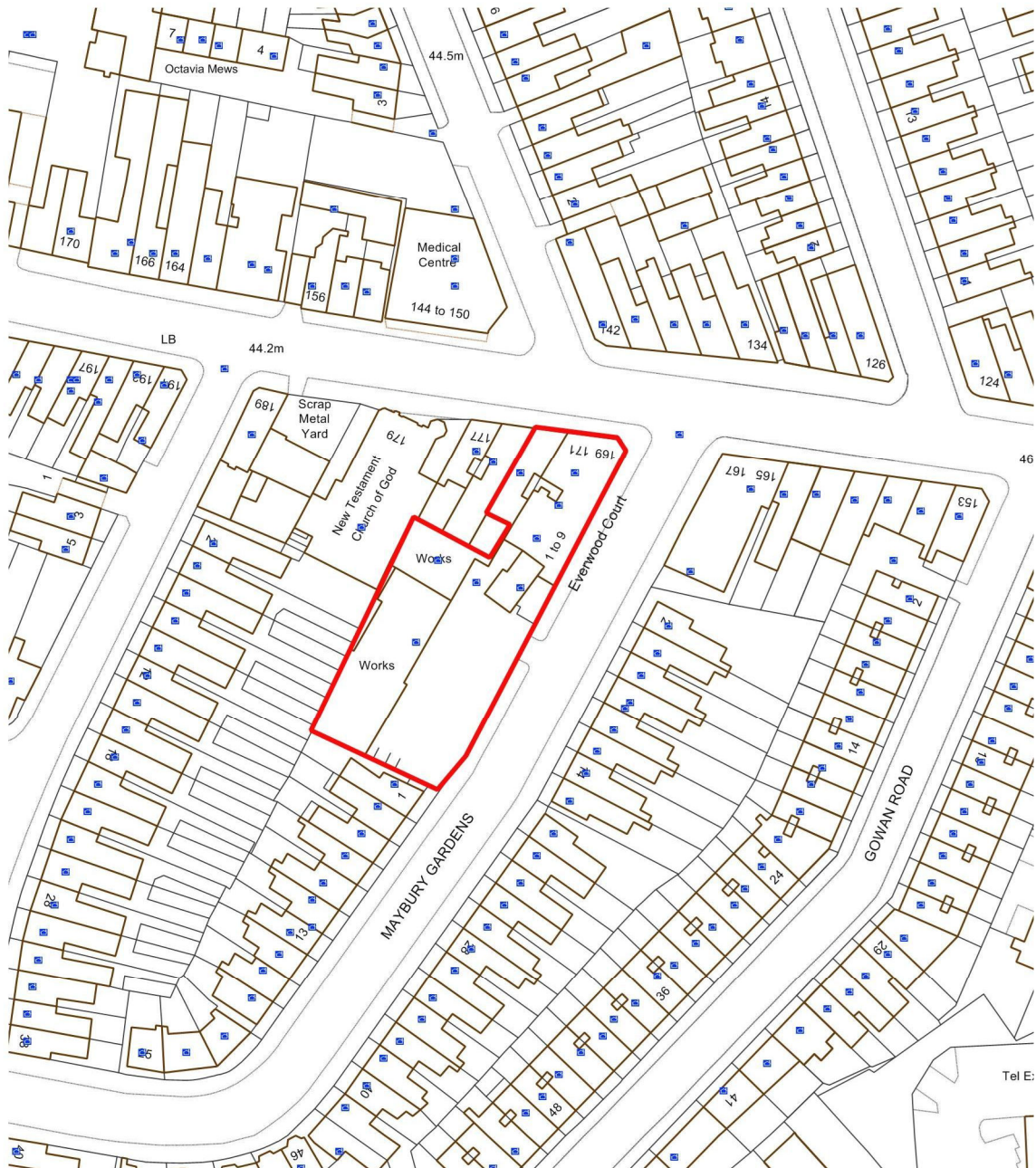
 **Planning Committee Map**  
Site address: Zomba Records, Maybury Gardens, London, NW10 2NB  
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This map is indicative only.

**RECEIVED:** 11 July, 2011

**WARD:** Willesden Green

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** Zomba Records, Maybury Gardens, London, NW10 2NB

**PROPOSAL:** Demolition of the existing recording studio and erection of a single-storey-to-4-storey and excavation of basement, mixed-use development, comprising office and commercial use and storage on the basement level, commercial use on the ground floor and part of the first floor, with 6 flats (1 studio, 3 one-bedroom and 2 two-bedroom) on the upper floors ("car-free" scheme)

**APPLICANT:** PARK INVESTMENT

**CONTACT:** Perceptions

**PLAN NO'S:**  
See condition 2

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### **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 £24,000 due on material start and index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- Permit Free - Removal of the rights of residents to apply for parking permits.
- Join and adhere to the Considerate Contractors scheme.

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

### **EXISTING**

The application relates to a site on the west side of Maybury Gardens which is currently occupied by a part single-/part two-storey mock-Tudor building located behind a high rendered wall. The site is considered to be in commercial use (Class B1).

The site is near a secondary frontage of the Willesden Green District Centre.

### **PROPOSAL**

See description

## **HISTORY**

Planning applications of relevance to this application include the following;

**02/0892** – The Planning Committee resolved to GRANT permission for demolition of the single-storey and two-storey buildings and erection of new four-storey building, four-storey glazed link extension and two-storey rear extension to provide additional office space, subject to a s106 agreement.

The s106 agreement was signed and permission approved on 20 April 2007.

**06/0968** – Planning permission GRANTED for erection of extension at first and second floor level, new storey at third floor level, replacement of single storey rear extension and conversion to 8 self contained flats.

**07/0136** – Planning permission GRANTED subject to the completion of a s106 agreement for demolition of existing buildings and erection of 2-storey and 4-storey building for use as music studio facility (Sui Generis). The s106 agreement has not been completed.

**09/0587**– Planning permission GRANTED subject to s106 agreement for demolition of existing buildings and erection a single-storey-to-4-storey, mixed-use development, comprising office and commercial uses on the ground floor and part of the first floor, with 6 flats (1 studio, 3 one-bedroom and 2 two-bedroom) on the upper floors ("car-free" scheme),

The current application is the same as approved application 09/0587 with the only difference being the addition of a basement for B1 (office) and storage space. As such, the design and the relationship of the building with neighbouring properties are not altered.

## **POLICY CONSIDERATIONS**

### Brent Unitary Development Plan 2004

**BE2** – 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.

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

**BE9** – New buildings should embody a creative and appropriate design solution, specific to their site's shape, size, location and development opportunities.

**H13** – An appropriate residential density will be determined by achieving an appropriate urban design

**H16** – Frontage development should make an equal or greater contribution to the character of the streetscene

**TRN3** – Planning permission will be refused where it would cause or worsen an unacceptable environmental impact from traffic.

**TRN11** – Developments should comply with the Plan's minimum cycle parking standards with cycle parking situated in a convenient, secure and, where appropriate, sheltered location.

**TRN23** – Parking for non-residential development should be to the standards specified in Appendix TEN2.

## **CONSULTATION**

Neighbouring properties were consulted on 29th July 2011. 3 objections to the proposed development have been received. The concerns raised in the objection letter are summarised as:-

- Impact on natural light to neighbouring property
- Impact on privacy of dwellings opposite, obscure glass should be considered
- Disturbance from people arriving and leaving current studios, talking in loud voices, alarms.
- Period of development will cause disturbance
- Impact on value of neighbouring properties
- Impact on quality of life for neighbours
- The proposal is not in keeping with the street of houses and the height is not acceptable
- Increased traffic and congestion and through traffic
- Considerable problem of people from the church parking on our quiet street, this will be worsened
- Concern about after hours uses of the street
- 6 flats is an excessive development
- Concern about security implications of a commercial use
- Adverse impact on property prices

### **Internal**

Transportation have no objection to the scheme subject to a contribution towards improving non-car access, highway safety improvements and new parking controls. As well as a revised parking layout plan showing the division of space between the application site and existing battery studios.

Landscape Design have commented requesting a green/brown roof, irrigation and drainage system should be sought for the planting boxes on the balconies and details of the planting around the lightwells should be provided.

### **REMARKS**

There is an extant planning permission on this site granted in 2009 as described above. This application differs from the existing approval only by the addition of a proposed basement level (for storage and B1) and the associated inclusion of lightwells with railings and planting at ground floor.

As already approved, the development involves demolition of the existing building and erection of a four-storey building to provide 2 B1 office units at ground floor and 6 residential units above.

### Urban Design

The loss of the existing building is acceptable. The site is not within a conservation area and the building is not listed. The existing building, a two-storey mock Tudor-style building though not without its architectural charms, is run-down and at best a neutral contribution to the character and appearance of the area. It is not considered that it would be possible to resist its demolition.

The replacement building is of four storeys and to the street elevation reflects the general appearance of the existing gable of the Chapel Studios building to the north, a Victorian building of some architectural merit and interest. The proposed front elevation is very similar in height to the Chapel Studios building, with a flat roofed and recessed storey behind, just exceeding the highest point of the gable design by about 0.4m. A modern interpretation of the neighbouring building is shown with simple openings and without attempting to replicate the decorative window features.

The aluminium and rendered elevation is set back 1.4m behind the gable elevation which would ensure the gables form the main expression of the building in the streetscene.

A green roof is proposed to the roof of the 4 storey part of the building and is considered to enhance the proposal in terms of sustainability.

A number of iterations of schemes have been considered on this site with the most recent versions introducing residential units. This proposal only differs from the approved application 09/0587 in its introduction of a basement, in terms of design the only impact of this is the addition of lightwells. Two lightwells are proposed at the southern end of the building, they are proposed to be curved in shape with a wrought iron railing of about 1m in height and some soft landscaping is proposed. The 2009 application did not include any softlandscaping at ground floor within the curtilage so this proposal can be viewed as a positive addition, a condition is recommended for further detail of the railings as well as the softlandscaping and its maintenance.

The development is considered to positively contribute to the character of the area and reflects the existing urban grain and the opportunities presented by the site. Recommended conditions will ensure a high quality of materials is used. The proposal therefore complies with policies BE2, BE3, BE7 and BE9.

### Land Use Policies

The site is a Local Employment Site. The development does not result in the loss of employment floor space due to the proposed commercial ground floor as well as the additional basement level now proposed and therefore complies with policy EMP9.

### Quality of accommodation

6 units are proposed (1xstudio, 3x1 bed, 2x2 bed), all of which are acceptable in terms of their floor space. The 1 beds and studio unit have access to amenity space in the form of balconies ranging from 7.5 to 18sqm. The 2 bed units are positioned to the front on the building where there is no amenity space until the third floor, although this is not desirable the internal spaces of 76sqm and 80sqm are above the minimum unit sizes given in SPG17 as well as the recommendations in the London Plan, this provides some compensation for the lack of external space.

The units to the front of the site face east and those to the rear face west though all units also have a number of south facing windows.

### Neighbouring Residential Amenity

The impact of the development on the residential amenity of neighbours, in particular within the recently developed flats to the rear of 169-173 High Road which adjoins the site is a key consideration. That site, under ref: 06/0968 includes the creation of a new duplex flat at ground and first floor level that would be enclosed by the proposed development, in particular at ground floor level where the flat has its living area. In 2002 when the Committee resolved to grant permission ref: 02/0892 on which the current application is based in its form, that space was storage space for the ground floor shop and a kitchen at first floor level. Therefore the ground floor was not sensitive to loss of amenity, and the Committee was satisfied that the development would not significantly harm the amenity of the habitable space at first floor level.

The newly-created habitable living space at ground floor level that was not present at the time of the decision on 02/0892 could be affected significantly by the proposed extension. This was also the case with 07/0136 which was approved subject to a s106 agreement. In the current scheme the bulk of the building to the rear is less than under either of the previous schemes; rather than remaining at 2-storeys the rear 9.5m of the site is single storey which can only improve the situation, in comparison to previous schemes, for the adjacent residential unit.

In making the 2002 decision the Committee were satisfied that the habitable space at first floor level to the rear of 173 High Road would not be significantly affected. Indeed an assessment against SPG17 suggests the effect would be acceptable when it is recognised that the site is within a densely developed town centre location.

Properties on Hawthorn Road to the rear of the Zomba site will not be notably affected by the proposal. Existing buildings will continue to be sited between the proposed structures and the rear of Hawthorn Road gardens, and there is also the existing church fronting onto Willesden High Road, which provides a further barrier between the two roads.

The proposed building would be over 30 metres from the flank wall of No.1 Maybury Gardens to the south. It is considered that this distance is sufficient to ensure that there would be no loss of amenity to the nearest residents here. As far as residents on the east side of Maybury Gardens are concerned, the relationship would clearly be different, in that they will view the development from across the road, and their outlook would inevitably change as a result of the proposed development. There would be a distance of approximately 18m between the front wall of Maybury Gardens properties and the front wall of the new main building. This distance is across a road, which is used by both pedestrian and vehicular traffic, at all times, and in these circumstances it is considered that the amenities of residential occupiers will be protected to a satisfactory degree.

Screening of 1.8m in height is proposed to the north and south sides of the rear balconies therefore residential units at the rear of High Road would not be directly overlooked.

#### Traffic and parking

The site is located on the north side of Maybury Gardens, a local residential access road, near its intersection with High Road (a London distributor road). Public transport access to the site is very good (PTAL of 4), with Dollis Hill Underground station (Jubilee line) within 800 metres and seven bus services within 400 metres.

The development is proposed as a "car free" scheme meaning parking permits for residential occupiers will be restricted. Two parking spaces are shown in the existing car park for the commercial units as well as a servicing bay. This scheme introduces an additional B1 unit compared to the 2009 approved scheme and highways officers recommend a condition to seek further information about parking arrangement for existing and proposed units.

#### Contamination

The Council's Environmental Health Officer has previously expressed concern regarding the potential for previous uses of the building to have caused contamination of the site. A condition is therefore recommended to require an investigation be carried out to identify any contamination, propose remedies for any contamination found, and ensure the remedies are carried out prior to the commencement of development at the site.

#### S106

The standard charge of £3,000 per bedroom is applicable to all 8 proposed bedrooms resulting in a required contribution of £24,000.

#### Conclusion

The proposal represents demolition of an existing building to enable redevelopment, retention of a local employment site plus the addition of residential units. In scale and design the development is essentially as previously approved and buildable under the extant 2009 permission, with the addition of a basement level now proposed. The proposal complies with the policies contained in Brent's Adopted Unitary Development Plan, 2004 and is accordingly recommended for approval.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 17

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

**CONDITIONS/REASONS:**

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

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

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

Location Plan  
409-03 B  
409-04 B  
409-05  
409-06

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

- (3) The areas so designated within the site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site. The landscape work shall be completed during the first available planting season following completion of the rest of the development hereby approved. Any planting that is part of the approved scheme that, within a period of five years after planting, is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation. The submission shall also include details of arrangements for maintenance.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality, in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (4) Prior to the commencement of the use of any part of the approved development the following shall be submitted to and approved in writing by the LPA and shall then be constructed and permanently marked out.

- A detailed revised site layout plan showing the allocation of parking spaces and commercial servicing for the proposed development and showing the division of parking between the application site and the existing Battery Studios. Thereafter they shall be retained and used solely for the specified purposes in connection with the development hereby approved and shall not be obstructed or used for any other purpose/s. No buildings shall be occupied until such roads have been constructed.

Reason: To ensure a satisfactory design and access to service the development and to enable vehicles using the site to stand clear of the highway so that the proposed development does not prejudice the free-flow of traffic or the conditions of general safety within the site and / or along the neighbouring highways and in the interests of pedestrian safety.

- (5) Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (6) No development shall commence on site before:

(a) a site investigation has been carried out on site by an appropriately qualified person approved by the Local Planning Authority to determine the nature and extent of any contamination on the site. The investigation shall be carried out in accordance with a scheme 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. The results of the investigation shall be submitted to the Local Planning Authority and any remediation measures required by the Local Planning Authority shall be carried out in full; and

(b) a completion report and certification shall be provided to the Local Planning Authority by an appropriately qualified person, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use, unless the Local Planning Authority has previously confirmed that no remediation measures are required.

Reason: To ensure the safe occupancy of the site proposed for use in accordance with policy EP6.

- (7) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-

(a) Residential cycle storage arrangement



(b) Cycle parking for B1 units

NOTE - Other conditions may provide further information concerning details required.

Reason: These details are required to ensure that a satisfactory development is achieved.

**INFORMATIVES:**

None Specified

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