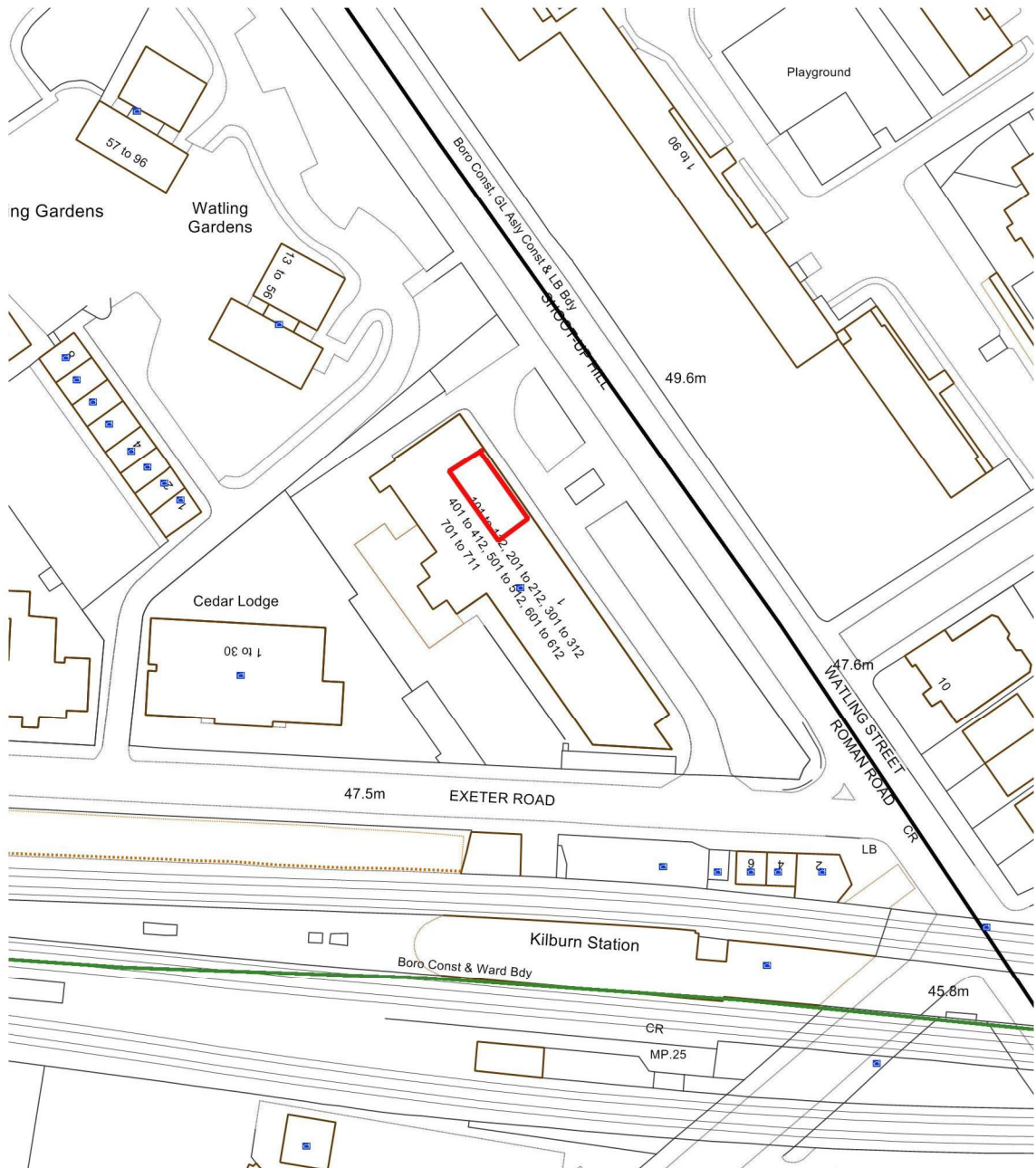
 **Planning Committee Map**
Site address: Flats G06 & G07, Jubilee Heights, Shoot Up Hill, London, NW2 3BD
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This map is indicative only.

RECEIVED: 23 June, 2011

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Flats G06 & G07, Jubilee Heights, Shoot Up Hill, London, NW2 3BD

PROPOSAL: Conversion of 2 x one-bedroom flats on ground floor of Jubilee Heights (Flat Nos. GF6 and GF7) to 1 x three-bedroom self contained flat.

APPLICANT: Redab Kilburn Ltd

CONTACT: Acton Design Associates

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

SECTION 106 DETAILS

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

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Contribution of £3,000 (for the one additional bedroom) towards the provision and/or improvement of education facilities in the Borough, non-car access/highway, sports and public space improvements in the area.

All contributions due on Material Start and index-linked from the date of decision.

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.

EXISTING

The subject site is an eight-storey residential block which has been converted and extended over the past 17 years from its original function as offices. It is located on the corner of Shoot Up Hill and Exeter Road adjacent to Kilburn Underground Railway Station. Shoot Up Hill forms the borough boundary with London Borough of Camden to the east. The building contains 91 residential units (including the recent conversion of the ground floor from offices to residential flats and the erection of a 6 storey extension), divided as follows: 15 x 1-bed, 70 x 2-bed, 6 x 3-bed.

The surrounding uses are predominantly residential although to the south there is a short section of Secondary Shopping Frontage. The property is not a listed building, although its curtilage abuts the Mapesbury Conservation Area (to the rear of Cedar Lodge).

PROPOSAL

Conversion of 2 x one-bedroom flats on ground floor of Jubilee Heights (Flat Nos. GF6 and GF7) to 1 x three-bedroom self contained flat.

HISTORY

The application site has a lengthy planning history. The following applications are considered to be most relevant to this application:

11/1307: Full Planning Permission sought for erection of a 5-storey building, comprising 5 self-contained flats with roof garden, attached to southern elevation of Jubilee Heights - Refused, 15/07/2011. This application was refused for the following reasons:

1. *The introduction of a five storey extension sited within the southern end of the existing communal amenity space fronting Shoot Up Hill is considered to significantly impact upon this existing amenity space, as it results in the loss of an area of external space which has high amenity value evident through its orientation currently receiving good daylight and sunlight throughout most of the day; and in addition adversely impacts upon the remaining external space through the removal and screening of sunlight for the majority of the day to this space. The harmful impact is not considered to be sufficiently offset by the provision of a roof garden, particularly as the site is located within an Area of Open Space Deficiency. The proposal is contrary to policies BE9, H12 and H13 of Brent's adopted Unitary Development Plan 2004 and the guidance as outlined in the adopted Supplementary Planning Guidance No. 17 "Design Guide for New Development".*

2. *The introduction of a five storey extension on the southern end of Jubilee Heights, by reason of its close proximity and excessive depth in relation to the kitchen windows of existing flats at first to third floor levels, is considered to restrict outlook from these windows and have a general overbearing appearance and undue sense of enclosure, to the detriment of the amenities of the occupiers of the existing flats. The impact is exacerbated by the proposed extension resulting in a loss of morning sunlight to these important habitable rooms. This would be contrary to policy BE9 of Brent's adopted Unitary Development Plan 2004 and the guidance as outlined in Supplementary Planning Guidance No. 5 "Altering and Extending Your Home".*

3. *In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places, and increased pressure for the use of existing open space, without contributions to enhance open space, sports or make other contributions to improve the environment and air quality. As a result, the proposal is contrary to policy CP18 of Brent's adopted Core Strategy 2010 and policies CF6, TRN2, TRN3 and TRN11 and the adopted S106 Planning Obligations Supplementary Planning Document.*

4. *In the absence of a legal agreement to control the matter, the proposed development does not provide sufficient affordable housing on site or make satisfactory provision to compensate off site, contrary to Policies 3A.9, 3A.10, 3A.11 of the London Plan 2008, policies CP2 and CP21 of Brent's adopted Core Strategy 2010.*

10/3113: Full Planning Permission sought for erection of 5 storey building comprising five self contained flats with roof garden attached to southern elevation of Jubilee Heights – Refused, 22/02/2011.

10/2860: Full Planning Permission sought for the conversion of ground floor vacant space into additional living accommodation for Flat 1 on the ground floor of Jubilee Heights together with

external alterations to doors and glazing - Granted, 30/12/2010.

10/1566: Full Planning Permission sought for erection of a 5-storey building, comprising 5 self-contained flats with roof garden, attached to southern elevation of Jubilee Heights, and provision of 20 additional cycle spaces - Refused on 31/08/2010.

09/2229: Full Planning Permission sought for erection of 1 x 10-storey north-flank extension and 1 x 7-storey south-flank extension to existing building and 1 x 4-storey building over existing car park and vehicular accesses, totalling 21 x 2-bedroom self contained flats, provision of 10 cycle spaces, raised garden deck and associated works to existing car park and landscaped amenity space - Withdrawn by applicant, 25/02/2010

The above application was due to be reported to the Planning Committee on 24th February 2010 with a recommendation for refusal. The application was withdrawn prior to the committee meeting but members confirmed that they would have been minded to refuse the application.

09/0755: Full Planning Permission sought for erection of part six-storey and part seven-storey rear extension to provide an additional 6 two-bedroom flats to the existing block of flats (revised version of scheme previously approved under ref: 08/1728) subject to deed of agreement dated 23/03/2008 under section 106 of the Town and Country Planning Act 1990 (as amended) - Granted, 08/04/2010.

07/2774: Full Planning Permission sought for conversion of ground-floor serviced offices into 8 self contained dwellings, comprising 5 two-bedroom and 3 one-bedroom flats with ancillary alterations, removal of crossovers on Exeter Road and Shoot Up Hill, and associated landscaping, subject to Deed of Agreement dated 3rd December 2007 under Section 106 of Town and Country Planning Act 1990, as amended - Granted, 14/12/2007.

96/2166: Full Planning Permission sought for conversion of 3 floors of offices into 31 flats comprising 29 x 2-bedroom and 2 x 1-bedroom flats, formation of residents only health club and extension to underground car park - Granted, 26/02/1997.

94/0033: Full Planning Permission sought for recladding of telephone house, change of use of upper two storeys and part of first and second floors to residential and addition of 2 extra residential storeys to form 10 x 1-bedroom, 31 x 2 bedroom and 5 x 3-bedroom flats, erection of five storey residential block of 30 x 2 bedroom flats on Exeter Road frontage, provision of parking, landscaping and children's play area - Granted, 21/11/1995.

POLICY CONSIDERATIONS

The London Plan - revised version adopted on 22nd July 2011.

3.5: Quality and Design of Housing Developments

3.8: Housing Choice

Core Strategy

The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight. The relevant policies for this application include:

CP18: Protection and Enhancement of Open Space, Sports and Biodiversity

CP21: A Balanced Housing Stock

Brent's UDP 2004

In addition to the Core Strategy, there are a number of policies which have been saved within the Unitary Development Plan (UDP), which was formally adopted on 15 January 2004. The saved

policies will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:

BE2: Townscape: Local Context & Character
BE6: Public Realm: Landscape Design
BE9: Architectural Quality
H12: Residential Quality - Layout Considerations
H13: Residential Density
CF6: School Places
TRN2: Public Transport Integration
TRN3: Environmental Impact of Traffic-
TRN11: The London Cycle Network
TRN23: Parking Standards - Residential Developments

Supplementary Planning Guidance

SPG17 "Design Guide for New Development"

Supplementary Planning Document

S106: Planning Obligations

CONSULTATION

Consultation Period: 19/07/2011 - 09/08/2011

Public Consultation

91 neighbours consulted - Six letters of objection received raising the following concerns:

- Overbearing;
- Inconvenience caused by overcrowding the estate;
- Nuisance of noise during and after the process of work;
- Increased service charges without any receipts or invoices to show what the increased services charges have been spent on;
- The two entrance gates to the car park have been removed and the driveway and car park has been made into a garden in preparation of this application;
- The freeholder has removed the rubbish shoot and the door for Brent Council to collect rubbish;
- Ongoing repair works within the building including broken lifts, lights, water in the basement and ground floor, damaged drains and damaged gates for disabled access from the car park;
- Disabled parking space used to store rubbish; and
- The proposal is not aesthetically in line with the current style of the existing building.

Internal Consultation

Highways & Transport Delivery - No objections raised.

REMARKS

Background

Members will note from the planning history above that the building has undergone a number of significant changes over the past 17 years together with a number of more recent extensions. The building was originally used as a Telephone House. Planning permission was granted in 1994 to

convert part of the existing building together with extensions to form 46 residential flats (10 x 1 bed, 30 x 2 bed and 6 x 3 bed). Permission was subsequently granted in 1996 to convert three floors of the offices to provide a further 31 residential flats (2 x 1 bed and 29 x 2 bed).

There have been a number of recent applications granted for additional extensions and alterations to the building. These include the conversion of the ground floor offices into 8 residential flats (3 x 1 bed and 5 x 2 bed) in 2007 and a six storey rear extension to accommodate 6 x 2 bed flats in 2009.

It is apparent from reviewing the planning history that the Council has become increasingly concerned about the intensification of use of the external amenity space as a result of increased population on the site, particularly as the site is within an area of Open Space Deficiency. The landscaped area to the front of the building developed as part of the 2007 application formed part of a communal amenity space for all of the flats, which is considered to be of high amenity value that makes an important contribution to the overall provision of external amenity space on the site, particularly as it is fairly well screened from the road. The increasing concern regarding the intensification of use of the external amenity space is also highlighted within a number of recent refused applications which sought to build "winged" extensions to the main building, and the impact that these extensions would have upon the quantity and quality of existing communal amenity space.

Proposal

This application is for planning permission to convert two one-bedroom flats on the ground floor, known as G06 & G07, to provide one three-bedroom flat. Flats G06 & G07 form part of the 2007 planning application for the conversion of the ground floor from offices to residential flats. The works only involve internal alterations and the external appearance of the building will not be altered as part of this application.

The proposed three bedroom flat has a floor area of approx. 116sqm. This significantly exceeds the minimum internal floor area standards as set out in SPG17 and the London Plan, which require a minimum of 80sqm and 95sqm respectively. All habitable rooms will have adequate levels of outlook with the exception of the kitchen. Given that this is a conversion of existing flats and the kitchens for the existing flats are currently positioned with limited outlook, this shortfall is not considered to warrant a reason for refusal.

In terms of external amenity space, as the proposal will provide a family sized ground floor unit, SPG17 requires 50sqm of external amenity space. The existing flats each require 20sqm of external amenity space in accordance with current standards; this would amount to 40sqm. As referred to above, there is a shortfall in the current communal amenity space on site when assessing the existing provision against current standards. The overall provision is 1878sqm which is shared between Jubilee Heights and Cedar Lodge, amounting to approximately 15.5sqm per flat.

It would not be possible to provide 50sqm of external amenity space dedicated for the proposed unit without reducing the current provision for the existing flats. Whilst it is recognised that there is a shortfall in amenity space for the new three bedroom flat as a result of the proposal, given that the existing flats would require 40 sqm to comply with current standards, the pressure on the existing communal amenity space as a result of the conversion would not be so significant to warrant refusal. In addition, the internal floor area for the new flat significantly exceeds the minimum internal floor area standards, and assists in providing a more balanced housing stock within the building, meeting the objectives of policy CP21 of Brent's Core Strategy 2010. The existing communal amenity space to the front of the building will not be affected by this proposal. The existing provision is considered to be of high amenity value that makes an important contribution to the overall provision of external amenity space on the site.

Car parking standards will be reduced on the site as a whole as a result of the conversion of two one-bedroom flats into a three-bedroom flat. The proposal is therefore considered to not add increase pressure to existing parking demand on the site. The applicants have confirmed that parking is allocated by the management company and there is sufficient provision for one space per flat on site.

Response to objections raised

- *Proposal will be overbearing and is not aesthetically in line with the current style of the existing building.*

No extensions or external alterations are proposed as part of this application.

- *Inconvenience caused by overcrowding the estate, nuisance of noise during and after the process of work.*

The impact of a family sized unit upon the existing amenity space and parking spaces has been addressed above. The proposal is not considered to be detrimentally harmful to existing provisions as to warrant a reason for refusal. Noise nuisance caused by building works is controlled through Environmental Health legislation. Noisy works can only take place between the hours of 8am to 6pm Mondays to Fridays and 8am to 1pm on Saturdays. No noisy works can take place on Sundays and on Bank Holidays.

- *Increased service charges without any receipts or invoices to show what the increased services charges have been spent on. Ongoing repair works within the building including broken lifts, lights, water in the basement and ground floor, damaged drains and damaged gates for disabled access from the car park.*

This is a matter that needs to be resolved between the freehold and leaseholders of the building, and can not be resolved through the planning process. It is the responsibility of the freeholder to maintain the up keep of the building.

- *The two entrance gates to the car park have been removed and the driveway and car park has been made into a garden in preparation of this application.*

The car park entrance located close to the junction of Shoot up Hill and Exeter Road was removed as part of the 2007 application. The car park area for the offices was changed to a communal landscaped area for the existing and proposed flats as part of the 2007 application,

- *The freeholder has removed the rubbish shoot and the door for Brent Council to collect rubbish.*

The plans show a refuse storage within the building which is accessed off the lobby and from the rear car park.

- *Disabled parking space used to store rubbish.*

Officers recommend that an informative is attached to any forthcoming planning consent advising the applicants to keep the car park spaces and area clear of any rubbish or storage items.

Conclusions

In conclusions, the proposal provides a satisfactory level of accommodation for a three bedroom flat and assist in balancing the housing stock within Jubilee Heights.

Approval is accordingly recommended.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

The London Plan - revised version adopted on 22nd July 2011.
Brent's Core Strategy 2010
Brent's UDP 2004
SPG17 "Design Guide for New Development"
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

CONDITIONS/REASONS:

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

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

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

PL/289/01
PL/289/02
PL/289/03

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

- (3) The means of escape door as shown on drawing no: PL/289/03 shall be only accessed from inside the flat and used for the emergency purposes only.

Reason: To prevent the subdivision of the flat into smaller units.

INFORMATIVES:

- (1) The applicants are advised to keep the car parking spaces and communal areas free of any rubbish or other storage items.

REFERENCE DOCUMENTS:

The London Plan - revised version adopted on 22nd July 2011.
Brent's Core Strategy 2010
Brent's UDP 2004
SPG17 "Design Guide for New Development"
S106: Planning Obligations

Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337