
Location 141-153 High Street, London, NW10 4TR
Description 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)

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Members visited the site on Saturday 5th June 2010. A number of points of clarification were sought.

Officers had highlighted at that visit that the length of break in the fourth floor (page 127) is 5.2m and not 6.4m. This is still considered a substantial break within the upper floor which has been included to further relieve the impacts of the proposed building upon the street-scene and Rucklidge Avenue residents.

Windows located on the side flank wall of Number 139 High Street are habitable windows to kitchens of two units. The separation distance between these windows and the side flank wall of the proposed building is 6.0m, as opposed to 5.0 metres in both the appeal scheme and the 2009 refusal. It is somewhat unusual to have habitable windows that are located right on the site boundary as in this case, given the possibility of future development on adjacent sites and the impact this could have. It would be unreasonable for such an arrangement to prevent development and it is considered that in this case the 6.0m separation distance would be an appropriate approach. An increased distance would be likely to serve to detract from the character and appearance of the streetscene in what is a High Street location. For clarity, the Appeal Inspector made no comment on this aspect of the scheme.

Officers have re-checked the matter and the reduction in height between the appeal scheme and the current proposal is approximately 1.2m as shown on the submitted drawings. As indicated in the main report this, in combination with the increased separation distances and break within the fourth floor, is considered to adhere to the appeal inspectors comments.

To confirm, all directly facing windows and balconies (window to window) at first floor level, which are not obscurely glazed, comply with the 20m separation distance as required by SPG17. The 2008 appeal scheme had directly facing windows at first floor that were approximately 16m - 17m separation distance.

Additional objections

Residents have raised concern over occupants being able to access the roof of the single storey element of the proposed building, adjacent to Number 139 High Street. In addition, a Safer Neighbourhoods Constable notes that whilst crime in the area has seen a reduction, a flat roof could attract anti-social behaviour without appropriate guarding. Officers note that there are three balconies which are located at this level however, these are secured by 1.1m high railings and do not, therefore, provide access to the roof. Nevertheless, a condition is proposed which will restrict access to the roof, in addition to the condition requiring further details of guarding. Residents have also noted that the third floor communal terrace will be dangerous for children. There are many buildings which feature balconies and communal terraces and there is nothing inherently dangerous with them as a feature of a building.

Building Control Officers have confirmed that the Building Regulations require a 1.1m high railing in situations of this kind. Details of railings have been requested through condition 5 to ensure the safety of occupants as well as that they have an acceptable appearance.

ADDITIONAL CONDITION

Details of the means by which access shall be prevented to the green roof (see drawing 507GA01 rev: P4) adjacent to No.139 High Street shall be submitted to, and approved in writing by, the Local Planning Authority prior to the development commencing. There shall be no access to this roof by way of window, door or stairway and it shall not be used as a balcony or sitting out area at any time.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

There is concern with the security of the front lightwells, in terms of increasing opportunities for crime in the locality and their appearance in the street-scene. The front lightwells are designed to provide daylighting into lower ground bedrooms. The proposed secure railings to these lightwells are deemed an acceptable feature in the design context of this building and should not give rise to additional crime in the locality. The main report explains the balanced assessment of Officers in terms of the likely quality of accommodation that the lower ground floor will provide

Planning obligations

Part (c) and (h) of the S106 Heads of Terms (see page 121) have been revised, as below, following an independent viability report submitted by the applicant :

(c) A contribution £110,400 (£2,400 per additional AH bedroom), index linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports in the local area. 50% (£55,200) due on Material Start and a further 50% (£55,200) due on Practical Completion unless a independently verified financial appraisal is submitted to the Council shows a return of less than 15%.

(h) A contribution £25,000, due on material start and, index linked from the date of committee for local play and open space improvements in the local area.

Amended Conditions

The Borough Solicitor has recommended a number of changes to conditions:

- condition number 8 replace 'BRG' with "Building Regulations"
- condition number 11 add the words "approved by the Local Planning Authority" after the words "competent persons" in the first sentence.

The Borough Solicitor has also recommended that under the Section 106 Details insert the words "by 16th June 2010" (the Statutory Expiry Date) after the words "by concluding an appropriate agreement."

Recommendation: Remains approval subject to revisions to Section 106, amended conditions 8 & 11 and additional condition: