

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

13 January, 2015

**15/4571**

## SITE INFORMATION

**RECEIVED:** 21 October, 2015

**WARD:** Kensal Green

### PLANNING AREA:

**LOCATION:** 124A - 124E INC Purves Road, London, NW10 5TB

**PROPOSAL:** Variation of planning permission reference 90/0669 dated 14/06/1990 for erection of a block of five flats and formation of vehicular access and parking to secure the development as parking permit-free

**APPLICANT:** Mr D SHAFIER

**CONTACT:** MILAN BABIC ARCHITECTS LTD

**PLAN NO'S:** P772NM/000

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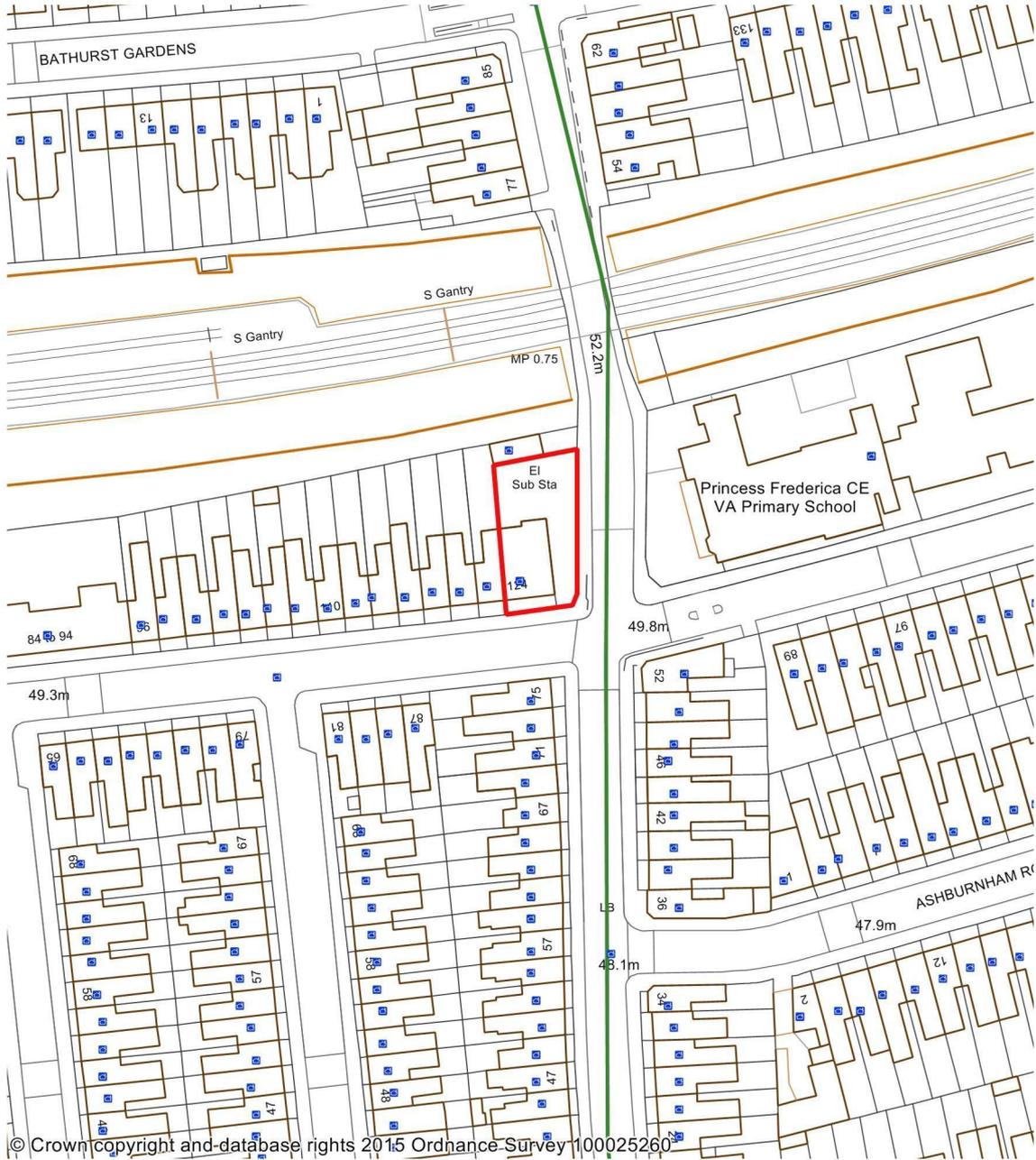
# SITE MAP



## Planning Committee Map

Site address: 124A - 124E INC Purves Road, London, NW10 5TB

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This map is indicative only.

## RECOMMENDATIONS

### Approval

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

### A) PROPOSAL

The proposal is to remove a condition requiring the retention of the parking area to the rear of the property.

### B) EXISTING

The proposal relates to a two storey building containing five self-contained flats positioned on the corner of Purves Road and College Road. The development is served by a vehicular access onto Purves Road leading to an area of hardstanding to the rear serving as parking for the flats. An electricity sub-station building borders the site to the north with the railway line beyond. College Road borders the site to the east and No.122 Purves Road adjoins the site to the west. The host building is not listed nor is it within a Conservation Area. The site has good access to public transport services (PTAL 4).

### D) SUMMARY OF KEY ISSUES

The key issue relating to the application are:-

- i) whether the removal of condition 2, and the protection it affords the existing parking area, would result in harm to highway and pedestrian safety.
- ii) whether the removal of condition 2, and the protection it affords the existing parking area, would result in a development that fails to provide appropriate access to transport for occupiers of the flats.

## RELEVANT SITE HISTORY

Reference No	Proposal	Decision
15/1711	Erection of a detached two storey two bedroom dwellinghouse with associated cycle parking, landscaping, provision for bin stores and recycling and amenity space on land rear of 124 Purves Road	Withdrawn
90/0669	Erection of a block of five flats and formation of vehicular access and	Permitted 14/06/1990

## CONSULTATIONS

### Public Consultation

Consultation letters, dated 4th November 2015, were sent to 14 neighbouring owner/occupiers. Three letters of objection have been received in response. The following concerns have been raised

Objection	Officers Comments
The proposal would result in over spill parking from the flats	The proposal would be parking-permit free and therefore residents of the development could not apply for on-street parking permits (see paras 4-9)
The conditions of the original permission relating to refuse storage have not been complied with.	The original permission was issued in 1990 and it is not disputed that the flats were constructed within the 5 years limit imposed on that permission. As such, any breach of condition of the original permission would have existed beyond the 10 year

	time limit for enforcement.
The loss of parking means that the flats would no longer be suitable for families	The existing accommodation is not considered to be particularly well suited to families (see para 7)
The proposal would harm highway and pedestrian safety, close to a school and width restriction gates	The proposal would have little affect on traffic movements and parking within the vicinity of the site and therefore would not have a harmful affect on highway and pedestrian safety (paras 4-9)

## Consultees

Transportation Unit - No objections to the proposal provided that a new condition is imposed restricting the occupiers rights to obtain on-street parking permits.

## POLICY CONSIDERATIONS

### National Planning Policy Framework (2012)

#### The London Plan (2015):

Policy 6.13 – Parking

#### Brent's UDP (2004)

TRN3 – Environmental Impact of Traffic

TRN23 – Parking Standards – Residential Developments

TRN24 – On-Street Parking

## DETAILED CONSIDERATIONS

### Background

1. The five existing flats on the site were granted under planning permission 90/0669 on 14th June 1990. The permission was subject to a number of conditions, including condition 2 which is now the subject of the current application. Condition 2 read:-

*All parking spaces, turning areas and footways shall be constructed and permanently marked out prior to commencement of use of any part of the approved development, or upon further application within such longer period as may be approved by the Local Planning Authority. Such works shall be carried out generally in accordance with the submitted plans; however, prior to construction further details shall be submitted to and approved by the Local Planning Authority, including layout providing spaces for minimum of 5 cars. They shall thereafter be maintained to the satisfaction of the Local Planning Authority and used solely in connection with the development hereby approved.*

*Parking spaces shall be constructed with minimum dimensions 2.6m x 4.8m.*

*Provision shall be made for vehicles to turn so that they may enter and leave the site in forward gear.*

*Reason: To ensure that the proposed development does not prejudice the free flow of traffic, or the conditions of general safety within the site and along the neighbouring highway.*

2. In effect condition 2 requires the retention of the parking area for use by occupiers of the existing flats. As set out in the history section of this report, the parking area was the subject of a recent planning application which sought permission to construct a dwellinghouse on the site. This application was withdrawn by the applicant prior to determination. However, it should be noted that informal officer advice was that the loss of the parking would be likely to be unacceptable as it could result in overspill parking in an area which is already heavily parked. Clearly, this would be to the detriment of high way and pedestrian safety.
3. The current application is made under s.73 of the Town & Country Planning Act 1990 which enables planning permissions to be varied by removing, varying or adding planning conditions to the permission. The application seeks to vary the original permission by varying condition 2 and inserting a new condition which would make the development 'permit-free' (discussed below) in order to address the concerns

raised regarding overspill parking.

### **Permit-Free Agreement**

4. A permit free agreement could potentially be used to overcome the concerns regarding overspill parking. However, permit-free agreements are not always an acceptable solution and therefore the local transport conditions and practicality of implementing such an agreement needs to be given careful consideration.
5. For new development UDP policy TRN23 allows for permit/car-free development in exceptional circumstances where there is a controlled parking zone in operation and the access to public transport is sufficient to enable car-free housing to work in practice. The site is located within controlled parking zone "KR" which operates on weekdays between 0830-1830. The public transport accessibility level (PTAL) of the site has been assessed by the Council's Transportation Unit and has been confirmed to be good (PTAL4). A PTAL 4 would normally be considered sufficient by the Council for the imposition of a permit-free agreement. Therefore if new housing were being proposed then the local transport conditions would be sufficient to satisfy the principle of a permit-free development on the site. However, as the flats on site already exist the practicality of imposing such a restriction retrospectively needs to be considered.
6. The applicant has confirmed that each of the existing tenants of the building is occupying their flat under an assured shorthold tenancy and copies of current lease agreements have been submitted for each flat (entered into between December 2014 and September 2015), showing clauses confirming that the tenant has no right to use the rear yard area for car parking and confirming that no tenant shall apply for an on-street parking permit for the property. During site visits it does not appear that the area is being used by the tenants for parking.
7. The existing flats comprise of two 1-bed and three 2-bed flats, all of which are all well below the current Technical Housing Standards. As such, the units are not particularly well suited to families and therefore being unable to own a car may not present any particular issues for occupiers given the good accessibility to public transport.
8. The above is of some comfort in terms of the likely impact on existing tenants but the lease agreements are a civil matter which cannot be guaranteed by the Local Planning Authority. However, Brent's Parking Service have confirmed that at present there are no parking permits issued on the property and therefore there is an opportunity to impose a permit-free agreement to the flats without causing prejudice to the existing tenants.
9. As discussed above, the application is made under s73 of the TCPA 1990 and therefore it is now possible to insert a condition on the varied permission which will ensure that existing and future tenants are not eligible to apply for on-street parking permits. A condition has been inserted on the draft decision notice below. Should Members be minded to grant permission the Council's Parking Service will be informed of this and the property will be added to the list of properties which are permit-free. As such, there would be no significant increase in pressure on local parking conditions and therefore highway and pedestrian safety would be preserved.

### **Interim Arrangements**

10. As discussed, through the current lease agreements the applicant has prevented tenants from using the car park. The future use of the car-park is therefore unclear and it may have been more appropriate to deal with this particular issue through a comprehensive planning application across the entire site if ultimately it is the ambition of the owner of the site to bring forward the redevelopment of the existing car-park. However, the current application has been submitted and this needs to be considered on its individual planning merits.
11. Whether planning permission for development or alternative use of the car-park would be granted is uncertain, particularly given the limited size of the site, the challenging level differences between the site and College Road and the tight relationship between the site and neighbouring residential occupiers. As such, consideration needs to be given to the future of the site should planning permission not be forthcoming. Potentially it could once again be made available to occupiers of the flats for car-parking or amenity space and this would be acceptable. However, it could be made available as a car-park where spaces are rented privately to those with no interest in the existing accommodation on site. Given the direct relationship between the car-park and the flats this has the potential to cause significant harm to the amenity and privacy of occupiers of the flats and therefore it is also recommended that the variation to condition 2 still retain the clause that the car-park, if brought back into use, should only be used in conjunction with the

existing residential accommodation on site. This would not preclude the site being brought into separate use should a further grant of planning permission be obtained for the car-park.



**Brent**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 15/4571

To: Mr D Babic  
MILAN BABIC ARCHITECTS LTD  
151b Bermondsey Street  
Bickels Yard  
London  
SE1 3UW

I refer to your application dated 21/10/2015 proposing the following:  
Variation of planning permission reference 90/0669 dated 14/06/1990 for erection of a block of five flats and formation of vehicular access and parking to secure the development as parking permit-free and accompanied by plans or documents listed here:  
P772NM/000

at 124A - 124E INC Purves Road, London, NW10 5TB

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

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Transport: in terms of sustainability, safety and servicing needs

- 1 The car-parking area to the rear of the property shall be used solely in connection with the development, hereby approved, to provide parking to residents of, or visitors to, the development.

Reason: In the interests of the amenity and privacy of occupiers of the development.

- 2 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.

Any person wishing to inspect the above papers should contact David Raper, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 020 8937 5368