

**Committee Report
Planning Committee on 7 June, 2011**

**Item No. 2/07
Case No. 11/0193**

RECEIVED: 10 February, 2011

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: Units 1, 2, 11 & 12 100 Villiers Road and Villiers Motors car park, Villiers Road, London, NW2 5PJ

PROPOSAL: Conversion of four commercial (Class B1) units for use as 5 residential apartments with associated amenity space in the form of terraces at ground and roof level and landscaped amenity area.

APPLICANT: Alpha 211

CONTACT: Rolfe Judd 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 Director of Legal and Procurement.

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £30,000 (10 x £3000 per additional bedroom) index-linked from the date of Committee and due on Material Start to be used for the provision of education/training, sustainable transportation, open space and sports within the local area
- The proposed development shall be 'permit-free', where future occupiers are not entitled to on street car parking permits.

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 Core Strategy 2010, Unitary Development Plan 2004 and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The application relates to an irregular shaped site with an area of 0.2ha, fronting and accessed from the north-eastern side of Villiers Road. The main site area is occupied by a mixture of two and three-storey buildings located around a central courtyard which are used for office, light industrial and storage purposes. Towards the west of the site is a car-park which is ancillary to the main employment function of the site. The surrounding area is predominantly residential and the site is

generally bound by the terraced residential properties on Villiers Road, Deacon Road and Sandringham Road.

PROPOSAL

See above

HISTORY

The existing use of the site follows the implementation of planning permission 07/2744 which was approved on the 27th December 2007 for the following development

"Change of use from warehousing (Use Class B8) to Class B1, including part demolition of existing building, erection of 3-storey glazed extension forming lift shaft and stairwell access tower, 2 x two-storey glazed extensions forming new atria, first-floor extension forming second storey, internal alterations, installation of new timber-cladding facade to all elevations, provision of 6 car-parking spaces and cycle store & as accompanied by Transport Statement, Green Travel Plan, Record Photographs, Design And Access Statement and subject to a Deed of Agreement dated 27th December 2007 under Section 106 of the Town and Country Planning Act 1990, as amended"

The approved development was also amended following the grant of planning permission (09/2452) on the 4th February 2010 for the erection of a first-floor extension, installation of external staircase to the western elevation and replacement of existing windows with opaque glass blocks to northern elevation of building.

Planning permission (08/3199) was also approved, on the 6th February 2009, for the change of use of the adjoining site, formerly a motor repair centre known as Villiers Motors, to a car park, comprising of 13 parking spaces, for use in connection with the subject site. Planning conditions prevent vehicular access from the proposed car-park to the subject site but pedestrian access is provided.

A variation of condition 13 of planning permission 07/2744 (see above) was permitted on the 15th September 2010. This variation amended restrictions on which units within the scheme were permitted to be used solely as office space (Use Class B1a).

POLICY CONSIDERATIONS

London Borough of Brent LDF Core Strategy 2010

CP2	Population and Housing Growth
CP15	Infrastructure to Support Development
CP20	Strategic Industrial Locations and Locally Significant Industrial Sites
CP21	A Balanced Housing Stock

London Borough of Brent Unitary Development Plan 2004

BE2	Townscape: Local Context & Character
BE6	Public Realm: Landscape Design
BE9	Architectural Quality
H12	Residential Quality - Layout Considerations
EMP9	Local Employment Sites
TRN23	Parking Standards - Residential Developments

**Supplementary Planning Guidance 17:- Design Guide For New Development
Supplementary Planning Document:- s106 Planning Obligations**

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

EXTERNAL

Consultation letters, dated 18th February 2011, were sent to Ward Councillors and 118 neighbouring owner/occupiers. In response 4 letters of objection have been received from local residents and a letter of support has been received from Ward Councillor Lesley Jones.

Following amendments to the submitted scheme further consultation letters, dated 21st April 2011, were sent to all consultees advising of the changes and offering a further 14 days to comment on the application. No further representations were received in response to this additional consultation nor have any of the original objections been retracted. The concerns of the objectors include:-

- Concerns that the proposed use will result in more frequent comings and goings which will cause noise disturbance to neighbouring occupiers.
- Concerns that the use will result in additional illumination of the site at night
- The creation of roof terraces may lead to increased noise.
- The fencing to the roof terrace will restrict views from neighbouring properties.
- The proposed use will cause traffic and parking problems.
- The development would have a negative effect on the character/use of the building and surrounding area
- The development would increase opportunities for crime/anti-social behaviour
- The development would result in the loss of employment land.
- The proposed development would cause a loss of privacy for neighbouring occupiers

INTERNAL

Highways and Transport Delivery

The Council's Highways and Transport Delivery Unit objected to original proposals which involved the provision of two off-street parking bays at the front of the property, parallel to the road, which would have caused highway safety issues. However, following amendments to the proposals including the removal of these parking spaces the Highways and Transport Delivery Officers have withdrawn their objection to the proposal, subject to the completion of a s106 agreement ensuring the development is 'permit-free'.

Environmental Health

Environmental Health have not raised any objection to the application.

REMARKS

PRINCIPLE OF CHANGE OF USE

There is a history of employment uses (see 'history' section) on the site which has recently been redeveloped to provide 18 office/light industrial units on the site. The site is located within a predominantly residential area and it is noted that prior to the recent redevelopment that the site had been designated in the Unitary Development Plan 2004 site allocations, which have now been superseded by the LDF Site Specific Allocations document, for redevelopment to provide affordable housing. However, under its current use the site is considered to constitute a Local Employment Site and UDP policy EMP9 sets out to protect local employment uses unless it can be demonstrated that there is no effective demand for the use or where there are adverse environmental impacts associated use.

The proposed development would result in the loss of 4 of the 18 commercial units on the site to provide 5 residential units. During a recent site visit it was observed that the development is currently part occupied although all of the units to be lost are currently vacant. The applicant has submitted supporting evidence from their letting agent, Dutch & Dutch, in order to demonstrate that despite vigorous marketing efforts the subject units remain unlet. The marketing efforts, which commenced prior to the completion of the current development, have included advertisement on the letting agents website since August 2009, a marketing brochure produced in July 2009 which was sent to 700 local companies and a number of high profile press advertisements. Over time the advertised ground rents have been incrementally reduced in an attempt to let the vacant units. Overall, having inspected evidence submitted and considered the constraints of the site, which suffers from being located in a sequentially poor location, it is the view of Officers that, in this case, the loss of four commercial units should not be resisted, particularly if this partial loss of employment floor space would help secure the long term viability of the employment use on the remainder of the site. As such, it is recommended that the principle of the proposed change of use should be accepted and the proposed development supported provided that all other material planning considerations are satisfied.

RESIDENTIAL QUALITY

As discussed, the development would result in the provision of 5 residential units comprising of 2 x 1-bedroom, 1 x 2-bedroom and 2 x 3-bedroom apartments which would be located in the units towards the site frontage along Villiers Road. This mixture provides two family sized units and is considered compliant with policy CP21 of the LDF Core Strategy. All of the units are substantially above the minimum internal floor space standards set out in SPG17. All of the habitable room windows would have an adequate form of outlook and daylight, with most having a south facing aspect across Villiers Road. In terms of access, three of the five units would have direct access from Villiers Road. The two remaining units would partially share secured access with the commercial elements of the scheme before having their own dedicated access within the site. The shared element of the access consists of a secured lobby which leads from the street through to the internal courtyard. It is envisaged that mailboxes for the two residential unit would be provided within this lobby. However, a dedicated pedestrian access gate, which would bypass this lobby, would also be provided within the main access gate. Once within the courtyard occupiers would have only a short distance to cover to their own private entrance. On balance, although access to these units would involve crossing the shared courtyard it is not considered that access arrangements would give rise to undue conflicts between the commercial and residential uses on site.

In terms of amenity space, the three units to be located on the first floor would each have a private roof terrace of between 59m² and 86m² satisfying the minimum amenity spaces standards set out in SPG17. The two ground floor units on the ground floor would each benefit from a private front garden area, which although not considered amenity space, would provide useful defensible space between the units and Villiers Road. A communal amenity space, with an area of 56m², would be provided within the existing courtyard for occupiers of the proposed residential units. Overall, it is considered, that in conjunction with the generous internal areas, that the proposed development would provide sufficient amenity space for potential residential occupiers.

IMPACT ON NEIGHBOURING OCCUPIER

With the exception of the proposed roof terraces, the proposed development would generally be contained within the envelope of the existing building and therefore there is unlikely to be any significant impact on the outlook and daylight of neighbouring occupiers in the surrounding area. The 1.8m high screening to the front and side of the roof terraces would be set back from the Villiers Road frontage by 2.6m and the flank wall boundary with 102 Villiers Road by 2.5m. As such, it is unlikely to cause any significant loss of outlook and daylight.

In terms of privacy, the majority of habitable room windows would face across Villiers Road. The window to window distance across Villiers Road would be approximately 16.5m at first floor level and 18.3m at ground floor level, as the ground floor of the subject building is recessed. SPG17 states that acceptable window to window distances between front elevations will be defined by the width of the road and it is considered that in this case, the distances are reasonable to maintain privacy. In terms of the roof terraces, as discussed above, these have been set back from the front and side elevations. This would allow a direct distance of 20m to be maintained between the front of terrace (measured from inside the proposed screening) and the windows to properties on the opposite side of Villiers Road. The terraces would also be screened to the front and side by 1.8m screens and preventing any overlooking to the property along the opposite side of Villiers Road and the rear of properties along same side of Villiers Road and it is considered that reasonable privacy will be maintained. Towards the rear the terraces would face the commercial units on the site which would restrict any views to the residential properties beyond the rear site boundary. In any case, the distance from the rear of the roof terraces to windows within the rear elevations of the properties along Deacon Road would be in excess of 20m in compliance with SPG17.

Concerns have been raised regarding potential disturbance associated with the use of the roof terraces. It is noted that the two largest roof terraces are screened and located at least 20m from the properties on the opposite side of Villiers Road. The smaller roof terrace would be screened and would be set in by approximately 3m (measured from the inside of the screen) from the flank wall of the building which acts as the boundary with 102 Villiers Road. The roof terrace would also be set above the eaves level of the main roof at 102 Villiers Road.

Whether or not the use of these roof terraces results in excessive noise disturbance to neighbouring occupiers is largely a matter of personal behaviour which the planning system cannot determine or control. On balance, assuming reasonable behaviour, it is considered unlikely that neighbouring occupiers would experience unreasonable noise disturbance as a result of the use of the proposed roof terraces. However, should unreasonable behaviour result in excessive noise disturbance then it is considered that this would be a matter for the Council's Environmental Health Officers to enforce through their statutory powers.

On a related matter, concerns have been raised regarding disturbance relating to comings and goings associated with the residential use of the site. In terms of pedestrian comings and goings it is not considered that unreasonable disturbance would be caused as access is provided primarily from the street frontage. However, the proposal would involve the provision of two car-parking spaces for residential occupiers within the existing car park used by occupiers of the commercial uses. This car park is bound on three sides by the rear gardens of neighbouring residential properties and concerns are raised that the use of this car park by residential occupiers outside of office hours could cause unreasonable disturbance to neighbouring occupiers.

Given that only two spaces would be given over to residential occupiers it is not considered that the likely frequency of vehicle movements would in itself give rise to unreasonable disturbance to adjoining occupiers. However, the use of the car park after dark does present a potential problem of light pollution from the car-park into neighbouring properties as the area would need to be lit to ensure that it is safe and secure when in use by residential occupiers. The existing lighting to the car-park was agreed as a condition of planning permission (08/3199). The existing lighting was approved on the basis that it would not be operated between the hours of 10pm and 6am as to do otherwise may give rise to unreasonable light pollution to neighbouring occupiers. Clearly residential occupiers who have use of the car park may wish to use the spaces outside of these hours and therefore it is recommended that a condition be placed on any permission requiring the approval and implementation of an acceptable low level lighting scheme to be operated, when required, outside of the operating hours of the main car park lighting system.

TRANSPORTATION

The subject site is located within a controlled parking zone which operates between the hours of

08.30 and 18.30 on Monday to Friday. The site is also located within an area of good public transport accessibility (PTAL 4) and therefore a 'permit-free' agreement can be accepted on the site whereby future occupiers would not be entitled to on-street residential parking permits. The existing development on site is already subject to a similar agreement with parking on site parking available to occupiers of the site. The proposed development would not alter the overall provision of parking on the site but would result in two spaces, including one which is suitable for disabled parking, to be allocated to occupiers of the proposed residential accommodation. As such, it is not considered that the proposed development would significantly alter existing traffic levels within the surrounding area. It is also considered that there would be unlikely to be problems with overspill parking as any approval would be subject to a 'permit-free' agreement, to be secured through a s106 legal agreement.

The existing site already benefits from secure cycle storage facilities which have independent access from the courtyard area. As such, these can easily be made accessible to future residential occupiers. 30 secure stores are provided and therefore even if one store were allocated to each residential unit, in compliance with the plan standards, 25 spaces would still remain available for occupiers of the commercial units.

Refuse/recycling storage facilities are also already provided in a convenient location, close to the main site entrance. Again, these facilities can be easily adapted for use by residential occupiers.

S106 PLANNING OBLIGATIONS

The proposed development would result in a net increase of 10 residential bedroom on the site. The Council's SPD of s106 planning obligations sets out that where developments result in a net increase in residential bedrooms/bedspaces, that a contribution of £3,000 per additional bedroom/bedspace will be sought towards mitigating the impact of the development on sustainable transportation, education, open space and sport infrastructure within the locality of the site. Under the standard charge approach, the proposed development would be required to make a contribution of £30,000 (10 x £3000) towards mitigating the impact of the development. As such, it is recommended that any permission be subject to the completion of a s106 legal agreement securing the required contribution.

CONSIDERATION OF OBJECTIONS

The main concerns of the objectors, as listed in the 'Consultation' section of the report, have been addressed in the above report. In response to concerns that the development would give rise to increased crime and anti-social behaviour within the locality, Officers do not consider that there is any strong evidence to suggest that this will be the case.

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
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17:- Design Guide For New Development
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

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

Employment: in terms of maintaining and sustaining a range of employment opportunities

Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

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

- A90 A
- A100
- A101D
- A102D
- A103B
- A104A
- A105C
- A150A
- A151
- A152A

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

- (3) Secure storage for at least 5 cycles shall be made available within the existing bike store for use by occupiers of the residential accommodation hereby approved.

Reason: In the interests of promoting sustainable forms of transportation.

- (4) Sufficient space for the storage of refuse and recycling bins, provided for occupiers of the approved residential accommodation by the Local Authority, shall be made available within the existing refuse store on site.

Reason: In the interests of servicing and environmental health.

- (5) Notwithstanding the approved plans, further details of the treatment of all external residential amenity areas, including all terraces, gardens and landscaped areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The submitted details shall include details of all external materials, planting, furniture, boundary treatments and means of enclosure. The approved details shall be fully implemented prior to the occupation of the development hereby approved.

Reasons:

- i) To ensure a satisfactory setting for the approved development
- ii) In the interests of the amenity and privacy of future and neighbouring occupiers.

- (6) Further details of a low level lighting system to be installed to the car park area and pedestrian access routes to the approved residential units shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The approved lighting system shall be implemented prior to any use of the car-parking area by occupants of the approved residential development.

Reasons:

- i) In order to ensure the safety of residential occupiers using the car park between the hours of 10pm and 6am when the existing lighting system is prohibited from use by virtue of the details approved(09/2041) under condition 6 of planning permission 08/3199.
- ii) In order to ensure that neighbouring occupiers do not suffer from unreasonable light pollution.

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 Document:- s106 Planning Obligations
4 letters of objection
1 letter of support

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: Units 1, 2, 11 & 12 100 Villiers Road and Villiers Motors car park, Villiers Road, London, NW2 5PJ

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This map is indicative only.

