

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

16 November, 2016

16/3428

SITE INFORMATION

RECEIVED: 3 August, 2016

WARD: Harlesden

PLANNING AREA: Brent Connects Harlesden

LOCATION: 1-24 INC, THE ELMS, Nicoll Road, London, NW10 9AA

PROPOSAL: Construction of an additional floor to existing block of flats to provide 8 additional self-contained flats (5 x 1bed and 3 x 2bed) with associated car and cycle parking spaces, bin stores, landscaping and associated works

APPLICANT: Staimon Securities Ltd

CONTACT: ROH Architects

PLAN NO'S: See condition 2

LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

[When viewing this on an Electronic Device](#)

Please click on the link below to view **ALL** document associated to case

https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_129567

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Please use the following steps

1. Please go to pa.brent.gov.uk
2. Select Planning and conduct a search tying "16/3428" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

SITE MAP



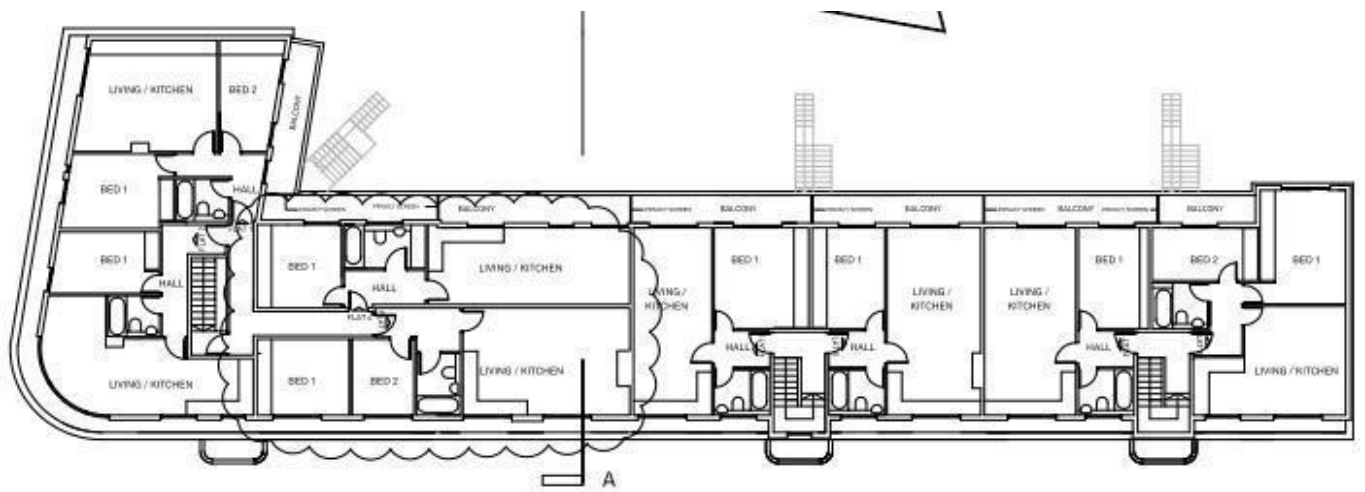
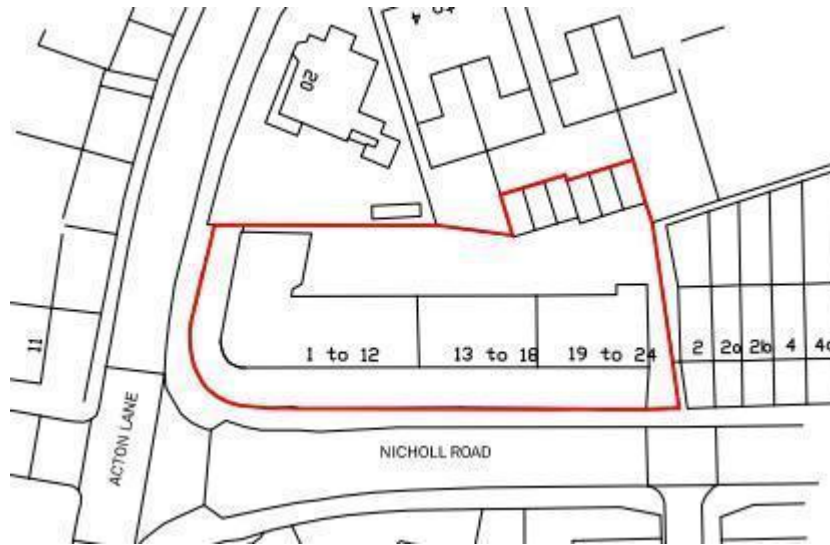
Planning Committee Map

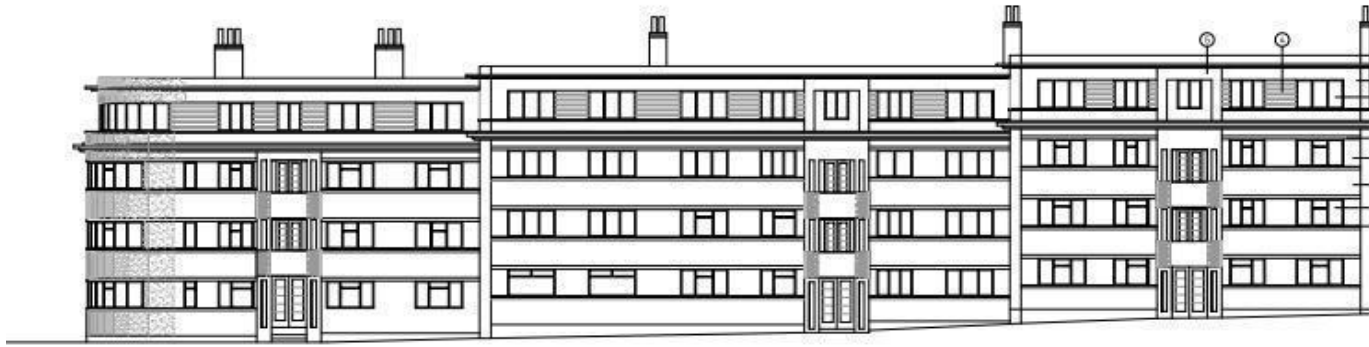
Site address: 1-24 INC, THE ELMS, Nicoll Road, London, NW10 9AA

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This map is indicative only.

SELECTED SITE PLANS SELECTED SITE PLANS





EAST ELEVATION





RECOMMENDATIONS

That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Time condition of 3 years
2. Details of the Approved Plans
3. Further details of materials

4. Cycle parking
5. Removal and installation of communal satellite dish
6. Removal of the Residents Parking Permits from Proposed Flats
7. Further details balcony treatments and privacy screens
8. Further Details of Refuse and Cycle Provision
9. Landscaping
10. Any other planning conditions considered necessary by the Head of Planning

Informatives

1. Party Wall
2. Asbestos
3. Any other informatives considered necessary by the Head of Planning

And that the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

A) PROPOSAL

Construction of an additional floor to existing block of flats to provide 8 additional self-contained flats (5 x 1bed and 3 x 2bed) with associated car and cycle parking spaces, bin stores, landscaping and associated works

B) EXISTING

The subject site comprises a 3-storey block of 24 flats. To the rear, there are six garages & parking court. The subject site is not in a Conservation Area, nor is a listed building.

C) AMENDMENTS SINCE SUBMISSION

The application has been slightly amended to increase some of the unit sizes in line the with London Plan.

D) SUMMARY OF KEY ISSUES

The key issues for consideration are as follows:

- The site's opportunity to deliver new homes in a sustainable, urban location to which your officers give significant weight;
- The impact of the proposal on the character and appearance of the area; Your officers are content that the design response to the proposals that is appropriate, especially given the heritage assets in the vicinity;
- The transport impacts of the proposed development. Your highway officers consider that the proposal addresses all highway concerns;
- The quality of the proposed residential accommodation. Your officers consider that proposal provides a good standard of accommodation, within a building showing good design credentials, which is in line with the adopted Development Plan; and
- Impact on living conditions of neighbours, which your officers believe are not harmed as a result of the proposal

RELEVANT SITE HISTORY

16/4371 - Erection of additional floor extension to create 9 self-contained flats - REFUSED

The refusal reasons were based on:

- The removal of all off street parking and inadequate provision of cycle parking would result in excessive on street parking where there is not capacity;
- The unsympathetic bulk and design would be harmful to the area; and
- The excessive height and bulk may have an unacceptable harmful impact on the amenity on adjoining neighbours

CONSULTATIONS

Consultee letters were dispatched on 06/09/2016. 3 x Ward Councillors have also been consulted.

There have been five responses to date. Four of those are objections and one is an objecting petition, consisting of representees from 15 properties within the host building.

The objection reasons are outlined below:

Objection	Response
- Impact on the streetscape of surrounding area	See section 4.2
- Impacts on the listed church opposite	See section 4.6
- Artificial attempts to reduce the amount of flats proposed to get around affordable housing contributions	See section 3.6, 3.7, 3.8
- Lack of open space with the proposal	See section 3.4
- Inadequate parking arrangements	See section 7.4
- Lack of consultation with neighbours	All statutory consultation with neighbours, ward councillors and consultees has been completed. Whilst the applicant was advised to inform neighbouring residents of the plans, as this is a minor application there is no formal obligation to do so.
- Inadequate refuse provision	See section 7.10

Officers note that there have been representations based on noise, dust and other impacts during the construction period however officers cannot consider these as planning objections. An asbestos informative has been added.

POLICY CONSIDERATIONS

National Planning Policy Framework (2012):

- Section 7 – Requiring Good Design
- Section 12- Conserving and Enhancing the Historic Environment

The London Plan (2011):

- Policy 3.5 – Quality and Design of Housing Developments

Development Management Policies (2016)

- DMP 1 Development Management General Policy
- DMP 7 Brent's Heritage Assets
- DMP 12 Parking
- DMP 15 Affordable Housing
- DMP 18 Dwelling Size and Residential Outbuildings
- DMP 19 Residential Amenity Space

Core Strategy (2010):

- CP17 – Protecting and Enhancing the Suburban Character of Brent
- CP21 – A Balanced Housing Stock

Brent's UDP (2004):

- BE2 – Townscape: Local Context and Character
- BE7 – Public Realm: Streetscape
- BE9 – Architectural Quality
- H17 – Flat Conversions
- H18 – The Quality of Flat Conversions
- H19 – Flat Conversions – Access and Parking
- TRN3 – Environmental Impact of Traffic
- TRN23 – Parking Standards – Residential Developments
- TRN24 – On-Street Parking

Supplementary Planning Guidance:

- SPG17 – Design Guide for New Development (2001)
- NPPG Paragraph 13- Setting of Listed Buildings

DETAILED CONSIDERATIONS

1. Key Considerations

The key issues for consideration are as follows:

- The site's opportunity to deliver new homes in a sustainable, urban location to which your officers give significant weight;
- The impact of the proposal on the character and appearance of the area (including improvements to the building facade), which your officers consider a benefit to the scheme;
- The transport impacts of the proposed development. Your highway officers consider that the proposal addresses all highway concerns;
- The quality of the proposed residential accommodation. Your officers consider that proposal provides a good standard of accommodation, within a building showing good design credentials, which is in line with the adopted Development Plan; and
- The living conditions of neighbours, which your officers believe are not harmed as a result of the proposal

2. Principle of Development

2.1. The subject site is within a residential area and does not have any site specific designations.

2.2. Your officers consider the proposal to be acceptable in principle, and give significant weight to the provision of residential units in a sustainable urban location. Further considerations relating to Quality of Accommodation, Impact on Character and Appearance of the Area, Impacts on Neighbouring Amenity and Highway Impacts will be considered.

3. Quality of Accommodation

3.1. A good standard of accommodation is a combination of several factors including basic space standards (as defined by the London Plan policy 3.5); outlook; privacy; daylight and sunlight; and amenity space. A good living environment is subject to more subjective matters such as the quality of that amenity space, the design of the scheme and the relationship with car parking, cycle storage and external factors such as noise and pollution.

3.2. The proposal consists of eight new residential units, comprising five x 1 bed and three x 2 bed.

Flat	Size	Amenity
1 - 2b 3p	61sqm	8sqm external balcony

2 - 1b 2p	50sqm	Communal
3 - 2b 3p	62sqm	Communal
4 - 1b 2p	50sqm	18sqm external balcony
5 - 1b 2p	50sqm	10sqm external balcony
6 - 1b 2p	51sqm	10sqm external balcony
7 - 1b 2p	50sqm	10sqm external balcony
8 - 2b 3p	61sqm	6sqm external balcony

3.3. All properties reach the minimum requirements for London Plan (Supplementary Housing Guidance 2015) and Technical Housing Standards (March 2015). All units have ample storage and are laid out in a sensible arrangement with the majority of units having dual aspect outlooks. Your officers note that the proposal does not have any single aspect, north facing units.

Amenity Space

3.4. The proposal provides private amenity space in the form of external balconies and has included an improved communal area for all residents of the block, including a reconfiguration of the parking arrangements. Your officers consider that the revised landscaping to the rear, including 150sqm of non-parking amenity space is of great benefit to the setting of the existing property. A detailed landscaping plan will be conditioned to secure the amenity space, landscaping and car parking arrangements.

3.5. Your officers consider the overall standard of accommodation provided for future occupants of this building will be satisfactory.

Affordable Housing

3.6. Concerns have been raised that the applicant is attempting to artificially reduce the amount of affordable housing within the scheme.

3.7. To this end, officers are satisfied that the proposal seeks to maximise the potential of the site in line with the NPPF and the London Plan which promotes the efficient use of land. Policy 3.4 of the London Plan aims to maximise the potential of a site taking account of local context, London Plan design principles and public transport capacity.

3.8. The applicant has revised the scheme to improve the quality of design and officers consider that there are no artificial attempts to reduce the amount of development below 10 units.

4. Impact on Character and Appearance of the Area

4.1. This site contains a well composed and simply designed block of flats dating from the inter-war period with typical streamlined features including horizontal proportions, concrete string courses (now painted) and vertical entrance towers. It is a pleasant block of its time but has no remarkable characters or features. It faces the Western extremity of the Harlesden Conservation Area and Our Lady of Willesden RC Church both heritage assets.

4.2. Officers consider that the additional storey has been carefully designed to incorporate the features, style and proportions of the existing residential block so that it appears as an integral addition. The bulk and massing has been kept to the minimum requirements necessary and has been much reduced from the previous scheme. The design therefore does not stand out, rather it complements the existing building, and from a visual perspective could not be said to be obtrusive. The height increase of the proposal is considered modest, approximately 3m (the site levels change along the street to therefore some elements appear slightly higher than others) and the roof addition is set back from the building frontage.

4.3. When seen as a backdrop to the church it does not draw attention to itself by being excessively bulky or high, and the sympathetic design does not detract from the setting of the conservation area or the church. The selection of materials will be conditioned, but the extension, together with refurbishment, will help the building merge into the background.

4.4. The extension has been set back from all the front façades to lessen the bulk and to provide a subservient addition. The chimneys and the party walls have been raised and the extension follows the buildings stepping's and other delineations to ensure it is of a quality respectful design. New windows and apertures align and match those below. The design is generally replicated to the rear. The roof is topped with an oversailing flat roof to relate to the deep eaves below.

4.5. As part of the proposals the boundary walls would be repaired and there are other enhancements such as the removal of satellite dishes and improved hard and soft landscaping.

4.6. This integral addition will have very little harm on the setting or to views of the statutory grade II listed Our Lady Of Willesden R C Church. There is also limited harm to views into or from the adjacent Harlesden Conservation Area. Officers consider that the proposal is in accordance with para. 134 of the NPPF which states that where a proposal leads to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Officers consider that the harm is very limited and also consider the addition of new residential units, the building/landscape improvements and the revised parking arrangements be public benefits along with securing the maximum viable use of the subject site.

4.7. The proposals meet the NPPF's core principles; particularly that planning should be seeking to secure high quality design and a good standard of amenity as well as conserving heritage assets in a manner appropriate to their significance. The proposal also respects the Listed Building opposite and the wider Conservation Area and is in accordance with DMP1, DMP7 and SPG17, Design Guide for New Developments.

5. Neighbouring Residential Amenity

5.1. The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the right of land-owners to develop their property. On new developments such as this the main impact on amenity arises from (i) overbearing impact of the size and scale of the building(s); (ii) loss of outlook, which is related to overbearing impact; (iii) loss of privacy; and (iv) loss of sunlight. The Council has published supplementary planning guidance (SPG17) which establishes generally acceptable standards relating to these matters, although site specific characteristics will mean these standards could be tightened or relaxed accordingly. Overbearing impact arising from the height of blocks is controlled via 30 degree and 45 degree planes from neighbouring habitable rooms and relevant boundaries; privacy is quoted as distances between directly facing habitable windows and from boundaries. Neither outlook nor light have specific values, although light is generally controlled to BRE standards.

5.2. Your officers have assessed the proposal to ensure there would not be an undue loss of privacy or any unjustified overlooking from the proposed development.

5.3. The separation distance to neighbouring properties is generally good in all directions with a minimum distance of 16m between all neighbouring properties.

5.4. In a previous application, officers were concerned about the relationship with properties in Acton Lane (specifically number 20), however the applicant has demonstrated broad accordance with SPG17, resulting in no material harm to the properties to the rear of The Elms as a result of the roof addition.

6. Landscape/Open Space

6.1. Officers see benefit in reconfiguration of the rear parking/courtyard area which has not been upgraded or renovated in recent years.

6.2. The proposal includes new shrubs, new permeable paving, an improved facade and upgraded refuse and recycling area.

6.3. The above will be conditioned to ensure that the works are completed prior to the occupation of the new units.

7. Transportation

7.1. Car parking allowances for residential use are set out in standard PS14 of the adopted UDP 2004. As the site has very good access to public transport services and is located within a CPZ, reduced allowances apply.

7.2. Highway officers estimate that the existing car parking allowance of the site equates to 17 parking spaces, if maximum allowances were adhered to.

7.3. At present, there is a garage court to the rear, with six garages and space for perhaps four further cars. The garages are not in good condition though and are described by the applicant as unused. It was evident on two separate site visits that parking was uncontrolled and scattered to the rear of the subject site. Nevertheless, the available off-street parking provision of about 10 spaces accords with maximum standards.

7.4. It is now proposed to remove those garages and to resurface the rear garage court area in Marshall's Priora conservation block paving to provide a reduced total of nine spaces picked out in contrasting coloured blocks, including one disabled space. The layout of these spaces meets standards in terms of dimensions and turning area and is more efficient than the existing arrangement, thus allowing some space at the rear of the site to be returned to amenity space for residents. The proposal to revamp the rear parking area and to remove unused garages is therefore welcomed, allowing more flexible use of parking space.

7.5. As previously noted, Nicoll Road is not listed as being heavily parked at night and can accommodate a further eight cars from the development along the site frontage in accordance with the criteria set out in Policy TRN23 for on-street residential parking, thus allowing the maximum parking standard for the existing flats (16.8 spaces) to be met on- and off-street. The addition of a new disabled space also brings the site into compliance with standard PS15.

7.6. This proposal to add eight further flats to the property will increase the parking standard by 5.6 spaces to 22.4 spaces. With no further additional parking proposed for these flats, the applicant has again suggested that the new flats be designated as 'car-free', with the right of future residents to on-street parking permits withdrawn. As the site is within a Controlled Parking Zone and has very good access to public transport services, this approach is acceptable in principle.

7.7. However, any agreement cannot be retrospectively applied to the existing flats at The Elms as residents may already have permits and own a car on that basis. The application of car-free agreements to only a handful of flats in larger buildings has caused difficulties with enforcement in previous cases.

7.8. In this case though, the 'car-free' agreement would apply to all flats within a new third floor level and this presents a reasonably clear division between flats that are and are not entitled to permits, that is far less piecemeal than other developments that have caused issues in the past. The application of a 'car-free' agreement solely to the eight proposed new flats can be therefore accepted in principle as a means of mitigating additional parking pressure in the area.

7.9. Standard PS16 requires the provision of a secure bicycle parking space for each flat. A total of 16 bicycle stands (32 spaces) are now indicated within three covered cycle stores to the rear of the building, thus providing a space for all of the existing and new flats, which is welcomed. Further details of the form of shelter should be reserved by condition so that their design is sympathetic to the character of the building.

7.10. Bin storage is proposed in an enlarged store for seven Eurobins to the front of the site, providing adequate storage capacity and allowing continued easy access for collection from Nicoll Road.

7.11. Pedestrian access to the building will remain as at present, with entrance doors along the Nicoll Road frontage. However, the proposed resurfacing of the rear car park in block paving is to be extended to include resurfacing of pedestrian footpaths around the building, which is welcomed.

7.12. Subject to conditions: (i) designating the eight proposed new flats as 'car-free' to remove the right of future occupants to on-street parking permits; and (ii) requiring the submission and approval of further details of the proposed bicycle shelters, there would be no objections on transportation grounds to this proposal

8. Summary

8.1. The proposal is in broad accordance with the NPPF (2012), the London Plan (2015 as amended), Brent's Development Management Policies DPD (2016), the Brent Core Strategy (2010) the Saved Policies of the UDP (2004) and SPG17, Altering and Extending Your Home.

8.2. The proposal contains 8 new dwellings of a good standard, in a sustainable location within a roof extension which shows good design credentials. Your officers attach significant weight to these points. Given the very limited harm to the character and appearance of the area, the listed building opposite and surrounding neighbours, your officers accordingly recommend this application for approval.

CIL DETAILS

This application is liable to pay **£137,977.41*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible** floorspace which on completion is to be demolished (E): sq. m.

Total amount of floorspace on completion (G): 485 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	485	0	485	£200.00	£35.15	£117,352.68	£20,624.73
			0	£0.00	£0.00	£0.00	£0.00

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	271	
Total chargeable amount	£117,352.68	£20,624.73

*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

****Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.



DECISION NOTICE – APPROVAL

Application No: 16/3428

To: Mr OHara
ROH Architects
First Floor
27 Lonsdale Road
London
NW6 6RA

I refer to your application dated 03/08/2016 proposing the following:
Construction of an additional floor to existing block of flats to provide 8 additional self-contained flats (5 x 1bed and 3 x 2bed) with associated car and cycle parking spaces, bin stores, landscaping and associated works
and accompanied by plans or documents listed here:
See condition 2
at 1-24 INC, THE ELMS, Nicoll Road, London, NW10 9AA

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:

A handwritten signature in black ink that reads "Alice Lester".

Alice Lester
Head of Planning, Transport and Licensing

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 Development Management Policies 2016
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

- 1 Further landscape details of areas so designated within the site (including the property frontage, fencing and paving) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape works shall be completed in accordance with the approved details prior to the occupation of the extension.

Any planting that is part of the approved scheme that within a period of *five* years after completion is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and to ensure that it enhances the visual amenity of the area.

- 2 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.

- 3 The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

L100
P102 D (revised)
P300 D (revised)
P301B
P104A
P103B
P101C
P100C
Design and Access Statement Rev C

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

- 4 Occupiers of the additional 8 residential units, 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. 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.

- 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 the provision of a minimum of 32 covered and secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground work. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained for the lifetime of the development.

Reason: To ensure satisfactory facilities for cyclists.

- 7 In order to improve the existing facade of the building, detailed in the approved documents and to prevent any further satellite dishes being installed on the exterior of the building, details of a communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development. The approved details shall be fully implemented prior to the occupation and retained for the lifetime of the development.

Reason: In the interests of the visual appearance of the development, in particular, and the locality in general.

- 8 Details of the privacy screening on the balconies/roof terraces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details prior to the occupation of the residential units and retained for the lifetime of the development.

Reason: To safeguard the neighbouring amenity.

- 9 Notwithstanding the plans hereby approved, the development shall not be occupied until further details of refuse storage are submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved plans. Such facilities shall be retained for the lifetime of the development.

Reason;- To ensure an adequate amounts of refuse facilities are available for future occupants

Any person wishing to inspect the above papers should contact Robert Reeds, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 6726