

Committee Report
Planning Committee on 6 April, 2011

Case No. 10/3149

RECEIVED: 8 December, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Unit 16, The Tay Building, 2A Wrentham Avenue, London, NW10 3HA

PROPOSAL: Conversion of first floor Yoga Centre (Use Class D2) to 5 self-contained flats (3 x 2 bed & 2 x 3 bed) with the erection of a first floor extension.

APPLICANT: Matbran Ltd

CONTACT: KR Planning

PLAN NO'S:
Please 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
- Car Free agreement
- £3000 per additional habitable room (£36000)
- 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

The application relates to a backland site to the rear of Chamberlayne Road, although it is accessed off Wrentham Avenue. The site is occupied by a two-storey building in use as 16 office units at ground and first floor, with a yoga centre also at first floor. The property is currently under construction in accordance with a scheme that has been allowed at appeal. The construction works include a second storey extension to accommodate 4 residential units and a further two storey extension to accommodate offices.

The site is not designated as an industrial or major employment site, but is considered to be a local employment site. It is not within any conservation area, but adjoins an Area of Distinctive Residential Character. It is not within any designated centre, although the buildings on

Chamberlayne Road that back onto the site are within the secondary shopping frontage of the Kensal Rise District Centre.

PROPOSAL

This application seeks to convert the first-floor of the building from a yoga centre to five self-contained flats (3 x 2-bed and 2 x 3-bed), taking the overall accommodation within the building once the extension is completed to nine flats (2 x 1-bed, 5 x 2-bed & 2 x 3-bed) and 20 small business units. No changes to the latest approved parking, servicing and access arrangements are proposed.

HISTORY

The property has an extensive site history of particular relevance is the assessment of the development are the following applications that were allowed at appeal.

Full planning permission (Ref No: 08/2280) for a two-storey side extension to create 4 business units (Use Class B1/B8) and second-floor extension to existing building to create 4 self contained flats, refuse store, bike storage, scooter parking and creation of 1 disabled parking space, allowed at appeal on 1 October 2009.

Full planning permission (Ref No: 08/0668) for two-storey side extension and second-floor extension to existing building to allow additional B1/B8 units was allowed at appeal on 1 October 2009.

POLICY CONSIDERATIONS

Brent Core strategy 2010

CP21 - A balanced Housing Stock

Brent Unitary Development Plan 2004

STR11 – The quality and character of the Borough's built and natural environment will be protected and enhanced; and proposals which would have a significant harmful impact on the environment or amenities of the Borough will be refused.

STR14 – New development will be expected to make a positive contribution to improving the quality of the urban environment in Brent by being designed with proper consideration of key urban design principles relating to townscape (local context and character), urban structure (space and movement), urban clarity and safety, the public realm (landscape and streetscape), architectural quality and sustainability.

BE2 - Design should have regard to the local context, making a positive contribution to the character of the area. Account should be taken of existing landform and natural features, the need to improve the quality of existing urban spaces, materials and townscape features that contribute favourably to the area's character, or have an unacceptable visual impact on Metropolitan Open Land. Proposals should not cause harm to the character and/or appearance of an area. Application of these criteria should not preclude the sensitive introduction of innovative contemporary designs.

BE3 – Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.

BE5 - Development should be understandable, free from physical hazards and to reduce opportunities for crime, with a clear relationship between existing and proposed urban features outside and within the site. Public, semi-private and private spaces are clearly defined in terms of

use and control, informal surveillance of public and semi-private spaces through the positioning of fenestration, entrances etc., front elevations should address the street with, where possible, habitable rooms and entrances, with private areas to the rear and significant areas of blank wall and parking should be avoided on back edge of pavement locations, entrances should be overlooked by development with good lighting and visible from the street, rear gardens should not adjoin public space, parking spaces are provided within view and if not made safe in other ways and are not normally accessible via rear gardens of residential properties and accessways are through or adjoining a site are overlooked by development, provided with good lighting, set away from cover, provide clear sightlines and not run next to rear gardens.

BE7 – A high quality of design and materials will be required.

BE9 – Creative and high-quality design solutions (for extensions) specific to site's shape, size, location and development opportunities Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

TRN11 – Developments should comply with the plan's minimum Cycle Parking Standard (PS16), with cycle parking situated in a convenient, secure and, where appropriate, sheltered location.

TRN34 – The provision of servicing facilities is required in all development covered by the Plan's standards in Appendix TRN2, and the loss of such facilities will be resisted.

TRN35 – Access to parking areas and public transport within development should facilitate access for disabled people and others with mobility difficulties. Designated car parking spaces should be set aside for the exclusive use of holders of disabled persons parking permits. The number and layout of spaces is to comply with the Plan's standard PS15.

Supplementary Planning Guidance

SPG17 – Design Guide for New Development

CONSULTATION

46 Neighbouring properties were consulted on 12 January 2011 for a 21 day period, with a further consultation period being carried out on 11 February 2011 once amended plans were submitted. The Planning Service has received 8 objections. These are summarised as:

- Existing building work
 - obstructing parking bays
 - Theft of Bins
- The new units will result in additional strain on parking demand
- Loss of privacy, light, outlook and privacy of neighbouring commercial properties
- No external amenity space
- Over development of the site

Internal

Transportation Engineer: No objection, Subject to a Section 106 "car-free" Agreement to remove the right of future residents of these flats to on-street parking permits in the area and a condition

requiring the applicant to submit for approval a plan of proposed bicycle parking showing at least one secure space for each residential unit within the building, there would be no objections on transportation grounds to this proposal

Environmental Health Officer: No objection, subject to sound insulation as detailed in condition 3

REMARKS

Introduction

As detailed in the history section of this report two previous applications for a B1/B8 scheme and residential were allowed at appeal. As such the Inspectors views will need to be considered in officers assessment of the development.

The main issues relevant in the determination of the current application are:

- Principle of Development
- Impacts on neighbouring occupiers
- Quality of occupation to future occupiers
- Transportation Impact
- Design

Principle of Development

The proposal seeks to replace the existing (D2) Yoga centre with 5 residential units (3 x 2-bed and 2 x 3-bed). CP21 is clear in addressing the identified shortage of housing for the unusually high number of larger households within the Borough. Neither the UDP nor the newly adopted Core Strategy contain policies that protect D2 uses. Whilst the contribution of the Yoga Centre seems to be well known to the community, owing to the identified need for residential units and there being no policy to protect D2 uses, your officers raise no objection with the principle of the development.

Impact on Neighbouring properties

The Council's SPG17: "Design Guide for New Development" will be used alongside the Inspectors decision notice in the assessment of this residential development. One of the key sections in the SPG covers the standards that would be applied relating to the required distances between habitable-room windows and other windows, as well as site boundaries.

In the case of the application proposal, it seems evident that the applicant has had some regard to SPG17 and the appeal decision in putting the proposal together. The proposed first floor extension that would be located on the Eastern end of the building has been designed so as to have no habitable room windows in any of the elevations that would directly conflict with people living nearby. Two elevations are of particular concern i.e. the North West elevation (i.e. Fronting gardens on Wrentham Avenue) and the South West elevation (i.e. Properties on Chamberlayne Road).

The applicant has amended the North Western elevation by blocking up an existing window (adjacent to No 8 Wrentham Avenue) and will obscure glaze one other window (Adjacent to No 2 Wrentham Avenue), in an attempt to protect neighbouring amenity. The previously proposed balcony has been amended to be a recessed area without any useable access. The existing balcony will be retained and screened to a height of 2m. The screening is considered to improve the existing situation. The existing window which is located approximately 4.2m from the boundary will be retained and will serve as a secondary window to a bedroom and a sole window to a hall of proposed unit 5. Whilst not an ideal situation, having considered the suburban character of the area (as identified by the Inspector) which has given rise to the closest neighbouring window being located approximately 10m away, with a tree obstructing direct views and the window in question being secondary in nature, on balance officers do not consider this arrangement could warrant a reason for refusal in itself.

The existing windows on the South West elevation will be obscure glazed and the proposed balcony to unit 9 will be screened so to protect the amenity of directly adjoining properties. Officers find this arrangement to be acceptable

A first floor extension is proposed to the North East elevation. This extension will be located adjacent to a neighbouring garden (No 10) and does not seek to increase the footprint of the building. The extension will have a rear terrace and a flank window that will be screened to protect neighbouring amenity. The new extension will be set back from the flank of the original building with height far lower than that of the original. The set back, relatively low roof and materials help to minimise the impact of the extension. Furthermore, the neighbouring properties have large gardens with dense vegetation. Given the character of the area, the dense vegetation, long neighbouring gardens and materials to be secured by condition, Officers are satisfied that, on balance, neighbouring amenity will not be detrimentally harmed.

Quality of Accommodation

SPG17 sets out the minimum unit sizes for flats having different numbers of bedrooms. The Council's current standards seek the following flat sizes as a minimum:

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

An assessment of the current proposal indicates that the proposed flats shown on the plans do exceed the Council's guidelines, in quantitative terms.

SPG17 requires 20 square metres of external amenity space for each flat, meaning that a total of 100 square metres should be proposed here. Each unit will have a small balcony which is smaller than requirements set out in SPG17. In this regard it is important to note the Inspector in considering the additional storey saw fit not to insist on full compliance the Council's requirements in stating:

"I accept that suburban gardens are not essential in busy urban locations, such as the vicinity of the appeal site, and that potential occupiers could be entirely content with this more limited balcony provision"

Whilst the Inspector found the relationship between habitable space and balconies to be appropriate thus preventing the Local Authority taking issue as a matter of principle there remains a responsibility to ensure the quality of accommodation provided is of an appropriate standard. Further given the ground floor is in use as offices and there being a valid permission for the upper to be used as B1/B8 units (albeit the upper floor is being constructed for residential purposes) officers suggest robust insulation to all proposed residential units. As such a condition requiring adequate ambient noise levels at different times of the day and measures necessary to achieve the relevant internal ambient noise levels for the building (Condition 3) is proposed to be attached.

The proposed flats will be accessed via a lift and an external staircase. The lift, suitable for disabled access is located in the lobby which is also used to access the ground floor offices. The new external staircase will be shared with the new offices located on the South West corner of the property (i.e. To the rear of properties on Chamberlayne Road). Whilst the shared access is not ideal, officers are mindful this arrangement is similar to that allowed at appeal.

All units exceed the Council's internal floor area requirements, have adequate outlook and levels of light. Given the Inspector's views officers are satisfied the proposed units will provide an appropriate standard of accommodation to future occupiers.

Transportation

Car parking allowances for the existing and proposed uses of the first floor of the building are set

out in adopted UDP 2004. The site is located within a Controlled Parking Zone with very good access to public transport services

The existing yoga centre would be permitted just one space, which would increase to 4.5 spaces for the five proposed flats. Added to the existing allowance of 22.8 spaces for the other existing and approved flats and business units within the site, the overall allowance for the site would increase to 27.3 spaces. With just one disabled parking space proposed within the site, standards would therefore be complied with.

One of the issues raised previously was the amount of development being proposed for the site. This was not a concern supported by the Inspector and in any event, the proposed flats will replace a Yoga Centre. As before though, Policies TRN23 and TRN24 require the impact of any over spill parking on local roads to be assessed. To this end, the surrounding streets are already heavily parked, so cannot safely accommodate any over spill parking from the site. As such, a 'car-free' agreement was secured for the existing extensions to the building and this should also be applied to the five residential units proposed in this application. This has been accepted by the applicant in the Design & Access Statement and will be duly secured by a legal agreement.

The previously approved disabled parking space would be sufficient to satisfy standard PS15 for the additional flats, whilst bicycle parking requirements remain unaltered with this change of use. An additional secure cycle storage per unit is recommended

No alterations to the access arrangements (to the site itself) are proposed, with a Servicing Management Plan being secured for the building extension, which the Inspector supported.

Officers are mindful a number of concerns have been raised relating to parking congestion during the construction works. As such your officers recommend any further building works to comply with requirements set out in Considerate Contractors Scheme. Details of which shall be secured by legal agreement.

Design

The footprint of the building has not been altered. A proposed first floor extension is proposed to the North East elevation. The elevational treatment of the building has been selected to complement the existing contemporary approach on the previously approved extensions. Details of materials will be secured by condition. The flank wall of the extension will contain a 'V' shaped feature that adds some interest to the otherwise blank facade. The first floor extension will be 4.3m deep and 2.2m wide and will not bring the existing building closer to any boundary. All proposed windows and terrace detail appear to match those insitu, which is considered to be acceptable.

Conclusion

Objectors concerns have been addressed in the body of this report. The proposed development, for the reasons above, in particular the Inspectors Decision, is considered to comply with the policies contained in Brent's Unitary Development Plan 2004 and the guidance contained in SPG 17. As such approval subject to a legal agreement is recommended

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17: Design Guide for new
Development

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings

A(SO)P401
A(SO)P400
A(SO)P120
A(SO)P110
A(SO)P100
A(GA)P100 REV A
A(GA)P110 REV D
A(GA)P120 REV A
A(GA)P400 REV A
A(GA)P401 REV B

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

- (3) All residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings-Code of Practice' to attain the following internal noise levels: Good Resting conditions at 30dB (day: T = 16 hours 07:00-23:00) and good sleeping conditions bedrooms at 30dB (night: T = 8 hours 23:00 – 07:00) L_{Amax} 45 dB (night 23:00 – 07:00). Prior to the occupation of the development, tests shall be carried out to demonstrate that these standards have been met and the results submitted to the Local Planning Authority for approval. These measures should be retained unless otherwise agreed in writing by the Local Authority

Reason: To obtain required sound insulation and prevent noise nuisance

- (4) 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.

- (5) Details of adequate arrangements for the 1 secure cycle storage per additional unit shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (6) Details of obscure glazed glass and screening/louvres to windows, 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 and maintained unless otherwise agreed in writing by the Local Authority

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245



Planning Committee Map

Site address: Unit 16, The Tay Building, 2A Wrentham Avenue, London, NW10 3HA

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