

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

26 August, 2015  
04  
**15/0064**

## SITE INFORMATION

**RECEIVED:** 8 January, 2015

**WARD:** Mapesbury

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** All Flats at Jubilee Heights, Shoot Up Hill, London, NW2 3UQ

**PROPOSAL:** Erection of a 6-storey building comprising 5 x 2 bedroom self-contained flats with roof garden attached to the Jubilee Heights building to also include the removal of existing vehicular access and cross over off Shoot Up Hill and installation of new pedestrian gates, railing and brick piers with access from Exeter Road

**APPLICANT:** Abbeymews Ltd

**CONTACT:** David Lock Associates

**PLAN NO'S:** See condition 2

---

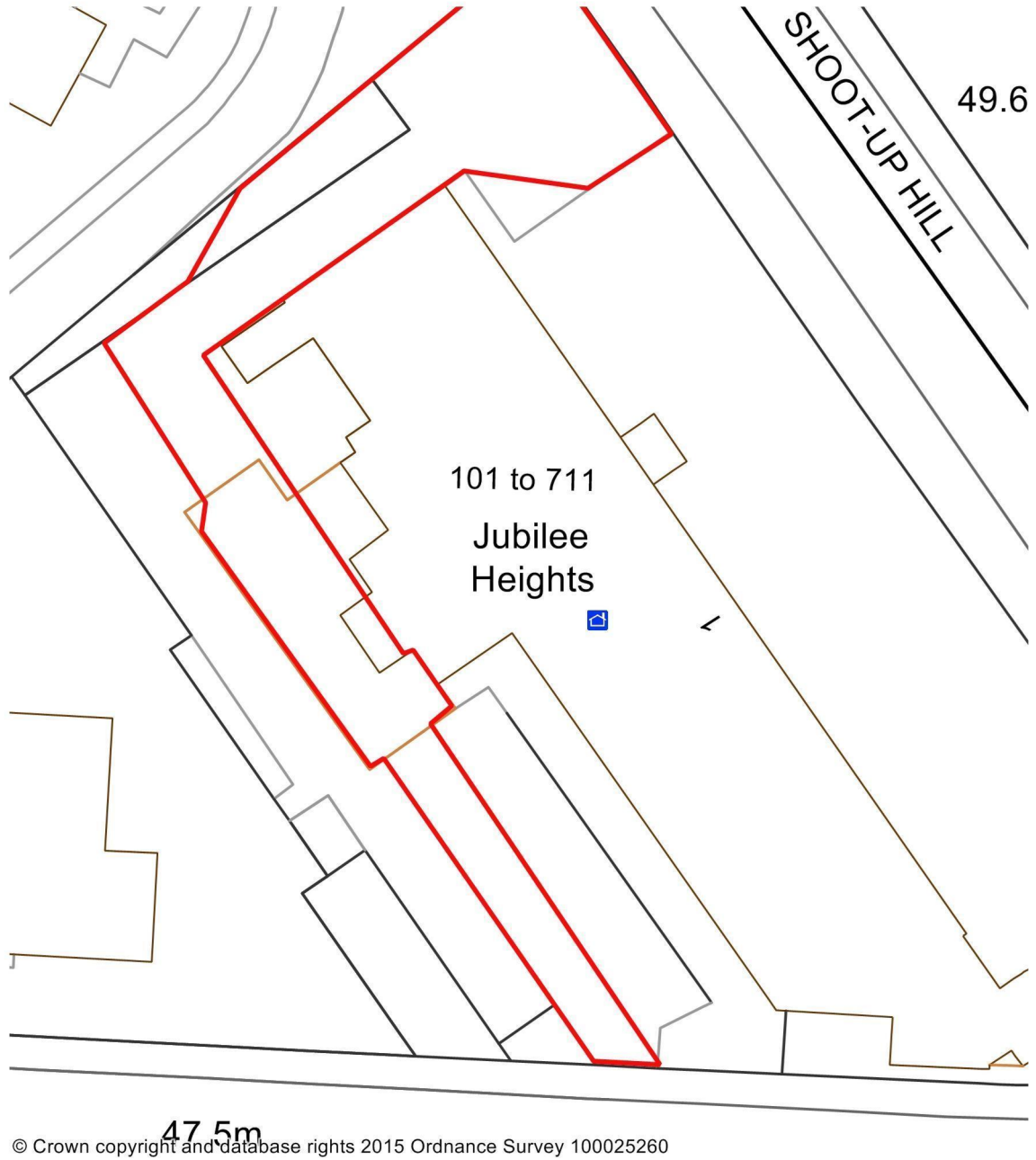
# SITE MAP



## Planning Committee Map

Site address: All Flats at Jubilee Heights, Shoot Up Hill, London, NW2 3UQ

© Crown copyright and database rights 2011 Ordnance Survey 100025260



© Crown copyright and database rights 2015 Ordnance Survey 100025260

This map is indicative only.

## INTRODUCTION

The application is reported to the Planning Committee under the provisions of Clause 24 of the Planning Code of Practice following the resolution at the previous meeting on 2nd July 2015 of 'minded to refuse', contrary to the Officer recommendation to grant consent.

In making this resolution, Members raised concern about the development related to the two issues below. If the Planning Committee is still minded to refuse consent then they are invited to consider the possible reasons for refusal outlined below. Members are reminded that a previous similar scheme on the site was refused, but only on the basis of absence of affordable housing. For the avoidance of doubt, this decision was determined under Officers delegated authority.

Since the Planning Committee meeting, the applicants have requested confirmation of the reasons for refusal and whether, or not, any amendments could be produced to overcome these. They have also indicated that it is likely that they would submit an appeal in the event that the planning application was refused.

### Concern about massing, design and the implications of another phase of development on an increasingly cramped site.

In terms of design, the report considers these issues under "Relevant Planning History" which refers specifically to the appeal decision on the southern end of the site, as well as under "Design, scale and massing" within the "Remarks" section. In terms of the appeal decision this related to a prominent corner site near to Kilburn Station whereas this proposal in-fills the remaining gap to the north, creating a long frontage as far as the side boundary with the adjoining site at Watling Gardens. Furthermore, the proposed building would be higher than that considered, and built out, at the opposite end of Jubilee Heights. If Members are minded to refuse on this ground then the following is a possible reason for refusal:

*The development, by reason of its prominence, siting and height, as well as the relationship with the already extended building, would be detrimental to the character of the existing building impacting on the sense of spaciousness around the site which defines its setting in the streetscene and would result in a cramped form of development detracting from the visual amenities of the wider area. As a result, the proposal is contrary to policies BE2, BE3 and BE9 of Brent's UDP 2004, as well as SPG17: Design Guide for New Development.*

### Concern that implications of reducing access at the same time as increasing the population density of the development.

Transportation Officers have reconfirmed that they are strongly supportive of the principle of reducing vehicular access points on the A5 and consider that the development can be serviced from one access point in safety and servicing terms. However, in view of the fact that there is an existing access point they may not wish to support a refusal on this ground alone. Members did, however, raise concerns about the proposed on site arrangements:

*The application has failed to demonstrate that the development would provide the appropriate space and management arrangements for servicing/bins etc and arrangements would be likely to lead to an over spill of bins into the access route detrimental to the free flow and safety of vehicular and pedestrian safety, in addition the storage of bins for collection adjacent to a residential entrance would lead to the deterioration of the quality of the residential environment through the incremental development of the site, contrary to policies TRN34 and SPG17: Design Guide for New Development.*

### **Additional comments from agent**

The agent for the application has submitted comments in response to the issues raised at the previous Planning Committee.

Regarding design and scale:

- 1) The design is in accordance with the Council's policy and guidance.
- 2) The previous similar application was refused solely on the affordable housing issue.
- 3) The design of the southern block was considered to be acceptable by the Planning Inspector.

- 4) The density is appropriate for an urban site
- 5) The design completes and balances the eastern elevation.

Regarding access and the increase in density:

- 1) The proposal involves a very modest addition. An extra 5 units taking the total up to 126 (or 4% increase).
- 2) The council's transport officer does not object to the removal of the Shoot Up Hill access. The applicant is prepared to retain the access and make a key available.
- 3) Given the modest increase in dwellings it is not considered necessary to widen the access on to Exeter Road.
- 4) Provision for bin storage is made in the new development and management arrangements could be made for collection from Shoot Up Hill
- 5) The car parking has been misunderstood - the applicant purchased a site with 11 spaces and leased 3 back, 2 additional spaces are also proposed on the northern boundary. It is suggested that the 5 remaining spaces can be allocated on a first come first served basis.

The benefits of the proposal are:

- Market housing (5 units)
- Affordable housing contribution - £250,000
- CIL contribution - £126,754
- Access improvements
- More effective use of the site
- Sustainable location and development

### **Refuse collection**

Officers would not support the proposal for collection of the bins from Shoot Up Hill given its status as distributor road. Refuse collection should be within the site as discussed in the main report. A condition for the management of this arrangement has been recommended ensuring bins are moved to the existing collection location on the appropriate days and returned to the proposed store the same day. This will only involve the storage requirements for 5x2bed households.

### **Parking**

This was not considered to be an outstanding issue during discussions at the previous planning committee. The site has a very good PTAL and lower on site parking provision could be considered. The disagreements between the residents and applicant are understood and sympathised with but in planning terms the proposal provides more parking spaces than recommended in a very sustainable location.

### **Other**

Cllr Colacicco has since the Planning Committee on 2 July 2015 requested further information regarding the density of the site and availability of amenity space to be provided.

### **Density**

It has been calculated that the density of the site as follows:

Cedar Lodge	90 habitable rooms
Jubilee Heights	242 habitable rooms
Rear block	18 habitable rooms
South block	15 habitable rooms

TOTAL	365 habitable rooms
-------	---------------------

The current proposal is for 5 x 2bed units:

North block	15
-------------	----

TOTAL	380 habitable rooms
-------	---------------------

The agent calculates this to result in densities of 588 hr/ha (at present) and 612 hr/ha (if the development is

implemented) respectively. Officers consider these figures to be broadly accurate. The London Plan density matrix in an urban location with a good PTAL anticipates densities of up to 700 hr/ha and in central locations the range is between 650-1100 hr/ha. The site as existing, and proposed, falls within the density appropriate for urban locations and does not approach the density suggested for central areas. The difference between the existing and proposed density is minimal within the overall scale of the site and the density matrix.

### **Amenity space**

As discussed in the main report, the original permission for the residential use of the site acknowledged a shortfall in amenity space with the available spaces being to the front of Jubilee Heights and to the rear of Cedar lodge. Officers do not have an accurate measurement of the existing communal amenity across the site but have estimated these 2 areas to contribute approximately 1600sqm.

The new 5 units to the south and the current proposal meet their own amenity space requirements leaving this space shared between 121 units which is approximately 13sqm per unit.

The issue of the availability of amenity space for units was considered by the Planning Inspector regarding the southern block which was proposed within the soft landscaped area. The main consideration was that the new development would provide sufficient amenity space to not adversely affect the quality of the existing amenity land.

As set out in the report, taking into account the private balconies of 7sqm and the communal roof garden which is approximately 75sqm (with 25sqm dedicated to soft landscaping and 49.8sqm as usable space) the total provision of approximately 110sqm for the 5 flats exceeds the minimum requirements as outlined in SPG17 for the new flats. In addition to this officers consider the most important issue to be that the proposal is not on an area of existing communal amenity space as it is proposed above the vehicular access route, car parking and a strip of landscaping and as such it would not be detrimental to the availability of amenity space for existing residents.

Members will remember that this application was due to go back for further consideration at the Planning Committee of 29th July 2015, but was deferred from the Agenda by Officers prior to any Member discussion in order to ensure that all people who have made representations on the application had adequate notice of the Planning Committee meeting.

The report that was due to be considered at the 29th July meeting had incorporated the Supplementary report that was presented to Members at their meeting on 2nd July and, consequently, a copy of that report is attached as APPENDIX 1.

**Recommendation : Remains approval subject to legal agreement, with the conditions set out in the original report.**

, subject to the conditions set out in the Draft Decision Notice.



**Brent**

**DRAFT NOTICE**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 15/0064

To: Mr Duncan Chadwick  
David Lock Associates  
50 North Thirteenth Street  
Central Milton Keynes  
Milton Keynes  
Buckinghamshire  
MK9 3BP

I refer to your application dated 08/01/2015 proposing the following:  
Erection of a 6-storey building comprising 5 x 2 bedroom self-contained flats with roof garden attached to the Jubilee Heights building to also include the removal of existing vehicular access and cross over off Shoot Up Hill and installation of new pedestrian gates, railing and brick piers with access from Exeter Road and accompanied by plans or documents listed here:  
See condition 2  
at All Flats at Jubilee Heights, Shoot Up Hill, London, NW2 3UQ

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date:

Signature:

Head of Planning, Planning and Regeneration

**Notes**

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

## SUMMARY OF REASONS FOR APPROVAL

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 17

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  
Transport: in terms of sustainability, safety and servicing needs

- 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):

PL/310/100 A  
PL/310/101 A  
PL/310/102 A  
PL/310/110 A  
PL/310/111 A  
PL/310/112 A  
PL/310/113 A  
PL/310/114 A  
PL/310/115 A  
PL/310/116 A  
PL/310/133 D  
1004/001  
1004/002  
Daylight, Sunlight and Overshadowing  
Waste Management Plan  
Arboricultural Report

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

- 3 The area(s) so designated within the site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. 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.

The scheme shall specifically include a tree at ground level to replace T4 which will be a tree species capable of attaining medium sized tree proportions and should have a minimum stem girth of 12-14cm when planted. Full details of the planting specification shall be provided.

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.

- 4 The restoration of the redundant vehicular crossover on the site frontage to kerb-and-channel and repainting of appropriate markings along the frontage shall be undertaken at the applicant's expense in accordance with the details hereby approved, prior to occupation of the development.

Reason: In the interests of highway and pedestrian safety.

- 5 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

- 6 No development shall be carried out until 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.

- 7 Prior to the commencement of any work on site the following shall be submitted to and approved in writing by the LPA:  
a detailed arboricultural method statement and tree protection plan with regards to all nearby trees and specifically  
- the hand dig in proximity to T6, cat B Pyrus.  
- a method statement and pruning specification with regards to the third party owned T2, cat B Acer. The pruning specification should be in accordance with BS3998:2010 Tree Works-Recommendations.

Reason: In the interest of tree protection.

- 8 Prior to the occupation of the development detail of the management arrangements for the movement of bins to and from the collection point on appropriate days shall be submitted to and approved in writing by the LPA. At all other times the bins shall be kept in their designated store at the ground floor of the hereby approved extension.

Reason: In the interest of the amenity of existing and future residents.

- 9 Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development and detailing how construction vehicles will be managed to minimise impact on-site parking.



Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

## INFORMATIVES

- 1 The applicant is advised to contact the Head of Transportation in order to arrange for the necessary works to remove the vehicular crossover.
- 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](http://www.communities.gov.uk)
- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 The applicant is advised that it is their responsibility to ensure that all those parties who have an interest on the land are involved in decisions relating to any construction work that might take place on the site and that they also need to be aware that it is their responsibility to rectify any damage, including wear and tear, caused to the site during those construction works. The granting of planning permission does not override any legal, or ownership rights, that might exist on any piece of land.

Any person wishing to inspect the above papers should contact Liz Sullivan, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5377