

Committee Report
Planning Committee on 6 April, 2011

Case No. 11/0179

RECEIVED: 25 January, 2011

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 1-3, Canterbury House, Canterbury Road, London, NW6 5ST

PROPOSAL: Extension of time limit for planning permission 07/2234 (Change of use from office premises (B1) to residential (C3) on the first floor to create 2 one-bedroom and 3 two-bedroom flats, 3-storey side extension to provide staircase and lift, erection of additional storey to form 4 two-bedroom flats with associated landscaping to front and car parking to side of Canterbury House, as accompanied by Design & Access Statement dated July 2007 ("car-free" development), subject to a Deed of Agreement dated 15/02/2008 under Section 106 of the Town and Country Planning Act 1990 (as amended).

APPLICANT: Crossier Properties (Canterbury) Ltd

CONTACT: PAD Consultancy 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 Head of Area Planning 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.
- A contribution of £48,000 (£3,000 per bed unit), index-linked from the date of committee for Education, Sustainable Transportation, Air Quality, Public and Open Space, Sports in the local area.
- "Car free" housing, the residents can not apply for residents parking permits.
- Join and adhere to the Considerate Contractors scheme.

And, to authorise the Head of Area Planning, 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

This is the former PCHA headquarters on the northern side of Canterbury Road and is in the South Kilburn Regeneration area. It is a locally listed building. Further information about Canterbury House, and specifically what is intended for it through the South Kilburn SPD, can be found elsewhere in this report.

PROPOSAL

See above

HISTORY

No relevant history

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

BUILT ENVIRONMENT

- BE1 Urban Design Statements
- BE2 Townscape: Local Context and Character
- BE3 Urban Structure
- BE5 Urban Clarity and Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- BE12 Environmental Design Principles

HOUSING

- H1 Additional Housing
- H2 Requirement for Affordable Housing
- H3 Proportion of Affordable Housing
- H7 Major Estate Regeneration Area.
- H9 Dwelling Mix
- H11 Housing on Brownfield Sites
- H12 Residential Quality – Layout Considerations
- H13 Residential Density

EMPLOYMENT

- EMP9 Local Employment Sites.

TRANSPORT

- TRN3 Environmental Impact of Traffic
- TRN10 Walkable Environments
- TRN14 Highway Design
- TRN23 Parking Standards – Residential Developments
- TRN35 Transport Access for Disabled People and others with Mobility Difficulties
- PS14 Parking Standards – Residential Development
- PS15 Parking for Disabled People
- PS16 Bicycle Parking

SITE SPECIFIC PROPOSAL

HP21 Relates to Canterbury Works (excluding the application site) and indicates that this car breaker site would be suitable for affordable housing or live-work scheme. For the information of Members, in the LDF Site Specific Allocations DPD site 100 has been expanded to include both Canterbury Works and Canterbury House. The "preferred option" is for mixed use development, including new office space, community facilities and residential development. At the rear of the site, proposals should have regard for required access to the railway line for statutory undertakers.

Brent Supplementary Planning Guidance

SPG 17 "Design Guide for New Development" Adopted October 2001

Provides comprehensive and detailed design guidance for new development within the borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

South Kilburn Supplementary Planning Document (SPD) Adopted April 2005

Provides comprehensive and detailed design guidance for new development within the South Kilburn Regeneration Area area. Produced following the adoption of the original SKNDC Masterplan. The SPD provides general guidance on how the aspirations of the Masterplan are to be implemented across the area, but also makes reference to specific sites. It indicates that the application site should form part of a wider comprehensive approach to the Canterbury Works site. This is expanded upon in the "Remarks" section below.

SUSTAINABILITY ASSESSMENT

Not relevant

CONSULTATION

Neighbouring occupiers were consulted on 16th February 2011, 5 objections have been received raising the following concerns:

- Additional storey would impact on light to courtyard and to other flats
- No need to further increase the density of the area, it is overpopulated - application 10/3247 (redevelopment of Cambridge, Wells and Ely Court - last planning committee) is for the construction of 144 residential units
- More green areas are needed not more flats
- Increase in congestion in terms of people and vehicles and existing lack of parking spaces
- The problem with rats will only get more with more people
- Noise and dust from construction

REMARKS

Introduction

This application is for extension of the time limit on the original permission granted in 2008.

The recession has had a significant impact on the development industry over the past two years. The ability for developers to raise finance to purchase and construct schemes has been restricted as bank lending has contracted. Demand for new properties has declined in the face of reduced household income and the ability of potential homeowners to secure mortgage finance has been severely limited, although house prices have remained surprisingly resilient.

As a result a number of consented schemes are at risk of not being commenced within three years of the permission being issued. The need for homes remains, however, and it is expected that the construction sector, which makes a significant contribution to the economy, will recover when the recession eases and liquidity returns to the credit markets.

Government response

In 2009 the Government recognised the difficulties facing the industry and introduced legislation to help maintain the delivery of sustainable development in the face of the UK recession. As of October 2009 applicants have been able to apply to their Local Planning Authority (LPA) for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development. This has been introduced in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the

economic downturn so that they can more quickly be implemented when economic conditions improve.

Procedural matters

The process is referred to as extension for convenience. More formally, a new permission will be granted, with a new reference number, for the development granted permission by the original decision. This new permission will be subject to a new standard timescale condition and all original conditions and S106 obligations will be retained. There is scope to impose additional conditions and obligations if necessary, to overcome minor policy changes.

The Department of Communities and Local Government stresses that, although this is not a 'rubber-stamp' exercise, "development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date"

Brents Approach

Guidance titled 'Greater Flexibility for Planning Permissions: Guidance' has been published by the Government and this document informs how LPAs are to approach these types of applications (Communities and Local Government, 2009). LPAs are instructed to take a "positive and constructive approach" towards those applications which improve the prospect of sustainable development being taken forward quickly. The focus of attention in determining the application should be on those development plan policies and other material considerations (including national or regional policies) "which may have changed significantly since the original grant of permission"

Policy changes since April 2008

Below is a summary of the main policy changes to have occurred since planning permission was granted. Not all policy changes affect the scheme and of those that do, not all would make the scheme unacceptable. If any policy is now at odds with the scheme, its significance should be balanced against the guidance from the Government that LPAs take a positive and constructive approach to deciding these applications, which should be given substantial weight.

National policy changes

In terms of national policy statements, none of the changes are considered relevant to this application.

Regional policy changes

Draft London Plan 2009

The Mayor has recently concluded (October 2010) consultation on the Draft London Plan.

Local policy changes

Brent Core Strategy

The process to replace Brent's Unitary Development Plan (2004) with a Local Development Framework (LDF) had begun prior to the decision to grant planning permission in 2008. The Core Strategy DPD was submitted to the Secretary of State on 30 September 2009. The Core Strategy has been adopted.

Substantial physical changes to the area since 2008

The Council produced a Supplementary Planning Document (SPD) for the area in 2005 to provide detailed guidance on the redevelopment of large parts of the South Kilburn estate. Around that time the Council had procured a consortium of housebuilders and Housing Associations to bring forward a comprehensive proposal, rebuilding approximately 1400 new socially rented homes by building and selling around 1500 private ones. This relied on government funding that was insufficient to complete the wider development, and then the downturn in economic conditions effectively halted the proposals. At the moment the Council itself is bringing forward a number of developments and new social rented homes will be ring-fenced to residents of South Kilburn as such significant development has commenced in the wider area as part of the regeneration of South Kilburn.

Changes to the scheme

No changes are proposed to the scheme approved in 2008.

South Kilburn SPD

Canterbury Works is located within the Historic Quarter and is a locally listed building. It is specifically mentioned at para 4.1.2 of the SPD within the "private sites" section.

The SPD states amongst other things that:

"The Canterbury Works site is occupied by a number of businesses, including a garage, automotive engineers, a painting and decorating contractor and offices in Canterbury House.

Part of the site, 8 Canterbury Road, was allocated in the UDP (HP21) for an affordable housing or work-live development but this policy was deleted in September 2007. The Borough wide policy on the protection of employment uses applies to the remainder of the site (policy EMP9).

The Council requires a comprehensive approach to the site. Applicants must therefore consider the site as a whole when preparing designs and considering the distribution of appropriate uses.

The design of the site and any new buildings must consider:

1. The characteristics of the historic quarter.
2. Canterbury House should be retained. (A detailed analysis of the building is contained within the SPD).
3. Form, scale and massing of surrounding residential blocks, particularly Carlton House, west of the site and buildings and spaces within the neighbouring South Kilburn C.Area."

Residential Amenity

Members will be aware that the internal space standards for new residential properties set down in the South Kilburn SPD exceed those in SPG17. The standards are shown below, with SPG17 minimum unit sizes for flats indicated first and the SPD in brackets;

Studios – 33 square metres ---(**not allowed**)

1 bedroom flat – 45 square metres ---- (53 square metres).

2 bedroom (3 person) flat – 55 square metres ---- (80 square metres).

2 bedroom (4 person) flat - 65 square metres ---- (80 square metres).

3 bedroom flat - 80 square metres ---- (98 square metres).

In the case of this planning application, at first floor level the 1 bed units are all 53 sq.m in terms of internal floor area, with the 2 bed units being 83 sq.m. At second floor level, the 2 beds range in size from 75 to 85 sq.m.

The flats proposed all meet the SPG17 guidance and most of the units meet the SPD standard and it is your Officers views that the proposal would afford future occupants of the flats an acceptable level of accommodation.

The SPD also contains policies relating to the fact that any external balcony areas should have a minimum size of 4 square metres although officers try to secure more than this wherever possible. In terms of external amenity space for this application, this takes the form of outside decking at first floor level and a smaller sitting out area at second floor level. In addition, although not providing sitting out space, there are fairly generous boxes adjacent to rear facing windows and a sedum roof is also proposed.

As the adopted policy of the Council seeks the retention, and conversion of this locally listed building, it is inevitable that the form of development likely to be submitted to comply with this would be of this nature, with opportunities for large areas of external space limited. It is considered

that the provision of external space is, on balance, acceptable.

Highway Considerations

As indicated above, the site is currently occupied by a two-storey office building with 16 car parking spaces on its eastern side. The car parking area also serves as an access route to a number of workshops (largely used for car repairs) to the side and rear of the premises.

The site is located within South Kilburn Controlled Parking Zone KC, with parking along the site frontage restricted to residents' permit holders only between 8.30am and 6.30pm Mondays to Fridays. Public transport access to the site is very good (PTAL 5), with Kilburn Park (Bakerloo line) and Kilburn High Road (Silverlink Metro line) stations and ten bus services within 640 metres (8 minutes' walk).

The car parking allowances for the existing and proposed uses of the site are set out in standards PS6 and PS14 of the adopted UDP 2004. As the site has very good access to public transport services and is located within a CPZ, a reduced allowance of 0.7 spaces per 1/-2-bed flat applies to the residential use.

The existing office building is permitted up to one space per 150m², giving an allowance of seven spaces and with 16 spaces currently available, standards are exceeded. With the proposed reduction in the office floor space, the allowance for this use will fall to 3.6 spaces, whilst the nine new flats will be permitted up to 6.3 spaces. The proposed reduction in car parking provision within the site to seven standard width spaces would, therefore, bring the site into line with standards, so is welcomed. Standard PS15 requires at least one space to be widened and marked for disabled persons and the provision of two such spaces is sufficient to satisfy this requirement.

A car-free agreement will also be made ensuring that there is no overspill parking from the residential units onto the public highway.

Similarly, standard PS16 is more than adequately catered for through the provision of 16 bicycle lockers and 12 bicycle racks, providing more than the required one secure space per flat and one space per 125m² office space. With regard to servicing, refuse stores are sited within 9m of the public highway, allowing refuse to be collected from Canterbury Road. Servicing for the offices can continue to take place from within the car park by 8m rigid lorries, subject to a rear access door being retained as at present.

Design Considerations

There is no objection to the erection of an additional storey to this locally listed building, and it is considered that the architectural approach adopted, following Officer advice, is acceptable. The provision of a predominantly glass structure is now welcomed and it has also been possible to get the design and appearance of the side lift tower amended so as to represent an acceptable addition to the building. The rear elevation of the main building will also be significantly improved by removing existing structures and replacing fairly ordinary brickwork with a variety of render. This proposal allows the locally listed building to be retained, whilst at the same time extended, in such a way that the quality of the existing building will be unaffected by the intensification in the use of the site.

Comprehensive Approach

Although the SPD (and although not so explicitly, the LDF) requires a comprehensive approach to the development of this, and adjoining, sites partly due to the fact that the adjacent site is in motor repair/car breaking use, attempts by the previous applicant to enlarge the application site were not successful. As set out above, it is considered that this application is acceptable, but what needs to be understood is that if this site were to be developed independently, the amenity of future residents would not be prejudiced by non-residential uses, and it would also not compromise the future development of the rest of this site, as referred to in the SPD.

The specific reference in the SPD states that *"The Council requires a comprehensive approach to the site. Applicants must therefore consider the site as a whole when preparing designs and considering the distribution of appropriate uses"*.

In 2007 applicants were asked to demonstrate that the approval of this scheme would not prejudice future developments of the adjoining site. They produced a strategy and indicative plan showing a way of looking at the site comprehensively, so as to satisfy the SPD, whilst acknowledging that the scheme can only be indicative. The applicants are different this time but as this application is for an extension to time limit it is considered that the information remains relevant in 2011. On this basis Officers considered that it would be difficult to withhold consent from the scheme for the reason that it had not been possible to assemble the various sites at the time and remain of this point of view.

Objections

As discussed in the *Consultation* section, above, most of the objections raised were addressed in the original committee report and given due weight and consideration by Members before planning permission was granted at the time. In the circumstances set out it would be difficult for points now made to justify the refusal of 'Extension of time', given that there have been no significant changes in planning policy since 2008.

One letter of objection was received against the original application while 5 have now been received, one prominent point of concern is about the cumulative impact of developments which as discussed above are being undertaken as part of the regeneration of South Kilburn. The proposal will not have adverse highways implications and in securing a s106 agreement other impacts of the occupation of the development will be mitigated against.

Objections have been received from occupants of 111 Canterbury Road which is opposite the subject site relating to the impact of the proposed additional floor on their access to light. There is a gap of about 17m between the facing front elevations across Canterbury Road and the subject site is to the north/northeast of 111 Canterbury Road, it would therefore not be the case that the additional storey would impact on direct light to the facing windows.

Conclusion

Your officers are of the opinion that there are no planning policy changes which mean permission should not be given to extend the planning permission. In reaching this decision, your officers have attached substantial weight to the Government's guidance on how to approach these applications.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan
Central Government Guidance
Council's Supplementary Planning Guidance
South Kilburn SPD

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
Employment: in terms of maintaining and sustaining a range of employment opportunities
Transport: in terms of sustainability, safety and servicing needs

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):

CP20-00, 01, 02, 03, 04, CP20-05A, 06A, 07A, CP20-08, CP20-09B, 10B, 11B, CP20-12

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

- (3) All areas shown on the approved plans, including balcony areas, shall be suitably 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 shall be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality.

- (4) No water tank, air-conditioning or ventilation plant, extraction equipment or other roof structure shall be erected above the level of the roof hereby approved, without the further written consent of the Local Planning Authority.

Reason: To ensure that such further structure(s) do not prejudice the amenity of the neighbouring occupiers or the appearance of the area.

- (5) The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 on Saturdays and at no time on Sundays or Bank Holidays;

Vehicular access to adjoining and opposite premises shall not be impeded; machinery associated with such works shall at all times be stood and operated within the curtilage of the site only;

No waste or other material shall be burnt on the application site;

A barrier shall be constructed around the site, to be erected prior to work commencing and a suitable and sufficient means of suppressing dust must be provided and maintained.

Reason: To limit the detrimental effect of construction works on adjoining residential and business occupiers by reason of noise and disturbance.

- (6) The ground-floor commercial floorspace shall be used only for the purpose of B1(a) and for no other purposes of Use Class B1 specified in the Schedule to the Town and

Country Planning (Use Classes) Order 2004, as amended, nor for any other purpose without the prior written permission of the Local Planning Authority.

Reason: To ensure that no other use commences without the prior permission of the Local Planning Authority and to enable other uses to be considered on their merits and to ensure an acceptable relationship to the adjoining residential properties.

- (7) 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.

- (8) Further details of car-parking arrangements, in terms of a mechanism to secure the allocation spaces within the car park between occupiers of the ground-floor B1 floorspace and occupiers of the residential flats above, 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. Furthermore, the disabled parking spaces shall be marked out for such use and be permanently maintained.

Reason: To ensure an appropriate provision parking on the site.

- (9) Further details of bicycle parking provision to include the type of secure cycle storage facilities to be installed, and of the refuse/recycling provision (for both commercial and residential occupiers) on site, 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.

Reason: To ensure an appropriate provision for cycles and refuse/recycling facilities to meet the likely future needs of occupiers.

- (10) Adequate noise insulation shall be provided to walls and floors between units in separate occupation, in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority, and the insulation shall be carried out, installed and completed, prior to occupation of the units hereby approved.

Reason: In the interests of neighbouring occupiers.

- (11) Further details of the proposed new pedestrian access from Canterbury Road, along with details of how the pedestrian route within the site shall be protected, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter maintained, prior to the first occupation of the building.

Reason: To ensure an adequate standard of design and pedestrian safety.

- (12) Before building works commence on the site, a scheme providing for the insulation of the proposed dwelling units against the transmission of external noise and vibration from the adjacent commercial premises shall be submitted to and approved in writing

by the Local Planning Authority. Any works which form part of the scheme shall be completed in accordance with the approved scheme before any of the dwelling units are occupied.

Reason: To safeguard the amenities of future occupiers of the development and in order to comply with PPG24: "Planning & Noise".

INFORMATIVES:

None Specified

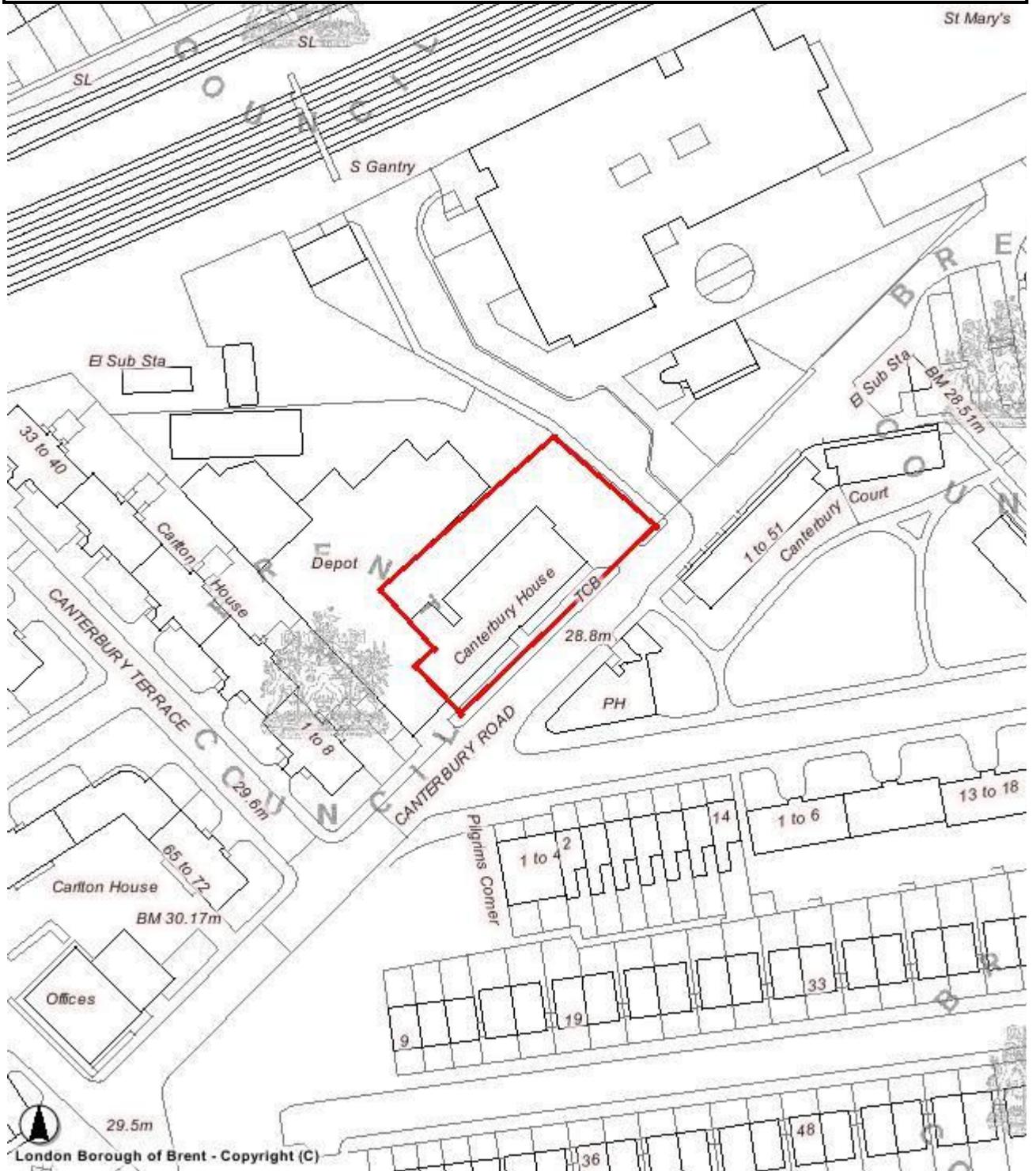
Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



Planning Committee Map

Site address: 1-3, Canterbury House, Canterbury Road, London, NW6 5ST

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