

**Committee Report
Planning Committee on 13 October, 2010**

**Item No. 12
Case No. 10/0491**

RECEIVED: 14 April, 2010

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Offices 1st 2nd 3rd Floors, 101A Kilburn High Road and 2A Brondesbury Road London, NW6

PROPOSAL: Conversion of first, second and third floors into 2 (one studio and one two-bed) self contained flats, with rear terrace at first floor, replacement of first floor rear window with glazed doors and provision of bin store within entrance.

APPLICANT: Navera Trading Ltd

CONTACT: Michael George Design Ltd

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:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- 'Car-free' agreement
- £9000 contribution

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 site is a 4-storey building on the corner of Kilburn High Road and Brondesbury Road, NW6. The site consists of retail at ground floor and offices above. It is not within a conservation area nor is it a listed building.

PROPOSAL

Conversion of first, second and third floors into 2 self contained flats, with rear terrace at first floor, replacement of first floor rear window with glazed doors and provision of bin store within entrance. The proposal envisages one studio flat at first floor and a two bedroom flat arranged over the two upper floors

HISTORY

02/0019 Granted

Construction of A1/A2 unit and servicing bay at rear ground-floor level and extension at first-floor level for ancillary use.

09/3391 Granted

Erection of first-floor rear extension to create a one-bedroom flat (revised scheme from application 09/1624) Deed of Agreement (Car Free development) dated 24th of December 2009 under Section 106 of the Town and Country Planning Act 1990, as amended

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

BE2 Proposals should be designed with regard to their local context, making a positive contribution to the character of the area.

BE9 New buildings should embody a creative and appropriate design solution, specific to their site's shape, size, location and development opportunities.

H13 An appropriate residential density will be determined by achieving an appropriate urban design

H20 Flats over and adjoining buildings in shopping centres

TRN3 Planning permission will be refused where it would cause or worsen an unacceptable environmental impact from traffic.

TRN11 Developments should comply with the Plan's minimum cycle parking standards with cycle parking

situated in a convenient, secure and, where appropriate, sheltered location.

Supplementary Planning Guidance 17: Design Guide for New Development.
Supplementary Planning Document: S106 Planning Obligations

CONSULTATION

Neighbouring occupiers were consulted on 28th April 2010, 3 objections have been received raising the following issues:

- The proposal will impact on neighbouring light and outlook at the rear.
- The opening to the rear of 101 Kilburn High Road is onto private land and should not be used for refuse storage. Refuse storage and collection must be from Brondesbury Road without having to cross a 3rd party's private land.

These issues are discussed within the body of the report. The application originally involved an extension and terrace to the roof which has since been omitted, leaving a screened terrace at first floor rear and associated door as the only external alterations.

REMARKS

The application is for the conversion of first, second and third floors into 2 self contained flats, with rear terrace at first floor, replacement of first floor rear window with glazed doors and provision of bin store within entrance.

Change of Use

The current lawful use of the first, second and third floors of the building is as offices. The Design & Access statement provides the background to these units and their vacancy stating that since a refurbishment in 2002 only the second floor has been let and this was for the period of 1 year.

Paragraph 5.15.1 of Brent's UDP states that the provision of residential accommodation above

shops and commercial buildings is encouraged and the section goes on to state that this is an area of potential housing which can particularly meet the needs of smaller households and contribute to town centre regeneration as well as reducing the need to travel. This is supported by Policy H20.

Given the vacancy of the offices and identification of such High Road sites as suitable for residential use there is no objection to the proposed change of use.

Quality of Accommodation

2 flats are proposed within the building over the first, second and third floors, extensions were originally considered but following officer advice were omitted. One flat is proposed at first floor and the second is over the second and third floors without extension meaning the units are limited to the existing floor space.

In residential developments a mixture of unit sizes is sought, and studio flats are not an ideal form of accommodation as they offer a limited level of amenity. However given the restriction in terms of existing floor space and the consideration above that such locations are likely to meet the needs of smaller households the proposed mix of 1 studio unit and 1x2-bed is on balance acceptable.

At first floor a studio unit is proposed. SPG17 requires 33sqm of floor space and the units provide 35sqm with the sleeping area to the rear and living kitchen dining space to the front of the building with windows onto Kilburn High Road. The bathroom is proposed in the form of a wet room with a door which can open and cover the opening to the sleeping area. Given that its primary role is as the door to the bathroom this is not considered to conflict with the requirement of a studio unit to constitute one open living space.

The entrance to the second floor flat is also at first floor and the stair case is therefore private. A generously sized 2-bed flat is created, measuring 74sqm, SPG17 requires a minimum of 70sqm for a 2-bed (4 person) maisonette. The living room and kitchen is proposed at second floor with bedrooms at third floor. The stacking of these units is not ideal and would not usually be supported by officers because of the potential noise transmission between units. In this instance officers have been advised that very good levels of noise insulation will be applied to the floors to prevent harmful noise transmission and all soil pipes will travel downwards from outside the building preventing additional noise from the kitchen above the studio flat. A condition is proposed to require the submission of noise insulation details and on this basis, no objection is raised on the basis of stacking.

Amenity space

Amenity space is sought at 20sqm per unit for flats as described in SPG17 guidance. In dense locations such as town centres including High Road locations such as this, and particularly in conversion schemes this is usually very difficult to achieve. In this instance one of the 2 units has a small amount of private amenity space.

A small roof terrace is proposed at first floor to the rear above the existing single storey structure, providing an amenity area of 7.5sqm for this unit. A 1.8m high trellis is proposed along the boundary with the neighbouring building 97&99 Kilburn High Road, projecting to a depth of 3m. At this depth and height the boundary treatment will not interfere with neighbouring light or outlook.

The maisonette does not have amenity space, a roof terrace was originally proposed but the external implications of the proposal were not acceptable. The more generous internal size of the 2-bed unit goes some way to compensating for the lack of amenity space and on balance this is considered to be acceptable.

Servicing

Refuse and recycling storage was originally proposed from the rear of the building, however this would involve the use of the entrance to Addison Court to which the owner of the subject site has

not been granted a right of access. Therefore this servicing must take place directly from the entrance to the property on Brondesbury Road, a suitable area has been identified and it is capable of accommodating the required bins (both for these proposed units and the development at '2a Brondesbury Road' indicated in the history section).

Due to the restricted size of the entrance area it has not been possible to include cycle storage for the 2 proposed flats, while the Council usually seeks 1 space per unit it is acknowledged and accepted that in some instances this is not possible.

Section 106

The site is in an area with limited scope for parking, it is identified as being "heavily parked" but has good access to public transport. The conversion scheme would increase the parking standard of the site. A s106 agreement must be completed to include a car-free agreement, meaning future occupiers would not be able to obtain parking permits.

A financial contribution of £9000 is required to comply with Brent's adopted s106 Supplementary Planning Document. £3000 is required per bedroom in order to mitigate the additional impact of the future occupiers on the infrastructure and facilities in the local area including education, transportation, open space and sports. The applicant has agreed to enter into such an agreement.

Subject to conditions and a s106 agreement the proposal complies with policies contained in Brent's UDP 2004 and approval is recommended.

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
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(s) and/or document(s):

Site plan
KHR/10/01
KHR/10/02
KHR/10/03A

KHR/10/04B
KHR/10/05A
KHR/10/06E
KHR/10/07B
KHR/10/08B
KHR/10/09A
KHR/10/12
KHR/10/13
KHR/10/14
KHR/10/15
KHR/10/16
KHR/10/17

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

- (3) 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. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation. Such details shall include:-
- (a) Details of height of boundary treatments to first floor rear terrace
 - (b) Details of planters and plants, including species, size and numbers, to rear terrace

NOTE - Other conditions may provide further information concerning details required.

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

- (4) No development shall take place before a scheme for adequate sound insulation to floors between units in separate occupation hereby approved has been submitted in addition to Building Regulations 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.

INFORMATIVES:

- (1) This permission does not extend to the replacement of the windows.

Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



Planning Committee Map

Site address: Offices 1st 2nd 3rd Floors, 101A Kilburn High Road and 2A Brondesbury Road London, NW6

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