (g) - A barrier shall be constructed around the site, to be erected prior to demolition;
- (h) - A suitable and sufficient means of suppressing dust must be provided and maintained.

Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of noise and disturbance.

- (4) No further extensions or buildings shall be constructed within the curtilage of the duplex units subject of this application, notwithstanding the provisions of Class(es) A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason(s):

In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority.

- (5) Details of materials for all external work, including samples, 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.

- (6) Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and the fencing, walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved.

Reason:

In the interests of the privacy and amenity of the occupants of the application site and neighbouring properties.

- (7) A timber close boarded fence to a height of 1 metre shall be erected between the gardens in separate occupation along the side boundaries prior to the commencement of the use of the development hereby permitted which shall not thereafter be removed or altered in height.

Reason: In the interests of the visual amenity and character of the locality.

- (8) No development shall take place before a scheme for adequate sound insulation to walls and/or floors between units in separate occupation hereby approved has been submitted in addition to BRGs and approved in writing by the Local Planning Authority. Thereafter none of the flats shall be occupied until the approved scheme has been fully implemented.

Reason: To safeguard the amenities of the occupiers.

- (9) Before building works commence on the site, a scheme providing for the insulation of the proposed dwelling units against the transmission of external noise (and vibration) from the High Street (in particular ground and lower floors) shall be submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme shall be completed in accordance with the approved details before any of the permitted dwelling unit(s) are occupied.

Reason: To safeguard the amenities of the occupiers.

- (10) 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) Sections of the front and rear lightwells;

(b) Materials used on all external surfaces of front and rear lightwells;

(c) Full details of the pedestrian entranceway's and walkway's and screening;

Reason: These details are required to ensure a satisfactory level of amenity is achieved for future occupants.

- (11) 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 as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. 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 proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004.

- (12) 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 proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

- (13) 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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

- Brent UDP 2004
- Supplementary Planning Guidance 17
- Housing and Planning Statement
- Brent Sustainable Development Checklist
- Sustainability Statement
- Daylight and Sunlight Report - plus supplementary report
- Remedial Implementation and Verification Report
- Design and Access Statement
- 11 letters of objection and petition

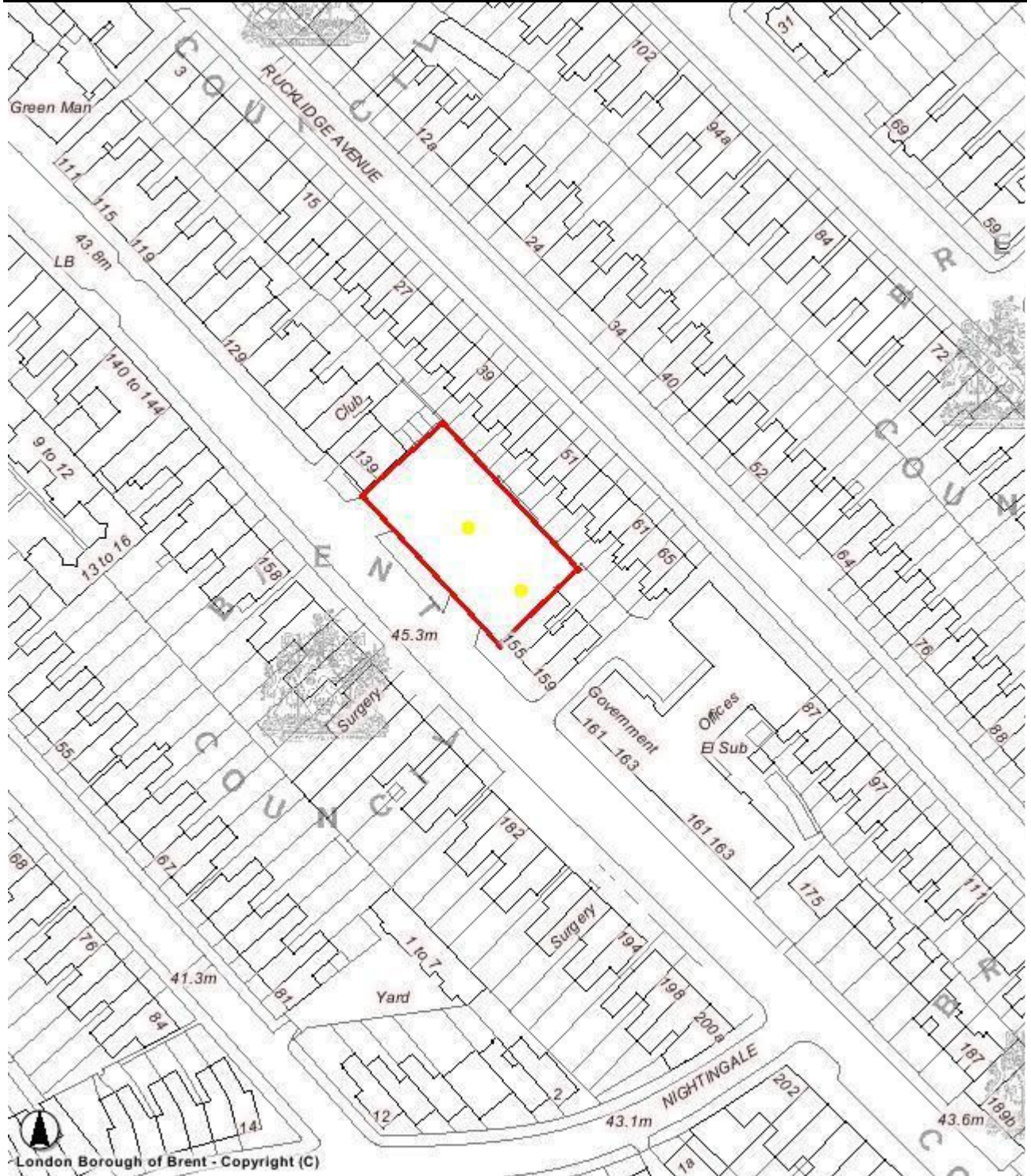
Any person wishing to inspect the above papers should contact Nicola Butterfield, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5239



Planning Committee Map

Site address: 147-153 High Street, London, NW10 4TR

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.