

Committee Report
Planning Committee on 6 April, 2011

Case No. 10/3088

RECEIVED: 29 December, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 758 & 760, Harrow Road, London, NW10

PROPOSAL: Erection of 2 four storey buildings comprising 2 retail units and 1 office unit at ground floor level with 14 self-contained flats with roof terraces above, associated car-parking, bicycle storage, refuse storage and alterations to existing pedestrian and vehicular accesses (amendments and Deed of Variation to planning permission 06/3514)

APPLICANT: Abercorn Place Ltd

CONTACT: Salisbury Jones Planning

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 Deed of Variation to the Section 106 Agreement, secured in connection with planning permission 06/3514, in order to secure the following additional benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the variation and (b) monitoring and enforcing its performance
- Payment of £34,000 towards off site play and open space provision with 50% to be paid on completion of the agreement and 50% to be paid within 6 months of the permission, index linked from the date of Committee.
- 10% on site renewable energy provision, or a contribution to off-site provision if it is not feasible

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.

The following terms have already been secured under the previous s106 agreement

- The dedication of a 500mm strip width of footway along the Regent Street frontage of the site

as public highway and the reinstatement of all redundant crossovers to the site at the developers expense prior to occupation of the development;

- A “Car Free” agreement , whereby residents are not to be issued with parking permits for the Controlled Parking Zones in the area, thereby maintaining the restrained parking provision for the site and the applicants to inform residents of this restriction;
- Payment of £15,000 towards non-car access or highway safety or parking controls in the area; £73,950 towards education, £24,000 towards open space improvements; £5,000 towards the monitoring of air quality in the area. The variation will alter the payment schedule to 50% on completion of the variation and 50% within 6 months.
- Sustainability Measures approved by the Council, including compensatory payments if such measures are not in fact implemented

EXISTING

The subject site has an area of 0.08h and is located between the northern side of Harrow Road and the southern side of Regent Street. The site has been part developed in connection with planning permission 06/3514 to provide two 4-storey buildings comprising of two retail units and an office unit at ground floor level and 14 self-contained flats on the site. The site had previously been occupied by a single-storey and a two-storey building fronting the northern side of Harrow Road comprising of two ground floor commercial units and a Stonemason’s retail shop.

Along Harrow Road, towards the east of the site lie a number of commercial and retail uses. Towards the west lies the recently completed mixed-used development on the corner of Harrow Road and Wellington Road. Where it fronts Harrow Road, the site lies opposite the main entrance to Kensal Green Cemetery which lies within the Royal Borough of Kensington and Chelsea. To the rear of the site, fronting Regent Street, the site is adjoined by a car wash/repair garage to the west and The Regent public house to the east.

PROPOSAL

Whilst the current application seeks full planning permission for the development as described above, it effectively seeks to agree a number of changes to the development approved under planning application 06/3514. The main changes include:-

- The omission of a first floor amenity deck
- Alterations to the unit mix. Unit numbers remain unchanged,
- The omission of the lift to the block fronting Regent Street
- Alterations to the layout of the central courtyard/parking area.

HISTORY

Planning permission (06/3514) was granted on the site on the 21st September 2007 for the demolition of the existing buildings on site and the erection of a four storey building comprising two retail units and an office unit at ground floor level and 14 self-contained flats (3 x 1 bed, 7 x 2 bed and 4 x 3 bed) with communal roof terraces above, together with associated car parking, bicycle storage, refuse storage and alterations to the pedestrian and vehicular accesses. This permission has been substantially implemented and is of particular relevance to the current application. Other applications (08/1059, 08/1907 & 08/2072) seeking the discharge of conditions 5, 9 & 10 of planning permission 06/3514 have been approved on the site.

Other site history includes:-

An outline planning application (05/0482) for the erection of a part three-storey and part four-storey building, comprising two ground-floor shop units with rear servicing area, 10 x two-bedroom and 4 x one-bedroom flats and basement-level car-parking (matters to be determined: siting and means of access) was refused on 8 June 2005 due to its excessive footprint, scale and siting which would be detrimental to the character of the area and adjoining residents, artificial under utilisation of the site failing to provide an appropriate level of affordable housing and inappropriate access to the basement level parking.

An application (05/0662) submitted on 7 March 2005 for the erection of a part four and five storey building, consisting of 14 self-contained flats (4 x 1 bed and 10 x 2 bed), two B1 units to the ground floor, bicycle storage area, recycling area, communal terrace and associated landscaping. The scheme was forwarded to the Planning Committee of 28 June 2005 and was refused due to the unacceptable form, scale, mass and appearance of the premises which was deemed harmful within the streetscene and harmful to the views out of the adjacent Conservation Area and the setting of a Grade II Listed Building.

An Application (04/2660) for the clearance of the site and erection of a four storey building comprising A1 retail space on the ground floor and 12 self contained flats on the upper three floors. This application was withdrawn by the applicant after being recommended for refusal. The proposed reasons for refusal centred on the development's failure to demonstrate the sequential approach for retail development, lack of a high quality design approach, inadequate levels of amenity space and car parking for the proposed residential units, and insufficient servicing for the proposed retail units.

An application (02/0204) for erection of a 4-storey, B1-use building, comprising a ground-floor printing workshop with offices above was submitted in February 2002, approved in August 2002 pending a legal agreement, which was subsequently completed in April 2005.

POLICY CONSIDERATIONS

London Borough of Brent LDF Core Strategy 2010

CP2 Population & Housing Growth

Defines the minimum housing targets required to meet the expected population growth and housing demand within the Borough. 85% of housing growth is expected to be provided within Growth Areas, including 2400 new homes in South Kilburn by 2026.

CP15 Infrastructure to Support Development

The council has set out, in an Infrastructure and Investment Framework, the infrastructure requirements necessary to support new development in the growth areas. Appropriate contributions will be sought to ensure that the necessary infrastructure to support development is provided.

CP18 Protection and Enhancement of Open Space, Sports and Biodiversity

Support will be given to the enhancement and management of open space for recreational, sporting and amenity use and the improvement of both open space and the built environment for biodiversity and nature conservation. This will include improvements to existing open spaces in South Kilburn.

CP19 Brent Strategic Climate Mitigation and Adaptation Measures

All development should contribute towards achieving sustainable development, including climate change mitigation and adaptation.

CP21 A Balanced Housing Stock

The Plan seeks to maintain and provide a balanced housing stock in Brent in support of Policy CP2 by protecting existing accommodation that meets known needs and by ensuring that new housing appropriately contributes towards the wide range of borough household needs

London Borough of Brent Unitary Development Plan 2004

Within the adopted Unitary Development Plan 2004 plan the following list of 'saved' policies are considered to be the most pertinent to the application.

- BE1 Requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.
- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area.
- BE3 Proposals should have regard to the existing urban grain, development patterns and density in the layout of the development sites, and should be designed to ensure that spaces are satisfactorily enclosed by the built form; its layout is defined by pedestrian circulation; emphasis is placed upon prominent corner sites, entrance points etc; it respects the form of the street of which it is part by building to established frontages unless there is a clear urban design justification; connections are established where appropriate to open space.
- BE4 Access for disabled people.
- BE5 Development shall be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 High standards of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions 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.
- BE12 Proposals should embody sustainable design principles, taking account of sustainable design, sustainable construction and pollution control
- EP2 Noise & vibration
- EP3 Local air quality management

H12 Seeks to ensure that all residential development has a high quality layout, has an appropriate level of car parking and features housing facing onto streets.

H13 The density of development is design led, where higher density developments are more appropriate in areas where there is very good public transport accessibility. Surrounding densities should be at least matched unless this would harm residential amenity.

TRN3 Environmental Impact of Traffic

TRN4 Set out measures to make transport impacts acceptable

TRN10 Walkable Environments

TRN11 The London Cycle Network

TRN23 Parking Standards – Residential Developments

TRN34 Servicing in New Developments

TRN35 Transport Access for Disabled People and others with Mobility Difficulties

PS14 Car Parking Standards – Residential Development

PS15 Parking for Disabled People

PS16 Bicycle Parking

London Borough of Brent Supplementary Planning Guidance

Supplementary Planning Guidance 17:- Design Guide For New Development

Supplementary Planning Guidance 19:- Sustainable Design, Construction & Pollution Control

Supplementary Planning Document s106 Planning Obligations

SUSTAINABILITY ASSESSMENT

The sustainability requirements for the development have been secured under the s106 agreement attached to the previous permission which has been implemented. In order to bring the proposal more in line with current requirements it is recommended that permission be subject to a Deed of Variation to the previous s106 agreement replacing the requirement for the development to sign up for a Green Tariff, where 10% of the energy is from renewable sources, with a requirement to provide 10% of the developments energy through on-site renewable sources.

CONSULTATION

EXTERNAL

Consultation letters, dated 17th January 2011, were sent to Ward Councillors and 77 neighbouring owner/occupiers. The application was also advertised as being "In Public Interest" by way of site notices, dated 25th January 2011, and a press notice, published on the 20th January 2011. Two letters of objection have been received in response. The concerns of objectors relate to:-

- The development is ugly and shoddily put together
- The development would cause parking problems within the vicinity of the site
- Disturbance that has been caused by the building works
- The development provides insufficient noise attenuation for potential occupiers which could cause issues of unreasonable noise transmission with the adjoining public house

Given the proximity of the site to the Borough boundary the Royal Borough of Kensington & Chelsea have been consulted. It has been confirmed that they raise no objection to the proposal.

INTERNAL

Transportation Unit - Have raised no objection to the proposed development subject to compliance with the relevant Heads of Terms set out in the s106 agreement secured as part of planning permission 06/3514.

Environmental Health - Have raised no objection to the proposal although a condition is recommended requiring the submission of post-completion testing ensuring that reasonable noise levels would not be exceeded.

Landscape Design Team - Have raised concerns regarding the removal of the approved amenity deck from the development. However, these concerns could be satisfied through suitably worded landscape conditions and a substantial s106 contribution towards off-site amenity provision.

s106 Officer - Has recommended that any permission should be subject to a Deed of Variation securing a contribution of £34,000 towards play/open space improvements within the locality in order to off-set the loss of the amenity deck and an amendment to the previous sustainability requirements in order to secure 10% on-site renewable energy.

REMARKS

BACKGROUND

Planning permission (06/3514) was approved in September 2007 for the demolition of the existing buildings on site and the erection of a new four-storey courtyard development comprising of 14 self-contained flats. Following permission, the development was commenced and works were undertaken to an advanced stage. However, prior to completion the developer was forced to abandon the scheme due to a lack of funds. The partially completed development was then sold on to the current applicant who now seeks permission to make a number of changes to the approved development prior to completion. Officers advised the applicant that due to the significant nature of the changes proposed, that the scheme could not be amended under the minor amendments procedure and that a full application for the development would be required. This is why the current application seeks planning permission for the amended development in its entirety although the assessment of the application has largely been based around the impacts of the proposed changes. For the sake of completeness, Members have been provided with a copy of the Officers Committee Report for the previous planning approval has been appended to this report. The previous Committee Report addresses many of the issues associated with the development and the appended report should be read in conjunction with the content of the current report.

OMISSION OF AMENITY DECK

The approved development included the provision of an amenity deck at first floor level which would cover the ground floor car-parking area. The amenity deck would provide four private terraces to four first floor units, having a total area of approximately 340m² (approximately 85m² per unit). The current proposal would see the omission of this amenity deck, which has not yet been constructed, from the scheme although balconies, with areas of 22.6m² and 16.8m², would be retained to those units within the block fronting Regent Street. Overall, the omission of the amenity deck would result in a net reduction of approximately 300m² of amenity space.

The principal reason given by the current applicant for the removal of the amenity deck from the scheme is that the previous developer had failed to provide the necessary sub-structure to support the deck during the initial construction phase. The applicant states that it would not be practical to retrospectively provide the necessary sub-structure as access to the site is not sufficient to allow the necessary piling equipment to enter the site without the substantial part demolition of the existing structures on site. The only means of vehicular access to the site is along Regent Street, a single carriage way road, and through a single-storey passage 4.5m in width and 2.4m in height.

The applicant also argues that the removal of the deck would expose the car-parking area improving the security and environment of the courtyard.

The loss of amenity space in this instance is considered significant as the site is located within an Open Space Deficiency Area. The omission of the amenity deck would result in one 1-bedroom unit losing all of its private amenity space, a three other units, one 3-bedroom and two 2-bedroom, having a reduced provision. The proposal would increase the number of units within the scheme without private amenity space from two to three, as compared to the previous application, although all units would have access to some amenity space as each block would have a communal roof terrace.

SPG17 sets out a number of measures that can be adopted where developments would fail to meet the minimum amenity spaces standards. These measures can include s106 payments towards the local public realm and open space. The applicant has agreed in principle to make a contribution of £34,000 towards the provision of play/open space within the locality in order to off-set the loss of the amenity deck. This is on top of the contribution of £24,000 secured as part of the previous permission for open space improvements. On balance, given the specific circumstances of this case, it is considered that such a contribution may be considered as an adequate and practical means of overcoming the resulting shortfall in amenity space suffered by those units that would have been served by the amenity deck.

AMENDMENTS TO UNIT MIX

The current proposal would alter the mix of dwellings within the development although the number of units provided would remain unchanged at 14. The development previously approved comprised of three 1-bedroom, seven 2-bedroom and four 3-bedroom units. The current proposal would alter the mix to provide six 1-bedroom, six 2-bedroom and two 3-bedroom units. Although the proposed development would provide less 3-bedroom units than the scheme previously approved, it is noted that the two 3-bedroom units, which would now be two bedroom units, would only have had an internal floor area of approximately 75m², below the minimum standard of 80m² suggested in SPG17. As such, the proposed scheme would seek to provide more generous two-bedroom accommodation as opposed to under-sized three-bedroom accommodation. This is considered appropriate given these units would have a lower than normal provision of private amenity space having single balconies with an area of approximately 4.5m². The two remaining 3-bedroom units would have more generous private amenity spaces.

Overall, it is considered that the proposed development would provide an appropriate mix of dwellings, including an element of 3-bedroom units, within the context of the site.

AMENDMENTS TO COURTYARD/CAR-PARKING LAYOUT

As discussed above, the proposed development would involve the removal of the amenity deck, which would expose the ground floor parking/courtyard area, and an amendment to the dwelling mix. The original ground floor car-parking area comprised of 12 parking spaces, including one disabled space. As a result of the revised unit mix, the maximum car-parking standard for the site would be reduced for the proposed development. The proposed development would involve the removal of two parking spaces from the courtyard, retaining 10 spaces including one disabled space, which will allow the introduction of additional soft-landscaping to the area. Officers consider it is important for soft-landscaping to be provided as the area is now exposed and will have a direct impact on the visual amenity of the scheme. The Council's Transportation Unit have confirmed that they are satisfied with the proposed parking provision for the development, particularly given that the scheme will continue to be 'permit-free', whereby future occupiers will not be entitled to on-street parking permits. Detailed landscaping proposals for the areas within the courtyard/parking area should be secured by way of condition should planning permission be granted.

OMISSION OF LIFT

The proposal would also involve the omission of a lift shaft from the four-storey block fronting Regent Street which would contain five of the fourteen flats. The lift to the block fronting Harrow Road, containing the remaining nine units, would remain included in the scheme. The reason for requesting the omission is that the previous developer constructed the block without a lift shaft and that it would not be practical to provide this retrospectively.

The omission of the lift from the Regent Street block would not affect the ability of the units to be Lifetime Homes compliant nor would it prevent 10% of the units in the development being wheelchair accessible.

The omission of the lift shaft would not significantly affect the external appearance of the development. As such, the proposed omission of the lift shaft from the Regent Street block is considered acceptable in planning terms.

AFFORDABLE HOUSING

For clarification, the scheme comprises of 100% private units as at the time of the previous permission, which has been implemented, the affordable housing threshold was set at 15 units and affordable housing was not required. As the essence of the current application is to seek amendments to the implemented permission Officers do not consider that there are reasonable grounds to retrospectively apply the current 10 unit thresholds to the scheme.

CONSIDERATION OF OBJECTIONS

Concerns regarding the external appearance have already been considered under the previous planning application which was approved in 2008. The changes proposed under the current application would not significantly alter the appearance of the development from the public realm and therefore it is still considered that the development would have an acceptable impact on the character and appearance of the surrounding area. The quality of the building works will be subject to compliance with Building Regulations

As discussed above, the scheme would be unlikely to have a significant impact on existing parking pressures within the vicinity of the site as the scheme would be 'permit-free'.

Whilst it is unfortunate that the on-going building works have caused some disturbance to neighbouring occupiers it is noted from a recent site visit that the works are now nearing completion. If works are deemed to be causing a statutory nuisance to neighbouring occupiers then this can be reported to the Council's Environmental Health Unit

Concerns have been raised that the development has not been constructed to incorporate sufficient noise attenuation measures to ensure that potential occupiers would not suffer from unreasonable noise transmission from the surrounding area, and particularly the adjoining public house. It should be noted that the original permission (06/3514) that has been implemented was subject to the following condition:-

"A sound insulation scheme between walls and floors and between units in separate occupation shall be installed in accordance with The Building Act 1984 and The Building Regulations 2000 (as amended 2001 and 2002). Sound insulation shall be in accordance with Approved Document E.

Reason: To protect the amenities of adjoining residential occupiers."

However, in order to ensure that potential occupiers would experience unreasonable noise disturbance from activity and traffic in the surrounding area, it is recommended, on the advice of Environmental Health, that a condition should be placed on any permission requiring the undertaking of post-completion testing to ensure that noise attenuation levels are met.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent LDF Core Strategy 2010

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 17:- Design Guide For New Development

Council's Supplementary Planning Guidance 19:- Sustainable Design, Construction & Pollution Control

Council's Supplementary Planning Document s106 Planning Obligations

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

Environmental Protection: in terms of protecting specific features of the environment and protecting the public

Housing: in terms of protecting residential amenities and guiding new development

Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

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 drawings:-

100 Rev A

110 Rev A

120 Rev A

130 Rev B

140 Rev A

150 Rev A

200 Rev E

220

230

231

240 Rev A

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

- (3) All parking spaces, turning areas, access roads and footways shall be constructed and permanently marked-out prior to commencement of use of any part of the approved development. Such works shall be carried out in accordance with the approved plans and shall, thereafter, be retained and used solely in connection with the development hereby approved.

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.

- (4) All areas shown on the approved plans shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. The approved landscaping work shall be completed prior to occupation of the development hereby approved or in accordance with a schedule to be agreed in writing with the Local Planning Authority.

The submitted scheme shall include details of:

- (a) proposed walls and fencing, indicating materials and heights;
- (b) all planting in terms of species and density
- (c) adequate physical separation such as protective walls and fencing, between landscaped and paved areas;
- (d) treatment, including details of materials, of areas of hardstanding
- (e) details of two trees to be planted within the courtyard

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

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

- (5) All windows, doors and balconies shall be constructed in accordance with those details approved under discharge of condition application 08/1907 (LPA reference) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory development which does not prejudice the amenity of the locality

- (6) During construction on site:-

The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site.

The operation of site equipment generating noise at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1800 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays.

Access to adjoining premises shall not be impeded and 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.

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

- (7) The development shall be carried out using those external materials approved under discharge of condition application 08/2072 (LPA reference) unless otherwise agreed in writing with the Local Planning Authority.

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

- (8) The residential dwellings within the development shall attain the following internal noise levels

Rooms	Maximum Level, LAeq, T
Living Rooms	40dB (day: T =16 hours 07:00 - 23:00)
Bedrooms	30dB (night: T = 8 hours 23.00 - 07.00)

Following practical completion of the development, hereby approved, results of a study, confirming that the above noise levels have been achieved under reasonable conditions, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the residential units hereby approved.

Reason: To verify that reasonable internal noise levels will not be exceeded in the interests of the amenity of future occupiers.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent LDF Core Strategy 2010
London Borough of Brent Unitary Development Plan 2004
Supplementary Planning Guidance 17:- Design Guide For New Development
Supplementary Planning Guidance 19:- Sustainable Design, Construction & Pollution Control
Supplementary Planning Document s106 Planning Obligations
Two letters of objection
Planning Application 06/3514

Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



Planning Committee Map

Site address: 758 & 760, Harrow Road, London, NW10

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This map is indicative only.

Appendix 1

Committee Report Planning Committee on 7 March, 2007

Item No. 2/02
Case No. 06/3514

RECEIVED: 19 December, 2006

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 758 & 760, Harrow Road, London, NW10

PROPOSAL: Demolition of existing buildings and erection of a four storey building comprising two retail units and an office unit at ground floor level and 14 self-contained flats (3 x 1 bed, 7 x 2 bed and 4 x 3 bed) with communal roof terraces above, together with associated car parking, bicycle storage, refuse storage and alterations to the pedestrian and vehicular accesses (as accompanied by photographs, incorporating a Sustainable Development Checklist, Planning Statement dated December 2006, revised by plans received on 12 February 2007 and clarified by letters dated 13 February 2007 and 19 February 2007).

APPLICANT: Finan Wentworth Andersen

CONTACT: Hunter Page Planning

PLAN NO'S: 884-01
884-02
884-10 RevD
884-11 RevD
884-22
884-23 RevC
884-24 RevB
884-25 RevC
884-26 RevC
884-27 RevC
One un-numbered plan

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services 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;

- The dedication of a 500mm strip width of footway along the Regent Street frontage of the site as public highway and the reinstatement of all redundant crossovers to the site at the developers expense prior to occupation of the development;
- A “Car Free” agreement , whereby residents are not to be issued with parking permits for the Controlled Parking Zones in the area, thereby maintaining the restrained parking provision for the site and the applicants to inform residents of this restriction;
- Payment of £15,000 towards non-car access or highway safety or parking controls in the area;
- Payment of £73,950 towards the provision and/or improvement of education facilities in the borough;
- Payment of £24,000 towards environmental and/or open space improvements in the local area as the site lies within an Open Space Deficiency Area as defined within the Unitary Development Plan 2004;
- Payment of £5000 towards the monitoring of air quality in the area (the site lies within an Air Quality Management Area).
- 10% of the development's energy demand shall be met through a Green Tariff (renewable energy supply) or an equivalent agreed by the Council, to be maintained for the lifetime of the development.
- Sustainability Measures approved by the Council, including compensatory payments if such measures are not in fact implemented

EXISTING

The application site, of 0.08, hectares is occupied by one single-storey and one two-storey building fronting the northern side of Harrow Road. Rear access to the site is provided via Regent Street. The two existing buildings on the site contain two ground floor commercial units, presently occupied by a motor vehicle goods shop and a stonemason’s retail shop. The neighbouring site to the west is currently vacant, and has previously been used by a vehicle hire company and as a petrol filling station. Members resolved to grant planning permission at this site at the Planning Committee of 8 November 2006 subject to a Legal Agreement for a part four/five and six storey building consisting of 14 self-contained flats and two B1 units to the ground floor (ref: 05/2509). The decision notice was issued on 9 February 2006 and works have commenced on site.

To the rear of the site on Regent Street is a car wash/repair garage to the west and Astons public house to the east. A number of commercial and retail uses are immediately to the east on the Harrow Road. Kensal Green Cemetery, on the opposite side of Harrow Road, situated within the Royal Borough of Kensington and Chelsea, is designated as a Conservation Area.

PROPOSAL

Planning permission is sought for the demolition of existing buildings and erection of a four storey building comprising two retail units and an office unit at ground floor level and 14 self-contained flats (3 x 1 bed, 7 x 2 bed and 4 x 3 bed) with communal roof terraces above, together with associated car parking, bicycle storage, refuse storage and alterations to the pedestrian and vehicular accesses.

HISTORY

The site has an extensive planning history.

A recent application 06/1887 was submitted for the demolition of the existing building and erection of a 4-storey building comprising Use Class A1 (retail) and B1 (office), with associated car-parking, on the ground floor, and 14 self-contained flats (Use Class C3) on the 1st, 2nd and 3rd floors to be considered at the Planning Committee of 5 September 2006. The applicant withdrew the application but had Members been minded to make a decision on the proposal it would have been refused on the following grounds:

- The scale and siting of the proposal would be detrimental to the character and appearance of the area and would result in a sub-standard form of accommodation;
- Failure of the proposal to provide useable external amenity space would be detrimental to the amenities of future occupiers;
- Loss of privacy and outlook for nearby adjacent occupiers due to close proximity of windows and balconies to habitable room windows;
- Inadequate width of vehicular access would lead to conditions detrimental to highway and pedestrian safety
- The proposal lies within an Open Space Deficiency Area and the inadequate amenity provision and failure to off-set the shortfall by increased unit floor sizes, balconies or financial contributions would be contrary to council policies;
- Failure of the development to provide any Section 106 Benefits in terms of education and non-car access to meet the needs of the community;
- Failure of the proposal to demonstrate the principles of sustainable development.

The current scheme has been submitted following the withdrawal of the above application.

An outline planning application 05/0482 for erection of a part three-storey and part four-storey building, comprising two ground-floor shop units with rear servicing area, 10 x two-bedroom and 4 x one-bedroom flats and basement-level car-parking (matters to be determined: siting and means of access) was refused on 8 June 2005 due to its excessive footprint, scale and siting which would be detrimental to the character of the area and adjoining residents, artificial under utilisation of the site failing to provide an appropriate level of affordable housing and inappropriate access to the basement level parking.

Application 05/0662 was submitted on 7 March 2005 for the erection of a part four and five storey building, consisting of 14 self-contained flats (4 x 1 bed and 10 x 2 bed), two B1 units to the ground floor, bicycle storage area, recycling area, communal terrace and associated landscaping. The scheme was forwarded to the Planning Committee of 28 June 2005 and was refused due to the unacceptable form, scale, mass and appearance of the premises which was deemed harmful within the streetscene and harmful to the views out of the adjacent Conservation Area and the setting of a Grade II Listed Building.

Application 04/2660 sought approval for the clearance of the site and erection of a four storey building comprising A1 retail space on the ground floor and 12 self contained flats on the upper three floors. This application was withdrawn by the applicant after being recommended for refusal. The proposed reasons for refusal centred on the development's failure to demonstrate the sequential approach for retail development, lack of a high quality design approach, inadequate levels of amenity space and car parking for the proposed residential units, and insufficient servicing

for the proposed retail units.

Prior to the withdrawn application in 2004, an application (02/0204) for erection of a 4-storey, B1-use building, comprising a ground-floor printing workshop with offices above was submitted in February 2002, approved in August 2002 pending a legal agreement, which was subsequently completed in April 2005. The proposed development within the 2002 application had a strikingly modern design that represented an alternative approach to the architectural style of those buildings nearby, many of which, to the north are largely Victorian/Edwardian. The Planning Service was of the opinion that the modern architectural style employed would provide a good quality, distinctive development, contrasting with the traditional architecture of the locality. In advance of the approved application, an application (01/1752) for the erection of a part two-storey and part three-storey building with a B1 workshop at ground floor level and offices above was withdrawn prior to determination.

Earlier applications included the refusal of planning permission in 1999 (99/2230) for the continued use of the yard for vehicle hire purposes, due to inadequate off-street provision for the parking and storage of the hire vehicles or parking for customers, to the detriment of highway and pedestrian safety.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

- BE1 requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.
- BE2 on townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- 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 on urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE7 on public realm and streetscape requires a high quality of design and materials.
- BE9 seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 states that proposals should embody sustainable design principles commensurate with the scale and type of development.
- BE23 states that development which would adversely affect the setting of a listed building will not be permitted.
- BE24 on development proposals in Conservation Areas, or outside them but affecting their setting or views into or out of the area, states that planning applications shall pay special attention to the preservation or enhancement of the character or appearance of the area.
- CF6 outlines requirements for contributions to build new school classrooms and other facilities where a new housing development may impact upon the number of available school places.
- EP3 requires developments within Air Quality Management Areas to support the achievement of National Air Quality Objectives.
- H1 on additional housing outlines the borough's requirements for provision of additional housing between 1997 and 2016.
- H2 on affordable housing provision states that developments capable of providing 15 or more housing units should include provision for affordable housing on-site.
- H3 discusses the proportion of affordable housing which should be sought in relation to specific

site constraints.

- H9 requires a mix of family and non-family units on sites capable of accommodating 10 units or more, having regard to local circumstances and site characteristics.
- H12 states that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective residents.
- H13 notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 states that planning permission will be refused where development would under-utilise a site.
- SH5 outlines the borough's approach to out of centre retail development.
- SH18 discusses the appropriateness of development within other shopping parades.
- STR 11 which seeks to protect and enhance the quality and character of the Borough's built and natural environment and resist proposals that have a harmful impact on the environment and amenities.
- STR14 states that new development will be expected to make a positive contribution to improving the quality of the urban environment.
- STR15 requires that major development enhance the public realm, by creating or contributing to attractive and successful outdoor areas.
- TRN1 notes that planning applications will be assessed as appropriate for their transport impact, including cumulative impacts on the road network, and all transport modes including public transport, walking and cycling.
- TRN11 requires that developments shall comply with the Council's minimum cycle parking standard (PS16); with parking situated in a convenient, secure, and where appropriate sheltered location.
- TRN14 outlines that new highway layouts, visibility splays and accesses to and within developments; should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN15 on forming an access to a road states that new accesses should be located at safe points with adequate visibility.
- TRN22 on parking standards for non-residential developments requires that non-residential developments should provide no more parking than the levels listed in PS12 for that type of development.
- TRN23 on parking standards for residential developments requires that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.
- TRN35 on transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- OS7 The provision of new or extended open space will be sought on appropriate sites in local public open space deficiency areas when redevelopment takes place.

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London Borough of Brent Supplementary Planning Guidance

- London Borough of Brent Supplementary Planning Guidance Note 17 on New Development
- London Borough of Brent Supplementary Planning Guidance Note 19 on Sustainable Design, Construction & Pollution Control

SUSTAINABILITY ASSESSMENT

A Council Sustainable Checklist has been included as part of the planning submission. The proposal's indicative sustainability rating from this list is 32%. This is considered to lie within the "fairly positive" category. Following further information and clarification from the applicants, officers assessment of the checklist gives a rating of 38.5% which also falls within the same category and would be acceptable on a development of this size.

The applicants within their checklist make reference to the use of all hardwood being FSC certified, a proportion of the energy supplied being from renewable sources, water conservation measures and the development fully utilizing the ICE Demolition Protocol to ascertain that all efforts are made to reuse/recycle materials and minimise construction waste.

The Section 106 Heads of Terms include sustainability measures that will be legally binding and ensure a commitment from the applicants of their intentions in this regard.

CONSULTATION

Letters of notification were sent on 28 December 2006 to properties on the Harrow Road, Wellington Road and Regent Street, while the Royal Borough of Kensington & Chelsea was consulted as a neighbouring Borough. Letters of notification were sent to Ward Councillors and the development was also advertised in the local press.

Three letters have been received and includes anonymous correspondence.

One objector c/o 615A Harrow Road is concerned that two Victorian buildings of repute are to be demolished and that the site is of great historical significance, these issues are also raised by the anonymous correspondent.

The occupier at 750 Harrow Road is slightly concerned about the impact of the lightwell abutting his commercial premises.

The Royal Borough of Kensington & Chelsea

The Royal Borough of Kensington and Chelsea have confirmed that they have no objections to the development.

Environmental Health

Environmental Health Unit have noted that the site lies within an Air Quality Management Area and require a financial contribution of £5,000 towards the monitoring of air quality in the area. In addition a condition is to be attached to any approval requiring a contaminated land assessment and associated remediation strategy, together with a timetable of works, and general control over works on site.

REMARKS

The proposal is for the demolition of 758 and 760 Harrow Road and the erection of a new four storey building comprising A1 (retail) and B1 (offices) on the ground floor and 14 self-contained flats on the first, second and third floors (3 x 1 bed, 7 x 2 bed and 4 x 3 bed). The two A1 units will have floor areas of 95sqm and 140sqm respectively whilst the offices will measure 60sqm. 12 car parking spaces (including one disabled space) and two transit sized loading bays and a bicycle parking area for eight cycles are now indicated within the central covered courtyard. Four further publicly accessible bicycle stands are proposed along the Regent Street and Harrow Road frontages of the site. The archway access is to be a minimum width of 4.7m, with the height of the

arch being 2.6m and the position of the gates set 3.3m from the existing highway boundary. Refuse storage is indicated alongside the access, close to Regent Street and the footway of Regent Street is shown widened to 3m.

The present scheme is a resubmission of a similar proposal which was withdrawn by the applicants at the Planning Committee of 5 September 2006 (See site history).

The withdrawn application proposed the demolition of the existing building and erection of a 4-storey building comprising Use Class A1 (retail) and B1 (office), with associated car-parking, on the ground floor, and 14 self-contained flats (11 x 2 bed and 3 x 3 bed) on the 1st, 2nd and 3rd floors.

The proposal currently being considered by Members seeks to redress the concerns previously raised.

Principle of Development

The Brent Unitary Development Plan 2004 identifies the site as being in retail use. The site does not, however, lie within a designated shopping frontage. Policy SH18, which applies to those shopping parades which are not designated as primary, secondary or as local centres, states that a flexible approach will be taken towards development of these premises. With regard to the site's suitability for retail use of approximately 200sqm, the relatively minimum amount of 60sqm of office use and the principle of residential development, it is your officers view that the principle of retail and office development at ground floor level with residential development above is acceptable as the existing use of the premises is retail, whilst there is also a high level of residential accommodation in the area.

Siting, Design and Layout of the Site

In order to properly assess the proposal it needs to be considered in its context within the existing streetscape. The townscape quality of the area is of relatively narrow streets to the rear (Regent Street) and a busy main road (Harrow Road) with a strong landmark opposite, the entrance to Kensal Green Cemetery.

Planning permission was granted under reference 02/2536 at the former Wellington House, Wellington Road site which lies directly opposite the application site to the north, for a 5 storey building comprising 12 x 2 bed and 1 x 1 bed flats and B1 offices on the ground floor. A two storey Public House is located adjacent to the application site to the east and to the immediate west of the application premises at land adjacent to 760 Harrow Road consent has been granted (ref: 05/2509) for a part 4, 5 and 6 storey building consisting of 14 self contained flats and two B1 units on the ground floor. Works for this development have commenced on site.

The current application relating to 758 and 760 Harrow Road shows a new contemporary 4 storey premises occupying the majority of the site. Its Regent Street frontage set back at a distance of 1.5m on the ground floor aligning with the Public House building, with the residential accommodation on the floors above, including balconies aligning with the back edge of the pavement extending beyond the Public House, providing a covered service and parking area with a raised landscaped terrace between the two blocks at first floor level.

The withdrawn scheme also showed a similar linkage, the difference in this instance being the absence of a void in the centre of the site but the introduction of lightwells within the terrace area.

Policy BE9 of the Brent Unitary Development Plan refers to the architectural quality, scale, massing and height of new development and requires that new buildings should embody a creative and appropriate solution specific to the site's shape, size and location. In addition the policy stipulates that development should respect, while not necessarily replicating, the positive local

design and landscape characteristics of adjoining development and satisfactorily relate to them. Officers are now satisfied that given the recent planning approvals for part 4, 5 and 6 storeys, on nearby sites already referred to and the existence of some 3/4 storey buildings opposite, the combination of the development's Regent Street elevation set back on the third floor and the siting of the building so that it is set back on the ground floor to align with the adjoining pub will result in a satisfactory relationship with the public house, an attractive Victorian building in itself, and an acceptable visual impact in the street.

The height of the building fronting Harrow Road also fits comfortably with the proposed part 4, 5 and 6 storey development at land adjacent to 760 and a satisfactory relationship with the 2 storey No. 756 Harrow Road.

Quality of Amenity for Future Residents

The Council's Supplementary Guidance Note 17 provides guidance on minimum standards for residential development and seeks to promote high quality amenity for occupiers, providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents. The minimum required floor space for a one bedroom (2 person) flat is 45sqm, two bedroom (3 person) flat is 55sqm as specified in Supplementary Planning Guidance Note 17 and for a two bedroom (4 person) flat is 65sqm and three bedroom (5/6 person) flat is 80sqm. The fourteen residential units comply with floor space standards as set out in the aforementioned guidance note.

With regard to the stacking arrangement all the proposed residential units would result in an acceptable configuration of properties with living rooms and kitchens arranged above main habitable rooms and bedrooms above bedrooms of separate flats. Given the room sizes, there is no suggestion that the applicants are providing overly large units in order to under-utilise a site which is capable of providing affordable housing. The density for the area as set out within the SPG17 is between 240-450 hrh and although the site proposes a density of 537 hrh which is higher than guidance, an exception to the normal standards in this instance is considered to be acceptable given the dense nature of other approved schemes already referred to within the vicinity of the development.

With reference to the impact of the development upon the privacy and amenity of nearby residential properties, Supplementary Planning Guidance Note 17 highlights that new developments in more intense inner urban areas may be considered differently from those in less dense areas, but it is still necessary to make an assessment of the possible impact of the new building. It is not considered however that the scheme would lead to problems associated with overlooking.

There is a distance of 20m between habitable room windows facing each other between the new units and this accords with SPG17 standards in terms of privacy and outlook and overcomes previous concerns on the withdrawn application which indicated these distances to be only between 13-17m.

Landscaping and Amenity Space

Supplementary Planning Guidance Note 17 requires that 20sqm of communal amenity space is provided for each flat, while 50sqm is provided for family units. As such, a total of approximately 280sqm would be required in order to provide future occupants with the required standard of space.

The site is located within an Area of Open Space Deficiency, as identified within the London Borough of Brent Unitary Development Plan 2004 and amenity space is therefore critical in the assessment of any residential scheme. The scheme shows the external amenity space arranged into several spaces indicated as terraces, or balconies. The total amenity space provided is approximately 476sqm square metres.

Whilst this amenity space meets the requirements of the Council's Supplementary Planning Guidance Note 17, a number of the proposed units have no access to the terrace areas or have balconies ranging from some 5sqm to 19sqm in area. The development precludes any meaningful landscaping and as a consequence the Council has requested financial contributions of £24,000 towards the provision of and/or open space and sporting facilities within the locality through a Section 106 Agreement.

Access, Parking and Servicing

This site is located on the northern side of Harrow Road (a London Distributor Road), approximately 60 metres west of the signalised junction of Harrow Road with Kilburn Lane and Ladbroke Grove. Vehicular access is available to both the front and rear of the site, in the form of a 3.5 metre crossover onto Harrow Road and two further crossovers of 3 metre and 3.5 metre width onto Regent Street.

The site is located within a Controlled Parking Zone, with parking on Wellington Road and the north side of Regent Street restricted to permit holders/pay and display bays between 8.30am and 6.30pm Mondays to Fridays. On-street parking in Harrow Road is prohibited between 7am and 7pm Mondays to Saturdays (loading prohibited at peak hours), with a bus lane in place along the site frontage. Surveys show the area to be heavily parked at night, although spaces are generally available in the residential side roads during the day.

Public transport access to the site is very good (PTAL 6), with Kensal Green (British Rail and Bakerloo line) and Kensal Rise (British Rail) stations within 800 metres and seven bus services within 400 metres.

Twelve car parking spaces (including one disabled), two transit sized loading bays and a bicycle parking area for eight cycles are now indicated within the central covered courtyard. Four further publicly accessible bicycle stands are proposed along the Regent Street and Harrow Road frontages of the site. The archway access is now shown widened to a minimum width of 4.7m, with the height of the arch being 2.6m and the position of the gates being set back 3.3m from the existing highway boundary. Again the refuse storage is indicated alongside the access, close to Regent Street within 9m of the public highway, as with the withdrawn scheme, and will comply with the maximum refuse carrying distance.

The footway of Regent Street is once more shown widened to 3m.

Pedestrian access arrangements are satisfactory, with the proposed widening of the Regent Street footway being particularly welcome. The Transportation Unit also recommend adopting half a metre of this additional footway as publicly maintainable highway under a Section 38 Agreement, in order to bring it up to the standard 2m width.

Finally, the Highway Engineer has recommended that a standard financial contribution of £1,000 per 1 and 2-bed flats and £1,500 per 3-bed flats, plus £2,500 for the shop and office units is sought towards non-car access/highway safety improvements and/or parking controls in the area, giving a total of £18,500. However, this has been reduced to £15,000 as part of the Regent Street frontage has been offered for adoption as footway.

The Council's Highway Engineer considers that the application may be supported on transportation grounds subject to the above.

Education

The scheme will necessitate the requirement for education contributions (nursery, primary and secondary schools) under the provisions of policy CF6 of the adopted UDP. A financial payment of

£73,950 towards the provision and/or improvement of education facilities in the borough has therefore been secured through a Section 106 Agreement.

Environmental Health

The application site lies within an Air Quality Management Area and as stipulated within policy EP3 of the Brent Unitary Development Plan 2004 will therefore require a financial contribution of £5,000 towards the monitoring of air quality within the vicinity of the site. This payment has also been secured through a Section 106 legal agreement.

Conclusion

Concerns have been raised from local objectors regarding the loss of the application premises to development. Officers consider that notwithstanding references to the premises historical value, the existing buildings on the site are not statutorily protected nor do they contain any listed structures. It is considered that the design proposed is sensitive to its existing context and has been designed to provide attractive frontages in addition to enhancing the streetscene on both the Harrow Road and Regent Street elevations.

Officers are also satisfied that the proposed lightwells of the development will have no adverse impact on the occupier of No. 750 Harrow Road and that unless the site has been allocated for a specific development project or a development proposal has been submitted to the Council, the potential development of adjacent sites cannot be a material consideration to the application proposal.

The current proposal unlike the previous withdrawn application includes the introduction of roof terraces, the omission of the courtyard void to the car park, changes to the design of the new building in order to reduce its adverse impact in the street and the adjacent public house, a change in the mix of the residential units and a compliance with privacy and outlook standards.

Officers consider that the present scheme complies with national and local guidance and policy and has been designed to be compatible with the surrounding area taking account of the setting of the Kensal Green Conservation Area and the listed entrance gateway of the Kensal Green Cemetery. The development will therefore provide interest and contribute positively to the local streetscene and provides a stronger architectural presence with a lessening of the bulk and massing of the new premises than was previously shown under the withdrawn application.

The proposal is thus recommended for approval.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent's Unitary Development Plan 2004

Council's Supplementary Planning Guidance

SPG17 "Design Guide For New Development"

SPG19 "Sustainable Design, Construction & Pollution Control"

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

Environmental Protection: in terms of protecting specific features of the environment

and protecting the public

Housing: in terms of protecting residential amenities and guiding new development

Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

Transport: in terms of sustainability, safety and servicing needs

Design and Regeneration: in terms of guiding new development and extensions

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with 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 approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith prior to occupation of the building(s).

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities by any work remaining incomplete.

- (3) All parking spaces, turning areas, access roads 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 in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved plan(s). They shall, thereafter, be retained and used solely in connection with the development hereby approved.

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.

- (4) All areas shown on the approved plans shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site, such landscaping work shall be completed during the first available planting season following completion of the development hereby approved.

The submitted scheme shall include details of:

- (a) proposed walls and fencing, indicating materials and heights;
- (b) any screen planting on the boundary;
- (c) adequate physical separation such as protective walls and fencing, between landscaped and paved areas;
- (d) treatment of areas of hardstanding.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

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

- (5) Further detailed plans of windows, doors and balconies shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site, and work shall be carried out in accordance with the details thus approved.

Reason: In order to ensure a satisfactory development which does not prejudice the amenity of the locality.

- (6) During demolition and construction on site:-

The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site.

The operation of site equipment generating noise and other nuisance-causing activities, at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1800 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays.

Access to adjoining premises shall not be impeded and 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.

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

- (7) The residential units hereby approved shall only be used and occupied as single residential units and shall not be used for any other purpose.

Reason: To ensure that no separate use commences and that the Local Planning Authority is able to exercise proper control over the development.

- (8) A sound insulation scheme between walls and floors and between units in separate occupation shall be installed in accordance with The Building Act 1984 and The Building Regulations 2000 (as amended 2001 and 2002). Sound insulation shall be in accordance with Approved Document E.

Reason: To protect the amenities of adjoining residential occupiers.

- (9) 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 and the development shall be carried out in accordance with the details approved..

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

- (10) Prior to commencement of the development hereby approved:

(a) A site investigation shall be carried out by a person approved by the Local Planning Authority to determine the nature and extent of any contamination present. The investigation shall be carried out in accordance with a scheme, which shall be

submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain, treat or remove any contamination found; and

(b) Remediation work shall be carried out in accordance with a scheme approved in writing by the Local Planning Authority.

(c) a completion report and certification of completion shall be provided to the Local Planning Authority by a person approved by the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use.

Reason: To ensure the safe development and secure occupancy of the site proposed for use.

(11) Lighting, the details of which have been approved by the Local Planning Authority, shall be provided so as to ensure adequate safety and convenience on roads, footpaths and other pedestrian and vehicular routes within the site and the development shall be carried out in accordance with the details approved.

Reason: In the interests of safety, amenity and convenience.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

- London Borough of Brent Unitary Development Plan 2004
- London Borough of Brent Supplementary Planning Guidance Note 17 on New Development
- London Borough of Brent Supplementary Planning Guidance Note 19 on Sustainable Design, Construction & Pollution Control
- Three letters of objection.

Any person wishing to inspect the above papers should contact Mrs L Sowah, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5232