



Planning Committee

Wednesday, 15 September 2010 at 7.00 pm

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

Membership:

Members

Councillors:

RS Patel (Chair)
Sheth (Vice-Chair)
Adeyeye
Baker
Cummins
Daly
Hashmi
Kataria
Long
McLennan
CJ Patel

first alternates

Councillors:

Kabir
Mistry
Hossain
Steel
Cheese
Naheerathan
Castle
Oladapo
Thomas
J Moher
Lorber

second alternates

Councillors:

Kataria
Mitchell Murray
Mashari
HM Patel
Allie
Ogunro
Clues
Powney
Powney
Moloney
Castle

For further information contact: Joe Kwateng, Democratic Services Officer

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www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Members' briefing will take place at 6.15pm in Committee Room 4

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting		1 - 12
Extract of Planning Code of Practice		
NORTHERN AREA		
3. Churchill House, 15 Dollis Hill Estate, Brook Road, London, NW2 7BZ (Ref. 10/1712)	Dollis Hill;	17 - 36
4. 137A Tanfield Avenue, London, NW2 7SR (Ref. 10/1762)	Dollis Hill;	37 - 42
5. 14 Heber Road, London, NW2 6AA (Ref. 09/1616)	Mapesbury;	43 - 50
6. Dollis Hill Estate (excluding Further Education College and Gatehouses), Brook Road, London, NW2 7BZ (Ref. 10/1388)	Dollis Hill;	51 - 94
SOUTHERN AREA		
7. 20 Rowdon Avenue, London, NW10 2AL (Ref 10/1591)	Brondesbury Park;	95 - 98
8. Sports Ground, Roundwood Club & Roundwood Club Longstone Avenue, London, NW10 (Ref. 10/1525)	Annexe, Kensal Green;	99 - 114
9. Former Manor School, 5-7 The Avenue & Former Simon Wells Unit Special School, Christchurch Avenue, London, NW6 (Ref. 10/1691)	Brondesbury Park;	115 - 126
WESTERN AREA		
10. Land north side of Lovett Way, Lovett Way, London, NW10 0UJ (Ref. 10/1764)	Stonebridge;	127 - 142
11. 50 Ambleside Gardens, Wembley, HA9 8TL (Ref. 10/1782)	Preston;	143 - 150
12. Multi Storey Car Park, Royal Route, Wembley (Ref. 10/1417)	Tokington;	151 - 168
13. 197 Preston Road, Wembley, HA9 8NF (Ref. 10/1630)	Preston;	169 - 174
14. Land next to 25, Craigmuir Park, Wembley, HA0 1NY (Ref. 10/1698)	Alpertons;	175 - 184

15. 57 The Fairway, Wembley, HA0 3TN (Ref. 10/1558) Northwick Park; 185 - 192
16. Any Other Urgent Business

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.

SITE VISITS – SATURDAY 11 SEPTEMBER 2010

Members are reminded that the coach leaves Brent House at 9.30am

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
10/1764	Land north side of Lovett Way, Lovett Way, London NW10 0UJ	10	Stonebridge	9:40	127-142
10/1388	Dollis Hill Estate (excluding Further Education College and Gatehouses), Brook Road, London NW2 7BZ	6	Dollis Hill	10:10	51-94
10/1712	Churchill House, 15 Dollis Hill Estate, Brook Road NW2 7BZ	3	Dollis Hill	10:40	17-36
10/1691	Former Manor School, 5-7 The Avenue & Former Simon Wells Unit, Christchurch Avenue NW6	9	Brondesbury Park	11:10	115-126

Date of the next meeting: Wednesday, 13 October 2010

The site visits for that meeting will take place the preceding Saturday **9 October 2010** at 9.30am when the coach leaves Brent House.



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
 - Toilets are available on the second floor.
 - Catering facilities can be found on the first floor near The Paul Daisley Hall.
 - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Wednesday, 18 August 2010 at 7.00 pm

PRESENT: Councillors RS Patel (Chair), Sheth (Vice-Chair), Adeyeye, Cummins, Daly, Hashmi, Kataria, Long, McLennan and CJ Patel

ALSO PRESENT: Councillor Muhammed Butt, Councillor Patricia Harrison, Councillor Roxanne Mashari, Councillor Kana Naheerathan and Councillor Harshadbhai Patel

Apologies for absence were received from Baker.

1. **Declarations of personal and prejudicial interests**

Item 14. 17 Denis Avenue, Wembley HA9 8AZ (Ref. 10/1317)

Councillor Cummins declared that he knew the applicant's uncle and indicated that he would not take part in the discussion or voting on this item.

2. **Minutes of the previous meeting - 20 July 2010**

RESOLVED:-

that the minutes of the previous meeting held on 20 July 2010 be approved as an accurate record of the meeting subject the following amendments;

Councillor Naheerathan be shown as alternating for Councillor Daly.
Councillor Long declared an interest in the application for 61 Exeter Road.
Item 7 last paragraph, add "Trust" after "Dollis Hill House".

3. **22 Wembley Park Drive, Wembley, HA9 8HA (Ref: 10/0054)**

Retrospective application for a single-storey outbuilding and proposed reduction in height to outbuilding in rear garden of dwellinghouse.

OFFICER RECOMMENDATION: Refuse planning permission.

This application was reported to Planning Committee under the provisions of Clause 24 of the Planning Code of Practice following the members' decision at the last meeting of the Planning Committee on 20th July 2010 of 'minded to grant' retrospective consent for the outbuilding located in the rear garden of 22 Wembley Park Drive, contrary to officers' recommendation that planning permission be refused. This report discussed the implications of the committee's resolution, maintained the original recommendation to refuse, but set out the planning

conditions that should be attached if members decided to grant planning permission.

In setting out the context of the recommendation for refusal the Area Planning Manager Neil McClellan compared this outbuilding to similar ones that had been refused adding that of the 24 similar developments refused so far this year, 11 were retrospective. He added that the average size of outbuildings refused was less than 35 square metres which was far less in size to the outbuilding at 22 Wembley Park Drive which had an area of 58 square metres.

Mr John O'Dea (Senior) in objecting to the application contended that as an enforcement for its demolition had been served with demolition order, planning permission could not be granted as in his view the outbuilding had ceased to exist. He continued that the property was still being used as a house in multiple occupation (HMO) and that its use continued to give rise to noise, disruption and excessive rubbish in the street. Mr O'Dea (Junior) echoed similar sentiments.

Mr Dignesh Patel the applicant submitted that the outbuilding had been granted certificate of lawfulness of use and that the subsequent misuse was carried out by a previous tenant at the property whilst he was away in India during his father's funeral. He continued that since returning, he had taken steps to ensure that the use of the outbuilding was incidental to the main property by removing the kitchen, toilet and shower facilities as well as reduced the height of the outbuilding as required by Planning Services. Mr Patel added that as the outbuilding was about 30 metres away from the nearest property, it did not give rise to noise and harm to the neighbours.

In accordance with the provisions of the Planning Code of Practice, Councillor Butt, ward member stated that he had been approached by the applicant. Councillor Butt stated that the unauthorised use of the property was carried out by a previous tenant whilst the applicant was away in India. As the applicant had since taken steps to ensure that the use of the outbuilding was incidental to the main property, it would be inappropriate for officers to pursue the enforcement notice. He added that as the applicant was willing to accept conditions for the grant of retrospective planning permission, it would be unreasonable to require him to reduce the footprint.

In response to the issues raised and questions from members, the Chief Planner stated that the enforcement notice was served on the property for the unauthorised use as an HMO and for the outbuilding. Although a certificate of lawfulness had been issued for an outbuilding at the site, the building constructed was designed for use as a separate dwelling and was clearly unlawful. He added that in order to regularise the situation either the building needed to be demolished, or an application submitted that reduced its overall footprint to approx 35 square metres.

Members voted by a majority to endorse officers' recommendation for refusal for reasons stated in the main report.

In accordance with the provisions of the Planning Code of Practice voting on the recommendation for refusal was recorded as follows:

FOR: Councillors Adeyeye, Cummins, Daly, Long and McLennan (5)

AGAINST: Councillors RS Patel, Seth, Hashmi and CJ Patel (4)

ABSTENTION: Councillor Kataria (1)

DECISION: Planning permission refused.

4. Telesensory, 1 & 2 Watling Gate, Edgware, Kingsbury, London, NW9 6NB (Ref: 10/1373)

Change of use from office (Use Class B1) to an adult learning centre (Use Class D1).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Mr Daryl Green in objecting to the proposed change of use stated that it would compromise security, health and safety. In his view, the proposed change of use would be inappropriate for the site.

Mr Kamlesh Ramani the applicant stated that the use of the site was in accordance with the Council's Unitary Development Policy (UDP) policy EMP17 which permitted redundant office buildings for appropriate alternative uses. In addressing other issues raised by local residents Mr Ramani stated that the 10 car parking spaces and 10 cycle spaces provided both of which could be increased if required, was above the Council's maximum standards. He added that the use of the car park would prevent dumping of cars and improve residential amenities. He continued that adequate provision had been made for disabled people with most facilities located on the ground floor of the building. He also added that the educational use of the building would be compatible with other businesses in the area without compromising their security and detriment to their amenities.

DECISION: Planning permission granted subject to conditions as amended in condition 5.

5. 36 Queens Walk, London, NW9 8ER (Ref: 10/0835)

Change of use of property from a single dwellinghouse (Use Class C3) to an educational facility (Use Class D1).

OFFICER RECOMMENDATION: Refuse planning permission.

The Area Planning Manager Rachel McConnell informed the Committee that the proposed change of use to educational facility would result in the loss of a small purpose-built single family dwellinghouse, contrary to policies H8 and CF11 (b) of the Brent Unitary Development Plan 2004 and policy CP21 of the Brent Core Strategy 2010. In addition, the proposal would intensify the use of the property and would result in a detrimental impact on residential amenity through the use of the building itself, activities in the garden and vehicle movements to and from the site. She therefore reiterated the recommendation for refusal.

In accordance with the provisions of the Planning Code of Practice, Councillor Mashari, ward member stated that she had been approached by the objectors to the proposed change of use. Councillor Mashari stated that Queens Walk was a residential area of unique character where the proposed change of use would be unsuitable through intensification of use, noise and disruption to the residents. She referred to a 97 signature petition from the residents outlining their concerns as set out in the main report.

Ms Karen May the applicant stated that the proposed change of use would provide support and development for up to nine young adults (16-25yr old) with profound and multiple learning disabilities and up to four full-time equivalent (FE) staff. It would operate six days a week, between 09.00-17.00 hours Monday to Friday, 10.00-16.00 hours Saturday, 48 weeks of the year. She added that not all pupils would be on site at all times as off-site lessons such as trips to shops would account for about 50% with the remaining 50% of the lessons being in the community. The rear garden of the house would be used for relaxation and gardening lessons and that none of the activities would be particularly noisy. She continued that the total maximum vehicular movements per day would not exceed eight and that the proposal would not result in significant off-street and/or illegal parking and nuisance to neighbouring occupants or detrimental impact of pedestrian and highway safety.

In responding some of the issues raised, the Area Planning Manager reiterated that the intensity of the proposed change of use and four members of staff would result in a significant impact particularly on adjoining occupants. During discussions, Councillor Long indicated her support for the application subject to appropriate conditions.

DECISION: Planning permission refused.

6. Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT (Ref: 10/1727)

Erection of two-storey community facility (Use Class D1) comprising Intergenerational Centre and ancillary office space, with external play area & multi-use games area (MUGA pitch) with associated hard and soft landscaping, cycle, buggy and refuse stores and 3 designated parking bays on land adjacent to Stag Lane Pupil Referral Unit (with main entrance fronting Stag Lane) as amended by plans received 04/08/10

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Northern Area Planning Manager informed the Committee that the application was part of the Phase 3 tranche of Sure Start Children's Centres and would complete the Council's statutory duty to provide a Children's Centre for the whole borough. She continued that three dedicated parking spaces were provided and that conditions were proposed which required the submission, approval of and adherence to a Travel Plan so as to control to an acceptable level, the number of staff and visitors accessing the site by private vehicles. The Area Planning Manager drew members' attention to some typographical errors which had been corrected in the tabled supplementary, a summary of the applicant's potential

sustainability performance of the building and revised plans that amended the colour of the proposed cladding. In view of the above, she amended conditions 2 and 15 as set out in the tabled supplementary.

Mr John Evans on behalf of Roe Green Village Residents' Association objected to the proposal on the grounds of the impact the lack of parking would have on Roe Green village in terms of overspill parking. He added that the proposal which lacked architectural merit was inappropriate for the site. Mr Evans urged members to defer the application to enable them to re-examine the revised plans submitted by the applicant.

In accordance with the provisions of the Planning Code of Practice, Councillor Naheerathan, ward member stated that he had been approached by the objectors to the proposed development. Councillor Naheerathan requested a deferral on the grounds that the consultation was flawed.

Denise Burke Interim Head of Integrated & Extended Services (Children & Families Department) stated that a deferral of the application would mean that funds required for the project would be lost if not spent by March 2011. She outlined some of the benefits of the proposed centre and emphasised that it would not be used as a child care facility. In respect of residents' concerns on parking overspill, she stated that additional car parking spaces would be made available at Kingsbury High School site and the Pupil Referral Unit in Stag Lane.

The Chief Planner advised against a deferral adding that whilst the difficulty generally in consulting in August due to the holiday period was acknowledged, members needed to adhere to the decision making timescales of statutory planning process.

DECISION: Planning permission granted subject to conditions as amended in conditions 2 and 15.

7. 25 Rowdon Avenue, London, NW10 2AJ (Ref: 10/1638)

Erection of rear single and two storey extensions and a loft conversion incorporating rooflights to front and both sides of the roof

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager Rachel McConnell reported that the adjoining residents at No. 23 had re-confirmed their concerns on the depth of the single storey element of the proposal. She clarified that the depth of the extension at 4.2m and the distance from habitable room meant that the extension should not cause undue harm to amenity and that any resulting impact would be a minimal and within acceptable limits. With reference to the tabled supplementary report, she drew members' attention to an amendment to condition 4.

DECISION: Planning permission granted subject to conditions as amended in condition 4.

8. 158 Doyle Gardens, London, NW10 3SS (Ref: 10/1386)

Demolition of existing rear extension and erection of new single storey rear extension, single-storey side extension and installation of balustrade at first floor level

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

9. 17 The Quadrant, Kilburn Lane, North Kensington, London, W10 4AL (Ref: 10/1116)

Erection of single storey rear extension, replacement of existing shop front and conversion of ground floor to self-contained flat.

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor but to refuse the application if the section 106 agreement has not been entered into and if the application is refused for this reason, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to grant permission in respect of a further application which is either identical to the current one or in his opinion is not materially different, provided that a section 106 agreement in the terms set out above is entered into.

DECISION: Planning permission granted subject to conditions and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor but to refuse the application if the section 106 agreement has not been entered into and if the application is refused for this reason, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to grant permission in respect of a further application which is either identical to the current one or in his opinion is not materially different, provided that a section 106 agreement in the terms set out above is entered into.

10. 19 Dobree Avenue, London, NW10 2AD (Ref: 10/1374)

Erection of two-storey side extension, one rear dormer window and 2 front, one side and two rear rooflights to the dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Mr John Carter on behalf of the resident at No. 21 objected to the proposed development on grounds of its size which he considered was excessive and would result ruin the area as an Area of Distinctive Residential Character (ADRC). He

added that the proposal which had not identified and addressed the impact on daylighting would result in loss of privacy to the landing of the adjoining resident.

The Area Planning Manager Neil McClellan clarified that the application had been assessed against the guidelines in SPG5 and was considered to be compliant. He added that as the impact on lighting was not to a habitable area, it was not considered significant as to warrant a refusal for that reason.

DECISION: Planning permission granted subject to conditions.

11. 123 Chambers Lane, London, NW10 2RP (Ref: 10/1615)

Erection of a single storey detached outbuilding in rear garden of flat.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

12. Ground Floor Flat, 98 Willesden Lane, Kilburn, London, NW6 7TA (Ref: 10/1314)

Retention of first floor extension to maisonette.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the supplementary report, the Area Planning Manager drew members' attention to representations from one of the objectors through Councillors Arnold and Powney claiming that inadequate period had been allowed between the consultation period and the date of the meeting. He clarified that letters notifying the objectors of the Committee agenda were sent on 10th August 2010 and that the amount of notice given for any planning application was carried out in accordance with the Town & Country Planning (General Development Procedures) Order and the Council's own guidance set out in Supplementary Planning Guidance 2. He added that the consultation process for this and other applications complied with those orders.

DECISION: Planning permission granted subject to conditions.

13. 5B Torbay Road, London, NW6 7DX (Ref: 10/1514)

Addition of rear dormer window and 1 front rooflight to first-floor flat.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Chief Planner confirmed that 3 letters were received as a result of the consultation exercise and that the occupier of 19 Calcott Road to the rear of the site had written to clarify his areas of concern.

DECISION: Planning permission granted subject to conditions.

14. 17 Dennis Avenue, Wembley, HA9 8AZ (Ref: 10/1317)

Conversion of property from a house in multiple occupation (HMO) and 9 self-contained studio flats to 10 self-contained flats, replacement of integral garage door with a new window, installation of 2 front rooflights and provision of 5 off-street parking spaces and refuse storage area to front garden.

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

DECISION: Planning permission granted subject to conditions and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

Note: Councillor Cummins having declared an interest in this application, withdrew from the meeting room and took no part in the voting or discussion of the application.

15. 29, 30 & 31 Brook Avenue, Wembley, HA9 8PH (Ref: 10/1467)

Demolition of 3 existing dwellinghouses and erection of a part 4-, part 6- and part 7-storey building, comprising 35 flats with private balconies (17 one-bedroom, 14 two-bedroom, 4 three-bedroom), erection of a children's play area to rear, 4 off-street disabled parking spaces to front and associated landscaping to site. Refuse

OFFICER RECOMMENDATION: Refuse planning permission.

The Area Planning Manager Neil McClellan, with reference to the tabled supplementary report drew members' attention to revised plans submitted by the applicant that sought to overcome the reasons for refusal and his responses to them. He however added that as the Highways Engineer had accepted the revised frontage layout refusal reason 3 was no longer applicable and subject to that he reiterated the recommendation for refusal.

DECISION: Planning permission refused.

16. 112 Carlton Avenue West, Wembley, HA0 3QX (Ref: 10/1012)

Demolition of an existing detached side garage and erection of part single and two-storey side and rear extension, installation of rear dormer window, two rear rooflights with associated soft and hard landscaped area to provide 1 off-street car parking space (as amended by revised plans received on 30/06/2010).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

17. 1-14 INC, Juniper Close, Wembley, HA9 6NY (Ref: 10/1362)

Erection of a 3-storey terrace comprising 15 x 3-bedroom dwellinghouses with associated landscaping, car parking and infrastructure.

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

With reference to the tabled supplementary report, the Area Planning Manager, Neil McClellan addressed a number of issues which Members raised during the site visit. These related to how the S106 contribution towards public open space within the area would be spent, details of the Registered Social Landlord (RSL), the safety of the shared surface for pedestrians without a designated footpath, parking provision for the site and overlooking. In reiterating the recommendation for approval he drew members' attention to amendments in conditions 3 and 6, and additional conditions 9, 10, 11, 12, 13, 14 and 15 as set out in the tabled supplementary report.

In responding to Members' queries the Area Planning Manager stated that any amenity space deficiency would be ameliorated by the additional £20,000 and that a specific condition had been imposed covering sustainability and drainage issues. The Chief Planner clarified that residents would not be allowed to apply for parking permits on event days and that dedicated parking spaces for wheel chair users was included in the scheme. He added that due to site constraints, the proposed development was not as suitable for larger family housing units.

DECISION: Planning permission granted subject to conditions attention to amendments in conditions as amended in conditions 3 and 6, the inclusion of additional conditions 9, 10, 11, 12, 13, 14 and 15 and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

18. SPECIAL ITEM

Members considered this report which dealt with the extensive planning and enforcement history of the extensions to 19 Brook Avenue, Wembley HA9 8PH together with and an update on the current enforcement position. The report was

deferred from consideration at the meeting on 16th March, 2010 for a site visit to enable members to assess the development and objections raised to it and again on 14th April, 2010 following the site visit pending the outcome of an Inspection by the Council's Building Control department.

Mr Mohammad Al-Thiri an objector circulated copies of an independent surveyor's report which he had commissioned to support his claims that despite the works carried out by the applicant, water penetration to the adjoining resident at No. 18 continued and that overhanging was still a major issue. In addition to the detrimental impact on residential amenities, the development was likely to set a precedent for similar undesirable developments.

Ms Paula Saunders in objection expressed similar sentiments adding that the overhang left insufficient width for maintenance resulting in dampness and raising issues of health and safety. She continued that in her view, the officers' report had failed to address the pertinent issues to which the development had given rise.

In accordance with the provisions of the Planning Code of Practice, Councillor HB Patel, ward member stated that he had been approached by the objectors to the development. Councillor HB Patel stated that the applicant had not properly followed the planning regulations and in urging members to seriously consider the independent surveyor's report, he requested either a deferral or refusal of the application.

In accordance with the provisions of the Planning Code of Practice, Councillor Harrison, ward member stated that she had been approached by the objectors to the development. Councillor Harrison echoed sentiments similar to those expressed by Councillor HB Patel.

In responding to the issues raised, the Area Planning Manager submitted the following;

- Minor variations in distance between the properties were not considered a significant variation from the approved plans.
- It was impossible to tell whether the gutter as currently installed was overhanging the boundary or not.
- The Building Control Officer's conclusion was that the gutter and its relationship with the tiles were no longer grounds to suggest contraventions of the building regulations.
- The residents had been advised that the Council's policies normally permitted the conversion of garages provided the front garden area was sufficiently landscaped and designed to accommodate parking for two vehicles.
- The majority of the front garden had been paved over with the exception of a small area of grass under permitted development.
- Planning Enforcement Officers had confirmed that the property was not in use as a House in Multiple Occupation.

In conclusion the Area Planning Manager submitted that the extension and dormer had been built in accordance with the planning permission and were not in breach of planning control. He continued that the gutter was satisfactory and similar to that found on other properties within the street and that the property was being used for their lawful purpose as a single family dwelling. He therefore recommended members to endorse this report and agree that no further planning

enforcement action should be taken at the premises in respect of these particular extensions or its use.

RESOLVED:-

- (i) To note that the part single-storey, part two-storey extension to side and rear of dwellinghouse is considered to have been re-built in accordance with planning permission 99/2269.
- (ii) To note that the dormer window has been built under permitted development and does not require planning permission
- (iii) Agreed that no further planning enforcement action be taken in respect of the above extensions

19. Any Other Urgent Business

At this meeting there were none.

20. Planning Appeals

The Chief Planner gave an overview of the planning appeals made including enforcement appeals and their outcomes.

RESOLVED:-

That the appeals for March to July 2010 be noted.

The meeting ended at 10.00pm

COUNCILLOR RS PATEL
CHAIR

Note: At 8.20pm the meeting was adjourned for 10 minutes.

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EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

The Planning Code of Practice has been adopted by Brent Council to regulate the performance of its planning function. Its major objectives are to guide Members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers. The Planning Code of Practice is in addition to the Brent Members Code of Conduct adopted by the Council under the provisions of the Local Government Act 2000. The provisions of this code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that Members making such decisions are, and are perceived as being, accountable for those decisions. Extracts from the Code and the Standing Orders are reproduced below as a reminder of their content.

Accountability and Interests

4. If an approach is made to a Member of the Planning Committee from an applicant or agent or other interested party in relation to a particular planning application or any matter which may give rise to a planning application, the Member shall:
 - a) inform the person making such an approach that such matters should be addressed to officers or to Members who are not Members of the Planning Committee;
 - b) disclose the fact and nature of such an approach at any meeting of the Planning Committee where the planning application or matter in question is considered.
7. If the Chair decides to allow a non-member of the Committee to speak, the non-member shall state the reason for wishing to speak. Such a Member shall disclose the fact he/she has been in contact with the applicant, agent or interested party if this be the case.
8. When the circumstances of any elected Member are such that they have
 - (i) a personal interest in any planning application or other matter, then the Member, if present, shall declare a personal interest at any meeting where the particular application or other matter is considered, and if the interest is also a prejudicial interest shall withdraw from the room where the meeting is being held and not take part in the discussion or vote on the application or other matter.
11. If any Member of the Council requests a Site Visit, prior to the debate at Planning Committee, their name shall be recorded. They shall provide and a

record kept of, their reason for the request and whether or not they have been approached concerning the application or other matter and if so, by whom.

Meetings of the Planning Committee

24. If the Planning Committee wishes to grant planning permission contrary to officers' recommendation the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the Minutes of the meeting.

25. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the Minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the Minutes of the Meeting.

29. The Minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:
 - (i) on any resolution of "Minded to Grant or minded to refuse contrary to Officers Recommendation";
 - (ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.

STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions may do

so for a maximum of 2 minutes. Where more than one person wishes to speak on the same application the Chair shall have the discretion to limit the number of speakers to no more than 2 people and in so doing will seek to give priority to occupiers nearest to the application site or representing a group of people or to one objector and one supporter if there are both. In addition (and after hearing any members of the public who wish to speak) the applicant (or one person on the applicant's behalf) may speak to the Committee for a maximum of 3 minutes. In respect of both members of the public and applicants the Chair and members of the sub-committee may ask them questions after they have spoken.

- (b) Persons wishing to speak to the Committee shall give notice to the Democratic Services Manager or his representatives prior to the commencement of the meeting. Normally such notice shall be given 24 hours before the commencement of the meeting. At the meeting the Chair shall call out the address of the application when it is reached and only if the applicant (or representative) and/or members of the public are present and then signify a desire to speak shall such persons be called to speak.
- (c) In the event that all persons present at the meeting who have indicated that they wish to speak on any matter under consideration indicate that they agree with the officers recommendations and if the members then indicate that they are minded to agree the officers recommendation in full without further debate the Chair may dispense with the calling member of the public to speak on that matter.

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Committee Report
Planning Committee on 15 September, 2010

Item No. 3
Case No. 10/1712

RECEIVED: 2 July, 2010

WARD: Dollis Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: Churchill House, 15 Dollis Hill Estate, Brook Road, London, NW2 7BZ

PROPOSAL: Refurbishment of existing building and change of use from employment uses (B class) to educational use (Use Class D1) and external alterations including: erection of two staircases to first-floor rear, formation of green roof terrace, creation of multi-use games areas, provision of 16 car parking spaces (including 2 disabled bays) and 40 cycle store, bin storage and associated landscaping (as amended by letter, reports and plans received 1 September 2010)

APPLICANT: Menorah High School for Girls

CONTACT: Savills (L & P) Ltd

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 Director of Environment and Culture, or other duly authorised person, 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:-

- (a) Payment of the Council's legal and other professional costs reasonably incurred in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Prior to commencement, submit travel survey data, and prior to occupation submit, gain approval for and adhere to a Travel Plan.
- (c) Prior to occupation, submit and gain approval for a Community Access and Management Plan, covering community access to the MUGA for up to 20 hours a week.
- (d) Submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and BREEAM 'Very Good'.
- (e) Offset up to 20% of the site's carbon emissions through onsite renewable generation, subject to the submission of a feasibility and viability assessment prior to the commencement of development.
- (f) Join and adhere to the Considerate Contractors scheme.
- (g) Retention of the vehicular route to the western land: (i) until works commence to implement a planning permission for comprehensive development on that land comprising an alternative access, (ii) thereafter to provide an alternative route for emergency use only as shown on the plans.
- (h) (i) Vacate all buildings (Buildings 19, 21, 23 & 24) in the western land within 6 months of

occupation of the refurbished Building 15 (ii) with reasonable endeavours made to gain the necessary consents to ensure they are made available for employment uses within an agreed period. If works have commenced to implement a planning permission for comprehensive development on the western land then clause (ii) is not applicable.

And, to authorise the Director of Environment and Culture, 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 in accordance with the timescales set out in the Planning Performance Agreement.

EXISTING

The application site lies on the western side of Brook Road and is part of the Dollis Hill Estate. This application should be read in conjunction with application ref: 10/1388 on this agenda, relating to housing development of the remaining part of the Dollis Hill Estate.

The site comprises a four-storey building, formerly part of the Post Office Research Station, totalling 3,485sqm, of which 1005sqm is currently in use for mixed employment uses; the remainder is vacant.

Public transport access to the site is moderate (PTAL 2), with four bus services within 640 metres. Car parking totalling about 100 spaces is also marked out within the curtilage of this application site, which is generally available to the whole estate, rather than just this building. On-street parking in the area is generally unrestricted, but Brook Road is nevertheless generally lightly parked both during the day and overnight.

The Menorah High School for Girls, opened in September 2001, is an independent school for Orthodox Jewish girls between the ages of 11 and 18 years; the school has 195 pupils at present. The existing school is located in all or part of Buildings 19, 21, 23 & 24 of the Dollis Hill Estate. These buildings are located on the part of the site being considered for housing on this agenda (10/1388).

PROPOSAL

This proposal involves the refurbishment of the building to facilitate use as a school. This will allow the consolidation of the Menorah School for Girls within the building from a number of other units on the western part of the estate. The remainder of the estate is in turn proposed to be redeveloped for housing (see the accompanying application ref: 10/1388 on this agenda). Your officers understand that the sale of that land with planning permission for housing would finance these works.

The new school will be designed to accommodate up to 250 pupils with 60 staff (an increase from the existing total of 195 pupils and 40 staff).

The basement would be converted to provide 13 classrooms, two changing rooms, a number of toilets, a staff office and a plant room. Access from some of the classrooms to the space between the building and the northern boundary would be provided for occasional outdoor lessons.

The ground floor would have a new entrance and four classrooms and other supporting space including offices and meeting rooms. The main space would consist of the hall which could be divided when needed to provide space for drama, assembly and dining. Two kitchens are proposed in the north-east corner of the building.

The first floor comprises 8 classrooms, a number of offices and other rooms, more toilets and a large void over the hall below.

The second floor is mostly taken up with the roof which is part green roof, part roof terrace. The few rooms there are on the second floor comprise a mix of offices, ancillary rooms and the library.

The exterior of the building would be clad in insulation and finished with render. New windows would be installed and brise soleil cowls added to windows to provide shading and visual interest.

Much of the existing car park is also to be converted to play space and landscaping to provide a 34m x 17m multi-use games court (MUGA) and play grove with a seating area. A landscaped buffer would be provided along the boundaries.

Car parking for 16cars (incl. two disabled) is proposed towards the front of the school. A cycle shelter for 40 bicycles is also proposed, whilst a service yard with bin storage is proposed at the eastern end of the building.

The site access from Brook Road is proposed to be reduced to 5.5m in width in order to accommodate widened footways of 2m and 3m width on either side, with a raised speed table and concrete block paving provided to keep vehicular speeds low. An emergency access route and pedestrian link will also be provided from the access road along the edge of the playground area to the proposed housing development at the rear.

HISTORY

General history

History of Building 15

Building 15 was originally constructed as part of the Post Office Research Station, established in 1921. The Post Office vacated the site in the mid 1970s and the site was used mostly for offices and light industrial uses as part of the Evans Business Centre. In 1979 permission was granted for change of use of Buildings 15 and 21 from light industrial to education (ref: M2330 0488), for the College of North West London.

The College vacated Building 15 in 1999 and since then the building has been used for mixed B class uses, most light industrial and offices with some storage and some parts being vacant at times. In 2008 an enforcement complaint was received regarding some of the use including skip storage. An enforcement notice (E/10/0095) was served on 19/02/10 to stop the use as skip storage, waste transfer and vehicle storage, but not the warehouse and office functions.

Relevant history of Dollis Hill Estate

In June 2004, two planning applications were submitted for a secondary school and sixth form college with ancillary sports facilities and housing (176 units), covering the whole of the Dollis Hill Estate. The first of these schemes was refused, whilst the second was withdrawn prior to committee. An appeal was submitted but not pursued (04/0716 and 04/0684).

On 17 March 2005 outline planning permission was granted for a mixed-use development comprising of education and employment uses (04/3941). Submitted by the John Kelly Technical College (now the Crest Academy), the application included the existing Crest Academies site and the Dollis Hill Estate. At the end of 2005 the owner at the time made another application redevelopment, this time incorporating employment uses onsite and 140 residential units. This was refused and an appeal was withdrawn.

The Council subsequently made a compulsory purchase order (CPO) of the site, and following notification of the CPO, the owner at the time submitted an application for a CAAD (06/2280) for six different schemes comprising mixed-use, wholly residential, and wholly employment use. Brent

Council responded by issuing a certificate stating that were it not for the CPO, planning permission would not have been granted for the proposed alternative developments. A subsequent appeal was lodged, and the Planning Inspectorate upheld the appeal in relation to two of the mixed-use schemes. In relation to the solely residential scheme, the appeal was dismissed.

Planning history

06/2280 Certificate of Alternate Developments for:

1. Demolition of existing buildings and the redevelopment of the site for a mixed-use development of six new buildings comprising 140 flats (Class C3), 4,120 m² of space for commercial use (Class B1) and 260 m² of space for community use (Class D1) with associated car parking. The notional residential density is 301hrh.
2. Demolition of existing buildings and the redevelopment of the site for a mixed-use development of six new buildings comprising 173 flats (Class C3), 4,120 m² of space for commercial use (Class B1) and 260 m² of space for community use (Class D1) with associated car parking and landscaping. The notional residential density is 372hrh.

Supported by Secretary of State 23/05/08

05/2757 Demolition of existing buildings and redevelopment of the site for a mixed-use development of 6 new buildings, comprising 140 flats (Class C3), 54 of which will be affordable housing, 4,120m² of space for commercial use (Class B1) and 130m² of space for community use (Class D1) with associated car-parking and landscaping (as accompanied by Sustainability checklist received 07/10/2005, Planning Statement by Barton Willmore dated October 2005, Design Statement by Carey Jones Architects dated September 2005 and Transport Statement dated October 2005) **Refused, appeal withdrawn** 15/05/2007 for the following relevant reason:

1. The proposed development fails to provide a replacement of the existing community facilities and would therefore result in the substantial loss of the community facilities (D1) on site. This would have detrimental impact on the existing stock of community facilities within the Borough and in particular to the area within the vicinity and also contrary to policy CF3 of Brent Unitary Development Plan 2004.

04/3941 Outline planning application for a mixed-use development re-providing education and B1, B2 & B8 uses; new school buildings for John Kelly Technology Colleges, consisting of a central shared admin/sixth-form block and separate wings for girls' and boys' schools; remodelling of car-parking and means of access to site; new business units, comprising D1, B1, B2 & B8 uses, to Dollis Hill industrial estate, including alterations to car-parking (matters to be determined: siting and means of access) **Granted** 17/04/05.

04/0716 Demolition of existing buildings and erection of buildings within Use Class D1 as secondary school and sixth form with ancillary facilities including indoor and outdoor sports facilities and car-parking; the erection of residential units (Use Class C3), together with ancillary car-parking; works of hard and soft landscaping and other works incidental to redevelopment of site **Refused on 03/06/04** for the following relevant reasons:

1. The proposed development would result in the loss of the community facilities and loss of employment land for which there remains demand would have detrimental impact to the existing stock of community facilities and local job opportunities within the Borough and also contrary to policy STR1, STR25, CF3 and EMP9 of Brent Unitary Development Plan 2004.

2. The proposed school by reasons of its roof terrace would have detrimental impact to the neighbouring occupiers from nuisance and loss of amenity due to increase in noise levels

as a result of intensification of activities within the roof terrace. The proposed location and parking layout being the only feature to the street frontage of Brook Road would also have significant impact to the streetscene contrary to policies STR14, BE2, BE4, BE7 and BE9 of Brent UDP 2004.

04/0684 was a duplicate of 04/0716 and was withdrawn.

More details on the above five applications are included in the housing application on this agenda, ref: 10/1388.

01/1898 Change of use from educational establishment [Building 15] to small business units with storage, leisure facilities and ancillary coffee bar, including the addition of a mezzanine level above the first floor **Withdrawn** 30/04/2003

M2330 0488 Change of use of buildings 15 and 21 from light industrial/offices to educational use **Granted** 14/11/1979

POLICY CONSIDERATIONS

Local

Brent Unitary Development Plan 2004

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004 and the Brent Core Strategy 2010 (see below). Within the 2004 UDP the following list of policies are considered to be the most pertinent to the application.

Built Environment

- 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.
- BE6 Discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.
- BE7 Public Realm: Streetscene
- 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.

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed in PS12, but should meet operational

requirements.

TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.

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.

PS12 Non-residential car parking standards

PS15 Parking standards for disabled people

PS16 Cycle parking standards

Employment

EMP9 Development of local employment sites will be resisted unless

Community Facilities

CF3 Protection of community facilities

CF7 New schools

Brent Core Strategy 2010

Adopted in July 2010, the Core Strategy has 12 strategic objectives:

- Objective 1: to promote economic performance & regeneration
- Objective 2: to meet employment needs and aid the regeneration of industry and business
- Objective 3: to enhance the vitality and viability of town centres
- Objective 4: to promote the arts and creative industries
- Objective 5: to meet social infrastructure needs
- Objective 6: to promote sports and other recreational activities
- Objective 7: to achieve housing growth and meet housing needs
- Objective 8: to reduce the need to travel and improve transport choices
- Objective 9: to protect and enhance Brent's environment
- Objective 10: to achieve sustainable development, mitigate & adapt to climate change
- Objective 11: to treat waste as a resource
- Objective 12: to promote healthy living and create a safe and secure environment

The following spatial policies are considered relevant to this application:

CP 15 Infrastructure to support development

also STR19

Requires that the infrastructure requirements of new development are met

CP 19 Brent strategic climate mitigation and adaptation measures

also none

Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas

CP 23 Protection of existing and provision of new community and cultural facilities

also STR31, STR37, STR38, TEA3, CF3, CF5

Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

Brent Supplementary Planning Guidance

SPG19 "Sustainable Design, Construction & Pollution Control" Adopted April 2003

This supplementary planning guidance focuses on the principles and practice of designs that save energy, sustainable materials and recycling, saving water and controlling pollutants. It emphasises environmentally sensitive, forward-looking design, and is consistent with current government policy

and industry best practice, aiming to be practicable and cost-effective.

SPD “Section 106 planning obligations”

Regional

London Plan 2008

The London Plan, which was adopted in February 2004 and revised in 2006 and 2008, sets out an integrated social, economic and environmental framework for the future development of London. The vision of the Plan is to ensure that London becomes a prosperous city, a city for people, an accessible city, a fair city and a green city. The plan identifies six objectives to ensure that the vision is realised:

- Objective 1: To accommodate London’s growth within its boundaries without encroaching on open spaces
- Objective 2: To make London a healthier and better city for people to live in;
- Objective 3: To make London a more prosperous city with strong, and diverse long term economic growth
- Objective 4: To promote social inclusion and tackle deprivation and discrimination;
- Objective 5: To improve London’s accessibility;
- Objective 6: To make London an exemplary world city in mitigating and adapting to climate change and a more attractive, well-designed and green city.

The London Plan sets out policies relating to climate change, setting out the Mayor’s energy hierarchy (using less energy, supplying energy efficiently, using renewable energy) which includes consideration of the feasibility of CHP/CCHP and a reduction in carbon dioxide emissions of 20% from on site renewable energy generation.

London Plan SPG

Sustainable Design and Construction – Supplementary Planning Guidance (2006)

The SPG provides guidance on the way that the seven measures identified in the London Plan 2004 Policy 4B.6 (Policy 4A.3 of the 2008 amendment to the London Plan) can be implemented to meet the London Plan objectives.

The seven objectives are as follows:

- Re-use land and buildings
- Conserve energy, materials, water and other resources
- Ensure designs make the most of natural systems both within, in and around the building
- Reduce the impacts of noise, pollution, flooding and micro-climatic effects
- Ensure developments are comfortable and secure for users
- Conserve and enhance the natural environment, particularly in relation to biodiversity
- Promote sustainable waste behaviour in new and existing developments, including support for local integrated recycling schemes, CHP schemes and other treatment options

National

Planning Policy Statement 1 – Creating Sustainable Communities (2005)

This PPS replaces PPG1 – General Principle and Policy (Feb 1997) supports the reform programme and sets out the Government’s vision for planning, and the key policies and principles, which should underpin the planning system. These are built around three themes: sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

Planning Policy Statement 9 - Biodiversity and Geological Diversity (2005)

PPS9 promotes sustainable development, the conservation and enhancement of wildlife and geology and rural renewal. The aim of planning decisions is to prevent harm to biodiversity and geological conservation. In the PPS, local authorities are charged with taking measures to protect habitats and species of importance for conservation, including biodiversity action plan species (as listed in Section 74(2) of the Countryside & Rights of Way Act 2000) as well as those with legal protection. The value of sites of local biodiversity interest for wildlife and local communities should also be recognised and a criterion based approach used to judge impacts of development on or near to such sites

Planning Policy Guidance 13 – Transport (2001)

PPG13 outlines the Government's aim of achieving reduced car dependency via transport and planning policies that are integrated at the national, strategic and local level. The guidance places an emphasis on putting people before traffic, indicating that new development should help create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.

SUSTAINABILITY ASSESSMENT

The applicant has submitted a Sustainability Checklist (form TP6) and Sustainability and Energy Statement prepared by NVB Architects, dated June 2010. The Checklist has been confirmed by officers to exceed the 50% score required, with a score of 60.5%. The applicant has agreed in principle to clauses within the s106 agreement to secure compliance with the Sustainability Checklist (ensuring a minimum of 50% score is achieved) and BREEAM 'Very Good', and to offset up to 20% of the site's carbon emissions through onsite renewable generation, subject to the submission of a feasibility and viability assessment prior to the commencement of development.

In this respect the application complies with the Council's policies regarding environmentally sustainable development.

CONSULTATION

Local consultees

Local residents, businesses on site and ward councillors were consulted on 21/07/10. A further consultation was carried out on 23/07/10 to notify the allotment holders. A site notice was posted on 22/07/10.

Local residents

Two objections have been received, one from Chartwell Court and one from a resident on Brook Road, close to the rear of the building.

The objections are on the following grounds:

- The school does not serve the local community
- Traffic congestion from school buses
- Noise and disturbance arising from the outdoor classrooms, the MUGA and the roof-top playground
- The use of the access means the access for the neighbouring residential development has to use Flowers Close.
- Concerns about security
- Loss of privacy through the replacement of obscured glazed windows with clear glazing
- Loss of privacy from the roof-top playground

- Use of the building at times outside normal school hours
- Traffic impact and problems with comparing a private school with a state school
- Impact on highway safety

The resident nearest the proposed school, at No. 103 Brook Road, has commented on the application that bats are seen in their garden regularly in the evening and that work should be done to check this before development commences. This has not been logged as an objection.

Internal consultees

Landscape (including Ecology), Transportation, Policy (including Urban Design, Sustainability, S106), Environmental Health and Children & Families were consulted on 21/07/10. No external consultees were consulted. S106 and Sustainability are reported separately; no response has been received from Children & Families.

Landscape & Ecology

No objections subject to conditions.

Transportation

Despite the Transport Assessment and Travel Plan lacking basic, key information and thus being seriously flawed in the absence of this data, Transportation officers raise no objection subject to a Section 106 Agreement to secure:

- (i) a financial contribution of £10,000 towards off-site signage and transport infrastructure associated with the school;
- (ii) a School Travel Plan with the survey data to be submitted prior to works commencing on the site and the Travel Plan submitted prior to occupation; and
- (iii) retention of an emergency vehicle route through the site to the proposed housing development at the rear

Urban Design

No objection, subject to conditions.

Environmental Health

No objection subject to the following conditions relating to contamination:

REMARKS

Key considerations

The following are the main planning issues relevant to this application:

1. Principle of development
2. Design
3. Impact on neighbouring occupants
4. Parking & Access
5. Landscaping, trees & ecology

1. ***Principle***

The application is for refurbishment of Building 15 for education uses. The applicant takes the view that the works could commence without planning permission as the last use for which permission was granted was for education use in 1979. This use ceased in 1999 and since then the building has been used for mixed B class uses, including offices, light industrial and storage.

Your officers contend that those mixed B class uses have become established as they have existed for more than 10 years without enforcement action. Following Section 57(4) of the Act and relevant case law, planning permission is required unless an enforcement notice is served on the use which has become established after 10yrs. In this case, enforcement action has been taken against only part of the use and the warehouse and office functions would remain. Therefore planning permission is required for a change of use to education (D1) and the application description has been amended accordingly.

This is relevant as the history of the Dollis Hill Estate involves the erosion of employment functions which culminated in the CAAD decisions for a mixed use development comprising housing, B1 offices and some D1 uses. This application should consider the relevance of the CAAD and the general policy position of the Council to resist the loss of employment areas unless certain conditions are met.

In this instance, the Council takes the view that the conversion of Building 15 without the Menorah school vacating Buildings 19, 21, 23 & 24 in the remainder of the Dollis Hill Estate would not be acceptable in terms of the employment protection policies in the UDP. This application is therefore reliant, to some extent, on the application for housing on the western part of the estate, also on this agenda (ref: 10/1388). That application includes an agreement in principle from the applicant to provide a payment of £200,000 to mitigate for the loss of the employment land.

Therefore if both applications go ahead then the loss of the employment function of Building 15 will be appropriately compensated by the housing land. If, on the other hand, the housing land is refused permission or does not go ahead then it will be necessary to ensure the Menorah school vacates the premises it currently uses to allow these to revert to an employment function and a revised hard and soft landscaping layout is provided to ensure a suitable access is maintained to the western land, since it would otherwise become land-locked.

Subject to a legal agreement to secure the above, the change of use is considered acceptable in principle.

Community access

The Council seeks agreements with schools to secure access for the community to use the facilities of the school including sports facilities and community halls, to be hired out at rates at the same level as similar Council facilities. Normally the Council seeks between 25-30 hours including after school hours and at the weekend. In this case, due to security concerns raised by the applicant and the intensity of extra-curricular activities, the applicant is only able to agree to provide access to the MUGA for 20 hours. Given the circumstances, officers have agreed to this in principle and will secure this and the details, including the booking method and the fee, in the s106 agreement.

2. Design

The existing building is of overall minimal design quality, although it has some value as a period industrial building and the south elevation is a pleasing element. The main thrust of the design approach is acceptable (basically, cladding the building) and although the fenestration arrangement on the front facade lacks the character and quality of the original, 'pillars' have been added between windows to give vertical emphasis and to echo the concrete frame of the original building. In additions the windows adopt a pattern of glazing bars which better reflect the era of the original building. In summary, the proposed works are sympathetic to the original building whilst injecting a contemporary interest in the form of the coloured brise soleil and providing substantially improved thermal properties.

The details of the materials, particularly colours of the brise soleil cowls, the entrance cowls, the render and the window frames, will be conditioned.

3. Impact on Neighbouring Occupants

The building has residential uses to the north-east, west and south. Those properties to the south, Flowers Close, are far enough away that the use of the building is unlikely to have a significant impact on amenity. The main concern for those residents, as it would be for residents of the proposed terrace housing of application 10/1388, would be from noise and disturbance from the MUGA. Residents to the west and the north-east could also be affected by direct overlooking from new windows and the roof terrace. These matters are considered below. Overbearing impact and loss of outlook is not deemed to be an issue in this application as no works are proposed which would change the envelope of the building or out-buildings and no works are proposed to the boundaries with residential properties.

Windows and rooms

At ground floor, a double and a single classroom on the western side of the building have west-facing windows which would be only 16m from the rear of the proposed terrace houses of application 10/1388. Although the finished floor level of the classrooms would be approximately 150mm higher than the ground level, the proposed boundary treatment of a 1.8m high fence and 300mm high metal railings would prevent direct overlooking.

Remaining on the ground floor two kitchens would be provided in the north-east corner of the building, nearest 103 Brook Road. No details of extract equipment have been provided. The plans (AL(0)23 Rev D) show a large, 9.5m wide north-facing window serving the kitchen but the rear elevation (AL(0)27 Rev B) show two separate windows with buffers/cowls to prevent views to the east. It will be necessary to revise the plans to reflect the elevation and to provide details of the buffers/cowls. This and details of the extract equipment can be secured via condition. Two fire escapes are located on the north-facing wall; access to the elevated platforms serving the escapes would only be when a fire drill is underway or in an emergency.

At first floor, the double classroom in the north-east corner has two north-facing windows which, according to the elevation, would also have buffers/cowls on the windows to prevent views back up to the rear of properties on Brook Road; in addition the lower panes of glass would be obscured glazed, preventing views downwards. The double classroom in the north-western corner also has north-facing windows but these look directly over the allotments. The double classroom and the staff office have windows on the western flank, which would look directly at the rear of the proposed terraced houses of application 10/1388 but this has been addressed by projecting the windows to form bays which can only look north or south.

The roof is to be part inaccessible green roof, part roof terrace; as a result, no pupil or staff member would be able to get closer than 6.5m from the edge of the roof.

Noise & Disturbance

The two main areas where unacceptable noise and disturbance could occur is from inappropriate use of the roof terrace as that would introduce noise and activity at an unexpected level, and from the hours of operation of the MUGA and external playspaces.

With regards the roof terrace, this is a minor part of the total roof area which is otherwise mostly inaccessible green roof. Subject to ensuring access to the roof terrace is controlled by condition, it is not considered the use will have a significant impact on residential amenity.

The hours of operation of the external playspaces would be restricted by condition also. Officers are of the view that these should be limited to a set times to ensure if later activities are held, these would be contained within the building and no overspill into the external areas.

See also above regarding the need for kitchen extract duct information to be provided by condition.

Lighting

No floodlighting is proposed for the MUGA though a condition will be imposed to ensure that, in the event of lighting being sought, this can be controlled to prevent harm to neighbouring amenity.

A condition will also be imposed requiring further details of any external lighting, should any be required.

4. Parking & Access

Parking

Car parking allowances for educational use are set out in standard PS12 of the adopted UDP 2004. This allows up to one space per five staff, plus 20% for visitors. Given the predicted staffing levels, up to 14 standard width spaces would be permitted within the site. A total of 14 standard width spaces have been proposed, with two marked as disabled bays. Standard PS15 requires at least 5% of spaces to be widened and marked for disabled drivers and the proposed provision of two marked disabled spaces is sufficient to satisfy this requirement.

Consideration also needs to be given to the impact of overspill parking on traffic flow and road safety, but in this case, there is generally plenty of safe kerbside parking available in the adjoining Brook Road that can be used if necessary for staff, visitors and setting down/ picking up of children by parents, subject to proper road markings and signage.

Traffic impact

In order to assess the likely traffic impact of this proposal on the local highway network, traffic surveys of existing flows along Brook Road were undertaken in December 2009 during the weekday morning and mid-afternoon peak hours, including flows into and out of Dollis Hill Estate.

Unfortunately, it is not possible from the information gathered to distinguish between traffic associated with the existing school and traffic for the industrial estate. For this reason, the Transport Assessment should have included the results of further detailed questionnaire/ hands-up surveys showing how children and staff currently travel to the school and where they travel from.

The Transport Assessment has instead produced estimates of vehicular movements through comparison with data from two other local authority run schools in Brent. Even though those schools are sited in comparable areas, this is not considered to be an acceptable approach, as those schools would have a very different catchment profile from this faith based school.

Nevertheless, given that much of the existing industrial estate is now vacant, it would not be unreasonable to assume that the majority of traffic leaving the site in the morning peak hour and the majority of traffic entering and leaving the site in the mid-afternoon period is associated with parents setting down and collecting children from the existing school. This would then give an estimate of about 50-60 parents cars currently visiting the site to drop off and collect children.

Increasing this by 28% to reflect the increase in school intake would give rise to about 16 additional two-way journeys at the start and finish of the school day. This would in turn represent an increase of about 5-6% on the existing traffic flows along Brook Road, which is not considered significant enough to warrant further analysis, given the relatively uncongested nature of the street.

Finally, the Transport Assessment has also considered the road accident history for the area, but found no record of any personal injury accidents in Brook Road between Dollis Hill Lane and Crest Road in the three year period ending September 2009. This development is not considered likely to change this, particularly if S106 funds are provided towards improvements to non-car access in the area.

Travel Plan

To help to minimise any increase in car trips associated with the expansion of the school intake, it is proposed to introduce a School Travel Plan for the site. Whilst it is unfortunate that no existing Travel Plan is in place that can be developed (as this would have provided a great deal of supporting information), the proposed introduction of a new plan is welcomed.

However, at present, only a broad outline of the proposed structure of the plan has been provided as a chapter within the Transport Assessment. The only firm content provided at present is that a Travel Plan Co-ordinator will be appointed, who will be responsible for carrying out a range of surveys, distributing information, collating car sharing information and producing annual monitoring reports to be assessed against targets that have yet to be identified.

Any permission for the site should therefore be subject to a Section 106 Agreement to secure a Travel Plan, which should be submitted for approval prior to works commencing on the development. This will need to include detailed surveys of existing travel patterns to the site by staff and pupils, which can be used as the basis for the setting of targets. It is suggested that the target should aim to keep the total number of cars visiting the site to the same actual total as at present by reducing the proportion of journeys made by car. To achieve this, the proportion of children travelling to and from the site by car would need to be reduced by 20% and the proportion of staff by one-third.

Cycle parking

Standard PS16 requires at least one bicycle parking space per ten staff/pupils, giving a total requirement of 31 spaces. The proposed provision of a 40-space cycle shelter within the school grounds would more than satisfy this requirement.

Servicing

Refuse bins will be stored within a service yard alongside the car park to the front of the site; this is acceptable and will ensure refuse carrying distances are not excessive.

Pedestrian access

The main pedestrian entrance to the building will be in its centre, accessed through the landscaped play area, which provides good segregation from traffic. Where pedestrians and vehicles do intermingle along the initial 30m of the site access, the footway is to be widened and a speed table provided to keep traffic speeds low and assist pedestrians in crossing the access road, which is acceptable.

Road safety

Beyond the school boundary, additional signage to include 'school keep clear' markings and suitable warning signs should be provided on Brook Road to keep the entrance area clear of parked vehicles and warn of the likely presence of schoolchildren in the locality. A financial contribution of £10,000 is sought towards the cost of these works, secured via the s106.

The retention of a gated emergency link through the site to the proposed housing development to the rear is welcomed to ensure the housing development can still be accessed in the event of Flowers Close becoming blocked and as the basis for a widened route to serve land to the rear should the housing development not be approved or not be built. Retention of this route should be secured through a Section 106 Agreement and consideration will need to be given to the location of fencing around the site and bicycle parking to keep a secure route available that is separated from the playground area should the route need to be widened.

5. Landscaping, trees & ecology

Landscaping

The submitted plans show an acceptable ratio of soft to hard landscaping, although the pick-up/drop-off and car parking area materials will need to be provided. There should be a minimal use of

asphalt throughout the site. The principle of native boundary planting and entry enclosures is acceptable. All these details will be secured by condition.

The amended roof plan shows more soft landscape which is encouraged. Further details on the planting and the soil build up available for all planting on the roof terrace will be required which can form part of the landscape conditions.

Trees

An arboricultural implications assessment has been prepared by NVB Architects. This report is satisfactory at this stage and landscape and tree officers are satisfied with the removal of all trees on site apart from T1 Oak as long as suitable replacements are proposed in the soft landscape plan. This and an arboricultural method statement and tree protection details will be conditioned.

Ecology

The application is accompanied by an ecological survey prepared by AA Environmental (letter dated 17 August 2010, ref: 103138/JDT) to determine the existence and location of any ecologically valuable areas and to record any evidence of protected species, particularly bats. An internal and external survey of the building and a survey of the surrounding habitat were undertaken. The report found no evidence of bats in the building or out-buildings; both were found to be sub-optimal habitats for bats. In conclusion the site and buildings are of little ecological value with no evidence of protected species recorded on or adjacent to the site. In this respect the application is deemed acceptable, subject to the report's recommendations such as the inclusion of bat, bird and insect boxes and native planting are included as part of the detailed landscape conditions.

6. Response to objectors

Many of the objections have been discussed above, including traffic congestion, noise and disturbance, use of the access and Flowers Close, privacy, hours of use and highway safety. Comments received on bats has also be addressed.

The one objection not covered in the report is that the school does not serve the surrounding community. The school is a private school and as such does not necessarily serve the local community. It is a Jewish school and so it will not be a viable alternative to existing schools in the vicinity for some sections of the community. Your officers do not consider this to be a reason for refusal.

7. Conclusion

Subject to a number of conditions and a legal agreement to secure certain key aspects including the travel plan, sustainability measures and community access, the proposal is found to be in general accordance with the Council's UDP and Core Strategy policies and as such approval is recommended.

REASONS FOR CONDITIONS

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

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
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
Community Facilities: in terms of meeting the demand for community services

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):

AL(0)01Rev B; AL(0)01a Rev A; AL(0)02 Rev A; AL(0)03 Rev A; AL(0)04 Rev A;
AL(0)05 Rev A; AL(0)06 Rev A; AL(0)07 Rev A; AL(0)08 Rev A; AL(0)09 Rev A;
AL(0)11 Rev *; AL(0)12 Rev *; AL(0)13 Rev *; AL(0)20 Rev C; AL(0)21 Rev H;
AL(0)22 Rev D; AL(0)23 Rev D; AL(0)24 Rev D; AL(0)25 Rev E; AL(0)27 Rev B;
AL(0)28 Rev B; AL(0)29 Rev B; AL(0)30 Rev C; AL(9)002 Rev A; 4919 Rev A
(Proposed colour F&R elevation); 4919 Rev A (Proposed colour side elevation)

NVB Architects: Arboricultural Implications Assessment
Hyder: Transport Statement (16th June 2010)
Savills: Town Planning Statement (June 2010)
NVB Architects: Design and Access Statement (June 2010)
NVB Architects: Sustainability and Energy Statement (June 2010)
AAE Environmental Consultants (103138/JDT)

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

- (3) All areas shown on the plan(s) and such other areas as may be shown on the approved plan(s) shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to commencement of any building work commences on the site.

Such landscape works shall be completed in accordance with a phased implementation plan to be submitted to and approved in writing by the local planning authority prior to commencement of building works on site.

Details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
(ii) Hard surfaces including details of materials and finishes. These should have a

- permeable construction.
- (iii) The location of, details of materials and finishes of, all proposed street furniture, storage facilities and lighting.
- (iv) All planting including location, species, size, density and number.
- (v) Specification of any Nursery Stock trees and shrubs in accordance with BS 3936 (parts 1, 1992, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).
- (vi) Any sustainable construction methods which are to be used.
- (vii) A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape.
- (viii) Details of the MUGA.
- (ix) Details of bat, bird and insect boxes.

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 in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

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

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

- (5) Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any building work on the site. The fencing, walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved.

Such details shall include:

- (i) Specify type of fence e.g.; palisade, close-board, rails, weld-mesh, ball-stop etc.
- (ii) Specify all dimensions including height, length and thickness.
- (iii) Specify material(s), construction and manufacturer if appropriate
- (iv) For walls specify type, brick colour/pattern, mortar, render, or other finish including construction details.
- (v) Details of any alterations, extensions or repairs to existing boundaries.

Reason: In the interests of the privacy and amenity of the occupants of the application site and neighbouring properties and the visual amenity and character of the locality.

- (6) Details of the kitchen flue extraction system including particulars of noise levels shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. The approved details shall thereafter be fully implemented.

Reason: To safeguard the amenities of the adjoining occupiers.

- (7) Prior to commencement of development, full details of the cowls and pillars shall be submitted to and approved in writing by the local planning authority. The development shall be carried in accordance with the approved details.

Reason: To ensure the appearance of the development is acceptable and to protect residential amenity.

- (8) Prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall focus on the areas of sensitive end use (external play areas and areas of soft landscaping, such as the proposed bioswale). 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 an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. The written report is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004.

- (9) Any remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to 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 (unless the Planning Authority has previously confirmed that no remediation measures are required).

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

- (10) No preparatory work or development shall take place until a scheme for the protection of the retained tree (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - *Trees in Relation to Construction - Recommendations* has been agreed in writing by the local planning authority. These measures shall be carried out as described and approved.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure the viability and health of the existing trees, in the interests of the occupants and general public.

- (11) The premises shall be used only for the purpose of non-residential education facility and for no other purpose (including any other purpose in Use Class D1 specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written permission of the Local Planning Authority.

Reason: To ensure that no other use commences without the prior permission of the Local Planning Authority and to enable other uses to be considered on their merits.

- (12) The use of the roof terrace should not start before 09.00 hours and cease by 19.00 hours unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of neighbouring amenity.

- (13) The use of the external play areas should not start before 07.30 hours and cease by 21.00 hours unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of neighbouring amenity.

- (14) The areas designated for car parking shall be fully completed in accordance with the approved details prior to occupation of the building.

Reasons: To ensure that these areas are provided in compliance with the Council's parking standards, in the interests of the general amenities of the locality.

- (15) No security or floodlights shall be erected on the site without the submission of full details to, and written approval from the Local Planning Authority.

Reason: In the interest of safeguarding local amenity..

- (16) No sound emanating from the school building shall be audible in adjoining or adjacent properties.

Reason: To protect residential amenity.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

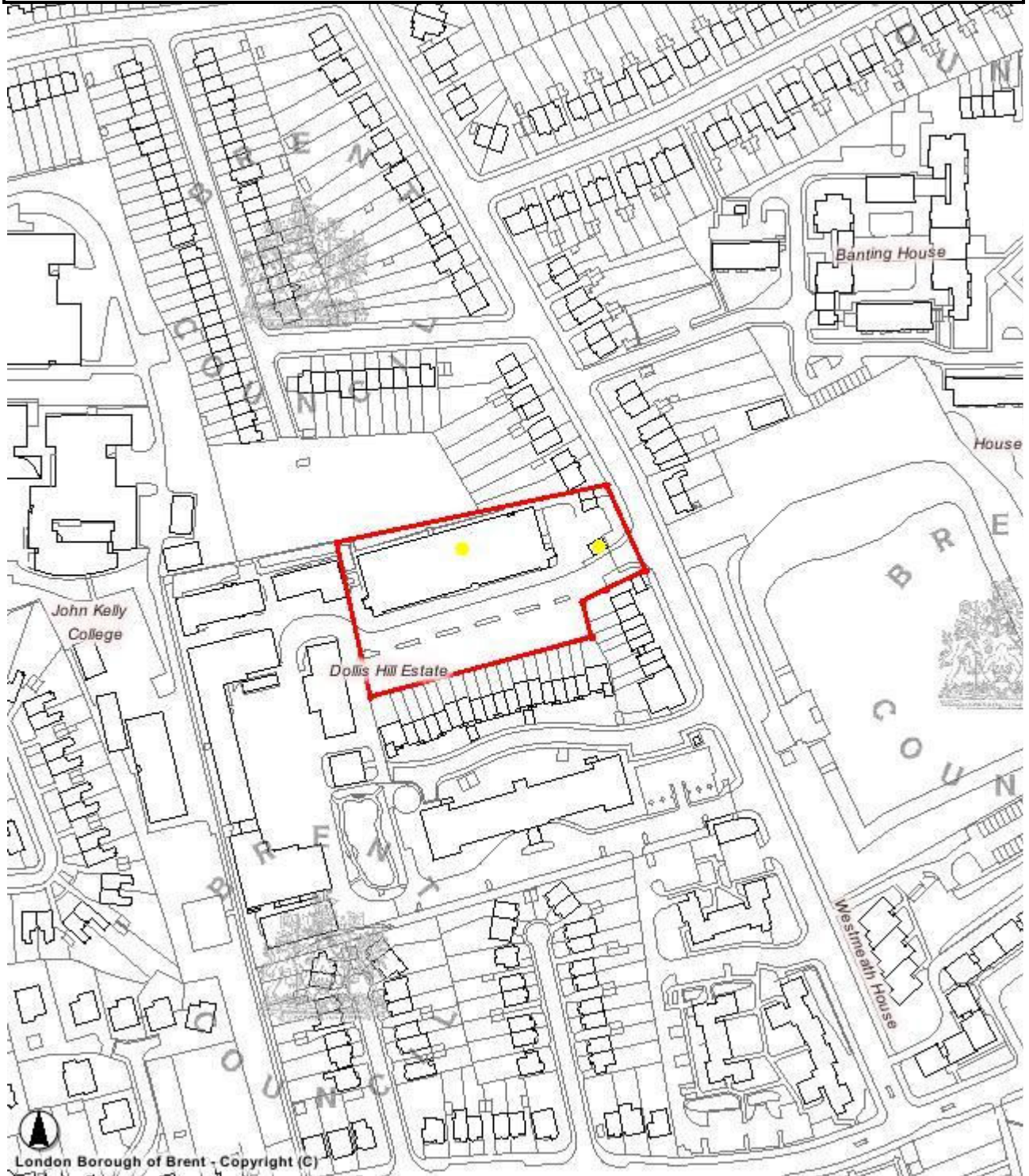
Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: Churchill House, 15 Dollis Hill Estate, Brook Road, London, NW2 7BZ

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Committee Report

Planning Committee on 15 September, 2010

Item No.

4

Case No.

10/1762

RECEIVED: 6 July, 2010

WARD: Dollis Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: 137A Tanfield Avenue, London, NW2 7SR

PROPOSAL: Retrospective application for an air conditioner unit and proposed repositioning to the side elevation of first floor flat

APPLICANT: Mr Ivan Tachev

CONTACT:

PLAN NO'S:

See condition 2.

RECOMMENDATION

Approval

EXISTING

The application relates to a first floor flat on Tanfield Avenue. The surrounding area is predominantly residential. The site does not contain a listed building and is not located within a Conservation Area.

PROPOSAL

Retrospective application for an air conditioning unit and proposed repositioning to the side elevation of first floor flat.

HISTORY

09/3328: Full planning permission sought for retention of an air conditioning unit to the side elevation of the first floor flat - refused 30/12/2009

Reason for refusal:

The retention of the existing air-conditioning unit by reason of the visual obtrusiveness and noise has a detrimental impact on the amenity of the neighbouring residents at 137 and 139 Tanfield Avenue contrary to planning policy BE9 and EP2 of Brent's UDP 2004.

Enforcement file: **E/09/0693:** Without planning permission, the erection of an air conditioning unit to the rear of the premises - An Enforcement Notice was served on 11th March 2010 requiring the removal of the air conditioning unit within 3 months of 20th April 2010.

05/0624: Full planning permission sought erection of rear conservatory extension to roof terrace of the first floor flat - granted 27/05/2005

POLICY CONSIDERATIONS

Adopted Brent Unitary Development Plan 2004

BE9: Architectural Quality: Of relevance to this application, proposals should respect the amenities of users, providing a satisfactory level of sunlight, daylighting, privacy and outlook for residents. Proposals should also be of a scale, massing and height that is appropriate to their setting.

BE17: Building Services Equipment: All air-cooling, heating, ventilation, extraction and conditional systems, as well as any ancillary plant, ducting and equipment likely to be visually intrusive, should in the first instance, be accommodated within the internal envelope of proposed buildings.

Where this is not practicable they should be located in visually inconspicuous positions, with a minimal effect on the use, character & appearance of proposed and nearby buildings, and local amenity.

Where building services equipment cannot be satisfactorily relocated or 'designed-out' through the use of passive systems, then it should be considered as part of an overall integrated architectural design.

EP2: Noise & Vibration:

I) Noise &/or vibration generating development will be permitted unless it would create, or worsen, noise levels above acceptable levels. In particular they will not be permitted where they would harm existing or proposed noise sensitive development (e.g. housing, hospitals, schools) in the area, and if this cannot be acceptably attenuated.

II) Noise sensitive development will be permitted unless its users would suffer noise levels above acceptable levels, and if this cannot be acceptably attenuated.

Necessary noise insulation will be secured by condition.

CONSULTATION

A public consultation was undertaken between 26/07/2010 and 16/08/2010. 6 neighbouring properties were consulted. 2 letters of objection were received from neighbouring properties outlining the following concerns:

1. The proposed new position of the air conditioning unit would project about 40cm over the neighbouring garden and will block more natural light than current position;
2. Noise disturbance from air conditioning unit would be experienced in the study to the rear of the neighbouring property;
3. Unsightly appearance of the air conditioning unit;
4. The front driveway and land to the rear of the applicants garage is under shared ownership;
5. The air conditioning unit is in the same position as the first application.

Officer Comment

Points 1 to 3 shall be discussed within the *Remarks* section of this report.

With regard to point 4, land ownership is generally not a planning matter. Notwithstanding this, in this instance, the proposal does not affect any of the land outlined as being under shared ownership within the letter of objection.

In terms of the proposed position of the air conditioning unit, this is different to the position that was considered in the previous application. Further details on this shall be provided within the *Remarks* section.

Consultees

Environmental Health: No objections.

REMARKS

Context

A retrospective planning application was submitted for retention of the air conditioning unit under planning reference 09/3328. The planning application was refused on the basis of the visual obtrusiveness of the air conditioning unit and noise generated by its use having a detrimental impact on the amenity of the neighbouring residents at 137 & 139 Tanfield Avenue (see the planning history section).

Following the determination of this planning application, an Enforcement Notice was served which required the removal of the air conditioning unit by 20th July 2010. In an attempt to resolve this matter, this application has been submitted to relocate the air conditioning unit.

Proposal

The previous application proposed to retain the air conditioning unit in its current location on the side elevation of the flat, located approximately 0.7m directly above the a habitable room window serving the ground floor flat. This application proposes to relocate the air conditioning unit to the side wall of the first floor conservatory of the application property.

In terms of noise and vibration generated by the air conditioning unit, whilst the unit is proposed to be located on the same elevation as the previous proposal, it is considered that the revised location further removed from the habitable room window of the ground floor flat will ensure that there will be no significant impact on the amenity of occupiers. The air conditioning unit would no longer be sited directly above habitable room window of the ground floor flat but relocated over 2.4m from this window at its closest point. The Council's Environmental Health Department were consulted on the planning application and did not consider that there will be an unduly detrimental impact on neighbouring residents as a result of operation of the unit.

With regard to the appearance, the air conditioning unit measures 0.84m(w) x 0.54(h) and 0.32m(d) and is currently attached to the wall with two brackets. Overall the unit projects approximately 0.5m from the side wall of the flat which in part is due to the size of the mounting brackets. Whilst some separation from the wall is required, it is considered that the prominence would be reduced if the air conditioning unit is located nearer to the wall, reducing the overall projection. The Council's Environmental Health Department were consulted on this issue and advised that the air conditioning unit could be located approximately 5-10cm from the wall without creating unacceptable levels of noise or vibration. It is recommended that a condition be attached to require an alternative method of attaching the unit to the wall to reduce its overall projection. It is considered that whilst the unit will be visible, due to the revised location and reduced projection it will not appear unduly prominent or obtrusive. Given the scale of the proposal, it is not considered that it would block access to natural light received in the rear garden of the ground floor flat.

Conclusion

It is considered that the proposed air conditioning unit and its relocation overcomes the previous reasons for refusal relating to noise and visual appearance. The proposal can be recommended for approval accordingly.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-
Brent Unitary Development Plan 2004

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

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

Plan showing side elevation as existing - dated 3/11/2009

Plan showing the side elevation as proposed- dated 5/4/2010

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

- (3) The noise emitted by the air conditioning unit shall not at any time exceed a value of 10 dB below the minimum external background noise at of point 1 metre outside any window of any residential property.

Reason: To safeguard the amenities of the adjoining occupiers.

- (4) Notwithstanding the plans otherwise hereby approved, further details of the means of attachment of the air conditioning unit to the property shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of all works on site. The development shall be implemented in accordance with the approved details.

Reason: To safeguard the amenities of the adjoining occupiers.

INFORMATIVES:

- (1) The applicant is advised that this grant of permission does not override the requirements of Enforcement Notice E/09/0693. If the development is not carried in accordance with the plans and conditions hereby approved, the requirements of the Enforcement Notice must be complied with.

REFERENCE DOCUMENTS:

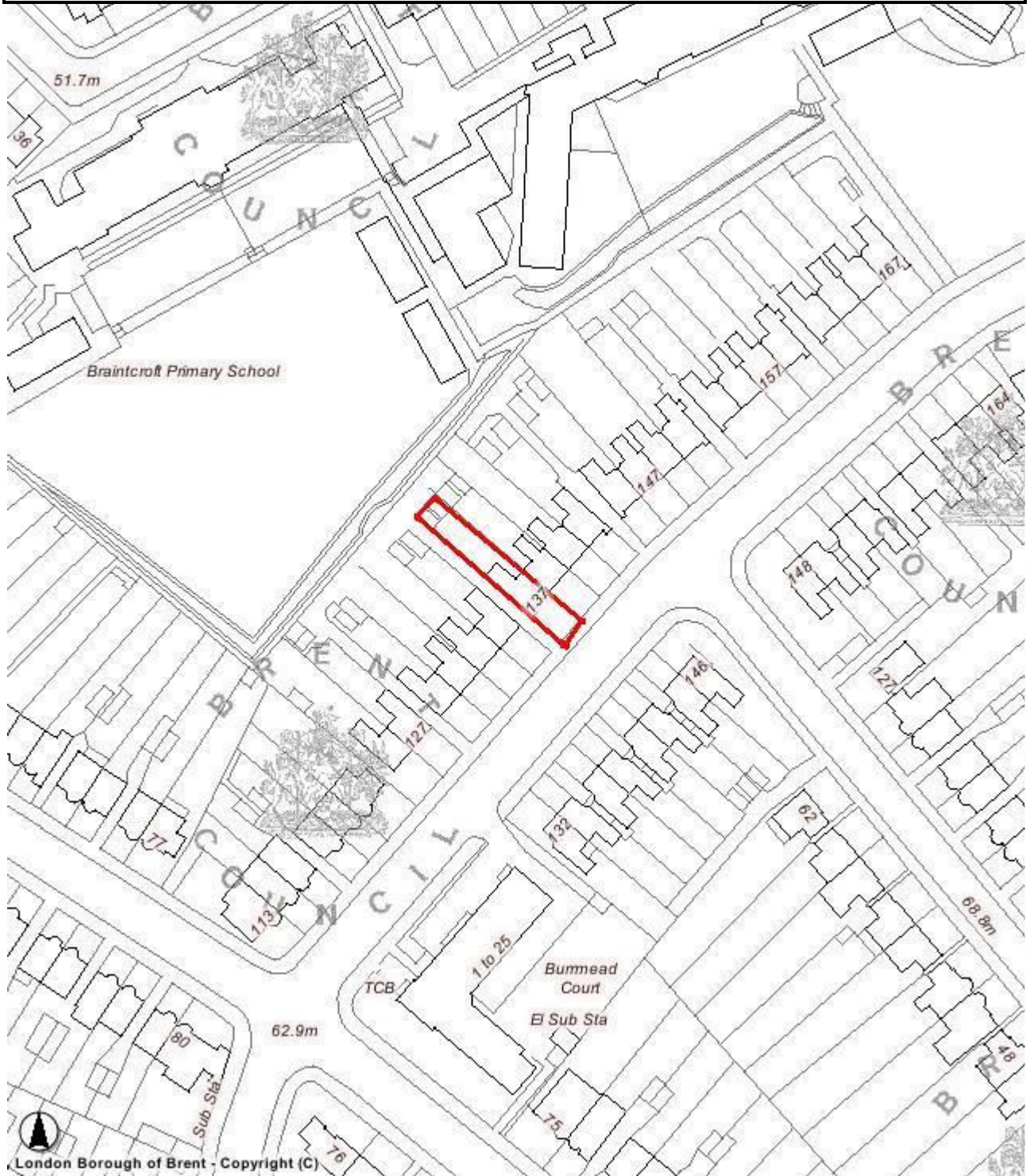
Any person wishing to inspect the above papers should contact Roland Sheldon, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5232



Planning Committee Map

Site address: 137A Tanfield Avenue, London, NW2 7SR

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Committee Report
Planning Committee on 15 September, 2010

Item No. 5
Case No. 09/1616

RECEIVED: 14 July, 2009

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 14 Heber Road, London, NW2 6AA

PROPOSAL: Erection of single-storey detached outbuilding in garden ground-floor flat (14b Heber Road) as amended by plans received 16/11/2009 and 20/08/2010

APPLICANT: Camross Investment Management

CONTACT: Mr Michael Burnand

PLAN NO'S:
See Condition 2

RECOMMENDATION

Approval

EXISTING

The application relates to 14b Heber Road in Cricklewood. This is the ground floor flat which comprises 2 bedrooms with sole use of the rear garden. The surrounding uses are predominantly residential. The site is not located in a conservation area nor is it a listed building. Heber Road is designated as a Heavily Parked Street.

PROPOSAL

Full planning permission is sought for the erection of a single storey detached outbuilding to be used for domestic storage purposes.

HISTORY

93/1674. Full planning permission was refused for the erection of a detached two bedroom residential dwelling in side of garden No. 14, on 01/12/1993 (06/1466).

96/2046. Full planning permission was refused and a subsequent appeal dismissed for the erection of a detached 2 bedroom residential dwellinghouse inside garden of No. 14, on 15/07/1997 (Planning ref: 96/2046).

97/0176. Full planning permission was refused and a subsequent appeal dismissed for the erection of a detached bungalow for a disabled person, on 20.10.1997 (Planning ref: 97/0176). The three reasons for refusal were:

- 1. The proposed development would result in an incongruous and cramped form of development and would be detrimental to the amenities of adjoining residents by reason of obtrusive appearance contrary to policies E1 & H6 in the Council's Unitary Development Plan.*
- 2. The proposal does not make adequate provision for the parking of vehicles within the*

curtilage of the site, in accordance with the standards adopted by the Local Planning Authority as such is likely to give rise to the conditions which are prejudicial to the free flow of traffic on the adjoining highway contrary to Policies H6, T13 and standard PS12 in the Council's Unitary Development Plan.

- 3. The proposal would constitute an overdevelopment of the site resulting in inadequate amenity area for both the existing and proposed dwellings contrary to Policies H6 & H14 in the Council's Unitary Development Plan.*

06/1466. Full planning permission sought for the retention of detached outbuilding incorporating residential accommodation and prayer-room to be used in connection with the ground floor flat. The application was refused on 04/07/2007 for the following reasons and was also dismissed on subsequent appeal:

- 1. The proposed detached outbuilding by reason of its siting, size, obtrusive appearance, and close proximity to the side and rear boundaries represents a substantial building within the garden of this property that is out of character of the area, and is detrimental to the amenities of neighbouring occupiers, by virtue of its scale and massing which results in the unacceptable loss of outlook, contrary to policies BE2, BE7, BE9 and H21 of the Unitary Development Plan 2004.*
- 2. The proposed detached outbuilding represents a form of self contained residential development considered substandard by reason of the failure to provide a dwelling that meets the Council's minimum floor area standard or to provide adequate provision for off-street parking, refuse storage and cycle parking creates an unacceptable impact on adjoining properties by reason of outlook, privacy and use of the amenity area and would therefore fail to provide an adequate living environment for future occupiers contrary to policies H12 and TRN23 of the adopted Brent Unitary Development Plan 2004 and the advice of Supplementary Planning Guidance No. 17: "Design Guide for New Development".*

E/04/0326: An existing detached outbuilding was demolished as part of Enforcement Action related to the erection of a building and fence

09/0816. Full planning permission sought for the erection of detached outbuilding in the rear garden of 14 Heber Road. .Refused 29/05/2009 for the following reasons:

- 1. The proposed single-storey detached outbuilding, by reason of its siting, size, obtrusive appearance and close proximity to the boundary with the rear gardens of other properties, would result in a development that is out of keeping with its backland setting and which would be detrimental to the amenities of neighbouring residents, contrary to policy BE9 of Brent's Unitary Development Plan 2004*

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 - Local Context

BE9 - Architectural Quality

CONSULTATION

11 neighbours were consulted, three representations have been received objecting to the proposal from residents on Oaklands Road on the following grounds:

- Loss of light;
- Noise and disturbance;

- Lack of parking;
- Loss of trees;
- Too close to boundary with neighbouring properties;
- Loss of privacy.

These issues are addressed in the *Remarks* section of this report

REMARKS

Context

The site has a significant planning history as set out in the *History* section above. In 2006, a single storey detached outbuilding was found to be in use as an unauthorised dwelling and was demolished by the Council following an enforcement appeal. A subsequent application was made for the erection of an outbuilding and was refused in 2009. The current planning application was submitted taking into account some of the amendments suggested by your officers. The amendments are as follows:

- The area of the proposed building reduced from 21m² to 15 m²;
- The height of the ridgeline reduced from 4m to 2.5m;
- The height at the eaves reduced from 2.8m to 2.1m;
- The position of the building set in 2m from the boundary with the rear gardens on Oaklands Road and average of 3.05m from the splayed boundary with no. 16 Heber Road.

After further dialogue with the applicant, additional amended plans and information regarding the proposed use and the status of the site have been provided. The amended plans and additional information confirm the following:

- The proposal relates solely to 14b Heber Road;
- The use is for storage purposes incidental to the use 14b Heber Road as a 2-bed residential flat;
- The building has been reduced in size and positioned further from the boundaries with neighbouring properties;
- The existing fence sub-dividing the rear garden of 14b Heber Road will be removed prior to the commencement of development;
- The existing single storey lean-to structure attached to the flank wall of 14 Heber Road (applicant refers to this as 14c) does not form part of the application site. The current use of this structure has not been clarified as officers have not been permitted access to this part of the site.

Whilst there is uncertainty regarding the use of other parts of 14 Heber Road (in particular the single storey lean-to structure referred to by applicant as 14c), it is important to note that the applicant has clarified that this application relates solely to 14b Heber Road and the external amenity space associated with this flat. The status of this outbuilding will be pursued by the Enforcement Team in view of the applicants inability to do so.

Siting and Design

14b Heber Road is a 2-bedroom groundfloor flat with sole access to a rear garden of approximately 150 sqm. The proposed outbuilding measures 3m x 5m (15m²) and positioned 2m from the boundary with No.77 Oaklands Road and a minimum of 2.5m from the angled boundary with No. 16 Heber Road. Currently the garden serving the ground floor flat at no. 14b Heber Road is subdivided by a fence. This is to be removed as part of this proposal. The outbuilding will have a dual pitched roof with the eaves height at 2.1m and the ridge height at 2.5m. It will have shiplap timber cladding to the exterior and is screened from the road by the existing side lean-to structure to no 14 Heber Road (referred to by applicant as 14c Heber Road). There are existing 1.8 m high fences along the side and the rear boundaries.

It is considered that the reasons for refusal of the previous application (09/0816) have been overcome and that the proposed single storey detached outbuilding will be in keeping with the character and appearance of the rear garden and will not have a detrimental impact on the amenity of neighbouring residents. The footprint of the outbuilding is of a size commonly seen in residential gardens and, given its size, could not readily be used for purposes other than those incidental to the enjoyment of the flat. Notwithstanding this, a condition will be attached to the permission restricting the use of the premises to domestic purposes. This includes usage for domestic storage, garden storage and as a summer house. Any use for the storage of materials relating to business or use as separate living accommodation is expressly forbidden.

An additional landscaping condition is also to be attached as the existing rear garden is predominantly hard landscaping. The reason for this condition is to ensure that the proposed development is in keeping with the visual amenities of the site and surrounding area.

Other Issues raised by Objectors

In relation to the issues of loss of light and proximity to the neighbouring boundaries, the revised scheme is not considered to have any adverse impact in view of the modest height of the outbuilding and proximity to the boundaries. Similar size buildings are not uncommon in residential areas and are lawful when they are for incidental use to the dwellinghouse.

In terms of noise and disturbance, the application relates to an outbuilding in a domestic garden. It is not considered that its use for purposes incidental to the enjoyment of the flat would lead to noise and disturbance exceeding that generally associated with the use of a residential property. Noise nuisance is covered by Environmental Health legislation.

There are no protected trees on this site and no trees within close proximity of the proposed building. As stated above, additional landscaping will be sought by condition if the application is to be approved.

Given that the proposed outbuilding is for storage purposes only there will be no increase in the number of bedrooms or the size of the living accommodation, it is not considered that the proposal will result in an increase of on-street parking. In relation to privacy, the window and door of the proposed building face towards the rear elevation of 14b Heber Road thus there will be no overlooking of neighbouring residents.

Conclusion

The proposed single storey detached outbuilding is of a scale and appearance that is in keeping with its location and will not have a detrimental impact on the amenity of neighbouring residents. Accordingly approval is recommended subject to the conditions set out below.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

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 to 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 and/or documents:

Site Plan received on 20 August 2010 and 2810/1'D'

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

- (3) External work shall be carried out in the following materials:

-Walls: Timber Shiplap Boarding
-Roof: Green Mineral Felt
-Windows & Door: Timber

Unless otherwise agreed in writing by the local planning authority.

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

- (4) The outbuilding hereby permitted shall be used solely for purposes incidental to the enjoyment of the residents of the groundfloor flat and for no other purposes, including use as any form of residential accommodation or in conjunction with any business, without the prior permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: In order to ensure that the outbuilding is not used for business use or separate living accommodation, which could harm the amenities of residential occupiers.

- (5) Notwithstanding any details of landscaping works referred to in the submitted application, a scheme for the landscaping works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any demolition/construction works on the site. The landscape work as approved shall be completed during the first available planting season following completion of the development hereby approved and so maintained in accordance with the details so approved. Any plant that dies within a period of five years from the date of planting shall be replaced by a plant of the same species unless otherwise agreed in writing by the local planning authority. Such a scheme shall include:-

- (a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (b) screen planting along the side boundaries and in front of the outbuilding;
- (c) removal of the existing boundary fence that subdivides the existing rear garden;
- (d) areas of hard-landscaped works and proposed materials.

Reason: To ensure a satisfactory appearance and setting for the proposed development so that it enhances the visual amenity of the conservation area.

INFORMATIVES:

- (1) The applicant is informed that prior to submitting any further applications for development on this site, an appropriate application should be made to ensure that the conversion of the former dwellinghouse into flats is regularised by making a Certificate of Lawfulness if there exist evidence that the 3 flats are self contained have existed for 4 years or more. Please note a planning permission to retain the flats is required if the flats have not been in existence for 4 continuous years.

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: 14 Heber Road, London, NW2 6AA

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This map is indicative only.

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**Committee Report
Planning Committee on 15 September, 2010**

**Item No. 6
Case No. 10/1388**

RECEIVED: 9 June, 2010

WARD: Dollis Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: Dollis Hill Estate (excluding Further Education College and Gatehouses), Brook Road, London, NW2 7BZ

PROPOSAL: Demolition of existing buildings and erection of 160 residential dwellings comprising: 1 part two-, part three-, part five-storey block with a communal roof-terrace area to the three-storey part, comprising 21 x 1-bedroom and 26 x 2-bedroom private flats; 1 five-storey block comprising 17 x 1-bedroom and 26 x 2-bedroom shared-ownership flats; 1 five-storey block comprising 7 x 1-bedroom, 30 x 2-bedroom, 12 x 3-bedroom and 3 x 4-bedroom social-rented flats; with 146 car-parking spaces at basement level, associated hard and soft landscaping, emergency-access road to Brook Road, refuse stores and 137 secure cycle-storage spaces; erection of 18 three-storey, terraced dwellinghouses comprising 10 x 3-bedroom, 6 x 4-bedroom and 2 x 5-bedroom, all for social rent, with off-street parking and private amenity space (as amended by revised plans and documents received 03/08/2010)

APPLICANT: Stadium Housing Association

CONTACT: King Sturge LLP

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant planning permission subject to referral to the Mayor of London and subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture, or other duly authorised person, 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:-

- (a) Payment of the Councils legal and other professional costs in:
 - (i) preparing and completing the agreement and
 - (ii) monitoring and enforcing its performance
- (b) 76% Affordable Housing (habitable rooms)
- (c) A contribution £790,000, due on material start and index-linked from the date of committee, for Education, Sustainable Transportation, Open Space & Sports in the local area which may include but not be limited to a MUGA in Gladstone Park.
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a

- minimum of 50% score is achieved and Code for Sustainable Homes level 3, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (e) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
 - (f) Join and adhere to the Considerate Contractors scheme.
 - (g) A contribution of £200,000 due on Material Start and index-linked from the date of committee, for providing Employment Land space / enhancement or for training schemes in Brent
 - (h) Should the Menorah School (New) application number 10/1712 not be provided within 3 years of a Material Start of 10/1388, pay to the Council £50,000 toward local education and community facilities.
 - (i) Construction of footway of approximately 15m length along the south side of Flowers Close between its turning head and the application site boundary, including the provision of dropped kerbs and tactile paving across the turning head.
 - (j) Refurbishment of the play area serving Chartwell Court/Flowers Close to an agreed standard to also serve this development.

And, to authorise the Director of Environment and Culture, 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 in accordance with the timescales set out in the Planning Performance Agreement.

EXISTING

The application site comprises a 1.35ha section of the western (rear) part of the Dollis Hill Estate, accessed off Brook Road via the remaining part of the estate and contains a range of brick-built two to four storey industrial buildings. It is situated on the crest of a hill and the land falls substantially to the north and south; as such the site is particularly prominent. This area includes a road access of approximately 0.15 ha.

The site is currently in mixed use as a school (D1 use) and commercial functions including offices, light industrial and storage (B1, B2 & B8). The Menorah School is a private Jewish faith school, with a roll of 195 pupils and 40 staff.

The school occupies a total of 2,923 sqm of floor space. The rest of the site is in employment use with 1,622 sqm currently being let and 4,146 sqm currently vacant. A local church also operates from the site. Approximately 57 people are employed in the commercial uses.

The northern boundary is formed by a retaining wall which retains the application site over the allotments to the north. The retaining wall continues along the western boundary, beyond which lies the Crest Academies and beyond that lie houses on Vincent Gardens. To the south the retaining wall continues and forms the boundary with the side of properties on Hill Crest, a residential cul-de-sac of inter-war semi-detached houses.

The southern part of the eastern boundary abuts more residential land, including Chartwell (the former Post Office Communications facility), which is locally listed. This building, and the homes on the neighbouring Flowers Close, are both managed by Stadium Housing Association. These housing schemes were completed in 1998. This part of the site also contains a dew pond. Residents of Chartwell Court currently enjoy sole access to this pond, although it lies in the application site boundary.

Further along the eastern boundary the site extends eastwards to Brook Road to provide a vehicular access to the public highway. The boundary then returns to the north, around the three storey building known as "Unit 15" which is intended to provide new premises for Menorah School.

The site has a public transport accessibility level (PTAL) of 2, which is low. Four buses operate

along Crest Road and one bus runs along Dollis Hill Lane, with further buses also running down the A5 Edgware Road corridor. Dollis Hill Underground station, served by the Jubilee Line, lies 600m away from the site.

PROPOSAL

The proposal involves the demolition of the existing buildings and the erection of buildings to provide 160 residential units (142 flats, 18 houses). The employment uses would cease and the Menorah school would relocate to a refurbished Building 15, subject to planning permission. An application for that element is also on this agenda.

The residential development comprises:

- (i) a part 2-, 3- and 5-storey building, with a communal roof terrace on the three-storey part ,comprising 21 x 1-bed and 26 x 2-bed private flats "the private block";
- (ii) a 5-storey building comprising 17 x 1-bed and 26 x 2-bed shared ownership flats "the shared ownership block";
- (iii) a 5-storey building comprising 7 x 1-bed, 30 x 2-bed, 12 x 3-bed and 3 x 4-bed social rented flats "the general needs block"; and
- (iv) 18 x 3-storey terraced houses comprising 10 x 3-bed, 6 x 4-bed and 2 x 5-bed, all for social rent "the general needs housing";

This generates 527 habitable rooms, on a site area of 1.35ha, giving a density of 390hrh or 119dph.

Vehicular and pedestrian access would be taken from Flowers Close with an emergency access maintained through the land serving Building 15. Basement car parking beneath the three blocks of flats would be provided at a ratio of 1:1 for the flats. Surface parking at the same ratio would be provided for the houses.

All units would be 100% Lifetime Homes compliant and over 10% units are wheelchair adaptable.

The scheme would provide 113 homes for affordable purposes, or 76% of the habitable rooms proposed. An accommodation schedule is provided below:

Unit Type	Unit Tenure			Total by Unit Type	Total by Unit Type (%)
	Market	Affordable			
		<i>Intermediate</i>	<i>Social</i>		
Studios	0	0	0	0	0%
1-bed	21	17	7	45	28%
2-bed	26	26	30	82	51%
3-bed	0	0	22	22	14%
4-bed	0	0	9	9	6%
5-bed	0	0	2	2	1%
Total by Tenure	47	43	70	160	100%
Total by Hab Rooms	126	114	287	527	
Tenure (% hab rooms)	24%	22%	54%		
Tenure split (by hab rooms)		28%	72%		

Terraced Houses

The terrace houses are three-storeys (about nine metres) high and comprise two terraces, one of 12 houses and one of six. All have private gardens which back onto the eastern boundary. Most meet or are close to meeting the minimum 50sqm private space requirement in SPG17. Parking, bin stores and cycle stores are provided at the front of each property.

General needs block

This L-shaped block is positioned at the north-western corner of the site and overlooks the allotments to the north, the Crest Academies to the north and west, with Vincent Gardens beyond. The block is five-storeys high (14.2m) and the top floor is set-in slightly. It measures 44m in length from south to north and 34m in width along the northern edge and 17m on its southern edge. It contains a cycle store for 44 spaces. A store for a further 10 cycles, binstores and parking are in the basement.

Shared Ownership block

This linear block is also five-storeys high and measures 43m x 17m. It contains a 45 space cycle store, a management suite and a large store for residents' use.

Private sale block

The private sale block is also L-shaped and has a similar footprint to the general needs block. The southern leg of the block is part two-, part three-storeys (between 8-12m) high. The basement contains two cycle stores for 26 cycles each. Binstores are also located in the basement.

Basement

146 parking spaces are provided in the basement, with one marked for a car club and 16 shown as disabled parking bays; 10 bays are shown to have electric charging points, although these can serve 19 bays in total. Cycle and binstores are located in the basement. Direct access via stairs and lifts is provided to each of the blocks.

HISTORY

The application site and the buildings and individual floors therein have a complex planning history. This includes previous refused planning applications, the approval of a compulsory purchase order to acquire the site for the expansion of the neighbouring John Kelly School and the issuing of a Certificate of Appropriate Alternative Development (CAAD) for alternative uses, including a scheme for up to 173 dwellings, by the Secretary of State.

General

The site was originally the Post Office Research Station, established in 1921. The majority of buildings originate from that time and around the Second World War; Chartwell Court was built in 1933. The Post Office vacated the premises in the mid 1970s and they remained in light industrial and office uses.

Planning permission was granted in 1979 for the change of use of buildings 15 and 21 of the Evans Business Centre (which is now known as the 'Dollis Hill Estate') from light industrial/offices to educational use (ref: M2330 0488). Subsequent permissions include permission for the change of use of Unit 23 of the Evans Business Centre from light industrial to a day centre for handicapped people (ref: LM5420 0278) and the change of use of the first and second floors of Units 23 and 24 of the Evans Business Centre for use by Willesden College of Technology (ref: 85/0729) in 1985.

In June 2004, two planning applications were submitted for a secondary school and sixth form college with ancillary sports facilities and housing (176 units). The first of these schemes was refused, whilst the second was withdrawn prior to committee. An appeal was submitted but not pursued (04/0716 and 04/0684).

On 17 March 2005 outline planning permission was granted for a mixed-use development comprising of education and employment uses (04/3941). Submitted by the John Kelly Technical College (now the Crest Academy), the application included the existing Crest Academies site and the Dollis Hill Estate. At the end of 2005 the owner at the time made another application redevelopment, this time incorporating employment uses onsite and 140 residential units. This was refused and an appeal was withdrawn.

The Council subsequently made a compulsory purchase order (CPO) of the site, and following notification of the CPO, the owner at the time submitted an application for a CAAD for six different schemes comprising mixed-use, wholly residential, and wholly employment use. Brent Council responded by issuing a certificate stating that were it not for the CPO, planning permission would not have been granted for the proposed alternative developments. A subsequent appeal was lodged, and the Planning Inspectorate upheld the appeal in relation to two of the mixed-use schemes. In relation to the solely residential scheme, the appeal was dismissed.

Use history by unit

- Unit 15 (Churchill House) is mostly vacant, as it was in 2004, but was previously occupied by the College of North West London during 1980s until 1999. It was initially built to be used as a Post Office Research Centre in 1930s. This ceased trading in mid 1970s and was predominately used for offices thereafter. During early 2001 the ground floor was being used as an Auction Room temporarily. Currently houses three businesses employing 18 people.
- Unit 18 (Britannia House) is in B8 use, as it was in 2004, with 3 employees.
- Unit 19 (Enigma House) was granted permission for change use from use class B1 to use class D1 for education use by Menorah High School in 2003 (03/2049). This was due to relocation from Unit 21.
- Unit 21 (Douglas Bader House) was in education use in conjunction with the use of Unit 15 by the College of North West London (85/0729 pp for the first and second floors). The education use for Unit 21 was continued by Menorah High school but in 2003 planning consent was granted for the relocation of the high school to Unit 19. However Menorah High school still occupies the premises.
- Unit 22 (Allies House) comprises 15 separate offices/suites. The current use is for offices (B1) and all office suites are occupied, with 19 employees.
- Unit 23 (Lancaster House) is a four-storey building. The ground floor, which was previously a day centre for the handicapped (pp granted in 1980) is now in use by a church, in short-term occupation while they refurbish their premises. The whole first floor and part of the second floor is taken up by the Menorah School, without planning permission. The remaining second and third floor space comprises 14 separate office/suites of which 13 are occupied and 13 people are employed.
- Unit 24 (Victory House) is occupied on the ground floor by a commercial operation (storage, B8) employing 4 people, but the first floor is currently used by the Menorah School, without planning permission.
- Unit 27 is vacant, last used for storage purposes (B8).
- Unit 28 (Montgomery House) was last occupied by Brent for use as a staff training centre (D1).

It is clear that the employment potential of the site has been eroded as the Menorah school has expanded into most of the buildings on the estate.

Planning history

06/2280 Certificate of Appropriate Alternative Developments **Two supported, three not supported** 23/05/08

Mulgate Investments Limited submitted an application for a CAAD for the six following proposal options:

- Mixed-use scheme comprising employment and residential floorspace (residential density 301 hrh);
- Mixed-use scheme comprising employment and residential floorspace (residential density 372 hrh);
- 100% residential scheme consisting of houses and flats (residential density 364 hrh);
- 100% residential scheme consisting of houses and flats (residential density 334 hrh);
- 100% employment scheme to include 2 storey office / workshops; and
- 100% employment scheme to include four storey office scheme.

Following consideration by the Executive committee, on 9 May 2007 the Council issued a certificate stating that if the land were not being acquired by a body possessing compulsory purchase powers, planning permission would not have been granted for the proposed alternative developments. The reasons for refusal included: Loss of community facilities and employment land; Excessive density; and that "Business use (B1) was unacceptable due to the low level of public transport".

A subsequent appeal was lodged with the Planning Inspectorate. In doing so, the proposed alternative developments were amended. These alternative developments are described as:

1. Demolition of existing buildings and the redevelopment of the site for a mixed-use development of six new buildings comprising 140 flats (Class C3), 4,120 m² of space for commercial use (Class B1) and 260 m² of space for community use (Class D1) with associated car parking. The notional residential density is 301hrh.
2. Demolition of existing buildings and the redevelopment of the site for a mixed-use development of six new buildings comprising 173 flats (Class C3), 4,120 m² of space for commercial use (Class B1) and 260 m² of space for community use (Class D1) with associated car parking and landscaping. The notional residential density is 372hrh.
3. Demolition of existing buildings and the redevelopment of the site for a residential development comprising 6 new buildings accommodating five houses and 246 flats (Class C3), and 260m² of space for community use (Class D1). The notional residential density is 364hrh.
4. Demolition of existing buildings and the redevelopment of the site for a residential development comprising seven new buildings accommodating 21 houses and 202 flats (Class C3), and 260m² of space for community use (Class D1). The notional residential density is 334hrh. Amenity space is provided at grade, through roof terraces and the provision of balconies.
5. Demolition of existing buildings and redevelopment of the site for a mixed-use development of four new buildings comprising 229 flats (Class C3), 960 m² of space for commercial use and 260 m² of space for community use (Class D1) with associated car parking and landscaping. The national residential density is 340hrh.

The Inspector recommended that the appeal be allowed and a certificate be issued in respect of schemes 1 and 2 but dismissed in respect of schemes 3, 4, and 5. This was endorsed by the Secretary of State on 23 May 2008.

05/2757 Demolition of existing buildings and redevelopment of the site for a mixed-use development of 6 new buildings, comprising 140 flats (Class C3), 54 of which will be affordable housing, 4,120m² of space for commercial use (Class B1) and 130m² of space for community use (Class D1) with associated car-parking and landscaping (as accompanied by Sustainability checklist received 07/10/2005, Planning Statement by Barton Willmore dated October

1. *The proposed residential development is considered to be premature and would prejudice the opportunity to expand the adjacent John Kelly schools resulting in additional pressures on local land supplies. The subject site being the only available land within the Borough to maximise the opportunity for an expansion of a local school site where the facilities are drastically deficient for the number of existing pupils and for the growing school population will be eliminated as a result of the proposed development. It will also add to the pressure on the increasing demand for school places in the future, where the education resources are exhausted within Borough of Brent and therefore these shortcomings will increase with the consequent negative impact on school standards contrary to policies CF7 and CF8 of Brent Unitary Development Plan 2004.*
2. *The proposed residential development is an intensified overdevelopment of the site which results in lack of social inclusion, poor provision of amenity, lack of outdoor amenity space, lack of landscaping to the future occupiers of the development. The proposed residential site layout with its excessive hard surfacing and its vehicular accessways and parking spaces dominating the entire site would not provide satisfactory suburban environment which does not positively contribute to the built environment of the surrounding locality. The proposal also fails to adopt safer by design principle and be of a scheme that promotes sustainable development contrary to policies STR 3, STR14, STR 18, STR19, STR20, BE2, BE3, BE5, BE6, BE9, BE12, H1A, H2, H8, H12, H14 and OS18 of Brent UDP 2004, Supplementary Planning Guidance Note 17 and 19, policies within The Mayor of London: London Plan 2004.*
3. *The private and affordable housing element of the scheme is not considered acceptable in terms of the percentage, mix of unit sizes and tenure. More specifically, the scheme fails to provide an acceptable number of larger family units for which there is a definite need within the Borough. As such, the application is contrary to policies H1 & H8 of the adopted Brent Unitary Development Plan 2004.*
4. *The density of the development at 302 habitable rooms per hectare is considered too high for this suburban site with low level of public transport accessibility and the quality of design is not sufficient to accommodate this. As such, the proposal fails to comply with policies BE2, BE3, BE9 & H14 of the adopted Unitary Development Plan 2004, Supplementary Planning Guidance no.17 and Table 4B.1 of the London Plan, February 2004.*
5. *The proposed development would result in the loss of the employment land for housing for which there remains a demand and would have an impact to the existing local job opportunities within the Borough and also contrary to policy STR1, STR25, CF3 and EMP9 of Brent Unitary Development Plan 2004.*
6. *The proposed development fails to provide a replacement of the existing community facilities and would therefore result in the substantial loss of the community facilities (D1) on site. This would have detrimental impact on the existing stock of community facilities within the Borough and in particular to the area within the vicinity and also contrary to policy CF3 of Brent Unitary Development Plan 2004.*

04/3941 Outline planning application for a mixed-use development re-providing education and B1, B2 & B8 uses; new school buildings for John Kelly Technology Colleges, consisting of a central shared admin/sixth-form block and separate wings for girls' and boys' schools; remodelling of car-parking and means of access to site; new business units, comprising D1, B1, B2 & B8 uses, to Dollis Hill industrial estate, including alterations to car-parking (matters to be determined: siting and means of access) **Granted** 17/04/05.

04/0716 Demolition of existing buildings and erection of buildings within Use Class D1 as secondary school and sixth form with ancillary facilities including indoor and outdoor sports facilities and car-parking; the erection of residential units (Use Class C3), together with ancillary car-parking; works of hard and soft landscaping and other works incidental to redevelopment of site **Refused on 03/06/04** for the following reasons:

- 1. The proposed development would result in the loss of the community facilities and loss of employment land for which there remains demand would have detrimental impact to the existing stock of community facilities and local job opportunities within the Borough and also contrary to policy STR1, STR25, CF3 and EMP9 of Brent Unitary Development Plan 2004.*
- 2. The proposed residential development would prejudice the opportunity to expand the adjacent John Kelly schools resulting in additional pressures on local land supplies. The subject site being the only available land within the Borough to maximise the opportunity for an expansion of a local school site where the facilities are drastically deficient for the number of existing pupils and for the growing school population will be eliminated as a result of the proposed development. It will also add to the pressure on the increasing demand for school places in the future, where the education resources are exhausted within Borough of Brent and therefore these shortcomings will increase with the consequent negative impact on school standards contrary to policies CF7 and CF8 of Brent Unitary Development Plan 2004.*
- 3. The affordable housing element of the scheme is not considered acceptable in terms of the percentage, mix of unit sizes and tenure. More specifically, the scheme fails to provide an acceptable number of larger family units for which there is a definite need within the Borough. As such, the application is contrary to policies H1 & H8 of the adopted Brent Unitary Development Plan 2004.*
- 4. The proposed residential development is an intensified overdevelopment of the site which results in lack of social inclusion, poor residential amenity, poor outlook, lack of outdoor amenity space, lack of landscaping and privacy impact to the future occupiers of the development. The proposal also fails to adopt safer by design principle contrary to policies STR 3, STR14, STR 18, STR19, STR20, BE2, BE3, BE5, BE6, BE9, BE12, H1A, H2, H8, H12, H14 and OS18 of Brent UDP 2004, Supplementary Planning Guidance Note 17 and 19, policies within The Mayor of London: London Plan 2004 and Central Government Guidance PPS1: Creating sustainable communities (The planning system and crime prevention).*
- 5. The density of the development at 449 habitable rooms per hectare is considered too high for this suburban site and the quality of design is not sufficient to accommodate this. As such, the proposal fails to comply with policies BE2, BE3, BE9 & H14 of the adopted Unitary Development Plan 2004, Supplementary Planning Guidance no.17 and Table 4B.1 of the London Plan, February 2004.*
- 6. The proposed developments by reasons of its proposed access, insufficient parking provisions for both disabled and able and poor parking layout, would have significant negative impact to the locality by increasing the level of traffic congestion, road safety hazards in the nearby area and unacceptable increase in on-street parking. The formation of the access from a private road would also result in unacceptable level of amenity and detrimental to the road safety conditions to the nearby residents. Overall, proposed number of residential development together with the proposed form of school would have dramatic cumulative impact on the environment and the road network due to the insufficient existing public transport facilities and provisions to cater for the demand thus contrary to policies STR 3, STR14, STR19, BE3, BE4, BE12, H12, TRN2, TRN 3, TRN 4, TRN12, TRN15, TRN 22, TRN 23, TRN24, TRN31, PS14, PS15 and PS16 of Brent UDP 2004, Supplementary Planning Guidance 17 and 19 and The London Plan 2004.*
- 7. The proposed school by reasons of its roof terrace would have detrimental impact to the*

neighbouring occupiers from nuisance and loss of amenity due to increase in noise levels as a result of intensification of activities within the roof terrace. The proposed location and parking layout being the only feature to the street frontage of Brook Road would also have significant impact to the streetscene contrary to policies STR14, BE2, BE4, BE7 and BE9 of Brent UDP 2004.

04/0684 was a duplicate of 04/0716 and was withdrawn.

03/2049 Change of use of Building 19 from offices to education **Granted** 08/09/2003

01/1898 Change of use from educational establishment [Building 15] to small business units with storage, leisure facilities and ancillary coffee bar, including the addition of a mezzanine level above the first floor **Withdrawn** 30/04/2003

00/2232 Change of use of Units 21 & 22 from educational use to officers and storage **Granted** 20/12/2000

85/0729 Change of use of the first and second floors of Units 23 and 24 of the Evans Business Centre for use by Willesden College of Technology **Granted** 16/10/1985

LM54200278 Change of use Unit 23 of the Evans Business Centre from light industrial to a day centre for handicapped people **Granted** 03/04/80

M2330 0488 Change of use of buildings 15 and 21 from light industrial/offices to educational use **Granted** 14/11/1979

POLICY CONSIDERATIONS

Local

Brent Unitary Development Plan 2004

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004 and the Brent Core Strategy 2010 (see below). Within the 2004 UDP the following list of policies are considered to be the most pertinent to the application.

Strategic

- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR5 A pattern of development which reduces the need to travel, especially by car, will be achieved.
- STR12 Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.
- STR13 Environmentally sensitive forms of development will be sought.
- STR14 New development to make a positive contribution to improving the quality of the urban environment in Brent
- STR15 Major development should enhance the public realm.

Built Environment

- 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.

- BE4 States that developments shall include suitable access for people with disabilities.
- 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.
- BE6 Discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.
- BE7 Public Realm: Streetscene
- 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.

Environmental Protection

- EP3 Requires developments within Air Quality Management Areas to support the achievement of National Air Quality Objectives.

Housing

- H9 Requires developments capable of 15 or more dwellings to have a mix of family and non-family units.
- 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 The appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.
- H15 Planning permission should be refused where development underutilises a site
- H29 On accessible housing proposes that new and converted housing should be fully accessible for elderly and disabled residents.

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- 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.
- TRN34 The provision of servicing facilities is required in all development covered by the plan's

standards in Appendix TRN2.

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.

PS14 Residential car parking standards

PS15 Parking standards for disabled people

PS16 Cycle parking standards

Employment

EMP9 Development of local employment sites

Community Facilities

CF3 Protection of community facilities

Brent Core Strategy 2010

Adopted in July 2010, the Core Strategy has 12 strategic objectives:

- Objective 1: to promote economic performance & regeneration
- Objective 2: to meet employment needs and aid the regeneration of industry and business
- Objective 3: to enhance the vitality and viability of town centres
- Objective 4: to promote the arts and creative industries
- Objective 5: to meet social infrastructure needs
- Objective 6: to promote sports and other recreational activities
- Objective 7: to achieve housing growth and meet housing needs
- Objective 8: to reduce the need to travel and improve transport choices
- Objective 9: to protect and enhance Brent's environment
- Objective 10: to achieve sustainable development, mitigate & adapt to climate change
- Objective 11: to treat waste as a resource
- Objective 12: to promote healthy living and create a safe and secure environment

The following spatial policies are considered relevant to this application:

- CP 1 Spatial development strategy
also STR1, EMP4
This sets out the spatial strategy, outlining where growth is to be focused.
- CP 2 Population and housing growth
also none
Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought
- CP 3 Commercial regeneration
also STR24, STR26, EMP15
Promotes the regeneration of industrial estates for business and industry and sets a target for new employment
- CP 5 Place making
also none
Sets out requirements for place making when major development schemes are considered
- CP 6 Design & density in place shaping
also none
Sets out the requirements for appropriate design and density levels for development
- CP 15 Infrastructure to support development
also STR19
Requires that the infrastructure requirements of new development are met
- CP 17 Protecting and enhancing the suburban character of Brent

- also* STR11, STR16, STR17
Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.
- CP 19 Brent strategic climate mitigation and adaptation measures
also none
Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas
- CP 21 A balanced housing stock
also STR19, STR21, H7, H8, H9, H10, H18, H23, H25, H27
Seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent households by: ensuring appropriate range of dwellings and mix; defining family accommodation as units capable of providing three or more bedrooms; requiring new dwellings be 100% Lifetime Homes and 10% wheelchair accessible; contributes to non-self contained accommodation and care & support housing where needed.
- CP 23 Protection of existing and provision of new community and cultural facilities
also STR31, STR37, STR38, TEA3, CF3, CF5
Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

Brent Supplementary Planning Guidance

SPG 17 “Design Guide for New Development” Adopted October 2001

Provides comprehensive and detailed design guidance for new development within the borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

SPG19 “Sustainable Design, Construction & Pollution Control” Adopted April 2003

This supplementary planning guidance focuses on the principles and practice of designs that save energy, sustainable materials and recycling, saving water and controlling pollutants. It emphasises environmentally sensitive, forward-looking design, and is consistent with current government policy and industry best practice, aiming to be practicable and cost-effective.

SPD “Section 106 planning obligations”

Regional

London Plan 2008

The London Plan, which was adopted in February 2004 and revised in 2006 and 2008, sets out an integrated social, economic and environmental framework for the future development of London. The vision of the Plan is to ensure that London becomes a prosperous city, a city for people, an accessible city, a fair city and a green city. The plan identifies six objectives to ensure that the vision is realised:

- Objective 1: To accommodate London’s growth within its boundaries without encroaching on open spaces
- Objective 2: To make London a healthier and better city for people to live in;
- Objective 3: To make London a more prosperous city with strong, and diverse long term economic growth
- Objective 4: To promote social inclusion and tackle deprivation and discrimination;
- Objective 5: To improve London’s accessibility;
- Objective 6: To make London an exemplary world city in mitigating and adapting to climate change and a more attractive, well-designed and green city.

The London Plan sets targets for the provision of new homes and the proportion of Affordable dwellings together with the accessibility of dwellings in relation to the Lifetime Homes standards and the proportion of Wheelchair or easily adaptable units.

The London Plan sets out policies relating to climate change, setting out the Mayor's energy hierarchy (using less energy, supplying energy efficiently, using renewable energy) which includes consideration of the feasibility of CHP/CCHP and a reduction in carbon dioxide emissions of 20% from on site renewable energy generation.

London Plan SPG

Housing – Supplementary Planning Guidance (2005)

This guidance relates to the housing policies within the London Plan and covers policies on housing provision (following draft SPG published for consultation in December 2004) and policies on affordable housing (following draft SPG published for consultation in July 2004). It gives detailed guidance for boroughs on how to develop sites for housing and how to determine housing mix and density for any individual site. It emphasises that new developments should make the most effective and appropriate use of the land available, consistent with the principles of Sustainable Residential Quality. The Mayor is concerned that new housing in London should meet the full range of housing needs. The guidance sets out how this must include in particular a higher level of new family housing than is currently being built in London.

Providing for Children and Young People's Play and Informal Recreation – Supplementary Planning Guidance (2008)

This Planning Guidance seeks to ensure that a high quality environment is provided for all residents with sufficient high quality play and recreation space accessible by children and young people of different ages. Targets are set for the amount and types of play and recreation space based on the child yield of the development and accessibility of the existing and proposed play and recreation facilities.

Sustainable Design and Construction – Supplementary Planning Guidance (2006)

The SPG provides guidance on the way that the seven measures identified in the London Plan 2004 Policy 4B.6 (Policy 4A.3 of the 2008 amendment to the London Plan) can be implemented to meet the London Plan objectives.

The seven objectives are as follows:

- Re-use land and buildings
- Conserve energy, materials, water and other resources
- Ensure designs make the most of natural systems both within, in and around the building
- Reduce the impacts of noise, pollution, flooding and micro-climatic effects
- Ensure developments are comfortable and secure for users
- Conserve and enhance the natural environment, particularly in relation to biodiversity
- Promote sustainable waste behaviour in new and existing developments, including support for local integrated recycling schemes, CHP schemes and other treatment options

National

Planning Policy Statement 1 – Creating Sustainable Communities (2005)

This PPS replaces PPG1 – General Principle and Policy (Feb 1997) supports the reform programme and sets out the Government's vision for planning, and the key policies and principles, which should underpin the planning system. These are built around three themes: sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

Planning Policy Statement 3 – Housing (3rd Edition, 2010)

This document's objective will be to deliver new homes at the right time in the right place and will reflect the need for flexibility in planning between urban and rural areas, and in areas experiencing high or low demand. The aim is that the planning system is used to its maximum effect to ensure the delivery of decent homes that are well designed, make the best use of land, are energy efficient, make the most of new building technologies and help to deliver sustainable development.

Planning Policy Statement 9 - Biodiversity and Geological Diversity (2005)

PPS9 promotes sustainable development, the conservation and enhancement of wildlife and geology and rural renewal. The aim of planning decisions is to prevent harm to biodiversity and geological conservation. In the PPS, local authorities are charged with taking measures to protect habitats and species of importance for conservation, including biodiversity action plan species (as listed in Section 74(2) of the Countryside & Rights of Way Act 2000) as well as those with legal protection. The value of sites of local biodiversity interest for wildlife and local communities should also be recognised and a criterion based approach used to judge impacts of development on or near to such sites

Planning Policy Guidance 13 – Transport (2001)

PPG13 outlines the Government's aim of achieving reduced car dependency via transport and planning policies that are integrated at the national, strategic and local level. The guidance places an emphasis on putting people before traffic, indicating that new development should help create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.

Planning Policy Statement 25 – Development and Flood Risk (2006)

PPS25 seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. PPS25 looks to reduce flood risk to and from new development through location, layout and design, incorporating sustainable drainage systems (SUDS).

SUSTAINABILITY ASSESSMENT

The applicant has submitted a completed Sustainability Checklist (TP6) and an Energy Report (prepared by Calford Seaden). The scheme would need to comply with policy BE12 of the UDP (2004), the objectives of SPG19 and London Plan (2008) to mitigate and adapt to climate change.

Officers have assessed the TP6 and scored it at 43%, which is fairly positive. Discussions have been held with the applicant and additional evidence and credits need to be secured to achieve a satisfactory sustainability level (min score of 50%). Revised information has been received which claims a score of 50.5% and details of this will be reported to members in a supplementary report. A CSH/BREEAM Pre-Assessment has been submitted and scores 58.18%. This is sufficient for achieved Code for Sustainable Homes Level 3.

Assessment of the scheme's ability to provide 20% of its energy requirements from renewable energy will be revised following receipt of amended information. This will also be reported to members in a supplementary report.

In summary, officers are confident that with minor, achievable alterations or the submission of further information (much of which has been received but not yet assessed), the scheme will comply with the Council's and the Mayor's policies on climate change, subject to a s106 agreement to secure (i) CSH Level 3; (ii) 20% onsite renewables; (iii) compliance with the ICE Demolition Protocol; (iv) sign up to the CIB Considerate Contractor's Scheme; (v) Travel Plan &/or Car Club; (vi) specification of water metres for individual units; (vii) offsite contribution towards play provision

for children aged 11-15yrs; and (viii) specification details of non toxic materials use for internal finishes.

The following matters should be included in the relevant details pursuant conditions: (i) types, capacity & location of rainwater butts; (ii) details of bird nesting boxes to be incorporated into the building as recommended by Ecological Assessment; and (iii) details of permeable paving or other appropriate SUDs.

CONSULTATION

Local consultees

Existing occupants of the site, neighbouring residents, businesses, school and ward councillors were consulted by letter on 28/06/10. Allotment holders were consulted by letter on 23/07/10.

Site notices were posted on 22/07/10. A notice was posted in the local press on 22/06/10.

To date 110 objections have been received including one member objection. Where these are from is detailed below.

Chartwell Court		25
Flowers Close	2	
Hillcrest Gardens	25	
Brook Road	1	
Vincent Gardens	13	
Rosecroft Gardens	9	
Orchard Close	3	
Dollis Hill Lane		22
Homestead Park	6	
Other	4	

This total of 110 is less than the total of 119 survey responses provided by one of the residents. This is because some of those surveys either had incomplete or illegible contact details or did not object to the scheme. Many of the survey respondents also provided individual responses.

The reasons for objecting are categorised and summarised as follows:

Principle

- Other uses such as employment or education, should be prioritised over further housing developments on the site
- Excess of social housing in Brent
- Impact on redevelopment of Crest Academies

Design

- An urban development not in keeping with the suburban environment, out of character with the area and inappropriate for the prominence of the site
- Overdevelopment in its own right and when considered with the Brent Cross re-development

Impact on neighbouring occupants

- Negative impact on quality of life
- Overlooking and loss of privacy
- Loss of outlook and overbearing impact
- Loss of light
- Loss of views from Chartwell Court
- Lack of consultation
- Increase in crime and anti-social behaviour

- Impact on disabled residents in Flowers Close
- Noise disturbance
- Increased air pollution
- Increase in traffic
- Impact of basement car park on foundations
- Noise and disturbance arising from construction works

Parking & Access

- Use of Flowers Close as the access route
- Impact on roads and parking, increase in traffic

Impact on local infrastructure

- Impact on local infrastructure such as schools, healthcare
- Impact on sewerage & drainage
- Impact on water supply

Landscape and ecology

- Loss of trees
- Impact on ecology

General

- Impact on property values
- Risk of contamination of ground water
- Only committing to Code for Sustainable Homes Level 3

One supporting comments has been received, from a Chartwell Court resident, on the following grounds:

- Sensitive to the needs of local residents
- Respects the prominence of Chartwell Court

Cllr Ashraf, Dollis Hill Ward, objects on the following grounds:

- Concerned the type of scheme proposed will not blend into the surrounding dwellings
- Not confident in Stadium Housing Association's ability to manage housing stock in Dollis Hill

These comments are addressed in the main section of the report, *Remarks*, below. Most will be addressed within the discussion of key considerations and those not covered will be addressed in the sub-section *Response to objectors*.

Internal consultees

Internal consultees (Transportation, Environmental Health, Housing, Landscape & Trees, Policy - including Sustainability, Ecology, Design, S106) were consulted on 28/06/10.

Transportation

No objection subject to a Section 106 Agreement to secure:

- (i) a residential Travel Plan prior to commencement of the development of sufficient quality to score a PASS rating using TfL's ATTrBuTE programme;
- (ii) a financial contribution of £180,500 towards non-car access/highway safety improvements and/or parking controls in the vicinity of the site; and
- (iii) construction of a footway of approximately 15m length along the south side of Flowers Close between its turning head and the application site boundary, including the provision of dropped kerbs and tactile paving across the turning head;

together with conditions requiring a minor amendment to the site layout plan to increase the footway width on the northern side of the site access road alongside House H-01 to a minimum of

2m

Environmental Health

Officers have reviewed the air quality assessment, transport assessment and the noise assessment and are satisfied that they have addressed the environmental issues of concern.

Due to the previous industrial uses on the site, a site investigation is required to establish the extent of contamination on the site and remediation required.

No objection is raised subject to conditions securing (1) the provision of a Construction Method Statement to outline the measures the applicant will take to reduce the impacts of the demolition and construction activities and (2) three conditions dealing with contamination and remediation.

Housing

No objections, support the scheme in terms of quantum of affordable housing, mix and tenure and quality of proposed accommodation. The scheme is highly deliverable with HCA funding available.

Landscape & Trees - including ecology

No objection subject to conditions. For detail, see relevant sub-section in the *Remarks* section

Policy

No objection to the change of use from education and employment uses to residential uses subject to a financial contribution of £200,000 for providing Employment Land space/enhancement or for training schemes in Brent.

Urban Design

Generally supportive subject to further consideration of the arrangement of the fenestration and the depth of the recesses and the scale (perceived or actual) of the buildings and the spaces between them also need further refinement.

This is discussed in greater detail in the *Remarks* section, below.

S106

No objection subject to the completion of a Section 106 legal agreement, see *Section 106 Notes*, above

External consultees

External consultees (GLA, Environment Agency, Met Police, English Heritage, TfL, Thames Water) were consulted on 28/06/10.

GLA

The GLA registered the Stage 1 referral on 15/07/10 and it was considered by the Deputy Mayor on 25/08/10. The formal report was received by your officers on 27/08/10.

The GLA report states that whilst the application is broadly acceptable in strategic planning terms, on balance the application does not comply with the London Plan.

London Plan policies on employment, education, housing, density, urban design, inclusive design,

child play space, climate change and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- (a) Principle of development: The regeneration of this site and provision of residential accommodation is acceptable in strategic policy terms, subject to confirmation that the site is no longer required for employment or education purposes.
- (b) Housing: The density of the proposal is appropriate and the scheme successfully maximises the potential of the site, with appropriate spatial standards being achieved throughout. It is not possible to determine at this stage whether the proposal accords with London Plan policies relating to providing the maximum reasonable amount of affordable housing, or in relation to the mix of units.
- (c) Urban design: Whilst the architectural approach, layout, materials and residential quality of the scheme are generally acceptable, further revisions are required to ensure that the scheme would maximise the site's potential and sit well within the local area, and in order to accord with London Plan design policies.
- (d) Children's play space: Whilst a play strategy has been submitted, further clarification and details are required to demonstrate that the scheme complies with London Plan policy 3D.13 and relevant supplementary planning guidance.
- (e) Inclusive design: The proposal is broadly in accordance with London Plan Policy 4B.5 and draft replacement Plan Policy 7.2 relating to providing an inclusive environment, subject to confirmation that the minimum standards that the applicant has committed to are secured.
- (f) Climate change mitigation: The energy strategy has broadly followed the energy hierarchy set out in the London Plan. Sufficient information has been provided to understand the proposals as a whole. However, further information is required before the scheme can be considered policy compliant and carbon dioxide savings verified in principle.
- (g) Climate change adaptation: The scheme goes some way towards demonstrating how the scheme has been designed to be adaptive to climate change in accordance with London Plan policy 4A.3, but fails to commit to a full range of sustainability measures, as set out in the Mayor's SPG.
- (h) Transport: Whilst the scheme is unlikely to have an unacceptable impact on operation of the local and strategic highway network, amendments to the parking levels, together with further information regarding mitigation measures are required in order to ensure that the scheme complies with London plan transport policies.

The report concludes that the following changes might remedy the above-mentioned deficiencies and could lead to the application becoming compliant with the London Plan, subject to Stage II referral:

- (1) Principle of development: Further information is required when the application is reported back at Stage 2 to demonstrate that the site is no longer required for employment and/or education purposes.
- (2) Housing/affordable housing: Further information and discussion is required in relation to the housing mix, affordable housing offer and the financial viability of the scheme, including any discussions in relation to grant funding, before the application is referred back to the Mayor.
- (3) Urban design: Amendments to the scheme are required, as detailed in the urban design sections above, before the application is referred back to the Mayor.
- (4) Children's play space. A more robust play strategy is required, which provides details of the commitments that would be made in terms of on-site provision and off-site contributions, details of which should be provided before the application is referred back to the Mayor.
- (5) Climate change mitigation and adaptation: Further information in relation to the potential for district heating, details of photovoltaic panels, green roofs and other sustainability measures are required before the application is referred back to the Mayor.
- (6) Transport: A reduction in the level of car parking for the smaller units and electric vehicle charging points are required. Clarification on cycle parking is sought and additional work is required on the travel plan before it can be considered acceptable, details of which should be provided before the application is reported back at Stage 2.

These matters are discussed in greater detail in the *Remarks* section, below.

Environment Agency

No objection subject to the following conditions to ensure the development is carried out in accordance with the Flood Risk Assessment (FRA) and further details to be submitted relating in particular to discharge and drainage.

Metropolitan Police

No formal comments have received but the Met Police Crime Prevention Design Advisor has been involved in the design process both prior to and during the application period. It is understood the Met Police have no objections to the proposed development.

English Heritage

No objection subject to the following condition securing the implementation of a programme of archaeological work.

TfL

TfL were consulted directly in addition to their input to the GLA's response. The comments remain the same, however, and TfL seek a reduction in the number of car parking spaces, provision of electric charging points, clarification on cycle parking and additional work on the travel plan.

Thames Water

No objection to the development with regard to sewerage infrastructure, subject to a condition requiring details of piling works in close proximity to underground water and sewerage utility infrastructure.

In respect of water supply, Thames Water has no objection but requests a condition be imposed to ensure the existing water supply infrastructure has insufficient capacity to meet the additional demands of the proposed development:

A number of informatives are also recommended.

REMARKS

Key considerations

The following are the main planning issues relevant to this application:

1. Principle of development
2. Design
3. Impact on neighbouring residents
4. Standard of accommodation
5. Parking and access
6. Other

1. Principle

Since the 2004 and 2005 refusals (04/0716 & 05/2757) the Certificate of Appropriate Alternative Development (CAAD) decisions have been issued by the Secretary of State, which gave a strong indication that residential development over a greater part of the Dollis Hill Estate and at a higher

density of 372hrh was acceptable in principle, although it also required 4,120 m² of space for commercial use (Class B1) and 260 m² of space for community use (Class D1).

Your officers are of the view that the Certificate of Appropriate Alternative Development should be given considerable weight and in doing so give less weight to the reasons for refusal attached to earlier planning decisions.

Consideration must be given to (a) the policies within the UDP and the Core Strategy which afford protection to employment uses and (b) community uses, and (c) to the history of the site and the plans the Council had to expand the John Kelly schools (now the Crest Academies).

Employment uses

The site is not in a strategic industrial location, and nor is it identified as a borough employment area in the UDP. It is however, identified as a local employment site, and thus covered by UDP policy EMP9 which protects B class uses unless it is demonstrated that there is a lack of demand or the use causes an unacceptable environmental impact. Since much of the site does not provide employment land at present, given the extent of the established education use, the weight given to policy EMP9 is reduced.

The site is surrounded by sensitive users (residential and education, the Crest Academies) and is generally run down and suffers from low occupancy, although it could be redeveloped and does not currently cause an unacceptable environmental impact. Your officers also recognise that part of the reason for the low occupancy can be explained by the fact the estate has not benefitted from investment since it ceased to be the Post Office Research Station and the site has a history of education uses operating from a significant proportion of the buildings since 1979, which is not conducive to long-term investment in renovation and redevelopment for business use. Although the applicant has provided a schedule of accommodation covering all buildings on the site and their occupancy, no information has been submitted which indicates there is no effective demand for employment uses at this location.

Although no one factor described above is sufficient to allow the loss of the employment uses, taken together a case can be made for the change of use. The site has a substantial education use, dilapidated buildings and is an isolated site in a relatively inaccessible part of the borough, all of which combine to form a barrier to effective redevelopment. In light of these special circumstances, it is considered appropriate for the applicant to make a financial contribution towards providing employment land space and/or enhancement or for training schemes elsewhere in the borough to mitigate for the loss of the existing employment land.

Community uses

Previous applications for redevelopment have been opposed due to the loss of either all or part of the community uses present at the time of the applications. In the past this has focussed on the Menorah school and the day centre in Building 23. Policy CF3 of the UDP and CP23 of the Core Strategy seek to protect community facilities unless the facility is adequately replaced. The CAAD accepted the principle of a mixed use development on the site incorporating community uses. As such, the provision of a community use is considered fundamental to the acceptability of this scheme to provide a mixed use development.

Whilst the proposal to re-provide the Menorah school is being considered as a separate application, it is intended to link this proposal through the s106 agreement to ensure a community facility is provided within a set period following the commencement of development on the site. Should the school not be provided within this period, a financial contribution will be secured towards local education and community facilities to satisfy the requirements of policies CF3 and CP23.

Expansion of John Kelly schools

As discussed in the *History* section, above, the Council had strong intentions to use the Dollis Hill

Estate, including this site, for the expansion of the neighbouring John Kelly schools. The CPO process led to the approval of a CAAD by the Secretary of State, which pushed the value of the land beyond the Council's means. Subsequent plans to redevelop the John Kelly schools (as the Crest Academies, as they are now called) were prepared on the basis of the Dollis Hill Estate not being available. The Site Specific Allocation entry for the whole Dollis Hill Estate will be amended accordingly.

Density

National, regional and local policies seek to maximise the potential of the site, with PPS3 and the London Plan encouraging the efficient use of land. Policy 3A.3 of the London Plan aims to maximise the potential of a site taking account of local context, London Plan design principles and public transport capacity. The recently adopted Core Strategy policy CP6 seeks to ensure developments have proper regard to policy 3A.3 and states that "a notional density figure is not the only consideration, and the quality of design, location of the site and the need to provide family housing are all important".

In light of the low public transport accessibility level (PTAL) of 2, and the suburban character of the area, the scheme exceeds the top level of the density range set out in the London Plan. However, it is noted that the density of 390hrh is in line with the density of 372hrh considered acceptable by the Secretary of State in the CAAD. The higher density is due to the introduction of much-needed family sized accommodation. The actual number of units is lower than the CAAD which considered 173 units on the site.

Whilst many local residents have objected on the basis that the scheme exhibits an urban form out of character with the suburban nature of the surrounding built environment, this fails to acknowledge the existing buildings on site and the scale of the adjoining Chartwell House and other larger buildings such as the nearby school. As a self-contained site that is already quite distinct from its surroundings, it is considered an appropriate location for a scheme of this nature.

In accordance with policy CP6, in order for such a high density scheme to be acceptable, the application should provide design of the highest quality, amongst other criteria more geared towards developments in growth zones. Whilst design is a subjective matter, the proposed scheme is supported by your design officers and is considered an appropriate response to the site specific circumstances. This is discussed in greater detail below. Furthermore characteristics often associated with overdevelopment are not apparent, for example, the scheme provides high quality external amenity space with the parking predominantly located in the basement to maximise space.

Affordable housing

The applicant is Stadium Housing Association, a subsidiary of Network Housing Group, one of the Council's preferred Housing Association partners. Network Housing have a firm funding allocation for the affordable elements of the proposals from the Homes and Communities Agency (HCA), with start on site scheduled towards the end of 2010, and therefore, subject to planning, the scheme is highly deliverable.

The scheme proposes 76% of habitable rooms as affordable housing, of which 70 units would be social rented and 43 units would be intermediate. This equates to a split of 72:28 between social rented and intermediate accommodation, based on habitable rooms and 62:38 based on units; this reflects the relatively larger unit size types in the social rented element of the scheme.

The applicant has sought to meet the targets set out in the Council guidance in relation to tenure split, and generally accords with the Mayor's current policy. The GLA has raised a concern about a lack of evidence regarding whether the application was providing the maximum amount of affordable housing Boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes

The scheme exceeds the London Plan policy 3A.9 and Core Strategy policy CP2 affordable housing target of 50% and is broadly in line with the London Plan guidance of a social rented to intermediate tenure ratio of 70:30 as per Policy 3A.9, and the draft replacement London Plan guidance of a social rented to intermediate tenure ratio of 60:40 as per Policy 3.12A.

The tenure split of the scheme, whilst affordable housing led, provides a mix of tenures that includes private and intermediate homes and is considered to be balanced and supportive of sustainable community objectives. The applicant submitted a GLA Three Dragons financial toolkit which shows that the scheme has a negative residual value and so sought to demonstrate that the proposed scheme both delivers the maximum reasonable amount of affordable housing and is unable to provide any s106 contribution. However, officers were able to negotiate the standard charge to provide for local infrastructure improvements and a commuted sum for the loss of employment space without any loss of affordable housing.

The new development will provide for a mix of different unit sizes to meet a number of needs. There is a particular need for larger family homes of three bedrooms or greater in the borough and, across the whole scheme, larger family homes comprise 21% of the units, rising to 35% of habitable rooms. Whilst this is acceptable in the context of Core Strategy CP2 that at least 25% of all new homes should be family sized accommodation of three bedrooms or more, this is below the London Plan Housing Supplementary Planning Guidance that identifies a London-wide need to the year 2020 for 32% one bedroom, 38% two and three bedroom and 30% four bedroom housing. At the same time the level of larger family housing to be delivered on any site must be considered within the context of the size, scale, form and density of the proposed development, provision of amenity and play space, and financial viability constraints. Given these factors, the proposed level of larger family accommodation is considered reasonable here and the form, predominantly terraced housing or ground floor flats with their own private gardens, appropriate from a housing management perspective. The larger family homes are concentrated in the social rented element of the scheme, representing 47% of social rented units, rising to 63% of social rented habitable rooms. This is due to the high levels of overcrowding in the social rented sector and the consequent pressing need for this type of accommodation in the borough, as well GLA and HCA guidance that 42% of publicly funded social rented homes be three bedrooms or greater.

The Council's Housing department supports the proposals to redevelop the Dollis Hill Estate for residential use. These proposals will help to deliver new, quality affordable homes to help meet the needs of residents in the borough and, with an identified funding allocation, are deliverable in an otherwise difficult climate.

Summary

On balance the development for residential purposes is considered acceptable. The scheme would result in the acceptable loss of some employment space which would be appropriately compensated for. Community facilities would be maintained either with the approval of the parallel application 10/1712 on this agenda or through a financial contribution.

2. Design

Although the development occupies a prominent position in the borough and many of the surrounding residential roads contain typical two-storey suburban housing, there are a number of reasons why the design approach of large blocks of flats is considered acceptable.

The character of the area is mixed, with no prevailing style or pattern that demands adherence; in addition there are a number of examples of buildings of greater height and bulk than typical interwar semi: the buildings on the application site are unremarkable industrial buildings of varying ages, ranging in height, but are generally 8-10m with one block of 13m and one lower, 5m high block each at the northern and southern ends of the site. The most prominent building in the area is Chartwell Court, which measures approximately 17.5m to its ridge and dates from 1933. To the south-east lie four-storey blocks on Hawarden Hill and the four-storey blocks of Neville Court, at

the junction of Brook Road with Dollis Hill Lane. Orchard Close, to the south-west contains 3-storey chalet-style buildings whilst to the north-west lie the school buildings of the Crest Academies. Your officers are of the view that the height and scale of the proposed blocks are suitable for the site and would not be out of keeping with the character of the area.

Terraced Houses

The three-storey terrace houses provide a transition between the housing on Flowers Close and the greater scale of the flat blocks to the west. They have a simple form and employ an understated language of expressed upper floor bays and recessed fenestration with timber inserts. The GLA have expressed some concerns with this approach and your officers agree that it could appear bland if not properly executed; on the other hand, the quality of the design approach lies in its simplicity and, subject to the expression, in further details to be conditioned, of the key elements of the design then the houses would be a successful addition to the streetscape. In particular details of the design of windows—and their materials and colour—should be provided, along with details at 1:20 which show the depth of the window reveals and the brick type; together, these will be essential for locking-in the design quality.

Flat blocks

A similarly restrained design approach is taken with the flat blocks. Although they display differing usages of materials they employ the same restrained palette and their success will depend on the quality of the design being maintained throughout the preparation of the working drawings. As such further details will be sought which lock-in the depth of the window reveals, the design of the windows and the balconies and the general sizes of the timber panels.

The external facade of the blocks is a more formal design with the floor-to-ceiling windows of the living spaces stacked vertically. The long general needs and shared ownership blocks (44m and 43m long respectively) are broken up with inset timber panels from ground to the top. This, combined with the gaps between the blocks (of approximately 10m) and the set-in and different material of the top floor, serve to break down the mass of this western boundary and keep the visual impact at acceptable levels.

Medium- and long-distance views to the site will focus on the northern and southern facades, although the southern facade is the most important due to its prominence and its relationship with Chartwell Court. The northern facade would be lost somewhat on the skyline due to the Crest Academies buildings below and to the side of it.

The private sale block has now been redesigned to provide a better transition between Hillcrest Gardens and the development and the five-storey element remains below the parapet of Chartwell Court, allowing that building to maintain its prominence in the landscape.

Summary

As mentioned above, the high density means a design of the highest quality is required. What constitutes high quality design is obviously site-specific and a matter of subjective judgement. In this case, high quality means a simple architectural style which complements, rather than contrasts, with Chartwell Court. What is proposed is a contemporary design which employs the same grammar of proportion and order as Chartwell Court to produce an elegant scheme which achieves its purpose well; the blocks will appear as good-quality background architecture, paying appropriate regard to Chartwell Court.

3. *Impact on neighbouring occupants*

The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the right of land-owners to develop their property. On new developments such as this the main impact on amenity arises from (i) overbearing impact of the size and scale of the building(s); (ii) loss of outlook, which is related to overbearing impact; (iii) loss of privacy; and (iv) loss of sunlight. The Council has published supplementary planning guidance which establishes

generally acceptable standards relating to these matters, although site specific characteristics will mean these standards could be tightened or relaxed accordingly. Overbearing impact arising from the height of blocks is controlled via 30 degree and 45 degree planes from neighbouring habitable rooms and relevant boundaries; privacy is quoted as distances between directly facing habitable windows and from boundaries. Neither outlook nor light have specific values, although light is generally controlled to BRE standards.

Relationship with Hillcrest Gardens

Properties on Hillcrest Gardens lie below the site as Dollis Hill falls away towards Dollis Hill Lane; this relationship is exacerbated by the retaining structure around the application site, which means the levels change is severe and the private block has the potential to cause significant loss of privacy and overbearing impact. No. 7 Hillcrest Gardens would be the most severely affected but uncontrolled south and south-east views would also affect No. 8 Hillcrest Gardens, on the other side of the road, and Nos. 6 to 1. Those properties on Dollis Hill Lane to the south of the private block would be up to 85-90m away from the private block and so are not likely to be affected.

The private block has now been redesigned to provide a better relationship between Hill Crest Gardens and the development. A storey has been removed at the lower levels, resulting in the loss of three private flats. The resulting block is thus much closer to adherence with the SPG17 planes than the existing building. The private block is between 3.5 and 5m farther away from the boundary, and hence No. 7 Hillcrest Gardens, than the existing building, and as the width of the block is only 20m at this point it presents a substantially shorter length of wall to No. 7 than the 30m wide building currently present. No transparent windows are proposed on the southern end of the block.

Your officers are satisfied that the block as amended would not have an overbearing impact on the amenity of neighbouring occupants, nor would it result in a loss of their privacy or an unacceptable impact on their sunlight or daylight.

Relationship with Flowers Close

Flowers Close serves as the access road for the development. As discussed elsewhere, its use as the sole vehicular and pedestrian access (with the exception of the emergency access) is acceptable in terms of traffic movements. Although the proposed development would result in a significant increase in vehicles and pedestrians using this road, changing its character from a quiet cul-de-sac, this change is not considered so significant as to result in material harm to the living conditions of the occupants.

The southern-most block of general needs housing backs onto the end of the Flowers Close housing and so needs to be considered in terms of overbearing impact, outlook, privacy and sunlight. In respect of the Council's supplementary planning guidance and general policies, this part of the scheme is considered acceptable.

Relationship with Chartwell

The closest part of the new development to Chartwell Court is the southern-most general needs house, which is 30m away. The distance to the 5-storey element of the private block is 35m, with the rest of the block farther away. Borough-wide supplementary planning guidance suggests a distance of 20m between rear habitable rooms is satisfactory to maintain privacy and although no specific distance is provided for outlook, the 30m and 35m quote above are considered ample to prevent an unacceptable loss of outlook.

Many residents of Chartwell have mentioned the loss of views which they currently enjoy. Whilst officers are sympathetic to the changes this development would bring to their environment, there is no protection of views in the borough's policy documents. As discussed above, outlook is the relevant planning term instead of 'views', and in this case the Council's general standards are met.

Relationship with Vincent Gardens

The objections from Vincent Gardens centre on the visual impact of the development, loss of privacy and noise disturbance. The proposed blocks are higher than the existing buildings along the western boundary but officers are of the view that they are acceptable due to the combination of (i) their increased distance from the boundary; (ii) the length of the blocks and the gaps between them, which means less of the boundary is built up; (iii) the existing buildings are in a dilapidated state and the proposed blocks would be an improvement in terms of design. The distance from the end of the gardens serving the Vincent Gardens properties and the new blocks would be at least 40m, with a further 10-15m to the rear of the properties themselves. This is comfortably within the Council's normal standards for privacy. Noise is discussed below, although it should be noted that the Crest Academies lies between the application site and Vincent Gardens.

Relationship with the allotments

The allotments are likely to be affected only by increased overshadowing. This is detailed in the Daylight and Sunlight report (see section 6, Other, below) and it concludes that the impact on the allotment will be within BRE standards. Your officers are satisfied that the allotments will not be unduly affected by the proposal.

Relationship with the Crest Academies

The relationship with the Crest Academies is two-way: the Council does not want the residents of the proposed development to be affected by the Crest Academies, nor does it want the proposed development to affect the operation of the academies or their potential redevelopment to provide improved school facilities. Whilst it has not been possible to insist on complete adherence to the SPG17 size and scale planes along this boundary, due to the fact the existing buildings fail the standards already, the blocks are now farther from the boundaries than the existing buildings and with a 1.8m high brick wall provided along the boundary and provision of a meaningful landscape buffer, the blocks would not unnecessarily preclude the redevelopment of the Crest Academies subject to the detail of any plans which may be prepared.

Relationship with Building 15

Building 15 is the subject of the accompanying application for refurbishment and change of use to education. In this respect the proposed development is not considered likely to have an unacceptable impact on Building 15. If that application is not approved or is not implemented, the building would remain in employment uses and in that case the proposed development is also not considered likely to have an unacceptable impact, or vice versa.

Other roads

Some residents of other roads including Rosecroft Gardens and Orchard Close have objected to the proposed development. Although the top of Rosecroft Gardens has a similar relationship to the site as Chartwell Court, in terms of the impact on their amenity, your officers are of the view that the only meaningful impact would be in terms of visual amenity; the properties are too far from the proposed blocks to be affected by loss of privacy, outlook or sunlight. Similarly, Rylandes Road and Nutfield Road, to the north of the site, beyond the allotment, would only be affected in terms of visual impact. In this respect, officers accept that the blocks will be highly visible from many properties and gardens and also from medium- to long-distance views. This is not in itself a problem, however, and whether it is acceptable is a matter of design; this is explained above.

Noise & disturbance

In addition to the amenity issues discussed above, the Council has policies to protect residential amenity from noise and disturbance if these are likely to be generated at an unacceptable level. Development for residential purposes can cause noise and disturbance but it is necessary to consider the existing use and the site characteristics. In this instance the general distance from the boundaries and neighbouring properties and the fact the main communal area will be screened by the blocks and houses means this development is not expected to materially harm the amenity of neighbouring residents.

Some residents have expressed concern about the proposed roof terrace on the southern block.

This has since been substantially reduced in size and is therefore much less of a concern than before. Local residents have requested that controls be put in place to restrict the hours of access to the roof terrace. This is likely to prove difficult to enforce and your officers are of the view that the size of the terrace and its distance from neighbouring occupants means it is unlikely to cause problems of noise and disturbance. In any event, it is likely to be self-policing by the residents of the private block who would be more directly affected by noise disturbance arising from use of the terrace.

4. **Standard of accommodation**

A good standard of accommodation is a combination of several factors including basic space standards, outlook, privacy, daylight and sunlight and amenity space. A good living environment is subject to more subjective matters such as the quality of that amenity space, the design of the scheme and the relationship with car parking, cycle storage and external factors such as noise and pollution.

All accommodation in the scheme meets the minimum space standards in SPG17 and the affordable housing element meets the space standards in the interim London Housing Design Guide (GLA, 2010). Flats are laid out coherently with kitchen-living-dining rooms commonplace and mostly generous bedrooms.

Where possible all flats and houses have private amenity space as either gardens or balconies and communal amenity space is provided in accordance with SPG17 standards. This is set out in the accompanying landscape strategy which states the communal spaces provide 2800sqm of amenity space. A minimum of 20sqm is required per flat, but this can be reduced if flats have their own private space, including balconies. The 142 flats would each have 19.7sqm of amenity space if relying solely on the communal amenity space. Given the 29 ground floor flats all have generous private spaces and the majority of the flats have balconies which are a minimum 5sqm, this provision is comfortably in excess of the minimum standards. That figure of 2800sqm does not include the pond, the communal roof terrace nor the gardens of the general needs housing.

In terms of outlook, most units benefit from outlook to the east, west or south but some rely on outlook to the north. Where this is the case the flats have been articulated to ensure side lights provide some west- or east-facing outlook. One flat (repeated on each floor, however) on the north side of the private block has outlook limited by the shared ownership block. The flank wall of the shared ownership block is still over 10m away, however, and as such is within the standards expected by SPG17.

Similarly the outlook from the northern-most general needs housing is restricted by the general needs block; this is a matter which has been raised by the GLA. The distance here is approximately 13m and again this is within with standards of SPG17. Your officers are confident the living environment of the occupants of those houses would not be unduly harmed by the proximity of the general needs block.

The provision of basement car parking means spaces are directly accessible from the staircores for each flat block; binstores and cycle stores are similarly accessible.

External factors such as noise disturbance from the existing Crest Academies and the proposed Menorah School are not likely to be detrimental to the living standards of future occupants, as explained below in the discussion of the noise report. Air quality, also discussed below, is better than expected, perhaps due to the fact the site lies atop a hill.

Summary

Your officers are confident that the scheme would provide a good standard of accommodation and, despite the high density, would be a good living environment for future occupants.

5. **Parking & Access**

Parking

The scale of this proposal is sufficient to have a significant impact on the local transportation network. As such, a supporting Transport Assessment is required under Policy TRN1 of the UDP to demonstrate that the overall transport impact will be acceptable. This has been prepared by Hyder Consulting (along with a framework Travel Plan) and addresses parking, access, trip generation, non-car modes of transport and road safety.

Parking for 146 cars (incl. 18 disabled spaces) and 62 bicycles (in three storerooms) is indicated within the basement. Each of the terraced houses has a further allocated car parking space within its curtilage (18 spaces). A further 87 bicycle parking spaces are indicated within two storerooms at ground floor level.

In terms of car parking, allowances for residential use are set out in standard PS14 of the adopted UDP 2004. As the site does not have good access to public transport services and is not located within a Controlled Parking Zone, the full parking allowance applies. As such, up to 205 spaces would be permitted for this development, so the proposed provision of 164 spaces would accord with standards. Furthermore, 20% of parking spaces are to be provided with electric vehicle charging points.

The provision of 18 disabled parking spaces in the basement (12% of the basement spaces) is more than sufficient to satisfy standard PS15 (10% of spaces in social housing schemes), whilst also being sufficient to allocate one space per wheelchair unit. In addition, each of the spaces for the terraced houses can also be widened to 3.3m to accommodate wheelchair access if required.

Impact on neighbouring roads

Consideration also needs to be given to the potential impact of overspill parking on the surrounding road network. In this regard, the level of car parking proposed is considered sufficient to meet the likely actual demand for parking from residents (Census information provided in the Transport Assessment suggests likely car ownership totalling 128 cars), whilst plenty of spare on-street parking space is generally available in Brook Road, should overspill parking occur.

The site itself is to be actively managed to prevent vehicles parking along access roads, thus ensuring accesses do not become blocked.

Cycle provision

Standard PS16 requires at least one secure bicycle parking space per unit. Bicycle storage in the flats comprises 149 spaces in five storage rooms, which provides a suitable number of spaces that are secure and weather-protected. Each house has a private rear garden, so can store bicycles with a rear garden shed, although it is proposed to provide a hoop for bicycles to be secured to the front of the houses to reduce the need to bring the bicycle through the house.

Access

This site is located on the western side of Brook Road (a local access road) and also forms a boundary with the end of the private Flowers Close cul-de-sac. The main vehicular and pedestrian access to the site will be taken from the end of Flowers Close, which is under the ownership of the applicant. This is acceptable in principle, given that the road is owned by the applicant and was built to adoptable standards with suitable carriageway and footway widths.

The provision of an alternative emergency access route into the site via the remaining area of the Dollis Hill estate has been agreed with the London Fire Service, helping to ensure access to the site can be maintained in an emergency, even if Flowers Close were to become blocked. A suitable means of access control will be required, such as a lockable gate or collapsible bollards. It would be beneficial for this route to be kept available for use by pedestrians and cyclists at all times, to improve the pedestrian accessibility of the northern part of the site and reduce walking

distances to nearby bus stops on Crest Road. This has been acknowledged in the Travel Plan for the site and should be secured as a condition on any permission that is issued.

Pedestrian access via Flowers Close requires improvement though in two regards. Firstly, the tapering down of the northern footway to less than 1m alongside house H-01 is not considered acceptable and a 2m width should be maintained as far as the shared surface spur road. Secondly, the proposed footway on the southern side needs to link to the southern footway along Flowers Close. This will entail construction of a new short length of footway at the end of Flowers Close alongside the existing children's play area. This involves works beyond the application site boundary, but within the applicant's control. This will be secured in the s106 agreement.

Impact on nearby road network

Following analysis of the traffic survey data and estimated traffic flows provided in the Transport Assessment in the light of the loss of the employment space, the overall net impact of this proposal on Brook Road and nearby junctions in traffic terms is considered unlikely to be significant. The Transport Assessment has also considered the road accident history for the area, but found no record of any personal injury accidents in Brook Road between Dollis Hill Lane and Crest Road in the three year period ending September 2009. This development is not considered likely to change this, particularly if S106 funds are provided towards improvements to non-car access in the area.

Servicing

With regard to refuse collection in general, it is proposed that bins for the flats be dragged up from the basement car park storage area using a tug on refuse collection days, to stand within the landscaped courtyard alongside the basement access ramp. Bins from the houses will also be gathered into a single location in front of Block C. These arrangements, as long as they are reliably implemented, will ensure that refuse vehicles can stand and turn within 10m of the bins, thus complying with maximum refuse carrying distances.

Travel Plan

The submitted framework Travel Plan outlines a strategy for the site aimed at reducing the number of trips to and from the site and increasing the proportion of journeys made by car. This will comprise measures, such as the supply of public transport maps and timetable information, promotion of walking and cycling and the promotion of existing car sharing and Car Club schemes by a Travel Plan Co-ordinator to be employed by the applicant. Car use reduction targets are to be identified based on surveys undertaken after 75% of the units have been occupied and will be monitored.

However, the Travel Plan as submitted falls a long way short of the standard required and therefore fails to score a PASS using TfL's ATTrBuTE rating system. It will therefore be necessary to produce an improved plan prior to occupation of the development which complies with Transport for London's Guidance for Residential Travel Plans. Crucial to this will be the setting of suitable and achievable targets for car use, based on information provided within the Transport Assessment. A commonly used target for residential travel plans elsewhere in the Borough is to limit car trips to an average of one return journey per day by car per household.

Much greater emphasis should also be placed on securing a Car Club on the site, through the provision of dedicated parking space(s) and the provision of financial subsidies for membership amongst residents and effective marketing.

In short, the submitted Travel Plan cannot be approved in its current form and must be rewritten and approved as a requirement of the Section 106 Agreement. This needs to be done in advance of the first occupation of the development, so that any marketing material for the dwellings can include details of Travel Plan measures.

Finally, to help support the Travel Plan in encouraging use of non-car modes of transport, a financial contribution towards off-site works is sought. This is included in the standard charge set

out in *Section 106 Notes*, above. Amongst the priorities for the use of these funds would be traffic calming treatment for Brook Road and the adjoining streets to reduce traffic speeds and enhance the pedestrian environment and safety.

Summary

Subject to a number of conditions and s106 obligations, the proposed development complies with the relevant UDP policies. The objection from TfL to the number of car parking spaces is noted, but your officers do not agree that the parking provision is unacceptably high, given the low public transport accessibility of the area.

6. Landscape & trees

Landscaping

A Landscape Strategy, prepared by Allen Pyke Associates (dated August 2010, ref: 2224-LP-02 Rev D) was submitted with the application and revised following advice from the Council's landscape officers. In general officers are satisfied with the landscape proposals, which provide a large communal space for the development bound by the shared ownership and general needs housing and a smaller space for the private block with a small roof terrace on part of the lower element of the block.

Officers are satisfied with the provision of landscape buffers along the boundaries of the site; comfort has been sought that the ground conditions and retaining structures will be able to accommodate the proposed planting and confirmation has been received from the applicant's planning agent that their structural engineers are satisfied with the proposal. This planting will help to soften the site and provide some privacy and noise attenuation to and from the development. In addition most boundaries will have at least a 1.8m high wall topped with 300mm metal railings to provide a secure, visually pleasing boundary.

Where possible land which would otherwise be dead-space with no overall care or control has been allocated to ground floor units in each of the three flat blocks; this provides benefits in respect of crime and anti-social behaviour as well as ensuring units have as much private amenity space as is practicable.

Details of the construction and planting, hard and soft landscape and maintenance of all communal areas and buffer zones will be required as a condition. It should be noted that when preparing those details for submission, the applicant and their consultants should ensure as much soft landscape as possible should be included and all opportunities for planting are taken; in particular those areas which may be neglected as being out-of-sight, such as the emergency access route, should not be omitted.

Trees

An Arboricultural Implications Assessment, prepared by Broad Oak Tree Consultants (dated 25 August 2010, ref: J41.65), was submitted with the application and revised following advice from the Council's tree and landscape officers. A tree survey was prepared and recommendations for removal of trees were made. Following your officer's intervention, three poplars and two oaks around the pond have been protected with a TPO (number 10/00110). Measures have been taken to ensure the protection of those trees during the demolition and construction phases; however a more detailed specification within the arboricultural method statement will be secured by condition.

Ecology

The site is generally hard landscaped with the exception of self-seeded scrub around the boundaries and the pond with associated trees in the south-east corner of the site. An ecological assessment was submitted with the application (titled Ecological Assessment, dated May 2010, by Catherine Bickmore Associates). The ecology value of the existing site is low and the development would result in a decrease in the extent of hard standing and a net increase in soft landscape areas including as private gardens, play space and buffer areas. In consequence there would be a

net increase in the extent of trees and shrubs and open grassland areas. The pond would not be affected directly by the residential proposals and would be retained as an amenity feature for private use by residents of Chartwell Court. The ecological assessment concludes that the proposals would result in a residual neutral to minor benefit for nature conservation on the site and would be in accordance with planning policies. This is considered acceptable.

A supplementary survey for bat potential, also prepared by Catherine Bickmore Associates (dated September 2010) to record any evidence of bats, has been provided. An external and internal—limited to unoccupied spaces only—survey of the buildings and a survey of the surrounding habitat were undertaken. One building, Douglas Bader house, offered some potential to accommodate bats; however no evidence of bats was recorded during the survey. The other buildings were found to offer little opportunity to accommodate bats. The report concludes that no mitigation measures are required prior to demolition due to the combination of the low suitability of the majority of buildings to accommodate bats and the absence of evidence of bat occupation. Care should be taken post-construction to ensure levels of lighting around the retained pond are at a level which would not cause additional impact on the pond area, and features to accommodate bats could be incorporated within the new build. These matters shall be secured by condition.

The pond

No specific proposals are suggested for the pond; it is understood that this is a sensitive issue with residents of Chartwell Court who currently enjoy sole access to it. The existing fence line and posts will be retained though the panels may be renewed, and although your officers would welcome proposals to open up the pond, the residents of Chartwell Court do not wish to see the landscaping around the pond changed. In terms of access, it is proposed that residents of this scheme will have access to the pond, via their own lockable gate, but they will not be able to access Chartwell Court from the pond. In a similar manner, Chartwell Court residents will have a key for their own lockable gate but would not be able to access the proposed development from the pond. Your officers consider this a satisfactory compromise between the wishes of the residents of Chartwell Court and the opportunity for the pond to benefit the wider community.

Play

Housing developments of this size require on-site provision of age-appropriate play areas to meet the estimated child yield. The calculations are set out in the London Plan supplementary planning guidance, Providing for Children and Young People's Play and Informal Recreation (GLA, 2008); the calculations suggest this site will yield 123 children, although members should note that the estimated number of children in a 1-bed flat is the same as in a 2-bed flat, according to the SPG. If one takes the more likely position that the 1-bed flats will yield fewer children than the 2-beds, the overall child yield is reduced to 104; regardless of this, the scheme has been designed to provide play for the higher child yield figure.

Based on a figure of 123 children, the SPG requires a total of 1200sqm of play spaces, split between 0-4 year olds, 5-10 year olds and 11-15 year olds. The landscape strategy includes a total of 1035sqm, which is a shortfall.

The landscape strategy includes 700sqm of play space, in five on-site play areas, serving 0-11 year olds. This does not correspond with the GLA's age bands nor the above-quoted space requirements.

The applicants and your officers recognise the shortfall in the older children's play space and this will have to be met by an off-site provision on Gladstone Park. Your officers have liaised with the Parks and Sports Services who have confirmed plans for a MUGA on the northern part of Gladstone Park and the S106 legal agreement will direct some of the Standard Charge monies to help provide that MUGA.

The S106 also contains a clause requiring the applicant to honour their offer to renew the off-site young children's play area at the end of Flowers Close. This does not contribute towards the GLA's

space requirements but would be a welcome improvement to play facilities for all residents, existing and future, of Flowers Close, Chartwell Court and the Dollis Hill Estate.

Although some doubt still remains over the details of the on-site provision, your officers are satisfied that the combination of formal and informal play on offer will satisfy the demands of the development, subject to conditions detailing the formal play.

7. Other

Archaeological interest

An archaeological assessment, prepared by Wessex Archaeology, was submitted with the application and this was considered by English Heritage, who provided comments.

The site is situated in an area where heritage assets of archaeological interest may be anticipated. As the assessment has demonstrated, remains from the Iron Age and Romano-British period have been found approximately 150m to the east of the site. This appeared to represent an industrial area, where grain was being harvested and processed, with field systems, grain dryers and other features present. The proposed development may, therefore, affect remains of archaeological importance.

English Heritage do not consider that any further work need be undertaken prior to determination of this planning application but that the archaeological interest should be reserved by attaching a condition to any consent granted under this application.

Air Quality Assessment

Local residents have raised concerns about a potential increase in pollutants arising from the development. The site lies in an Air Quality Management Area (AQMA) as defined in the UDP (policy EP3 and SPG19) and air quality can be a material consideration in development control decisions as set out in PPS23 (Planning and Pollution Control, 2004). An Air Quality Assessment, prepared by Air Quality Consultants (dated May 2010), was submitted with the application and was reviewed by the Council's Environmental Health department. The air quality assessment considered the impact the development would have on traffic levels in terms of emission and the impact on emission on the development itself. It also considered the potential of the construction activities to generate pollutants.

Your officers concur with the findings of the assessment that the scheme would not exceed the air quality objectives but appropriate measures should be put in place to minimise dust emissions from the demolition and construction phases. A condition will be imposed to ensure a Construction Method Statement is provided and the applicants have agreed in principle to sign up to both the Considerate Contractors Scheme and the ICE Demolition protocols.

Flood Risk Assessment

As the site is over 1ha a Flood Risk Assessment (FRA) has been prepared RSK Group plc (revised July 2010, ref: 131352-R1(2)) in accordance with PPS25 (Development & Flood Risk, March 2010). This has been assessed by the Environment Agency, the statutory consultee on matters relating to flood risk; the EA are satisfied that, subject to conditions, the development is acceptable in terms of flood risk.

Daylight & Sunlight Report

The development, by virtue of the height of the proposed blocks, has the potential to affect the sunlight of neighbouring occupants and particularly the allotment to the north; a Daylight & Sunlight Report was prepared by Waterslade (May 2010) and submitted with the application. The report was prepared in accordance with the standard measure of daylight and sunlight, the Building Research Establishment (BRE) report and considered the impact of the development on 18 Flowers Close, Chartwell Court, 7 & 8 Hillcrest Gardens, 5 Orchard Close, 41-59 Vincent Gardens, surrounding amenity spaces, the Crest Academies and the allotments to the north. The report

found that impact on surrounding properties in terms of both daylight and sunlight would be minimal although some change to the existing situation is to be expected. The same is the case for over-shadowing. Your officers accept the conclusion of the report and find the scheme acceptable in terms of daylight and sunlight.

Noise Assessment

A Noise Assessment, prepared by Stilwell Partnerships (dated May 2010) was submitted with the application and was considered by the Council's Environmental Health department. Prepared in accordance with the guidance in PPG24 (Planning & Noise, 1994), the report found that the site falls within the lower range of Noise Exposure Category B (as defined in PPG24). Such a level is not normally considered a barrier to development and what little attenuation is required will be addressed with standard double glazing. Your officers concur with this conclusion and no further conditions are required.

Ground Investigations

Due to the industrial history of the site, a Geo-Environmental (including contaminated land assessment) and Geotechnical Assessment was prepared by Tweedie Evans Consulting (May 2010, ref: 1002001.002.01 Version A). The report was assessed by the Council's Environmental Health department and, subject to the imposition of a number of conditions to control further investigations and a remediation strategy, your officers are satisfied that the development would not have an unacceptable geo-environmental impact.

Statement of community involvement

A statement of community involvement was prepared which detailed the pre-application consultation with both the public and other consultees. A public exhibition was held on the site on three days and this was advertised with a press notice and a widespread leaflet drop to surrounding residents. Local ward councillors and the Crest Academies were consulted. As the consultation event occurred at the end of April, just before the general and local elections in May, new ward councillors were consulted after the event. The event appears to have been attended mostly by Chartwell Court residents; many local residents who have responded to the statutory consultation carried out by the Council have stated that they were not aware of the public exhibition. These residents live within the leaflet drop boundary and it is likely that the leaflet was not noticed amidst the election material which was also likely to have been delivered at the same time. Whilst public consultation exercises held before an application is made are encouraged, there is no statutory duty to hold one. The proper statutory consultation methods (letters, press and site notices) have been undertaken and as such your officers are satisfied that the public interest has been served in respect of consultation.

Crime & antisocial behaviour

The application has been assessed by the Metropolitan Police Crime Prevention Design Advisor at both the pre- and post-application stages and her comments have been incorporated into the design. These focussed on ensuring the scheme is designed in way which minimises spaces or areas where opportunistic crime might occur; for instance changes have been made to cycle-store locations and allocation of communal space to individual flats.

Many local residents have objected to the proposed development on the basis that the development would bring about an increase in crime and anti-social behaviour. There is no evidence that housing generates crime; in this case the redevelopment of a dilapidated industrial estate for residential purposes would mean a site which would otherwise be vacant at night would be well-observed and opportunities for crime might well decrease.

Impact on local infrastructure

The Council recognises that development of any scale can have an impact on local infrastructure as new population enters an area; this impact is particularly keenly felt on local schools, healthcare facilities and the road network. In recognition of this fact the Council can enter into a S106 legal agreement to secure financial contributions to enable the Council (as the education and highway

authority) and the PCT to provide improvements and enhancements of local facilities to accommodate the new population. This application secures a total of £990,000, of which £200,000 is related to the loss of employment land. This leaves £790,000 to provide improvements to local infrastructure; this is broadly in line with the standard charge set out in the Council's SPD on S106 contributions.

Local residents have also expressed concern about the impact of the development in terms of sewerage, drainage and water supply. These matters are a material planning consideration in respect of flooding and attenuation but not in terms of the infrastructure provided by the relevant statutory body; in this case Thames Water. Thames Water have commented that water supply problems exist in the area and the applicant should do further work to establish what infrastructure improvements are required to allow development to go ahead. This is not a reason to refuse planning permission as Thames Water have a statutory duty under Section 52 of the Water Industry Act 1991 to provide a water supply for domestic purposes (subject to certain conditions); as there is other legislation provided to control this aspect of development, planning legislation is not the appropriate control measure.

8. Responses to objectors

The majority of objections have been addressed in the sections above. Some residents objected about the impact of the basement car park on foundations: any works would have to comply with the prevailing building regulations and works within very close proximity of the boundary may require a Party Wall agreement between the relevant parties. This lies beyond the remit of the planning process. Similarly, impact on property values is not a planning consideration.

Cllr Ashraf's concerns regarding Stadium Housing Association are taken to be a personal comment

9. Conclusion

The application would provide a significant contribution to much-needed family accommodation for general needs rent whilst providing a good living environment for future occupants, despite the scheme having a higher density than the standards normally permit. The development is not expected to materially harm the amenity of neighbouring occupants nor would it harm the setting of Chartwell Court. The loss of employment and community facilities would be appropriately compensated for and local infrastructure would receive a financial contribution to facilitate improvements. The scheme is judged to be in general accordance with the national, regional and local policies and approval is recommended.

REASONS FOR CONDITIONS

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
Brent Core Strategy 2010
The London Plan 2008
Council's Supplementary Planning Guidance Nos. 17 & 19
Council's Supplementary Planning Document Section 106 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
Employment: in terms of maintaining and sustaining a range of employment opportunities
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
Community Facilities: in terms of meeting the demand for community services

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):

KS2 Dollis Hill Estate - Site Plan

PL(00)01 Existing Site Plan

PL(00)02 Existing Site Sections & Elevations 1

PL(00)03 Existing Site Sections & Elevations 1

PL(00)04 Rev 2 Proposed Site Plan

PL(10)099 Rev 2 Proposed Basement Plan

PL(10)100 Rev 6 Proposed Ground Floor Plan

PL(10)101 Rev 3 Proposed 1st Floor Plan

PL(10)102 Rev 3 Proposed 2nd Floor Plan

PL(10)103 Rev C Proposed 3rd Floor Plan

PL(10)104 Rev D Proposed 4th Floor Plan

PL(10)105 Rev 1 Proposed Roof Plan

PL(20)200 Rev C Proposed Site Sections E/W 1

PL(20)201 Rev D Proposed Site Sections S/N 1

PL(20)202 Rev 1 Proposed Site Sections E/W 2

PL(20)203 Rev 2 Proposed Site Sections

PL(20)204 Rev D Proposed Site Sections 2

PL(20)205 Proposed Site Elevations North Elevation

PL(SK)01 Rev 1 Site Plan Overlay Existing & Proposed

PL(SK)05 Rev A Site Sections East Boundary Housing Block

PL(SK)06 Rev 2 Site Sections West Boundary

PL(SK)20 Site Sections North Boundary A:A

PL(SK)21 Site Sections North Boundary B:B

PL(SK)22 Rev B Site Sections North Boundary C:C

PL(SK)23 Rev C Southern Boundary Section Block A

PL(SK)24 Rev A Southern Boundary Section through 8 Hill Crest Gardens

PL(SK)207 Rev A Proposed Elevation Typical

PL(SK)208 Proposed Elevation Typical (2)

2224-GMP-01 Rev E *Landscape Masterplan*

- Stadium Housing Affordable Housing Statement
- Air Quality Consultants – Air Quality Assessment (May 2010)
- Broad Oak Tree Consultants Limited – Arboricultural Implications Assessment (dated 25th August 2010, ref: j41.65)
- Wessex Archaeology: Archaeological Desk Based Study (May 2010, ref: 74480.01)
- BFLS: Design and Access Statement (28th May 2010)
- MLM: Draft Fire Engineers Report (ref: NVC/890910/GW)
- Catherine Bickmore Associates: Ecological Assessment (May 2010)
- Catherine Bickmore Associates: Ecological Assessment- Supplement Survey for bat potential (September 2010)
- Calford Seaden: Energy Strategy (G6/K090724 Rev B)
- Waterslade: External Daylight and Sunlight Report (May 2010)
- RSK Group PLC: Flood Risk Assessment (ref: 131352- R1(2), July 2010)
- GEC: Geo-Environmental and Geo Technical Assessment (ref: 1002001.002.01 Version A, May 2010)
- Investigation of Underground Services Report (7486.04)
- Allen Pyke Associates Landscape Strategy: Detailed Planning Application 2204-LP-01 Rev A (May 2010)
- Allen Pyke Associates Addendum to Landscape Strategy: Detailed Planning Application 2224-LP-02 (Rev D)
- King Sturge Planning Statement (May 2010)
- Stilwell Partnership: PPG24 Noise Assessment (May 2010, version 2.0)
- King Sturge: Statement of Community Involvement (May 2010)
- Hyder: Transport Assessment (001-UA000666-GD-R-02, 26th May 2010)
- Hyder: Travel Plan (001-UA000666-GD-R-02, 26th May 2010)
- Utilities (Investigation of Underground Services) Report (7486-04 , 4th January 2010)

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

- (3) The following activities must not be carried out under any circumstances:
- (i) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
 - (ii) No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
 - (iii) Nothing shall be attached to or supported by a retained tree.
 - (iv) No mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA
 - (v) No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the local planning authority.

Reason: To ensure health and vitality of the existing trees throughout the duration of the development in the interests of the occupants and general public.

- (4) No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Classes A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking

and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason(s): To prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- (5) The window(s) on the south face of the private block adjacent to Hillcrest Gardens shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.8m above floor level) and shall be permanently returned and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupier(s).

- (6) 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.

- (7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors
- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (v) wheel washing facilities
- (vi) measures to control the emission of dust and dirt during construction
- (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of the environment and residential amenity.

- (8) No demolition works or development shall take place until a scheme of supervision for the arboricultural protection measures has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and may include details of:

- (i) Induction and personnel awareness of arboricultural matters.
- (ii) Identification of individual responsibilities and key personnel.
- (iii) Statement of delegated powers.
- (iv) Timing and methods of site visiting and record keeping, including updates.
- (v) Procedures for dealing with variations and incidents.

The local planning authority may require the scheme of supervision to be administered by a qualified arboriculturalist approved by the local planning authority but instructed by the applicant. The approved scheme shall be adhered to throughout the construction and demolition works.

Reason : To ensure the ongoing health and vitality of the existing trees throughout

the duration of the development in the interests of the occupants and general public.

- (9) The applicant shall give written notice to the local planning authority of 7 days prior to carrying out the approved tree works and any operations that present a particular risk to trees (e.g. demolition within or close to a RPA, excavations within or close to a RPA, piling, carnage).

Reason: To ensure the ongoing health and vitality of the existing trees throughout the duration of the development, in the interests of the occupants and general public and to enable the Local Authority to monitor such measures.

- (10) All areas shown on the plan(s) and such other areas as may be shown on the approved plan(s) shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to commencement of any building work commences on the site.

Such landscape works shall be completed in accordance with a phased implementation plan to be submitted to and approved in writing by the local planning authority prior to commencement of building works on site.

Details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (ii) Hard surfaces including details of materials and finishes. These should have a permeable construction.
- (iii) The location of, details of materials and finishes of, all proposed street furniture, storage facilities and lighting (the lighting should have due regard to potential impact on the pond environment).
- (iv) The location of all proposed signage on site.
- (v) All planting including location, species, size, density and number.
- (vi) Specification of any Nursery Stock trees and shrubs in accordance with BS 3936 (parts 1, 1992, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).
- (vii) Any sustainable construction methods which are to be used.
- (viii) A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape.
- (ix) Increase of footway width on the northern side of the site access road alongside House H-01 to a minimum of 2m
- (x) Details of bat, bird and insect boxes

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 in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

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.

- (11) Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any building work on the site. The fencing, walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved.

Such details shall include:

- (i) Specify type of fence e.g.; palisade, close-board, rails, weld-mesh, ball-stop etc.
- (ii) Specify all dimensions including height, length and thickness.
- (iii) Specify material(s), construction and manufacturer if appropriate
- (iv) For walls specify type, brick colour/pattern, mortar, render, or other finish including construction details.
- (v) Details of any alterations, extensions or repairs to existing boundaries.

Reason: In the interests of the privacy and amenity of the occupants of the application site and neighbouring properties and the visual amenity and character of the locality.

- (12) A Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the local planning authority prior to commencement of any building work on the site. This should comprise a maintenance schedule and any specific management duties.

Such details may include:

- (i) Regular watering of trees/shrubs, especially during dry periods in the first 2 years of establishment.
- (ii) Spot weeding and application of appropriate herbicides or fungicides if necessary.
- (iii) Inspection and checking of all plants and for health and/or damage to plants.
- (iv) Mowing/grass-cutting regimes to amenity lawns, sports turf, rough grass or wildflower grass.
- (v) Loosening of tree ties, mulching, necessary removal of tree stakes and pruning if necessary.
- (vi) Necessary pruning, dead heading, trimming, mulching of shrubs.
- (vii) Removal of litter, debris or any other detrimental material from all hard and soft landscape.
- (viii) Digging over, aerating, composting, mulching application of fertilizer as appropriate to soils.
- (ix) Care not to damage any trees or shrubs by strimming and adding protection as required.
- (x) Necessary cleaning and repair of all hard materials and elements including permeable paving.

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 in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

The landscaping shall be maintained in accordance with the approved Landscape Management Plan.

Reason: To ensure the survival and ongoing vitality of, all plants and soft landscape.

To ensure the environment for the local community and residents continues to remain pleasant and attractive indefinitely. To prevent any financial loss due to neglect, sickness and/or damage to any plants.

- (13) Details of all (appropriately aged) play spaces (to be) shown on the approved plans are to be submitted to and approved in writing by the local planning authority prior to commencement of any building work on the site.

Such landscape works shall be completed in accordance with a phased implementation plan to be submitted to and approved in writing by the local planning authority prior to commencement of building works on site.

Details shall indicate:-

- (i) Any proposed boundary treatments including walls and fencing, indicating materials and heights.
- (ii) Equipment including details of types of equipment to be installed.
- (iii) Surfaces including details of materials and finishes.
- (iv) Existing contours and levels and any alteration of the ground levels, such as earth mounding.
- (v) All planting including location, species, size, number and density.
- (vi) The location of all proposed signage on site.
- (vii) The location and details of all proposed furniture and lighting including but not limited to bollards, litterbins, light columns and up lights.

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 in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and setting of development so that the facilities provide a benefit to the local community and residents.

- (14) No development shall take place (including demolition works) until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (a) a survey of the extent, scale and nature of contamination;
 - (b) an assessment of the potential risks to:
 - (i) human health,
 - (ii) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - (iii) adjoining land,
 - (iv) groundwaters and surface waters,
 - (v) ecological systems,
 - (vi) archaeological sites and ancient monuments.

Reason: To ensure the contaminated land is properly treated and made safe before development, to prevent pollution of groundwater and to protect public health.

- (15) The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the

approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure the contaminated land is properly treated and made safe before development, to prevent pollution of groundwater and to protect public health.

- (16) The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2010, reference 131352-R1(2) by RSK Group PLC and the following mitigation measures detailed within the FRA:
- (i) Limiting the surface water run-off generated by 1 in 100 year critical storm event so that it will not exceed the Greenfield run-off rate of 14l/s as detailed in section 4.2.1 and Figure 6 Rev P1 of the FRA
 - (ii) Provision of surface water storage on-site to accommodate a critical duration 1 in 100 year storm even (with an allowance for climate change) as detailed within section 8.3 and shown on Figure 5 Rev P1 of the FRA
 - (iii) Sustainable Drainage Systems to provide on-site attenuation for the critical 1 in 100 year storm event (with an appropriate allowance for climate change) including use of overground attenuation pond and porous paving as shown on Figure 5 Rev P1 and detailed in sections 8.3 and 8.4 of the FRA

Reason: To prevent flooding from surface water and flood events and to ensure this is achieved in a sustainable manner

- (17) Prior to commencement the following further details relating to the Flood Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, and the works shall be carried in accordance with the approved plans:
- (i) A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds and soakaways. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
 - (ii) Confirmation of the critical storm duration.
 - (iii) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
 - (iv) Where on site attenuation is achieved through attenuation ponds or similar, calculations showing the volume of these are also required.
 - (v) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
 - (vi) Calculations should demonstrate how the system operates during a 1 in 100 year critical duration storm event. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths.

Reason: To ensure the works will prevent flooding from surface water and flood events and to ensure this is achieved in a sustainable manner.

- (18) No development shall take place, including demolition and ground works, until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority, in consultation with English Heritage. Such a programme should include:

- (i) An archaeological project design prepared in accordance with the appropriate English Heritage guidelines
- (ii) An appropriate mitigation strategy, which may include archaeological excavation, in the event of significant archaeological remains being encountered

English Heritage will advise on whether archaeological remains are significant.

Reason: The development of this site is likely to damage heritage assets of archaeological interest.

- (19) No impact piling shall take place until a piling method statement has been submitted to and approved in writing by the Local Planning Authority, in consultation with the relevant water or sewerage undertaker. This should include the following details:

- (i) The type of piling to be undertaken
- (ii) The methodology by which such piling shall be carried out
- (iii) Measures to prevent and minimise the potential for damage to sub-surface water or sewerage infrastructure
- (iv) A programme for the works
- (v) Any piling must be undertaken in accordance with the terms of the approved piling method statement

Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure.

- (20) Development shall not be commenced until impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water. The impact studies should include a determination of the magnitude of any additional capacity required in the system and a suitable connection point.

Reason: To ensure the water supply infrastructure has sufficient capacity to cope with the additional demand.

- (21) Details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material (including litter bins inside and outside the premises) for the terraced houses shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.

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

- (22) Details of the proposed cycle storage for the terraced houses shall be submitted to and approved in writing by the Local Planning Authority and completed in all respects in accordance with the details so approved before the respective buildings are occupied.

Reason: To ensure there is adequate provision for the storage of cycles.

- (23) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any construction work is commenced (not including demolition) 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) the windows, their frames and glazing bars, for both the terraced houses and the flats, including materials, colour and samples if necessary;
- (b) sections showing the window reveals at 1:20 scale;

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

INFORMATIVES:

- (1) The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the piling method statement.
- (2) Thames Water requests that the applicant should incorporate within their proposal protection to the property by installing a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- (3) With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on- or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
- (4) Thames Water recommend that petrol/oil interceptors be fitted in all car parking/washing facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local water courses.
- (5) The development of this site is likely to damage heritage assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

Should significant archaeological remains be encountered in the course of the initial field evaluation, an appropriate mitigation strategy, which may include archaeological excavation, is likely to be necessary.

- (6) Japanese knotweed is classed as a notifiable weed under the Wildlife and Countryside Act 1981. It is an offence to “plant or otherwise cause to grow in the wild” which has implications for control methods. Vegetative material and contaminated soil is classed as ‘controlled waste’ under the section 43 of Environmental Protection Act, 1990, and therefore must be disposed of at a licensed landfill site in accordance with the Environmental Protection (Duty of Care) Regulations, 1991.

REFERENCE DOCUMENTS:

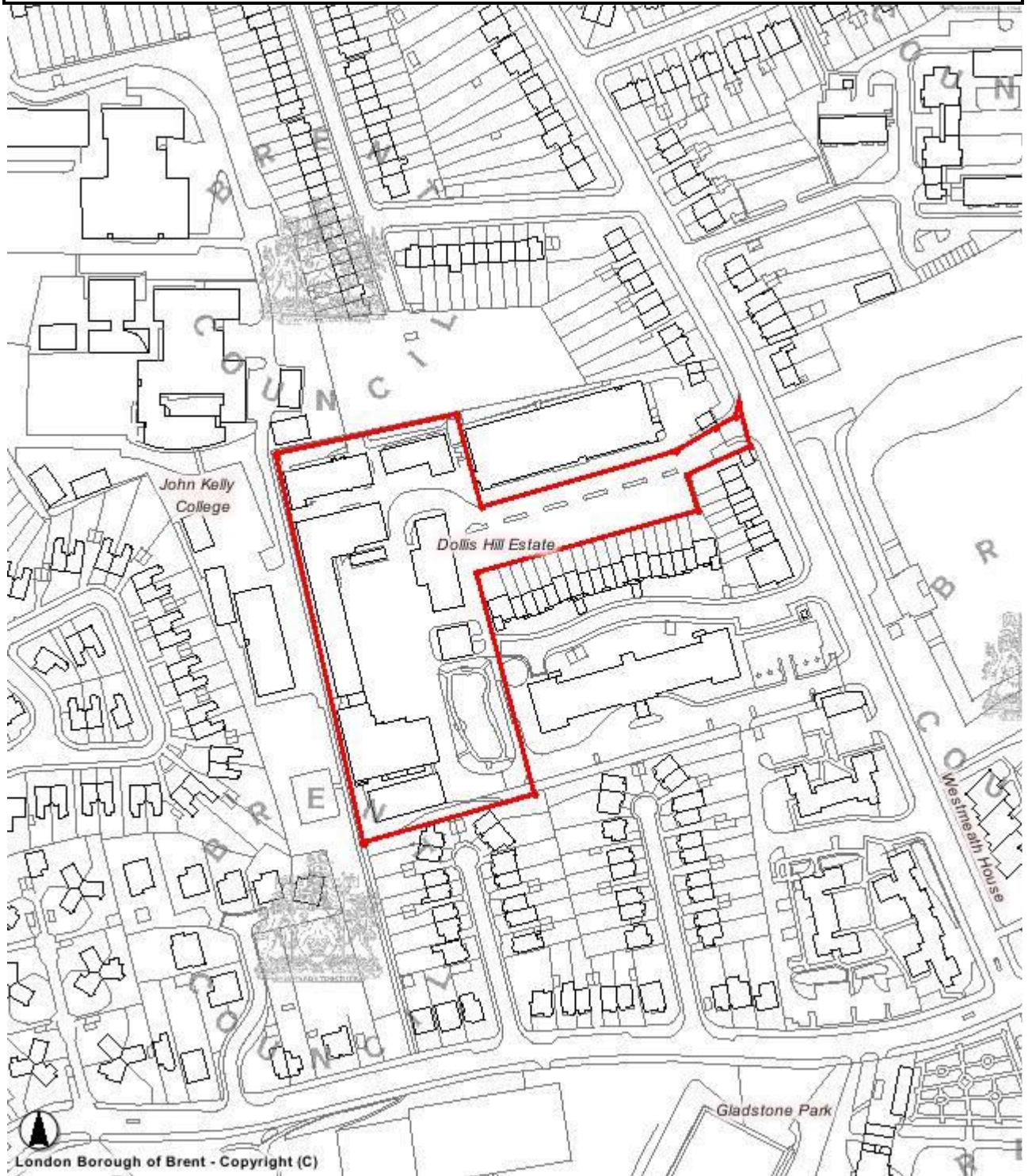
Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: Dollis Hill Estate (excluding Further Education College and Gatehouses), Brook Road, London, NW2 7BZ

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This map is indicative only.

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Committee Report

Planning Committee on 15 September, 2010

Item No.

7

Case No.

10/1591

RECEIVED: 5 July, 2010

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 20 Rowdon Avenue, London, NW10 2AL

PROPOSAL: Erection of a two-storey side extension and insertion of 1 rear and 1 side rooflight to the dwellinghouse (amended plans received 31 August 2010)

APPLICANT: Mr & Mrs Tal

CONTACT: Mr Patrick Hughes

PLAN NO'S:
(see condition 2 for details)

RECOMMENDATION

Approval.

EXISTING

The subject site is a two-storey detached dwellinghouse located on the north side of Rowdon Avenue. The surrounding area is predominately residential, comprising detached dwellings. The application site is located in an Area of Distinctive Residential Character, but is not a Listed Building.

PROPOSAL

The proposal is for the erection of a two-storey side extension and insertion of 1 rear and 1 side rooflight to the dwellinghouse.

Amended plans were received on 27th August 2010, removing proposed alterations to the patio.

HISTORY

Planning permission was granted in 1957 for a flat-roofed, first-floor extension to the side garage with additional bedroom (LPA Reference: D5101).

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

BE2 Townscape: Local Context & Character
BE9 Architectural Quality

SPG5 "Altering and Extending Your Home"

CONSULTATION

Consultation letters dated 21st July 2010 were sent to 10 neighbouring occupiers/owners. Two

letters of objection were received, the following comments were made:

- Loss of privacy, two-storey building overlooking the garden.
- Loss of light.
- Impact upon the street-scene.

The issues raised above are noted and will be discussed in detail below.

REMARKS

The subject site is a two-storey detached dwellinghouse located on the north side of the end of Rowdon Avenue, with its flank boundary adjoining the rear gardens of houses in Peter Avenue.

Two-storey side extension

When considering proposals for two-storey side extensions, it is important to ensure that they are of a size, shape and height that compliments rather than dominates the house. This is to protect the character and appearance of the area and also the amenities of adjoining occupiers. This is specified in SPG 5, Policy BE9 and BE2 of Brent's UDP 2004.

There is an existing two-storey side extension which is flush with the front elevation of the property, granted planning permission in 1957. The proposal intends to extend the existing two-storey extension rearwards, to the full length of the side flank wall (11.7m depth). A crown roof is proposed over the existing two-storey side addition and proposed extension. The crown roof is set down by 0.9m from the highest point of the original roof which provides distinction between the original dwellinghouse and therefore compliant with adopted design guidance SPG5.

SPG5 would require the front elevation of a two-storey extension to be set back from the main front elevation of the house to ensure a subservient appearance. Given that the proposal is to retain the existing two-storey side extension, it is not possible to achieve the required set-back. The proposal will be set behind the existing extension and will not be prominent in the street scene. The roof addition is considered to improve the overall appearance of the existing extension the appearance of the dwelling.

The proposed two-storey side extension does not project beyond the rear building line of the existing house. The rear elevation of the extension will be in line with the neighbouring property (No. 18 Rowdon Avenue) other than the projecting bay feature and therefore is not considered to have detrimental to neighbouring amenities in terms of loss of day/sunlighting or outlook.

No windows are proposed at first-floor level and as such will not affect the privacy of adjoining neighbours. The proposed windows on the ground-floor flank elevation will serve the kitchen and be located at a high level (above 1.7m) so as to prevent any overlooking. The inclusion of windows and doors within the rear of the extended side reflect the character and appearance of the original dwelling in this Area of Distinctive Residential Character.

Objection to the proposal is from properties located on Peter Avenue, to the west of the site. The proposed extension is to the eastern flank elevation and will be screened from properties on Peter Avenue by the existing house. Given the location and orientation of these properties in relation to the application site and proposed extension, it is not considered that there will be any adverse impact with regard to day/sunlighting. The proposal to extend the raised patio/terrace has now been deleted from the application.

Rooflights

SPG 5 requires rooflights to be designed to have a minimum projection from the roof plane. Rooflights are further required to be of a size and number that do not dominate the roof plane. The application seeks planning permission for the installation of one rear and one side rooflight. Both rooflights will be uniform in design (Conservation Style - positioned flush with the roof) and size (550mmx700mm). The rooflights are therefore considered to be acceptable.

In terms of privacy, it is not considered that the rooflights will result in an unacceptable level of overlooking. They are located flush with the roof plane and any views out of these windows will be limited.

Summary

The proposed extensions and rooflights have been designed to respect the character and appearance of the area and parent property in accordance with adopted guidance SPG5 and policies BE2 & BE9 of the UDP 2004.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

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

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 to 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:

D1; D2; D3; D4; D5; D6 (as amended 27 August 2010); D7; D8; D9; D10; D11 (as amended 27 August 2010); D12 (as amended 27 August 2010) and D13 (as amended 27 August 2010)

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

- (3) All new external work shall be carried out in materials that match, in colour, texture and design detail, those of the existing building.

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

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Nicola Butterfield, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5239



Planning Committee Map

Site address: 20 Rowdon Avenue, London, NW10 2AL

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This map is indicative only.

Committee Report
Planning Committee on 15 September, 2010

Item No. 8
Case No. 10/1525

RECEIVED: 28 June, 2010

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Sports Ground, Roundwood Club & Roundwood Club Annexe,
Longstone Avenue, London, NW10

PROPOSAL: Demolition of the existing youth centre and erection of a new part 2-,
part 3-storey youth centre with a multi-use games area, 16 off-street
parking spaces and associated landscaping to the site

APPLICANT: Brent Council

CONTACT: Mace Group

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The existing Roundwood Youth Club building is a single storey building with a footprint of 1,207sqm. It is situated on the east side of Longstone Avenue behind Knowles House (residential home). There are allotments to its east and Elmwood house is to the south.

Roundwood Park is directly to the north of the site.

The site is not within a conservation area nor is it a listed building.

PROPOSAL

Demolition of the existing youth centre and erection of a new part 2-, part 3-storey youth centre with a multi-use games area, 16 off-street parking spaces and associated landscaping to the site

HISTORY

LH40602810 Granted 14/02/1977
Erection of extension to youth centre and provision of car parking area

LE63368133 Granted 2/08/1974
Erection of single storey extension to youth club

LP56264866 Granted 8/11/1968
Outline application. Erection of neighbourhood centre comprising old people's home, day nursery, flats and maisonettes. Old people's flatlets and social centre and central kitchen and ambulance station.

POLICY CONSIDERATIONS

Adopted Unitary Development Plan 2004

BE1	Urban Design Statements.
BE2	Townscape: Local Context and Character
BE3	Urban Structure: Space and Movement
BE5	Urban Clarity and Safety
BE6	Public Realm: Landscape Design
BE7	Public Realm: Streetscape
BE9	Architectural Quality
BE12	Sustainable Design Principles
BE31	Site of Archaeological Interest
EP12	Flood Prevention
TRN1	Transport Assessment
TRN3	Environmental Impact of Transport
TRN15	Forming and Access to a Road
TRN22	Parking Standards – Non-residential Developments
PS12	Parking Standards – D1 use
PS15	Standard for Wide Bay Parking (Disabled spaces)
PS16	Cycle Parking Standards

Brent Supplementary Planning Guidance

SPG17 Design Guide for New Developments
SPG 19 – Sustainable Design, Construction & Pollution Control

PPG and PPS

PPS25 – Development and Flood Risk

SUSTAINABILITY ASSESSMENT

Policy CP 19 of Brent's adopted Core Strategy seeks non-residential developments to achieve a rating of BREEAM Excellent. The applicant has provided evidence that the additional cost of achieving BREEAM Excellent would be in excess of 5% of the project budget (over £250,000). The project is dependent on receiving Big Lottery Grant funding and in light of the wider sustainable communities benefits this project offers should it be successful, it is considered that a BREEAM 'Very Good' rating is an acceptable sustainability level. A condition is proposed to this effect.

CONSULTATION

Neighbouring occupiers were consulted by letter on 7th July 2010. A site notice was posted to the front of the site on 22nd July 2010 and a press notice was published on 15th July 2010. One comment has been received:

- At present it is let out for private functions, which when live, the djs every word can be heard quite plainly over 100 yards away.

Other issues not directly related to the application were raised including fly tipping, parking controls, children from the area playing balls games and damaging property.

Internal

Transport: Discussed below. Acceptable subject to conditions regarding width of vehicular entrance gates, improved Travel Plan and removal of overspill car parking.

Landscape: Discussed below. Conditions required,

Design: Proposed building has real character and identity, minor criticism is the way in which the building addresses the streetscene in terms of its main vehicular and pedestrian entrances - the entrance provides an opportunity to really announce this development in the streetscape.

Environmental Policy: Habitat survey undertaken to a good standard.

Environmental Health: Acoustic report should include information about acoustic treatment that may be required, for example to the music room and MUGA. Condition regarding the use of amplified sound outdoors and a management plan for the control of events and the use of the MUGA?

REMARKS

The proposal is for the demolition of the existing youth centre and erection of a new part 2-, part 3-storey youth centre with a multi-use games area, 16 off-street parking spaces and associated landscaping to the site.

The development is proposed in a way to allow the continual use of the centre during construction. The 'temporary site layout' plan shows that the new building will be erected prior to the demolition of the existing building, this explains the particular siting of the proposed building.

The project is funded by the Bid Lottery Fund and MyPlace which is aimed at improving facilities for young people throughout the UK. A fundamental condition of the grant is that young people are involved at all stages of the project to ensure that they gain the facilities that they want and are able to have a positive impact on their community.

Use

The existing footprint of the single storey building is 1,207sqm while the proposed footprint is 664sqm, this is largely over 3 storeys and therefore results in a similar amount of internal floor area with an increased and improved external space.

Currently over 15 groups use the club, including 2 church groups, Duke of Edinburgh award scheme, Young Muslim Girls Group and Right Track, a programme for children excluded from School. The club is currently operated 7 days a week until 9pm and can stay open for events until 1am on weekends but music is switched off by midnight on Saturdays and 11pm on Sundays which is considered to be reasonable.

The proposed facility will provide additional infrastructure for the provision of sport and physical activity and new MUGA is proposed, cultural and artistic activities as well as a social enterprise radio project.

The proposal includes a number of outdoor areas which should be used in such a way so as to not disturb neighbouring occupiers.

The site plan shows a performance terrace and event terrace. These spaces are for special events including shows and performances by young people which may coincide with events in the park, these tend to finish by 8pm but the latest these spaces would be used is 10pm.

The proposed MUGA would be available for use on weekdays between 8am and 9pm on weekdays and between 8am and 5pm on weekends. A document has been submitted to demonstrate that the level of light proposed will not be harmful to neighbouring amenity but the recommended condition about the hours of use will also require lights to not be left on beyond the agreed times.

The proposed building includes 2 roof terraces, which will be mainly used by staff for corporate events during office hours but not later than 7pm. The terrace spaces are set in from the elevation of the building by 1.5m and the parts of the building on which they are situated are at least 20m from the western boundary with residential neighbours, as such they would not have a significant impact in terms of neighbouring privacy.

A cafe is proposed as part of the new centre with an outdoor terrace area, this is sited at the northern end of the building close to the entrance to the park. A condition is recommended to ensure that this is not used beyond the times suggested for the other outdoor terrace areas.

Design

The proposal is a 2 and 3-storey building constructed of 7 attached blocks. The proposed scale of the building is broken down successfully through the mechanism of 'sliding planes' which reduces the perceived mass of the building whilst creating a unique design response.

There are 2 predominant materials proposed. Metal standing seam cladding is proposed to the east and west elevations, this is self coloured with strips of red (RAL 3003) as indicated on the elevation plans and the material curves to also form the roof. To the north and south semi-translucent cladding is proposed which is white and will result in a slight 'glow' after dark.

The building falls within the guidance of SPG17: Design Guide for New Development in terms of its relationship with neighbouring residential buildings. This includes Knowles House which is an old people's home fronting Longstone Avenue. In general the buildings are separated by over 30m and the proposed building falls easily within the 30° and 45° angles recommended by SPG17.

Elmwood house, which is shown on plans to the southeast of the application site, has been demolished and planning permission granted for a new part four-, part five- and part six-storey building comprising 38 flats. The separation distance between proposed buildings is over 40m. To the east of the site a residential development has been approved at Harlesden Ambulance station but this is separated from the Youth Centre site by allotments.

The siting, scale and design of the new building would not harm the amenity of residential neighbours in terms of light or outlook.

The entrance of the site provides separate pedestrian and vehicular access with a wall separating the two. The wall also functions as the signing for the centre with its name written on it facing the access from Longstone Avenue. The visibility of the club from Longstone Avenue has previously been poor, and due to the siting of the building further back from the highway than the existing it will not be any more visible so this signing is important.

Secure boundary treatment is proposed around the whole site. This includes gates and fencing at the entrance of about 2m in height, the site plan suggests this will be continued around the whole front of the site. No plan has been provided of this in elevation form and it is considered that the height and appearance of the fence needs to be considered in design terms and its impact on the immediate streetscene, as such this will be required by condition.

The MUGA has 5m high fencing and to the east of the site the existing brick boundary wall is to be retained. However the information about boundary treatments and the areas in which they are existing and where new fencing/walls is proposed is not considered to be sufficient so this is also required by condition. Details of construction will also be required to ensure that retained planting and trees are not harmed.

Landscape

Landscape officers have no in principle objection to the development and a detailed landscaping

scheme has been submitted. Officers provided comments on the original submission including a requirement for the inclusion of more native species as well as items such as bat, bird and insect boxes and log piles. This recommendation has been followed.

The siting of the access gate from the site to the park to the north is not satisfactory as it faces a tree and a condition is recommended to address this. Also, the access to the allotments is not clearly marked and if intended to be used the access should be redesigned to encourage use and be welcoming. Paths should be shown from both gates into the site.

Officers consider T20, a Hawthorn tree, to be one of the best trees on site and while it is fairly close to the existing and proposed buildings the area would not be directly affected by the new build and therefore its retention is sought. The applicants have disagreed with this but officers are firmly of the opinion that its loss would be detrimental to the site and subject to adequate tree protection measures the tree would not be harmed by the development. A condition is proposed to require its retention and protection.

A number of other issues regarding trees have as yet not been resolved and require a further condition. Further consideration of the tree planting plan is recommended, this could include larger trees and different species. Also, in a number of areas trees are proposed below existing trees, which are not suitable sites for tree planting, particularly to the southeast. Officers are also of the opinion that T30 in the northwest corner of the site should be retained.

Where proposed the soft landscaping is generally considered to be acceptable but a clarified plan will be sought as a number of symbols on the plan are not listed in the key. Officers will also ask for the canopy structure to be shown on the landscape plan. It has been confirmed that where possible existing planting will be retained but this needs to be indicated on the landscape plan.

In addition, the hardstanding area on the plan between the car park and MUGA should be revised as soft landscaping and should not be accessible by vehicles for overspill car parking. The siting of the trim trail in the southeast corner below the tree canopy is not suitable due to the soil compaction that its use would create, it therefore needs to be removed from this location but could be relocated in accordance with the above point.

Officers consider the hedgerow along the park boundary to be one of the most important ecological features on the site. A condition proposed to require the section to the northwest, currently proposed to be removed for access, to be retained and the hedge row as a whole to be strengthened.

Highways

16 Car parking spaces are proposed which accords with the standards set out in PS12 of Brent's UDP 2004. Up to one space per 5 staff plus additional visitor parking at a rate of 5% of the maximum attendance would be permitted, the estimated full-time staff equivalent level is about 35 and at peak times there would be potentially 200 visitors.

Two wide parking bays for disabled people are proposed and their layout, along with the rest of the car park is acceptable. This is a considerable improvement to the existing situation.

Consideration needs to be given to the impact of overspill parking in the local area on traffic flow and road safety. The majority of users are under 18 and locally based so would not be expected to drive. Whilst the new facility is intended to attract greater use there is plenty of pay and display parking in the area for visitors, whilst staff are encouraged to use alternative modes of transport through a Travel Plan.

Space for cycle storage is proposed and a condition is suggested to ensure 24 spaces are provided rather than the 10 suggested, this standard is based on that given for libraries (one space

per 10 staff and visitors).

Subject to the vehicular gates being increased to be 6m wide the access is acceptable and suitable for use as a turning point for delivery, emergency and refuse collection vehicles.

The transport statement indicates that the use of the facility will peak at evenings and weekends when flows on the surrounding roads are comparatively light. As such the marginal increase in flows to and from the site as a result of this proposal would not be likely to have a significant impact. Also, there are no major road safety issues in the close vicinity that might be worsened by the proposal.

Regarding the submitted Travel Plan a condition is recommended to require a more detailed submission including targets and monitoring.

Conclusion

The building is considered to be of good design and will provide a valuable local facility. Subject to the conditions discussed above, the development as a whole is supported by officers.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
London Plan
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
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
Community Facilities: in terms of meeting the demand for community services

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):

2915 004 002 A

8151 A 122 C

2915 004 004 A	8151 A 130 A
2915 004 005 A	8151 A 131 A
8151 A 000 A	8151 A 132 C
8151 A 100 A	8151 A 252 B
8151 A 101 A	8151 A 253 B
8151 A 102 A	HED.870.101 A
8151 A 110 A	HED.870.102 A
8151 A 111 C	HED.870.103
8151 A 112 C	HED.870.104
8151 A 113 C	HED.870.105
8151 A 114 C	HED.870.300 A
8151 A 121 C	HED.870.600 A

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

- (3) A detailed "Sustainability Implementation Strategy" shall be submitted to and approved in writing by the Local Planning Authority 4 months prior to the commencement of works on site. This shall demonstrate how the development will achieve a BREEAM "Very Good" rating, and how the indicated Brent Checklist measures will be implemented within the scheme, including the following listed below:
- A score of at least 50% on the council's Sustainable Development Checklist
 - A proportion of the site's energy demand (at least 10%) supplied from renewables on site
 - Appropriate design measures to ensure reduced water usage - a water meter, water-saving fittings (e.g. spray taps, aerated shower heads, lo-flush WC/waterless urinals);;
 - Evidence of sustainable materials which shall be of a comparable sustainability standard to that indicated on the Checklist submitted with the application (or as subsequently negotiated);
 - Details of the projected increased types/volumes of waste and recyclables likely to be generated, and of integrally-designed internal and external waste-separation/recycling facilities of sufficient capacity to manage these;
 - A Construction Method Statement (CMS) for approval by the Local Planning Authority. The CMS to include measures to adopt and implement the ICE Demolition Protocol (for new-build recycled content targets) and a BRE/DTI/Other Recognised methodology to minimise construction waste. It shall include evidence of Considerate Contractor Scheme registration & operation;
 - On completion, an Independent (BRE Post-Construction) review shall be submitted on the scheme as built, verifying the achievement of a "Very Good" rating on BREEAM assessment, and implementation of sustainability measures indicated on the Brent Checklist and/or subsequently negotiated to achieve an acceptable standard.
 - Compensatory Measures or Payment - if the evidence of independent post-construction reviews show that any of these sustainability measures have not been implemented within the development, then the contractor shall either: (1) propose acceptable remedial or compensatory measures on site and implement these; or otherwise, (2) pay to the Council a sum equivalent to the cost of the omitted measures, to be used by the Council to secure sustainability measures on other sites in the Borough.
 - On completion, an independent review shall be submitted, demonstrating that best endeavours to implement materials recycled-content targets, for construction, negotiated using the ICE Demolition Protocol, have been made.

If the Developer otherwise fails to meet these targets, payment to the value of materials not reclaimed/recycled, up to the target level, shall be made prior to occupation.

Reason: To comply with Policy BE12 in the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 19: "Sustainable Design, Construction & Pollution Control".

- (4) Parking shall only take place within the site in the designated area on the plan, no 'overspill' parking area within the site shall be provided.

Reason: To prevent excessive car parking in the interest of pedestrian and vehicular safety and to encourage sustainable modes of transport.

- (5) The premises shall not be used except between the hours of:-

0800 hours and 2100 hours Mondays to Thursdays
0900 hours and 0100 hours Fridays and Saturdays (Music shall not be played at the premises beyond 2300 hours)
0900 hours and 2100 hours Sundays

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

- (6) The outdoor space and specifically the performance, event and cafe terraces shall not be used for any gatherings, events, seating or other activity, later than 2200 hours on any day of the week. The roof terraces shall not be used beyond 1900. No amplified noise shall be produced from any external part of the site unless otherwise agreed in writing by the Local Planning Authority.

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

- (7) The proposed MUGA shall not be used except between the hours of:-

0800 hours and 2100 hours Mondays to Fridays
0900 hours and 1700 hours Saturdays and Sundays

The lights shall be turned off at all times outside of these hours

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

- (8) The following activities must not be carried out under any circumstances:

(i) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.

(ii) No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.

(iii) Nothing shall be attached to or supported by a retained tree.

(iv) No mixing of cement or use of other materials or substances shall take

place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA

(v) No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.

Reason: To ensure health and vitality of the existing trees throughout the duration of the development in the interests of the occupants and general public.

- (9) The premises shall be acoustically insulated and noise from activities within the premises limited upon occupation so that no music or amplified sound is audible beyond the site boundary ($L_{eq,5min}$ shall be below 10 dB (at 1/3 octaves 40Hz to 20KHz) at nearest noise sensitive premises).

Reason: To ensure that music or amplified sound is not audible at the nearest noise sensitive premises and protect the acoustic amenity within the locality.

- (10) 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.

- (11) Prior to occupation of the development, the applicant shall submit to the Local Planning Authority for approval a final version of the proposed Travel Plan for the centre, including the results of a full i-TRACE/TRAVL-compatible travel survey of staff and visitors to the existing building, with a target that the actual number of car trips to the new centre shall not increase above totals identified in this survey. This revised Travel Plan shall be of sufficient quality to score a PASS rating using TfL's ATTrBuTE programme (or any equivalent thereof). The success of the Travel Plan shall thereafter be monitored and reviewed on a biennial basis one, three and five years after first occupation of the new centre, with a view to developing the Travel Plan further in the event that targets are not met.

Reason: To encourage the use of sustainable modes of transport.

- (12) Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and the fencing, walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved.

Details will include elevations and a site plan indicating:

- Boundary treatment to be retained
- Proposed boundary treatment including height and elevational design
- Elevation plan of fencing to southern elevation within its context
- Relocation of access to park in northern boundary so as not to directly face a tree

Reason: In the interests of the visual amenity and character of the locality.

- (13) Details (drawings as necessary) of a scheme showing those areas of trees/shrubs to be influenced by construction of a development; drawings, reports and accompanying

method statements shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site.

This scheme shall include the retention of T20 and T30.

Such details shall include:-

- (i) No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS5837:2005, the Tree Protection Plan) has been agreed in writing with the LPA.
- (ii) A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837:2005) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
- (iii) The details of each retained tree as required at para. 4.2.6 of BS5837:2005 in a separate schedule.
- (iv) A schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998:1989, Recommendations for tree work.
- (v) Written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.
- (vi) The details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837:2005).
- (vii) The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837:2005), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- (viii) The details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837:2005).
- (ix) The details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837:2005).
- (x) The details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837:2005) of any retained tree, including those on neighbouring or nearby ground.

- | | |
|---------|---|
| (xi) | The details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837:2005), (e.g. in connection with foundations, bridging, water features, surfacing) |
| (xii) | The details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees. |
| (xiii) | The details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction. |
| (xiii) | The details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site. |
| (xv) | The details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity. |
| (xvi) | The details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837:2005). |
| (xvii) | The details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837:2005). |
| (xviii) | The timing of the various phases of the works or development in the context of the tree protection measures. |

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure the viability and health of the existing trees, in the interests of the occupants and general public.

- (14) No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

- | | |
|-------|--|
| (i) | Induction and personnel awareness of arboricultural matters. |
| (ii) | Identification of individual responsibilities and key personnel. |
| (iii) | Statement of delegated powers. |
| (iv) | Timing and methods of site visiting and record keeping, including updates. |
| (v) | Procedures for dealing with variations and incidents. |

The LPA may require the scheme of supervision to be administered by a qualified arboriculturalist approved by the LPA but instructed by the applicant.

Reason : To ensure the ongoing health and vitality of the existing trees throughout

the duration of the development in the interests of the occupants and general public.

- (15) The applicant shall give written notice to the LPA of 7 days prior to carrying out the approved tree works and any operations that present a particular risk to trees (e.g. demolition within or close to a RPA, excavations within or close to a RPA, piling, carnage).

Reason: To ensure the ongoing health and vitality of the existing trees throughout the duration of the development, in the interests of the occupants and general public and to enable the Local Authority to monitor such measures.

- (16) All areas shown on the plan(s) and such other areas as may be shown on the approved plan(s) shall be suitably landscaped and a scheme is 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 landscape works shall be completed (a) prior to occupation of building(s) and/or (b) within 18 months of commencement of the development hereby approved.

Such details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (ii) Hard surfaces including details of materials and finishes. These should have a permeable construction.
- (iii) The location of, details of materials and finishes of, all proposed street furniture, storage facilities and lighting.
- (iv) All planting including location, species, size, density and number.
- (v) Specification of any Nursery Stock trees and shrubs in accordance with BS 3936 (parts 1, 1992, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).
- (vi) All symbols on the plan listed in the key
- (v) Paths from the gates to the park and the allotments.
- (vi) The indication of the footprint of the canopy structure.
- (vii) The retention and strengthening of the hedgerow to the park boundary.
- (viii) The softlandscaping of the area between the car park and MUGA.
- (ix) The omission of the 'trim trail' from beneath trees at the southeast corner and its relocation if appropriate to the area in described (viii)
- (x) A wider variety of tree species which could include larger species.
- (xi) Reconsideration of the siting of proposed trees to avoid tree planting

below existing trees (particularly noted at the southeast corner)

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 in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

- (17) A Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. This should comprise a maintenance schedule and any specific management duties.
-

Such details may include:

- (i) Regular watering of trees/shrubs, especially during dry periods in the first 2 years of establishment.
 - (ii) Spot weeding and application of appropriate herbicides or fungicides if necessary.
 - (iii) Inspection and checking of all plants and for health and/or damage to plants.
 - (iv) Mowing/grass-cutting regimes to amenity lawns, sports turf, rough grass or wildflower grass.
 - (v) Loosening of tree ties, mulching, necessary removal of tree stakes and pruning if necessary.
 - (vi) Necessary pruning, dead heading, trimming, mulching of shrubs.
 - (vii) Removal of litter, debris or any other detrimental material from all hard and soft landscape.
 - (viii) Digging over, aerating, composting, mulching application of fertilizer as appropriate to soils.
 - (ix) Care not to damage any trees or shrubs by strimming and adding protection as required.
 - (x) Necessary cleaning and repair of all hard materials and elements including permeable paving.
-

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 in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the survival and ongoing vitality of, all plants and soft landscape. To ensure the environment for the local community and residents continues to remain pleasant and attractive indefinitely. To prevent any financial loss due to neglect, sickness and/or damage to any plants.

(18) 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:-

(i) Secure storage for 24 bicycles including details of the design of the structure including materials

(ii) Secure refuse and recycling storage including details of the design of the structure including materials

(iii) The width of the vehicular gates to be no less than 6m.

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

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

INFORMATIVES:

(1) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposed to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Reason - To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

(2) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

(3) There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on 0845 850 2777 for further information.

REFERENCE DOCUMENTS:

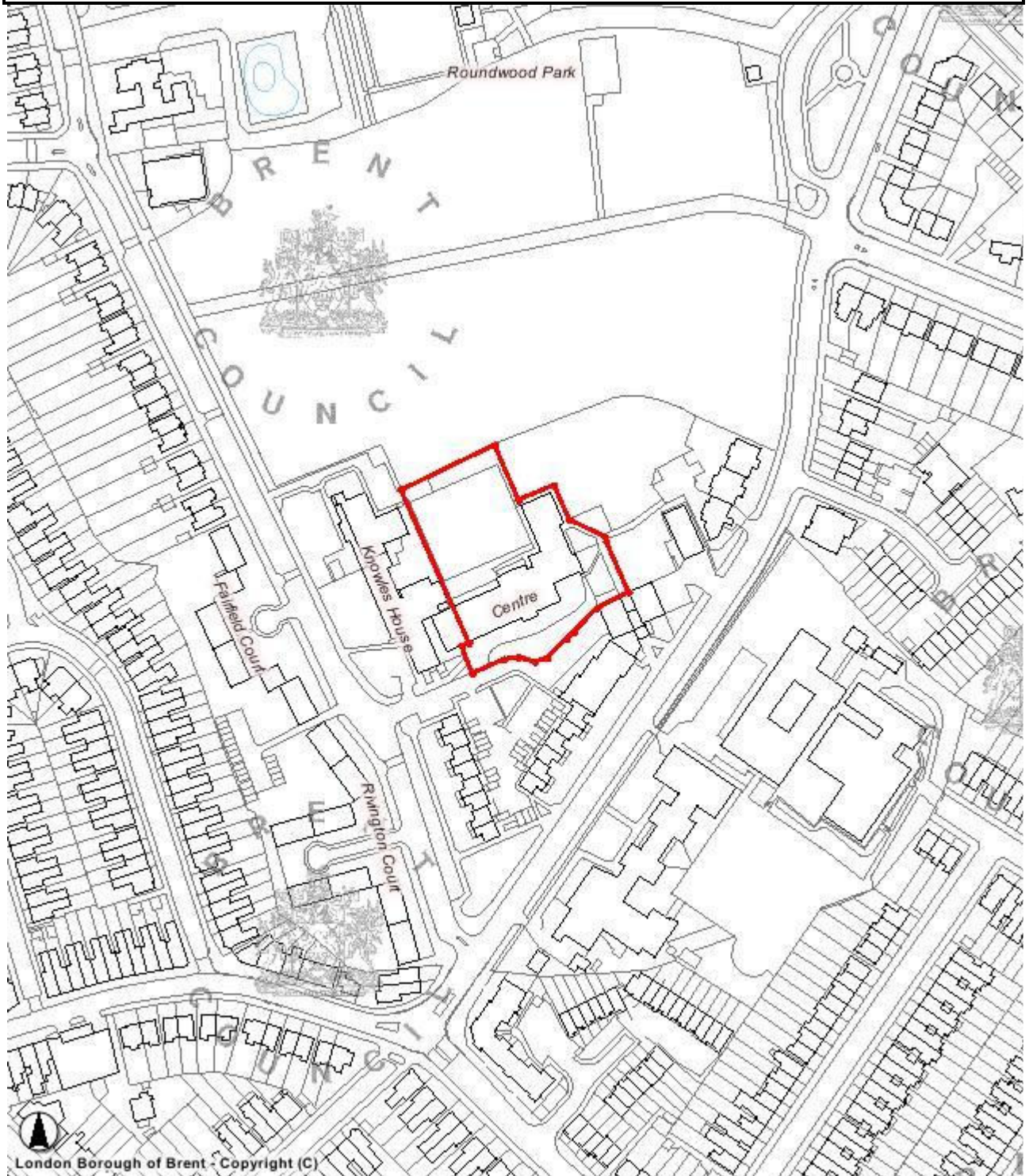
Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



Planning Committee Map

Site address: Sports Ground, Roundwood Club & Roundwood Club Annexe,
Longstone Avenue, London, NW10

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**Committee Report
Planning Committee on 15 September, 2010**

**Item No. 9
Case No. 10/1691**

RECEIVED: 13 July, 2010

WARD: Brondesbury Park

PLANNING AREA:

LOCATION: Former Manor School, 5-7 The Avenue & Former Simon Wells Unit
Special School, Christchurch Avenue, London, NW6

PROPOSAL: Erection of 2 two-storey buildings, erection of rear extension to existing single-storey building, a fenced multi-use games area (MUGA), provision of 8 off-street parking spaces, cycle-storage area and associated landscaping to site, to provide accommodation for the relocated Swiss Cottage Specialist SEN School (SCSSS) for a temporary period of 30 months

APPLICANT: BAM Construction Limited

CONTACT: Mr Andrew Maunder

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The subject site is an irregular shaped piece of land located between the north-western side of The Avenue, NW6, the south-eastern side of Christchurch Avenue and the north-eastern side of Brondesbury Park. The site, which is currently vacant, has previously been used as a school. The site is currently occupied by two permanent and three temporary school buildings. The permanent buildings comprise of a two-storey building fronting the Avenue and a single-storey building located close to the junction between Brondesbury Park and Christchurch Avenue. The temporary buildings are all single-storey.

The character of the surrounding area is predominately residential. Adjoining the site to the east is a two-storey villa which, although not forming part of the application site, is under the same ownership as the school and provides, in part, school caretaker accommodation. Towards the south, between the subject site and the junction between The Avenue and Brondesbury Park, there are three residential blocks which are between two and five storeys in height. Towards the west, fronting Christchurch Avenue, lies Willow Court, a three-storey residential block which is bound to the rear and both sides by the subject site. Towards the north and east the site adjoins 56 Christchurch Avenue and Avenue House, respectively, both two-storey residential developments. The residential developments surrounding the site comprise of a mixture of traditional and contemporary architectural styles.

PROPOSAL

Erection of 2 two-storey buildings, erection of rear extension to existing single-storey building, a fenced multi-use games area (MUGA), provision of 8 off-street parking spaces, cycle-storage area and associated landscaping to site, to provide accommodation for the relocated Swiss Cottage Specialist SEN School (SCSSS) for a temporary period of 30 months

HISTORY

The subject site has a substantial planning history, primarily relating to minor developments associated with the on-going use of the site as a school. Since 2000, several temporary permissions (04/0785, 00/2444 and 99/1804) have been obtained on the site for various temporary buildings. These permission have now expired although the temporary buildings remain on the site. In 2002, Officers were minded to refuse permission for alterations to increase the height of the boundary treatment to the site along The Avenue frontage. However, it does not appear that the application was ever formally determined.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

The following saved policies contained in the Unitary Development Plan are considered of greatest relevance to the current application.

BE2	Townscape: Local Context & Character
BE3	Urban Structure
BE6	Public Realm: Landscape Design
BE7	Public Realm Streetscape
BE9	Architectural Quality
BE12	Sustainable Design Principles
BE33	Tree Preservation Orders
TRN3	Environmental Impact of Traffic
TRN4	Measures to Make Transport Impact Acceptable
TRN11	The London Cycle Network
TRN22	Parking Standards - Non-Residential Developments
PS12	Parking Standards: Non-Residential Institutions (Use Class D1) and Hospitals (Use Class C2)
CF8	School Extensions
CF9	Temporary Classrooms

Supplementary Planning Guidance 17:- Design Guide For New Development

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

The London Plan (Consolidated with Alterations since 2004)

SUSTAINABILITY ASSESSMENT

Given that the proposal involves the construction of temporary school buildings, it is acknowledged that a BREEAM 'Very Good' requirement would be extremely difficult to achieve as a result. However, it is considered that the applicant should take reasonable steps to ensure that the development makes an appropriate contribution to achieving the objective of sustainable development across the Borough. Since, the original submission, taking on-board the advice of Officers, the applicant has improved their sustainability checklist score from 11% to 18% by incorporating sustainability measures such the use of recyclable materials in construction, achieving appropriate u-values, the use of flow reduction measures and the agreement of an appropriate School Travel Plan. However, Officers would recommend that the development should improve its sustainability rating further to achieve a score of at least 25% which result in an overall

rating of 'fairly positive'. The applicant is currently investigating further measures suggested by Officers, including compliance with Secured By Design standards, which should enable them to reach the required rating. Any further progress on this matter will be reported in a supplementary report and, in any case, it is recommended that this matter be controlled by condition should Members be minded to grant consent:

CONSULTATION

EXTERNAL

Consultation letters, dated 23rd July 2010, were sent to Ward Councillors and 419 local owner/occupiers. The application was also advertised by notices, dated 26th July 2010, displayed outside of the site and a press notice, published on the 22nd July 2010, in the local press. In response 27 letters of objection have been received. A letter of objection has also been received from Ward Councillor Carol Shaw. In summary, the concerns of the objectors include:-

- the proposed development would result in the unacceptable loss of trees
- the proposed development would result in the resurfacing of a grassed area with a multi purpose games area
- the proposed development would harm the privacy of neighbouring occupiers
- the proposed development would result in increased noise disturbance and pollution to local residents
- the proposed development would give rise to unacceptable levels of traffic and parking congestion
- the proposed design of the buildings is out of character with other properties in The Avenue and Christchurch Avenue and will harm the character of the surrounding area
- during construction the development will cause disturbance to neighbouring occupiers
- the proposed development would fail to accord with Council and Government policies.
- concerns that the development, and in particular the temporary buildings, will not be removed from site when the permission expires.

The London Borough of Camden have been consulted on the application and have raised no objection to the proposal

INTERNAL

Transportation Unit

The Council's Transportation Unit have inspected the proposals and have raised no objection to the application subject to the provision of a condition securing the implementation of the School Travel Plan, submitted as part of the application. The Transportation Unit have also recommended the submission of a plan showing pedestrian access routes into the site, which has now been supplied, and conditions ensuring that necessary works are carried out to the vehicular accesses.

Landscape Design Team

Whilst concerns were expressed regarding the original proposals to remove 28 trees from the site, the Council's Tree Protection Officer is now satisfied that the current proposal, including the removal of 13 trees and the planting of 13 replacements, would be reasonable in terms of the condition of the existing trees and overall amenity value of the site.

REMARKS

BACKGROUND

The current application seeks planning permission for the provision of temporary buildings and other facilities, including a multi-use games area (MUGA) on the existing site in order to enable the Swiss Cottage Specialist Education Needs (SEN) School to relocate to the site for a temporary

period of 30 months. The school hope to relocate to the subject site whilst their permanent site, located in Avenue Road, NW3, is redeveloped as part of the London Borough of Camden's Building Schools for the Future (BSF) programme. The 30 month temporary period will allow occupation of the site for two years (24 months) with 6 months set aside to facilitate the installation and removal of the temporary accommodation. The subject site, although currently vacant, benefits from established use as a school and therefore planning permission is not required for the proposed use itself. However, planning permission is required for the temporary structures and facilities that are needed to enable the temporary occupation of the site and this forms the basis of the current application.

The Swiss Cottage SEN School provides schooling for pupils with a wide range of learning difficulties and other associated needs and disabilities. The school caters for approximately 164 pupils, ranging from 2-16 years of age. In order to meet the needs of such a diverse range of ages, the school is divided into three elements, Early Years, Primary and Secondary. The special nature of the school means that staffing numbers are relatively high with approximately 93 permanent full time staff employed at the school. The permanent staff are also supplemented by approximately 20 external specialists who visit the school on an irregular basis. The normal school hours will be Monday to Friday from 8.45am-3.30pm, with after school clubs operating to 5pm. The school is funded by the London Borough of Camden and therefore the majority of the current pupils attend from within that Borough. However, the specialist nature of the school means that there is also a demand that is served for children attending from other Boroughs, including Brent. The proposals will allow the school to relocate all 164 of the existing pupils to the subject site during the two year redevelopment of their permanent site.

THE PROPOSAL

The proposed occupation of the site would involve the utilisation of both existing and proposed buildings. Three of the existing buildings on site, two permanent and one temporary, will be reoccupied whilst two of the existing temporary structures will be removed and replaced by two new two-storey temporary buildings. The Early Years will be accommodated within the north-western corner of the site within an existing permanent single-storey building. The proposal will involve the erection of a single-storey extension to the existing building to provide an extra classroom. The Primary and Secondary Schools will be accommodated in two new two storey temporary buildings located towards the north-eastern and south-eastern sides of the site, respectively. The school administration will occupy an existing permanent building towards the south-western side of the site and the staff facilities will be accommodated within an existing temporary building located towards the centre of the site. Other facilities to be provided include a 9 space car-park, accessed from Christchurch Avenue, a MUGA, a 20 space cycle store, refuse stores and a lay-by, along the frontage of the site adjacent to The Avenue, for pupil collection/drop-off

TRANSPORTATION

The site is located within Controlled Parking Zone "KS", which operates between 8am and 6.30pm Mondays to Fridays. Extensive dual-use (i.e. residents parking and pay and display) bays are available along the northern side of The Avenue and both sides of Christchurch Avenue. The Council's Transportation Unit have confirmed that the area is not generally designated as being heavily parked, either during the day or overnight. Public transport access to the site is moderate (PTAL 3), with Brondesbury Park and Kilburn stations and two bus services within walking distance of the site.

As with any proposal for the provision of a new or expanded school, the impact of the development on highway conditions, particularly during drop-off and collection times, is a key consideration. In order to understand the likely impact, scrutiny of the schools existing travel plan survey results from 2010 has been undertaken by the Council's Transportation Unit. The special nature of the school means that 67% of the existing pupils (102 out of 152) are brought to the existing Swiss

Cottage site by five dedicated 32-seat mini buses laid on by Camden Council. These buses will continue to operate and indeed, given the relocation of the school some two miles west from its existing site, it may be that more pupils decide to use this service during the temporary relocation. It should be noted that these mini-buses have capacity for 160 pupils, which is 98% of the expected school capacity. Of the remaining pupils, 22 currently travel to school by car, 20 use public transport, 7 walk and one cycles. The main entrance to the school for pupils will be located along The Avenue with a one-way entry/exit drop-off zone to be provided within the front of the site facing The Avenue, with access via two vehicular crossovers 5m in width. This will be used by the five mini buses to bring children to the school, as well as parents bringing children to the site by car. Vehicle tracking has been provided to show that the mini-buses can satisfactorily access the proposed drop-off zone. As mentioned above, there are also a number of pay-and-display spaces within close vicinity of the site.

In terms of staff, at present just 16% travel to the existing school site by car alone, with a further 10% car sharing. Car-parking for staff would be provided towards the northern side of the site in a small on-site car-park consisting of nine spaces, including one disabled space. This car-park would be accessed via an existing vehicular crossover on the southern side of Christchurch Avenue. The car-park would operate a permit system with only car-sharing vehicles to be issued permits. The Council's Transportation Unit have confirmed that the provision of nine parking spaces, including 1 disabled bay, within the site would comply with the Council's parking standards. Although the parking provision would be limited in relation to staff numbers, the on-street parking controls in the surrounding area, which would operate during normal school hours, would prevent overspill on street parking from occurring, and a greater proportion of staff can be expected to travel by alternative modes in future.

To help manage the temporary situation, the existing schools Travel Plan has been updated to reflect the temporary travel arrangements that will be necessary. Amongst the measures that will be employed are the continued operation and promotion of the minibus service, implementation of a car sharing database with priority parking for car sharers (with the targeted aim of ensuring that no staff will drive alone to this site), promoting use of the nearby Car Club vehicles, encouragement of walking and cycling (including travel training) and travel planning assistance. Monitoring of the travel situation and the effectiveness of the Travel Plan would be undertaken at the beginning and end of the first year of occupation of this site, which is considered appropriate given the temporary nature of the proposal. The Council's Transportation Unit have assessed the robustness of the proposed Travel Plan considered it to be of a good standard in terms of helping to minimise the transport impact of the school over the temporary two year period..

Twenty secure bicycle parking spaces are proposed within a cycle shelter to be located towards the front of the site facing The Avenue and showering and changing facilities will be provided within the school for staff. The proposed provision of a 20 cycle spaces more than satisfies the Council's standards for the provision of cycle parking, as does the proposed provision of showering and changing facilities for staff.

Refuse bins will be stored within the car parking area at the northern end of the site and will be moved closer to the Christchurch Avenue site entrance on refuse collection days to allow easy collection. The Council's Transportation Unit consider these arrangements to be satisfactory

Finally, a construction management plan has been submitted, including a section on Traffic Management. This includes details of segregation of pedestrians and vehicles within the site during construction, the designation of approved traffic routes to the site and the pre-planning of deliveries to minimise congestion around the site at peak hours. The Traffic Management Plan envisages between 9-28 construction vehicle movements per week during the construction period. Whilst acknowledging that it is an inevitable consequence of construction work that some disturbance will be caused to neighbouring occupiers, it is considered that all of these proposals will help to minimise disruption in the area during construction. As Members will be aware, noise associated with construction work would not normally be considered a material planning consideration on

which refusal can be founded.

TREES

At present there are 78 trees of varying species and quality, both in terms of amenity value and health, located on the site. There are two Tree Preservation Orders (TPO) on the site which cover 40 of the existing trees. The original application included the submission of a Ecology and Tree Assessment report which envisaged the removal of 28 of the existing trees from the site. However, following meetings on site with the Council's Tree Protection Officer the proposals have been revised to reduce the number of trees to be removed to 13 whilst securing the planting of 13 replacement trees prior to occupation of the site by the school. Of the 13 trees to be removed, 12 have been confirmed by the Council's Tree Protection Officer to be of a low or very low grade some of which could be considered suitable for removal irrespective of any development proposal. The other tree to be removed has a restricted amenity value because of other low grade trees growing close by. In total four of the trees to be removed are the subject of TPOs. The replacement tree planting will consist of three silver limes along the site frontage, facing The Avenue. This species is a substantial tree with an expected mature height of 20m and a crown spread of 8-9m. Three trees (species to be confirmed) will be planted towards the western side of the site, close to Brondesbury Park, and two apple trees will be planted close to the joint boundary with Redwood Court. A 3m run, expected to consist of 5 trees, will be planted along the boundary with Willow Court to improve screening (see 'Impact on Adjoining Occupiers'). Whilst it is acknowledged that the proposed tree works will result in the loss of existing trees from the site, given the quality of those trees to be lost in comparison with those to be planted, it is considered that the development would have an acceptable impact on the combined amenity value of the trees on site.

The temporary nature of the proposed buildings means that the impact on root systems of the existing trees to be retained would be less than that caused by the construction of permanent buildings on the site. However, the applicant has provided a detailed methodology of the measures to be taken to ensure that existing trees during the installation and removal of the temporary buildings from the site. This methodology has been inspected and agreed with the Landscape Design Team.

URBAN DESIGN

As discussed, the proposed development would involve the installation of two temporary buildings constructed from temporary modular units. These units have a regular, yet clearly temporary appearance. In streetscene terms, the most prominent structure would be the two-storey Secondary School building which would be located towards the front of the site, facing The Avenue. In order to minimise the impact of this building on the streetscene, the building has been set back from the edge of the footpath by approximately 12m to align the front of the proposed building with the front of the adjacent buildings on either side. The overall height of the proposed Secondary building would complement the scale of the adjacent buildings in terms of massing. The proposed Primary School would be located more towards the centre of the site, and views of this building would be more obscured by existing trees, foliage and other structures.

Overall, whilst it is acknowledged that the temporary buildings would not meet with the Council's normal requirements in terms of architectural quality, it is considered that reasonable steps have been taken in order to minimise the visual impact of the temporary buildings on the character and appearance of the surrounding area during the occupation of the site.

In terms of boundary treatments, the existing treatments are generally in good condition and will be maintained with repairs as necessary. The majority of the original boundary treatments are between 1.8m and 2m in height. However, due to security requirements it is proposed to install a 2.4m high coloured weld-mesh fence to the inside of the existing treatments. Some parts of the site already have weldmesh fencing installed to a height of 3m without causing particular problems to

the appearance of the area. Whilst, it is acknowledged that in the past the Council have raised concerns regarding increasing the height of the existing boundary treatments, it is considered that the proposed weldmesh fencing would not have a particularly overbearing appearance. The applicant has confirmed that the weldmesh fencing will be removed when the site is vacated.

IMPACT ON ADJOINING OCCUPIERS

The proposed two-storey Secondary School would be located approximately 25m from the nearest residential property and 15m from the nearest residential boundary. As such, it is considered that this two-storey building would be unlikely to have an unreasonable on the outlook, daylight or privacy of neighbouring occupiers. The proposed single-storey extension to the existing Early Years building would be approximately 7m from the flank wall of Willow Court which does not contain any windows.

However, there is some concern regarding the relationship between the proposed primary school building and the adjoining site Willow Court. The two-storey element of the proposed primary school building would lie approximately 2m of the boundary with Willow Court, although the distance between the primary school and Willow Court itself would be 25m. The applicant has stated that they do not consider it would be possible to relocate this building within the site without losing essential accommodation required by the school. In terms of privacy, the distance between these buildings would comply with the recommended distance of 20m set out in SPG17. However, in any case, the school have agreed to obscure all windows along this section of the building, which would serve a corridor, in order to ensure that existing privacy levels are maintained.

In terms of size and scale, the proposed primary building would fail to comply with the guidance in SPG17 that advises that new development should be set below a line of 45 degrees when measured from 2m above ground level along the boundary. The area of Willow Court immediately adjacent to the site boundary is currently treated with planting, which would partially screen the proposed building, beyond which lies the car-parking area to Willow Court. In this respect, the sensitivity of the affected area is less than it would be in the case of conventional garden space. However, notwithstanding this fact, given the close proximity to the site boundary the potential of the proposed building to overbear the visual amenity of occupiers of Willow Court requires careful consideration. As discussed above, the proposed building would be partially screen by existing planting and the applicant has agreed to provide a 3m run of small trees to add to this where the existing screening is least dense. The applicant has also agreed to review the treatment of this elevation in terms the number and size of windows at first floor level, and the colours to be used on this elevations. On balance, although Officers still have some concerns regarding this tight relationship it is considered that providing satisfactory measures are taken to protect the amenity of neighbouring occupiers that this issue would be unlikely to cause such detrimental harm that it would outweigh other positive aspects of the development and warrant the refusal of planning permission.

In terms of general noise and disturbance, it is inevitable that occupation of the site will give rise to some increase in relation to the existing situation during school hours, particularly at play times. However, it should be noted that the site is already a school and that, without requiring planning permission, the site, in its existing configuration, could be reoccupied at any time for such a purpose. The current proposal does not envisage any activity on the site during weekends which may not be the case if a school were to permanently relocate to the site. Overall, it is not considered that the proposal would generate unreasonable noise disturbance to neighbouring occupiers.

COMMUNITY USE

Where the provision of a new school, or the redevelopment of an existing school, is proposed the Council would normally seek to secure an element of community access to the school facilities. However, given that the development will only be in-situ for a period of two years it is unlikely that

the use of school would appeal to community groups looking for a more permanent arrangement. It is also noted that the facilities to be provided are of a limited value in terms of their quality, given the temporary nature of the development. In the future, if a proposal were to come forward for a permanent redevelopment of the school site, the Council would be likely to seek to secured appropriate community use.

LANDSCAPING

Given the temporary nature of the proposal, landscaping proposals for the site are generally limited to the provision of essential recreational areas. The main element of play provision would be the introduction of a Multi-Use Games Area (MUGA) towards the eastern side of the site. This MUGA has been relocated from its original proposed position due to concerns regarding its proximity to the site boundaries, and it would now be at least 7m from the nearest boundary. The original proposal would involve the erection of 3.6m high fence around the MUGA but this has also be reduced to 2.4m in height to reduce the impact on adjoining sites. If the fencing around the MUGA were any lower than 2.4m then it is considered that this would be insufficient to ensure adequate enclosure when the MUGA is used for ball games.

CONSIDERATION OF OBJECTIONS

The concerns of the objectors relating to transport, the loss of trees, the character and appearance and residential amenity have generally been addressed in the report above. Objectors have also raised concerns that the temporary buildings will not be removed from the site once the school returns to its permanent site. This is understandable as the previous occupier of the site failed to remove buildings that were granted on a temporary basis when their permission expired. However, there are significant differences between the previous and proposed occupation, in particular that the proposed occupation is only intended to be temporary and that there is a clear exit strategy for the site. It should also be noted that the school will lease the temporary buildings for the duration of their occupation and therefore it would not make financial sense to continue to lease the buildings beyond their occupation. In any case, due to the temporary nature of the buildings the Officers recommend strict conditions are attached to any permission ensuring the removal of the buildings from the site on the expiry of any permission.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

Transport: in terms of sustainability, safety and servicing needs

Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

- (1) This permission shall be for a limited period of 30 months only, expiring on 16th March 2013, when the buildings and works hereby approved shall be removed and the property reinstated in accordance with details to be agreed in writing by the Local Planning Authority.

Reason: The development is of a temporary nature which the Local Planning Authority would not be prepared to approve other than for a limited period, having regard to its construction and effect on the visual amenity of the area.

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

0410-BAM-3786	4030 ARCH P100 F
4030 ARCH P101	4030 ARCH P103
4030 ARCH P105	4030 ARCH P106
4030 ARCH P110	4030 ARCH P112
4030 ARCH P114	4030 ARCH P115
4030 ARCH P122	4030 ARCH P127 A
4030 ARCH P140	4030 ARCH P141
4030 ARCH P150	4030 ARCH P160
155 10 1 S-4	155 10 2 S-4
155 10 6 S-0	155 10 7 S-0

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

- (3) The School Travel Plan, dated June 2010, submitted as part of the planning application shall be fully implemented in all respects unless prior written agreement is obtained from the Local Planning Authority.

Reason: In the interests of local highway conditions and sustainable transport

- (4) Tree protection works shall be carried out in accordance with the submitted details contained in the Arboricultural Implications Assessment (RevB), prepared by ADAS UK Ltd unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development does not cause harm to existing trees on site, some which are subject to a Tree Preservation Order.

- (5) The proposed tree planting, indicated on drawing no. 4030 ARCH P100 F, shall be carried out prior to occupation of development, hereby approved, and maintained in accordance with the submitted details contained in the Arboricultural Implications Assessment (RevB), prepared by ADAS UK Ltd, unless agreed in writing with the Local Planning Authority. Any trees planted in accordance with the approved scheme which, within 30 months of planting are removed, die, become seriously damaged or diseased shall be replaced in the same location by trees of the same species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development and in the interests of the visual amenity of neighbouring occupiers.

- (6) All parking spaces, turning areas, drop off zones, vehicular accesses and footways indicated on the approved plans shall be constructed and permanently marked out prior to occupation of any part of the development, hereby approved, and shall be maintained as such unless agreed in writing with the Local Planning Authority.

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.

- (7) Further to condition 4, prior to the demolition and/or removal of any part of the development, hereby approved, further details of tree protection works shall be submitted to and in approved in writing by the Local Planning Authority. The demolition and/or removal of the development shall be carried out in accordance with the approved details.

Reason: To ensure that the removal of the development does not cause harm to existing trees on site, some which are subject to a Tree Preservation Order.

- (8) Notwithstanding the approved plans, further details of the north-western elevation of the approved primary school building shall be submitted to an approved in writing by the Local Authority prior to the construction or installation of the primary school building on site. Further details are to include an appropriate colour scheme, size and number of first floor windows and confirmation of those windows to be obscured. The development shall be carried out in accordance with the approved details.

Reason: In order to preserve the amenity of occupiers of Willow Court

- (9) Notwithstanding the approved details, a Sustainability Strategy with further details of measures to improve the Sustainable Development Checklist score from *Fairly Detrimental* to *Fairly Positive* shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of works on site. The development shall be carried out in accordance with the approved Sustainability Strategy.

Reason: In the interests of environmentally sustainable development.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004
Supplementary Planning Guidance 17:- Design Guide For New Development
Supplementary Planning Guidance 19:- Sustainable Design, Construction and Pollution Control
26 letters of objection

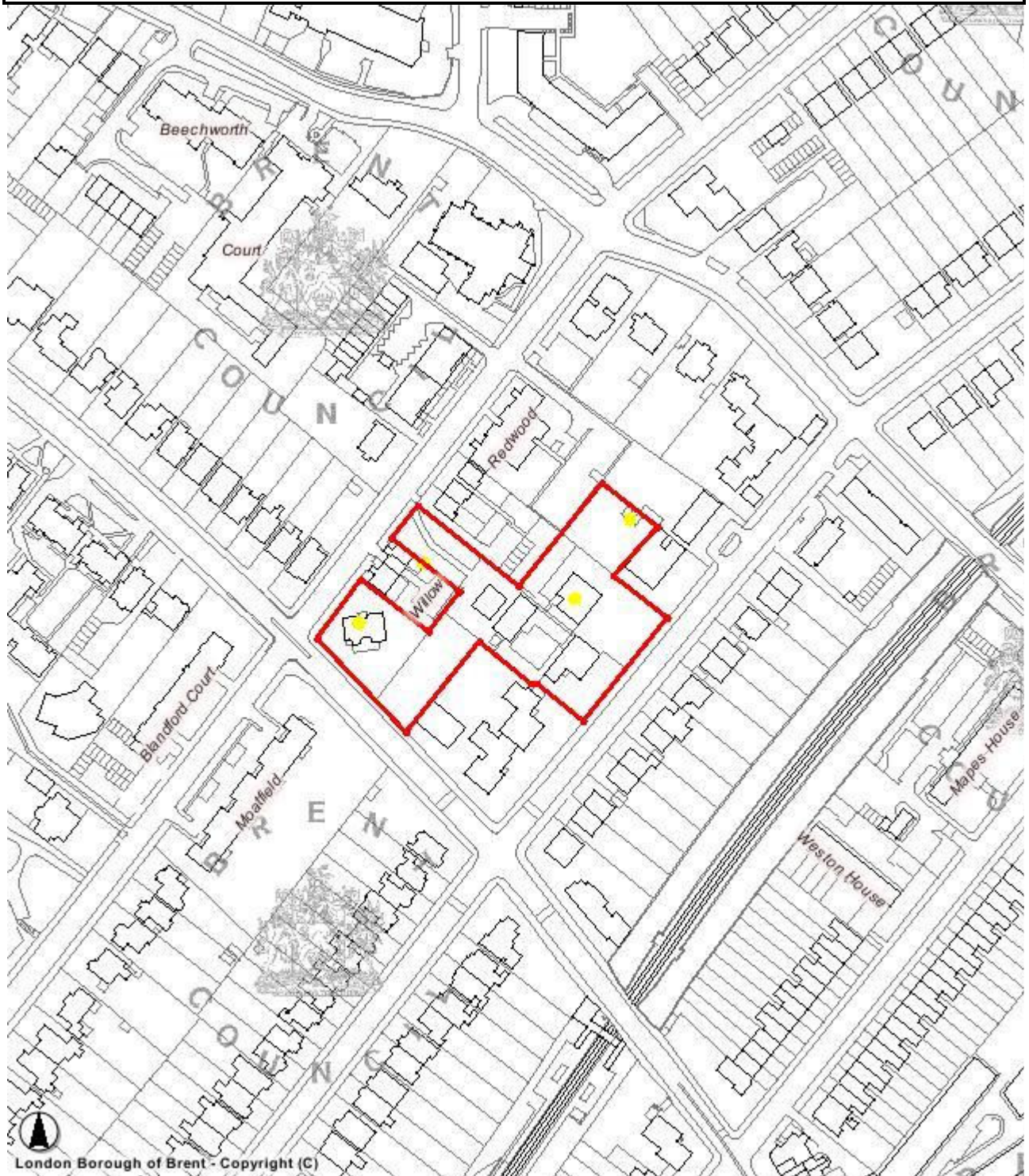
Any person wishing to inspect the above papers should contact Andy Bates, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5228



Planning Committee Map

Site address: Former Manor School, 5-7 The Avenue & Former Simon Wells Unit Special School, Christchurch Avenue, London, NW6

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Committee Report
Planning Committee on 15 September, 2010

Item No. 10
Case No. 10/1764

RECEIVED: 14 July, 2010

WARD: Stonebridge

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Land north side of Lovett Way, Lovett Way, London, NW10 0UJ

PROPOSAL: Erection of 12 no. two-storey, three-bedroom, single-family dwellinghouses on land to the north side of Lovett Way

APPLICANT: London Borough of Brent

CONTACT: Rick Mather Architects

PLAN NO'S:
Please see condition No. 2.

RECOMMENDATION

That the Planning Committee delegate authority to the Director of Environment and Culture to determine this application on the basis that planning permission will be granted providing no further comments are received prior to the end of the extended statutory consultation period (see below) that raise objection to matters that have not been discussed within this report or the Supplementary Report for this application.

The extended consultation period is required as your officers have noted that the site and press notices referred to applications that are "In the Public Interest" whilst the text of the notices should have specified "Departure from Development Plan". Aside from the reason for the notice, the remainder of the text, including the description of the proposal, was correct. Also, your officers have also noted that Sport England have not been consulted.

SECTION 106 DETAILS

This proposal is submitted by the London Borough of Brent and the application site is also owned by the Council. As such, this proposal cannot be accompanied by a Section 106 agreement. However, it is recommended that a condition is attached which requires the applicants to enter into a Section 106 agreement should the site be sold to a third party, such as a Registered Social Landlord. It is recommended that the following Heads of Terms are incorporated into Conditions, but will form the basis of the Section 106 if the site is sold:

- a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance;
- b) That 100% of the dwellings are provided as Social Rented Affordable houses and the housing allocations plan shall be submitted and approved at least 6 months prior to occupation;
- c) A contribution £86,400 (£2,400 per additional AH bedroom)
 - i. 50% due on material start an, index-linked from the date of committee for Education, Sustainable Transportation, Open Space in the local area
 - ii. 50% towards the provision, prior to Occupation, of 67sqm off site child's play; re-landscaping (including new trees) and remarking of the car parking spaces; tree planting on the northern boundary as shown on plans XX or to the public areas of

the St. Raphael's Estate.

- d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 49% score is achieved and Code for Sustainable Homes level 3, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- e) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- f) Join and adhere to the Considerate Contractors scheme.
- g) Prior to Material Start identify and gain Council approval for 1720sqm on Land within Plan X suitable for new / expanded publicly accessible green space (PAGS). Within 6 months of MS gain approval for a landscaping scheme for the 1720 sqm of PAGS. Prior to Occupation provide and there after maintain 1720 of PAGES.
- h) Prior to any Occupation the provision of 67sqm of off site child's play; re-landscaping (including new trees) and remarking of the car parking spaces; tree planting on the northern boundary as all shown on plans XX.
- i) That 100 % of the homes should be constructed to Lifetime Homes standards;
- j) The submission, approval and implementation of a strategy for the provision of Wheelchair Accessible or Easily Adaptable units within the St Raphaels Estate housing proposals which demonstrates the provision of such housing at a rate of 10 %.

EXISTING

The subject site is situated between Lovett Way and Strategic Industrial Land, currently used for the purposes of Open Storage. It is situated to the north of Nos. 42 and 43 Lovett Way, and to the west of the Vernon House School site. It is at the northern extreme of the St Raphaels Estate, a 1960s Local Authority housing estate that is managed by Brent Housing Partnership.

The site is designated as Public Open Space as it forms a part of the St Raphael's Way / Tokyngton Recreation Ground which straddles the River Brent. The application site is situated within a 20 to 33 m wide predominantly grassed "finger" of space that projects away from the main element of the park between Lovett Way and the Industrial land.

The site is not within a Conservation Area and there are no listed buildings in the vicinity.

PROPOSAL

The erection of a terrace of 12 two-storey three-bedroom houses with associated parking, landscaping and refuse and cycle storage.

HISTORY

There is no relevant planning history.

POLICY CONSIDERATIONS NATIONAL

Planning Policy Statement 1	Creating Sustainable Communities (2005)
Planning Policy Statement 3	Housing (2010)
Planning Policy Statement 12	Local Spatial Planning
Planning Policy Guidance 13	Transport (2001)
Planning Policy Guidance 17	Planning for Open Space, Sport and Recreation (2002)
Planning Policy Statement 22	Renewable Energy (2004)
Planning Policy Guidance 24	Planning and Noise (1994)

REGIONAL

The London Plan

- Policy 3A.1 Increasing London's supply of housing
- Policy 3A.2 Borough housing targets
- Policy 3A.3 Maximising the potential of sites
- Policy 3A.5 Housing choice
- Policy 3A.6 Quality of new housing provision
- Policy 3A.9 Affordable housing targets
- Policy 3A.11 Affordable housing thresholds
- Policy 4A.1 Tackling Climate Change
- Policy 4A.2 Mitigating Climate Change
- Policy 4A.3 Sustainable Design and Construction
- Policy 4A.4 Energy Assessment
- Policy 4A.6 Decentralised Energy
- Policy 4A.7 Renewable Energy
- Policy 4A.9 Adaptation to Climate Change
- Policy 4A.11 Living Roofs and Walls
- Policy 4A.14 Sustainable Drainage
- Policy 4A.16 Water Supplies and Resources
- Policy 4A.19 Improving Air Quality
- Policy 4A.20 Reducing Noise and Enhancing Soundscapes

Supplementary Planning Guidance

Housing (2005)

Providing for Children and Young People's Play and Informal Recreation (2008)

Sustainable Design and Construction (2006)

LOCAL

Brent Local Development Framework Core Strategy 2010

- CP1** Spatial Development
- CP2** Population and Housing Growth
- CP5** Placemaking
- CP6** Design & Density in Place Shaping
- CP14** Public Transport Improvements
- CP15** Infrastructure to Support Development
- CP17** Protecting and Enhancing the Suburban Character of Brent
- CP18** Protection and Enhancement of Open Space, Sports and Biodiversity
- CP19** Brent Strategic Climate Mitigation and Adaptation Measures
- CP21** A Balanced Housing Stock

Brent Unitary Development Plan 2004

Strategy

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

The relevant policies in this respect include Policies STR1-4 (prioritising locations and land-uses to achieve sustainable development), STR5, 6 and 10 (reducing the need to travel), STR11-17 (protecting and enhancing the environment), STR19-21 (meeting housing needs), STR25 (meeting employment need), STR27 (regeneration of Wembley as a regional sport, entertainment, leisure and shopping destination), STR32 (promoting tourism and the arts), STR35 (Protecting open space and promoting sports), STR37 and STR38 (meeting community needs).

Policies

- BE2** Local Context
- BE3** Urban Structure: Space & Movement
- BE4** Access for disabled people
- BE5** Urban clarity and safety
- BE6** Landscape design
- BE7** Streetscene
- BE8** Lighting and light pollution
- BE9** Architectural Quality
- BE12** Sustainable design principles
- BE13** Areas of Low Townscape Quality
- EP2** Noise and Vibration
- EP3** Local air quality management
- EP6** Contaminated land
- H12** Residential Quality – Layout Considerations
- H13** Residential Density
- H14** Minimum Residential Density
- H22** Protection of Residential Amenity
- TRN1** Transport assessment
- TRN2** Public transport integration
- TRN3** Environmental Impact of Traffic
- TRN4** Measures to make transport impact acceptable
- TRN9** Bus Priority
- TRN10** Walkable environments
- TRN11** The London Cycle Network
- TRN23** Parking Standards – Residential Developments
- TRN34** Servicing in new developments
- TRN35** Transport access for disabled people & others with mobility difficulties
- PS1** Parking standards – Operation of these parking Standards
- PS14** Parking Standards – Residential Developments
- PS15** Parking for disabled people
- PS16** Cycle parking standards
- OS18** Children’s play areas
- CF6** School places

Brent Council Supplementary Planning Guidance and Documents

- SPG4** Design Statements
- SPG12** Access for disabled people
- SPG13** Layout standards for access roads
- SPG17** Design Guide for New Development
- SPG19** Sustainable design, construction and pollution control
- SPG21** Affordable Housing
- SPD** Section 106 Planning Obligations

SUSTAINABILITY ASSESSMENT

TP6 Sustainability Checklist

The applicants have scored their submitted Checklist at 49 % (“Very Positive”). However, it appears that some of the fields have been included twice in the calculations and your officers also

have scored some elements of the proposal differently from those detailed by the applicants. Having assessed the proposal and having regard to the TP6 fields that are not applicable to the development, your officers have assigned a score of 49 % ("Very Positive"). This score meets the minimum requirements for the TP6 Sustainability Checklist and is considered to be acceptable.

Energy Statement.

The submitted Energy Statement demonstrates how the proposal will be in accordance with the Mayor of London's policies regarding energy. The "Be Lean" measures achieve a 14.4 % reduction in CO2 associated with the development. The Statement sets out that Combined Heat and Power or communal heating is not feasible due to scale and nature of the proposal. A number of options for on-site renewables have been evaluated and the applicants propose the use of 6 Photovoltaic panels per unit to off-set a further carbon reduction of 21.26 %. Your officers consider that the proposed Energy Statement is in accordance with the Mayor's policies regarding sustainability and climate change.

Sustainability Summary

Your officers consider the Sustainability and Energy details to be acceptable and recommend that further details regarding the implementation of these measures are secured through the submission and approval of a Sustainability Implementation Strategy. This is normally secured through the Section 106 legal agreement. However, as this is the Council's own application, this is to be secured through condition.

CONSULTATION

Statutory Consultation Period: 26 July – 26 August 2010

Letters sent: 26 July 2010

Site Notices erected: 28 July 2010

Advertised in local press: 5 August 2010

Neighbours and nearby occupiers

Objections and comments were received from two residents noting some or all of the following issues:

- Green land where children can play will be lost and spoilt;
- Change in the character of the area;
- Over crowding, disrupting the peaceful atmosphere;
- Increase in noise
- Parking problems, where existing parking levels are high and there could be 2-3 cars for each of the proposed houses;
- Loss of privacy;
- Overlooking of rear garden and bedroom windows of existing houses;
- Loss of light;
- No objection to building new houses in the estate, but these should be situated within the main element of the park to the west of the site. This land has never been used by anyone except for illegal activities and development in this location would mask the industrial area behind;
- There needs to be a proper plan to alleviate the only road leading from the estate. Pitfield and Besant Way are used as a cut through to avoid the North Circular Road on Stadium Event Days and IKEA promotion days and the busy nature of the road is dangerous. The number of properties should not be increased without addressing this issue.

Informal comments were made by Vernon House School regarding the proximity of the buildings to the edge of the school site and the potential for overlooking and for the disturbance of the future residents by pupils of the special school. The School also cited the location of an existing gate, and safety concerns during construction as their pupils have been known to scale walls and buildings in the past.

The applicants have responded to these comments by increasing the height of the parapet wall to the first floor terrace to avoid any direct overlooking. They specify that the buildings will have a high standard of acoustic treatment, including whole house ventilation to mitigate against any potential impact of noise from the Industrial land to the north and that this will be sufficient to address noise from the School. The applicants have offered to install a new gate in the school site to replace the one that is close to the flank wall of the proposed development. Reassurance has been provided regarding the safety measures during construction and the applicants have offered a tour of the development during construction for the students for educational purposes.

Internal Consultees

Transportation

No Transport objections subject to a Section 106 Legal Agreement to secure developer contributions towards improving non-car access, highway safety improvements and new parking controls.

Landscape Design

The proposal would result in a reduction in public open space, and replacement usable public open space should be provided in an appropriate location and of equivalent size. Further details are required regarding trees, the play area, the volume of soil in the planters and the width of the spaces for trees within the car park.

Environmental Health

The Desk Studies highlight the potential presence of soil contamination due to the historic land use. An intrusive soil investigation is therefore required and it is recommended that conditions are attached to the consent.

External Consultee

Thames Water

An Informative regarding surface water drainage is recommended.

REMARKS

This application proposes the construction of 12 houses on the north side of Lovett Way. The key issues associated with this proposal relate to:

- The principle of development, in terms of the loss and re-provision of public open space and the public open space and streetscape improvements;
- The design, appearance and layout of the proposal;
- The landscaping proposals;
- The quality of accommodation;
- Any potential impacts on adjoining residents;
- Transportation issues, including car parking, cycle parking and road/parking layout;
- Noise and vibration;
- Contamination

General Principles of development

Construction on Public Open Space

The subject site is currently designated as Public Open Space as it forms a part of the 6.79 Hectare St Raphael's Way / Tokyngton Recreation Ground Open Space. Whilst the site forms a part of this park, your officers consider that the "use" value of the open space is lower than the more open areas on either side of the River Brent due to its size in relation to the main elements of the park and its siting between the road and the Strategic Industrial Land. The site represents a relatively small "finger" of open space that, in your officers opinion, would serve more of a visual amenity rather than a functional role due to the quality, size and nature of the remainder of the open space and due to the banked nature and siting of the open space within the application site.

Policy CP 18 of the LDF Core Strategy 2010 specifies that Open Space of local value will be

protected from inappropriate development and will be preserved for the benefit, enjoyment, health and wellbeing of Brent's residents, visitors and wildlife. This policy also specifies that support will be given to the enhancement and management of open space.

PPG 17 specifies that "development may provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreational facility. The new land and facility should be at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality. Wherever possible, the aim should be to achieve qualitative improvements to open spaces, sports and recreational facilities. Local authorities should use planning obligations or conditions to secure the exchange land, ensure any necessary works are undertaken and that the new facilities are capable of being maintained adequately through management and maintenance agreements."

This application proposes the re-provision of a commensurate amount of open space as part of the North Circular Road (NCR) Regeneration. The NCR project is identified as a priority within LDF Core Strategy Policy CP 13 "North Circular Road Regeneration Area". Whilst no planning applications have been submitted for the North Circular Road project, the applicants have submitted a plan outlining the zone within which the new public open space would be provided and have specified that the open space could come forward within the first phase of the NCR project and/or within the land to the south side of Pitfield Way, near Nos. 1 – 32 Lilburne Walk.

The proposal would provide decant housing for the NCR project, thus allowing the relocation of existing NCR tenants within the local area and the construction of new dwellings. The relocation of existing tenants is often problematic within regeneration schemes, particularly where there is no open land in the locality upon which new housing can be built prior to the demolition of the existing homes. The proposed housing accordingly would serve a vital role in enabling the North Circular Road Regeneration to take place.

While there is generally a presumption against the loss of open space to alternative uses, the open space that would be built on would be re-provided in the locality and the development would help to facilitate the implementation of the NCR project. Your officers accordingly consider that the proposed construction of new homes on the open space is acceptable, subject to the submission of details regarding the location, size and design of the new open space(s) and the provision of the space(s).

This proposal also includes the provision of additional planting within the park and the car parking areas, and would provide natural surveillance of this element of Lovett Way. The proposal therefore includes improvements to the main elements of the open space and improves the security and safety of Lovett Way which provides access to the public open space.

One objector has noted that children currently play on this area of land. Whilst the site would no longer be usable as public open space, the remainder of the park would still be usable together with other areas of open space within the estate itself. This includes the play area directly to the south of the site within which a new children's play area would be provided.

The other objector has suggested that new houses are built on the park land to the north-west of the subject site as this land is only used for illegal activities. The specified area does not have any windows of houses that directly overlook it and accordingly suffers from low levels of natural surveillance, thus increasing the potential for antisocial behaviour. However, it forms more of an integral part of the open space in a functional and visual sense. Your officers acknowledge the concerns regarding illegal activities on that element of the park. However, it is considered that the loss of that element of public open space would not be acceptable.

Density

The density of the proposed development is 56 units per hectare or 280 habitable rooms per hectare. The density falls within the London Plan range of 35 to 65 units per hectare. The

proposal is above the London Plan range with regard to Habitable Rooms (150-250 habitable rooms per hectare). However, this is a function of the size of the units, where all units are family sized whilst the majority of developments also include smaller 1- and 2-bedroom units. Your officers accordingly consider the proposed density to be acceptable as there is a specific need to provide family housing in this location.

Layout, design and landscaping

General layout of development

The proposal provides a traditional house layout, with a terraced row of houses fronting the street. This provides activity and natural surveillance of this element of Lovett Way which suffers poor levels of overlooking at present.

Design and appearance

The proposal represents a modern approach to terraced housing to address the issues regarding potential noise from the Strategic Industrial Land to the north. All houses have ground floor amenity space within a rear or side garden area. However, the houses also incorporate good sized (12 sqm) south facing roof terraces to provide a sunny area of external amenity space that is shielding from potential noise by the houses themselves. Furthermore, acoustic fences are proposed between the rear gardens and the Industrial Land.

Your officers consider that the simple and modern design approach is effective and results in a good standard of residential architecture. It relies on the use of high quality materials and finishing, details of which are to be required through condition. The houses are articulated through the use of terraces and recesses, creating a rhythm of development that is considered appropriate for the context. The majority of homes in the locality are 3-storey in height and the proposed 2 ½ storey houses built into an embankment are considered to pay the appropriate regard to the scale of surrounding buildings.

Landscaping

The proposal incorporates a minimal amount of landscaping within the frontages, but proposes additional planting in the public realm. The reduction in the depth of the existing landscaped buffer between the proposed houses and the Industrial Land is to be off-set by the planting new trees within the remaining landscaped buffer, and additional planting to the north-west of the site to increase the size of the buffer in that location. The proposal results in the loss of some trees on-site. However, these are being replaced at a ratio of two for each tree that is removed.

Summary

Your officers consider that the proposed layout and design of buildings pays the appropriate regard to its context and improves natural surveillance within this part of the St Raphaels Estate, thus improving the security and safety of residents.

Quality of accommodation

The proposed houses exceed the Council's guidance levels for minimum internal floorspace and external amenity space.

Adequate levels of cycle and refuse storage are proposed within the frontage.

The applicants have confirmed that all homes will be built to Lifetime Homes standards. With regard to Wheelchair or Easily Adaptable Housing, the applicants have confirmed that 10 % of the homes that are constructed as part of the St Raphaels Housing project will be Wheelchair Accessible. However, no such units are proposed within this scheme due to issues regarding levels within the site. Your officers consider that this approach is acceptable subject to the submission and approval of a strategy regarding Wheelchair Accessible Housing prior to the commencement of works on any of the St Raphaels Housing schemes.

Summary

Your officers consider that the quality of proposed housing is acceptable and in accordance with the Council's policies and guidance.

Impact on adjoining residents/occupiers

Daylight and Sunlight

The proposed housing does not directly adjoin any residential dwellings. The nearest homes (Nos. 42 and 43 Lovett Way) are situated on the opposite (south) side of Lovett Way and are approximately 12.5 m from the fronts of the houses. The flank elevation of these dwellings face the proposed new development. These flank elevations are blank brick walls with no windows facing to the north and there accordingly are no opposing habitable room windows. It is considered that the proposal will not have an unduly detrimental impact on the light or outlook to any nearby residential dwellings.

The proposal adjoins the Vernon House School site and the flank wall of the easternmost house is a minimum of 0.5 m from the boundary with the School. The area of the school that it adjoins is a raised area that contains grass and trees. The proposal is not considered to have an unduly detrimental impact on the light received by the School.

Privacy and overlooking

As specified above, the proposed buildings face the blank flank walls of Nos. 42 and 43 Lovett Way. The windows and roof terrace of the dwellings are also 12.5 m from the rear gardens of these dwellings. Supplementary Planning Guidance No. 17 specifies that habitable room windows should be at least 10 m from the boundary with adjoining properties to ensure their privacy and the proposal will be in accordance with this. The siting of the access way will also be 10 m from these back gardens. Your officers accordingly consider that the proposal will not have an unduly detrimental impact on the privacy of adjoining residents.

One objection has expressed concern regarding the loss of privacy to his garden and bedroom windows. The relationship to the garden has been discussed above. The windows of the existing houses are set at a right angle to the proposed development and your officers consider that the oblique angle and distance are such that the level of overlooking will not be unduly detrimental.

The proposed houses do not have any windows facing the school site and the first floor roof terrace includes a privacy screen to the east to prevent overlook.

Transportation

Car parking

The proposal includes the provision of 10 on-street parallel parking spaces within Lovett Way and alterations to the existing parking area on the south side of Lovett Way to provide 4 additional parking spaces, including 2 disabled spaces. The maximum parking standard for a 3-bedroom house is 1.6 spaces, resulting in a total of 19.2 spaces. The standard sets out that a 50 % reduction may be applied for Affordable Housing. However, given the low public transport accessibility of the site (PTAL 2) and the existing levels of parking in the locality, the proposed number of spaces (14) is considered to be acceptable and appropriate for the site.

Objectors have noted the high levels of parking in the vicinity. Whilst your officers accept that parking is relatively high, the proposed levels of parking are considered to be in accordance with the Council's policies which look to ensure that adequate levels of parking are provided whilst promoting non-car modes of access.

Cycle Parking

Cycle parking is proposed at a rate of 2 cycles per residential unit. This exceeds the levels set out within the UDP parking standards and is considered to be acceptable.

Servicing

Refuse storage is situated at pavement level within enclosed bin stores. This allows suitable access for residents and ensures that the bins are an appropriate distance from the street.

Other issues raised an objector

A local resident has commented that new houses should not be constructed unless measures are proposed to address the use of Pitfield Way and Besant Way and a cut through on Stadium Event Days and Ikea Promotion days. Any works required through a development must be necessary to mitigate the impacts of that development. Your officers consider it unreasonable to require a proposal to construct twelve new houses to address issues associated with the National Stadium and the large IKEA store. However, these comments have been passed to the Council's Transportation Service to ensure that they are aware of these concerns.

Summary

The car parking, cycle storage and refuse storage proposals are considered to be acceptable.

Noise and vibration

The applicants have submitted a noise and vibration survey for the proposed development due to its proximity to the Strategic Industrial land to the north. The survey examined the existing levels of noise and concluded that the site falls within PPG 24 Category B and as such, the site is suitable for residential development provided appropriate noise mitigation measures are implemented. The proposal also looked at the potential noise from alternative uses of the Strategic Industrial Land. The report recommended a high level of sound insulation, attenuated mechanical ventilation and that acoustic screening (e.g. acoustic fence/wall) should be incorporated to screen the rear gardens. The report also specified that the proposal would result in lower noise levels for the existing tenants to the south due to its acoustic screening effect.

The report specified that measured levels of vibration from existing sources were compliant with Local Authority requirements, but that future industrial sources that produce high vibration levels (e.g. large fixed vibrating machinery) may require isolation.

Your officers consider that the submitted details are sufficient to demonstrate that the proposal development is unlikely to suffer from excessive levels of noise and vibration.

Site Survey/contamination

The submitted Desk Studies highlight the potential presence of contamination in the proposed development area due to the historical land use. Environmental Health have accordingly recommended that conditions are attached requiring a Site Investigation, Remediation Strategy and Verification Report.

Conclusions

The proposal will help to enable the delivery of the North Circular Road project and ensures the provision of Open Space to replace that which is to be built on. Your officers consider that the proposed layout, design and appearance pays the appropriate regard to its context and should result in improvements to local safety and security. The quality of accommodation proposed is considered to be acceptable whilst the development has been designed to ensure to mitigate any unduly detrimental impacts on adjoining residents or occupiers. The proposal is considered acceptable on Transport grounds.

Your officers accordingly recommend that planning permission is granted.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Central Government Guidance
Council's Supplementary Planning Guidance
Brent Local Development Framework Core Strategy 2010

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
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 drawing(s) and/or document(s):

542_1000 Rev PL 542_1203 Rev P2
542_1001 Rev PL 542_1213 Rev P2
542_1010 Rev PL 542_1021 Rev PL
542_1011 Rev P2 542_1223 Rev P3
1100 Rev PL

Sustainability Strategy dated July 2010
Energy Strategy dated July 2010
Design and Access Statement dated July 2010
Phase 1 Desk Study Drury Way Depot dated September 2008
Land Contamination RPS Desk Study dated July 2010
Statement of Community Involvement dated July 2010
Affordable Housing Statement dated July 2010

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

- (3) All parking spaces and footways, both within and outside of the subject site (but detailed in the approved plans) shall be constructed and permanently marked out prior to first occupation of any of the units approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other

purpose, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure a satisfactory development which contributes to the visual amenity of the locality and which allows the free and safe movement of traffic and pedestrians throughout the site and to provide and retain adequate cycle and car parking and access in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (4) Notwithstanding the provisions of Schedule 2 Part 1 Classes A to G of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the premises shall be carried out to the dwellinghouses hereby approved, unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason:

In view of the restricted size of the site for the proposed development no further enlargement or alteration beyond the limits set by this permission should be allowed without the matter being first considered by the Local Planning Authority.

- (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) All areas shown on the approved plans shall be suitably landscaped 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 and the details approved under item (e) below shall be implemented prior to demolition/construction commencing and retained during demolition/construction.

The submitted scheme shall include details of:

- (a) the planting scheme for the site, which shall include species, size and density of plants;
- (b) walls, fencing and any other means of enclosure, including materials, designs and heights;
- (c) treatment of areas of hardstanding and other areas of hard landscaping, including materials;
- (d) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (e) trees and other vegetation to be retained within the site and the techniques to be used to protect them during construction and the use of appropriate building foundations in accordance with British Standard 5837. This shall include construction details for the building, all hard-surfaced areas, details of routing for any underground services that may affect the trees and details of the protection of the trees during the construction period, to ensure that the development hereby approved does not damage the trees, including their roots.

Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development 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.

- (7) The development hereby approved shall not be occupied unless details of the off-site works and landscaping, including the parking areas, play area and off-site planting have been submitted to and approved in writing by the Local Planning Authority and the approved works implemented in full. The details shall include:
- (a) Full detail of the play equipment, the size of the play area;
 - (b) the planting scheme, which shall include species, size and density of plants;
 - (c) walls, fencing and any other means of enclosure, including materials, designs and heights;
 - (d) treatment of areas of hardstanding and other areas of hard landscaping, including materials;
 - (e) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling;
 - (f) Details of the way by which the the parking spaces are marked out;
 - (g) trees and other vegetation to be retained within the site and the techniques to be used to protect them during construction and the use of appropriate building foundations in accordance with British Standard 5837. This shall include construction details for the building, all hard-surfaced areas, details of routing for any underground services that may affect the trees and details of the protection of the trees during the construction period, to ensure that the development hereby approved does not damage the trees, including their roots.

The approved details shall maintained thereafter. Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development 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 and the adequate provision of car parking and play facilities.

- (8) No development shall commence unless details of any external lighting, including the lux level and a lighting contour map, are submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of safety and the amenities of the area.

- (9) The development hereby approved shall not commence until a Sustainability Implementation Strategy which details the ways by which the measures identified within the TP6 "Sustainability checklist" and the Energy Strategy hereby approved will be implemented and which demonstrates that the proposal will meet or exceed Code for Sustainable Homes Level 3 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented.

Reason: To ensure a satisfactory development which incorporates sustainability measures that are commensurate to the scale of development proposed.

- (10) The development hereby approved shall not be occupied unless a review by a BRE approved independent body which verifies that the development has been completed in accordance with the Sustainability Implementation Strategy and that the development has met or exceeded Code for Sustainable Homes Level 3 is submitted to and approved in writing by the Local Planning Authority. If the review specifies that the development has failed to meet the above levels, compensatory measure shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the units hereby approved.

Reason: To ensure a satisfactory development which incorporates sustainability measures that are commensurate to the scale of development proposed.

- (11) The development hereby approved shall not commence unless details for the provision of 1,720 sqm of new/expanded publically accessible green space within the zone detailed within the un-numbered drawing titled "Location for Estate Improvements/Additional Open space", including the location, size and design of the space have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied unless the approved details are implemented in full and the space(s) shall thereafter be maintained.

Reason: To ensure the satisfactory provision of publically accessible green space in the locality.

- (12) The development hereby approved shall not be occupied unless details have been submitted to the Local Planning Authority which confirm that all units have been constructed to Lifetime Homes standards.

Reason: To ensure a satisfactory development.

- (13) The development hereby approved shall not commence unless a strategy for the provision of a minimum of 10 % of dwellings as Wheelchair Accessible or Easily Adaptable units within the St Raphaels housing proposals has been submitted to and approved in writing by the Local Authority and the approved strategy shall be implemented in full.

Reason: To ensure a satisfactory development.

- (14) The development hereby approved shall not commence unless details are submitted to the Council which demonstrate that the development has joined the Considerate Constructors Scheme. The developer shall thereafter adhere to the scheme for the period of construction.

Reason: To safeguard the amenities of adjoining and nearby residents and occupiers.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

The London Plan Consolidated with Amendments Since 2004
Brent Unitary Development Plan 2004
Brent Local Development Framework Core Strategy

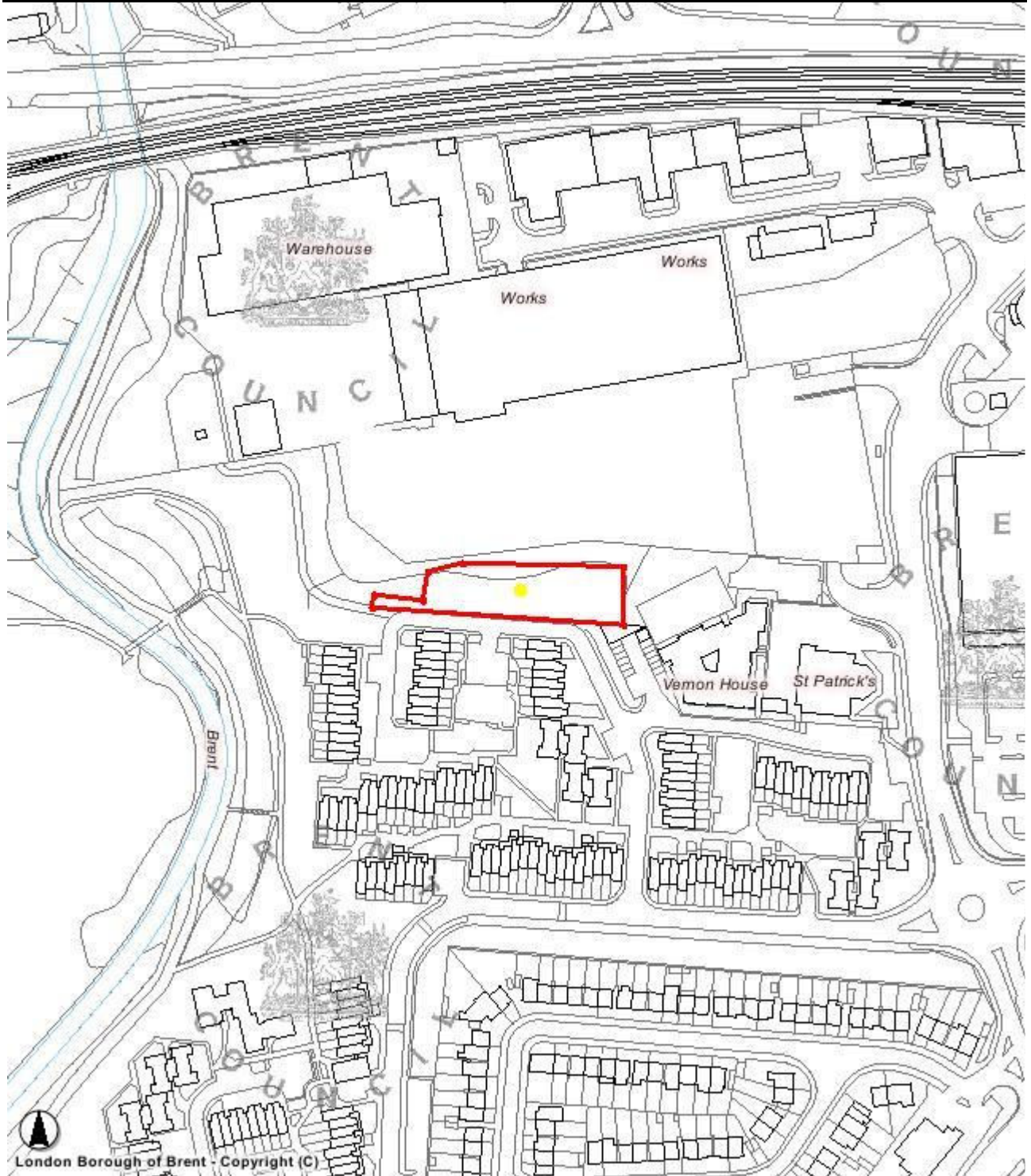
Any person wishing to inspect the above papers should contact David Glover, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5344



Planning Committee Map

Site address: Land north side of Lovett Way, Lovett Way, London, NW10 0UJ

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Committee Report
Planning Committee on 15 September, 2010

Item No. 11
Case No. 10/1782

RECEIVED: 6 July, 2010

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 50 Ambleside Gardens, Wembley, HA9 8TL

PROPOSAL: Erection of a single storey detached outbuilding including proposed alterations to reduce the width in rear garden of dwellinghouse (part retrospective application)

APPLICANT: Mr R Varsani

CONTACT: Mrs Jaini Shah

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval, subject to conditions

EXISTING

The subject site contains a two storey semi-detached dwellinghouse situated on Ambleside Gardens. This site is not situated within a conservation area nor is it a listed building. Surrounding uses are predominantly residential.

PROPOSAL

Erection of a single storey detached outbuilding including proposed alterations to reduce the width in rear garden of dwellinghouse (part retrospective application)

HISTORY

10/0121 - Single storey out building in rear garden of dwellinghouse (retrospective application)
Refused 19/03/2010

E/10/0199 - The formation of a hard surface to the front garden of the premises. *Letter sent to owners advising that the breach is unacceptable. No formal action taken as yet.*

E/09/0664 - The erection of a building in the rear garden of the premises. *Enforcement Notice Issued. Compliance dated 30/04/2010*

09/1980 - Certificate of Lawfulness for a proposed single-storey rear extension, gable-end roof extension and rear dormer window to dwellinghouse. *Granted 12/10/2009*

POLICY CONSIDERATIONS

LDF Core Strategy 2010

CP17 - Protecting and Enhancing the Suburban Character of Brent

Brent UDP 2004

BE2 - Townscape: Local Context & Character

BE7 - Public Realm: Streetscape

BE9 - Architectural Quality

Supplementary Planning Guidance

SPG5 - Altering and extending your home

Material Considerations:

- Impact on neighbouring residential amenity
- Scale and Design of the Proposal and Impact on the Character of the Area

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Standard three week consultation period carried out between 20 July 2010 and 10 August 2010 in which 5 properties were notified.

2 objections have been received regarding this application which raise the following concerns:

- Objection raised to the brick appearance of the structure rather than a timber finish.
- Concerns raised regarding the potential use of the building for living accommodation.
- Size of the building is not inkeeping with the surrounding properties.
- Loss of trees due to position of the outbuilding in an area where mature trees were present. Concerns raised regarding loss of outlook to 36 Rydal Gardens due to the loss of trees and shrubbery.
- Loss of privacy to 36 Rydal Gardens and increased noise and small if building is to be used as living accommodation.
- Concern that a flat roof would increase risk of crime to 36 Rydal Gardens. However concerns are raised regarding the pitched roof due to the proximity to the fencing causing drainage issues.

REMARKS

The existing unauthorised outbuilding is the subject of an enforcement notice which required the removal of the unauthorised structure by 30 April 2010. An application for the retention of the building was submitted earlier in 2010 (ref:10/0121). This application was refused for the following reason:

The existing outbuilding, by virtue of its excessive size and height, its proximity to neighbouring garden boundaries and its overbearing appearance, has a detrimental impact on the amenities of occupiers of neighbouring properties and appears as an obtrusive addition to this back garden area contrary to policies BE2 and BE9 of the London Borough of Brent's adopted Unitary Development Plan 2004.

The existing structure measures 6.8m in width and 3.95m in depth. The building has a dual-pitched roof which measures 2.3m to the eaves and 3.6m to the ridgeline however the building is situated on a concrete plinth which is not original to the site. This has a height of 0.7m therefore the building would appear to have a total height of 4.65m when seen from neighbouring gardens. Currently the building is 0.9m from the rear boundary of the site and 0.6m from the side boundary shared with

number 52 at its nearest point.

The applicants now seek to amend the building in order to address the previous refusal reason. The proposed amendment was originally to remove the pitched roof and replace this with a flat roof however this raises concerns regarding the design of the structure. At the request of officers, the scheme has been amended to retain the dual-pitched roof and instead, reduce the width of the structure so that it maintains a minimum of 2m from the boundary shared with 52 Ambleside Gardens. Accordingly the new proposed width is 5.4m.

Principle of Development

It is accepted that residential gardens often contain storage buildings. In many circumstances, national legislation allows the construction of such a building without the need for planning permission. This would apply to buildings which comply with certain height limitations depending on their location within a site in addition to the scale and use restrictions which, under the Town and Country Planning (General Permitted Development) Order 1995 as amended, must be incidental to the main dwellinghouse. As planning permission is being sought for the structure, it is not reasonable to assess whether the building is incidental to the main dwelling but rather that the structure would be used for purposes which are ancillary to the main building.

The building in question has a footprint of less than 22 square metres which is not considered excessive in scale when considered in comparison with the footprint of the main dwellinghouse and the size of the plot. The scale of the building is such that it can be considered to be a reasonable storage building for a domestic property. The use of the building as ancillary to the main dwellinghouse can be secured by condition.

Fallback Position

The implication of refusing this application is that the existing enforcement notice which requires the removal of the building could be enforced. In this circumstance, the applicants would have the fall back position of being able to erect a replacement outbuilding providing it complies with the requirements of Town and Country Planning (General Permitted Development) Order 1995 as amended in 2008 following the demolition of the unauthorised structure.

The 2008 amendments to the Order made various changes to the permitted development rights of householders. In regard to outbuildings the changes impose a height limit of 2.5 metres if any part of an outbuilding is within 2 metres of a boundary. Any replacement outbuilding would therefore either have to be lower or be set further in from the boundary.

In assessing this application it is therefore necessary to consider whether this course of action would be reasonable and justifiable. The main justification would be the harm to neighbouring residential amenity.

Impact on neighbouring residential amenity

The reduction in width has been sought in order to provide a greater degree of separation between the outbuilding and the boundary shared with number 52 Ambleside Gardens. This provides a greater degree of separation from this neighbouring garden whilst also providing an opportunity of landscaping which would mitigate the impact of the outbuilding on outlook. As this neighbour experiences the most harm from the unauthorised outbuilding this amendment is welcomed and is considered to address the previous reason for refusal.

The concerns regarding loss of trees and landscaping affecting the outlook from properties fronting Rydal Gardens are noted. Furthermore it is recognised that the building exceeds permitted development heights for a building which is only 0.9m from a boundary. However the properties fronting Rydal Gardens have generous garden depths of around 35m. This distance is significantly

longer than the minimum SPG17 standard for new development which would typically secure a garden with a depth of 10m and a distance of 20m between two storey dwellinghouses. As such concerns regarding outlook cannot be supported given this relationship. Your officers also considered the generous garden depths to be sufficient justification to allow the existing relationship between the building and this boundary to be retained as no unduly detrimental impact is considered to occur in circumstances where amenity spaces significantly exceed council standards.

In terms of objections regarding noise, disturbance, smells and loss of privacy, a condition is recommended to ensure the building remains ancillary to the dwelling as a store. This is the current use of the building confirmed through an officers site visit.

Scale and Design of the Proposal and Impact on the Character of the Area

As previously discussed, the scale of the outbuilding is not considered so excessive as to harm the setting of the dwelling or the character of the area due to its footprint being typical in size for a domestic store. It should be noted that the Town and Country Planning (General Permitted Development) Order 1995 as amended does not require all domestic outbuildings to be constructed in timber. As such, it would be unreasonable for the Local Planning Authority to require this.

The appearance of the building is considered to be an improvement on the original submission by virtue of the retention of a dual-pitched roof. Furthermore the increased space around the building provide opportunities for landscaping to soften the appearance of the building from the closest affected neighbours, number 52 Ambleside Gardens and the gardens to the rear belonging to properties fronting Rydal Gardens. A condition is recommended to secure a suitable planting scheme. Accordingly, your officers do not considered significant harm to occur to the character of the area to warrant a refusal of the scheme.

Other matters

Concerns have been raised by objectors regarding the impact of pitched roof on drainage. The distance between the building and the boundaries allows any runoff to drain within the curtilage of the application site and would not raise any concerns to neighbouring sites.

Summary

Whilst the alterations to the outbuilding result in a building which remains larger than would be allowed under permitted development, no significant harm is considered to occur to either neighbouring residential amenity or the character of the area. The proposal is therefore considered to comply with policies BE2, BE7 and BE9 of Brent's Unitary Development Plan 2004 and policy CP17 of the LDF Core Strategy 2010. Accordingly it is recommended that planning permission be **granted, subject to conditions.**

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Local Development Framework Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

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):

AMBG50/R/2 Rev A dated 24 August 2010
AMBG50/R/1
Location Plan unnumbered

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

- (3) The outbuilding hereby approved shall be used solely for purposes ancillary to 50 Ambleside Gardens. No business or industry shall be carried out therein, nor shall this building be used for additional living accommodation or be sold, let or occupied separately from the main dwellinghouse.

Reason: In the interests of neighbouring residential amenity.

- (4) The areas immediately to the side and rear of the outbuilding shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority within three months of the date of this consent, the landscape work to be completed during the first available planting season following completion 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 and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

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.

INFORMATIVES:

- (1) The applicant is advised to ensure that the works on the approved outbuilding are completed in full within 6 months of the date of this decision in order to avoid direct action being taken by the Planning Enforcement Team. Any works undertaken by the council would be charged to the applicant.

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan 2004
LDF Core Strategy 2010
SPG5 *"Altering and Extending your Home"*

Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



Planning Committee Map

Site address: 50 Ambleside Gardens, Wembley, HA9 8TL

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Committee Report
Planning Committee on 15 September, 2010

Item No. 12
Case No. 10/1417

RECEIVED: 4 June, 2010

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Multi Storey Car Park, Royal Route, Wembley

PROPOSAL: Approval of reserved matters for provision of interim car park with access from South Way, new pedestrian link and service access road between South Way and Royal Route, pursuant to condition 2(i), (ii), (iii), (iv) and (v) of **Outline planning application 03/3200**, relating to plot W10.

Planning application reference 03/3200, granted on 29/09/2004, for:
Works for the re-orientation of Wembley Arena

Class A1 (retail) comprising up to 14,200m² designer retail outlet,
11,800m² sports retailing

Class A1/A2 shops/financial and professional services up to 8,000m²
(including up to 2,000m² supermarket)

Class A1 (retail) comprising up to 400m² of hotel boutique retail

Class A3 (food and drink), up to 12,700m²

Class B1 (a) (b) and (c) Business, up to 63,000m²

Class C1 (hotel), up to 25,400m²

Class C1/Sui Generis (hotel apartments), up to 26,700m²

Class C2 (residential institutions) up to 5,000m²

Class C3 (dwellings) up to 277,000m², (up to 3,727 dwellings)

Student accommodation (Sui Generis), up to 16,600m²

Class D1 (non-residential institutions), up to 8,200m²

Class D2 (assembly and leisure), up to 28,500m² (including the existing
Arena of 13,700m²)

together with associated open space, public market area (Class A1),
hard and soft landscaping, highway and engineering works, electricity
substation, other utility requirements, other parking and servicing, and
improvements to Olympic Way;

AND;

Reserved matters relating to siting, design, external appearance and
means of access for the 3-storey structure to provide car and coach
parking

APPLICANT: Quintain Estates and Development Plc

CONTACT: Signet Planning Ltd

PLAN NO'S:
Please see condition 1.

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 and Culture to agree the exact

terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

The outline planning consent, reference 03/3200, was accompanied by a Section 106 agreement this agreement which is subsequently applicable to all of the Reserved Matters Applications. This application differs from the previous Reserved Matters approvals in that the proposed car park will only be in place for a maximum of 10 years starting from the date of this consent. The rationale for the temporary consent is discussed within the Remarks section of this report.

In order to provide a sufficient level of reassurance regarding the temporary nature of the car park, it is considered appropriate by your officers and by Quintain to restrict the period of the consent through a Section 106 agreement rather than condition.

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
- That the multi-storey car park hereby approved shall be removed in full, the site shall be made safe and the land left in a tidy manor by the following date:
 - 10 years from the date of this consent; or
 - 7 years from first occupation of the Use Class A1-A5 units or the cinema within plots W03, W05, W06, W07 or W08;
- The submission and approval in writing of an assessment at least 6 months prior to a Material Start regarding the use of Royal Route to serve the car park on event and non-event event days including the provision of car park entrances and exits directly onto Royal Route from the Multi-Storey car park that are used during the opening hours of the car park, and the measures or works that would be required in association with that access. The implementation of the approved details for the life of the development.

And to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission by the end of the 13-week application process or by another date if agreed in writing with the Local Planning Authority, 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.

And, if the application is refused for the reason above, or withdrawn, to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that a satisfactory Section 106 has been entered into.

EXISTING

Plot W10, adjoining South Way, is situated at the southern extent of the application area of the original Quintain outline consent (reference 03/3200), known as the Quintain Stage 1 consent. It adjoins and is to the south-west of Wembley Stadium, with the car park site separated from the Stadium Concourse by the Pedestrian Ramp which leads down from South Way to Perimeter Way.

The site is currently occupied by the existing 1200 space multi-storey car park, a concrete 4-storey parking structure with parking on the roof (thus providing 5 levels of parking). At-grade parking is also provided on part of the site.

PROPOSAL

This application seeks the approval of the Reserved Matters for plot W10 to provide an interim multi-storey car park which is proposed to be in place for a maximum of 10 years. After this time, the permanent building is to be constructed on site. This building will incorporate the multi-storey car park together with other uses as permitted by the Stage 1 consent.

The details are submitted pursuant to condition 2 of outline planning application 03/3200.

A total of 700 car parking spaces would be provided on site, of which 42 (6 %) would be DDA compliant and 14 (2 %) would be parent and child spaces. The 56 accessible spaces (DDA and Parent and Child) are proposed on the ground floor in close proximity to the designer outlet retail offer that is to be located in plots W05, W07 and York House.

The majority of the car park footprint is 2-storey in height, with a higher element that reaches 5-storeys (including the roof-top parking) situated toward the eastern end of the site. Two cores are situated within the taller element of the car park. Two lifts are provided within the northern core whilst the southern core provides stair access only. Stairs lead from the western side of the two-storey element of the car park down to the "pedestrian link". The first floor car parking is level with Royal Route due to differences in ground level within the site.

One vehicular access to the car park is provided from South Way at the eastern end of the site and two are proposed from Royal Route onto the first floor parking area. A new road is also proposed along the eastern side of the site, leading from Royal Route to South Way. The supporting documents specify that this road is sized to permit the diversion of WNSL traffic from the stadium when Royal Route is realigned in accordance with the Stage 1 consent.

The proposed car park is to serve the commercial uses approved through the Stage 1 consent, and Wembley Stadium on event days.

HISTORY

The Quintain Stage 1 outline planning consent, reference 03/3200, was granted in September 2004 allowing:

Works for the re-orientation of Wembley Arena

Class A1 (Retail) comprising up to 14,200m² designer retail outlet, 11,800m² sports retailing

Class A1/A2 shops/financial and professional services up to 8,000m² (including up to 2,000m² supermarket)

Class A1 (Retail) comprising up to 400 square metres of hotel boutique retail

Class A3 (Food and Drink), up to 12,700m²

Class B1 (a) (b) and (c) Business, up to 63,000m²

Class C1 (Hotel), up to 25,400m²

Class C1/Sui Generis (Hotel apartments), up to 26,700m²

Class C2 (Residential institutions) up to 5,000m²

Class C3 (dwellings) up to 277,000m², (up to 3,727 dwellings)

Student accommodation (Sui Generis), up to 16,600m²

Class D1 (Non-residential institutions), up to 8,200m²

*Class D2 (Assembly and Leisure), up to 28,500m² (including the existing Arena of 13,700m²)
3-storey structure to provide car and coach parking*

together with associated open space, public market area (Class A1), hard and soft landscaping, highway and engineering works, electricity sub-station, other utility requirements, other parking and servicing, and improvements to Olympic Way;

Minor non-material amendments to this proposal were approved by the Council in 2006, resulting in revisions to a number of the parameter plans.

Elements of this outline planning consent that have delivered to date includes:

- Works to the re-orient and renovate Wembley Arena
- The construction of Arena Square
- Forum House (Plot W01): 8-storey building arranged around a central courtyard with basement comprising of 286 residential units, 8 composite residential/business units, a retail unit, an employment agency and a crèche
- Quadrant Court (Plot W04): 8-storey building arranged around a central courtyard with basement comprising of 232 residential units, 618m² of local-needs floorspace, 2800m² of designer-outlet retail floorspace, 1469m² of D1 community floorspace in the form of a Primary Care Health Centre (PCHC)

Reserved Matters consent for plots W05, W07 and W10 has also been approved. However, works have not commenced on plots W07 and W10 and an application for minor amendments to Plot W05 has been received and is currently being considered.

W03 Approved Reserved Matters, ref: 06/3631

The erection of a part 11-storey and part 14-storey building with two-level basement, comprising 336 residential units (45 x studio flats, 115 x one-bedroom flats, 162 x two-bedroom flats, 14 x three-bedroom flats), all of which are for private accommodation. In addition, the application proposes 2101sqm of D2 leisure, 3682sqm of retail floorspace, basement parking for 272 cars (10% of which are disabled bays), 336 cycle-parking spaces, 10 electrical car-charging spaces, 10 motorcycle-parking spaces, 15 visitor car-parking spaces, 29 visitor cycle bays, and associated communal landscaping, located on the corner of Wembley Park Boulevard, Engineers Way and Olympic Way forming part of the Quintain Stage 1 permission (ref: 03/3200)

W05 Approved Reserved Matters, ref: 07/1583

The erection of a part 8-/part 10-storey hotel building comprising 441 rooms and a 9-storey student accommodation block comprising 656 rooms. In addition, the building is proposed to contain 5579m² of Class A1 designer outlet retail, 1556m² of Class A1 sports retail, Class A1/A2 local needs, 396m² of Class A3/A4/A5 food and drink, 5 residential units, each with 3 bedrooms, parking over the ground, first and second floors for 225 cars with access from Lakeside Way (200 hotel spaces, 23 student accommodation spaces, 1 residential unit space and 1 adapted bay in the hotel drop-off area), 398 cycle-parking spaces, and landscaping works, on the corner of Lakeside Way, Wembley Park Boulevard and the future Stadium Way (site of the former Elvin House) forming part of the Quintain Stage 1 permission (ref: 03/3200).

W07 Approval of Reserved Matters, Ref: 08/0826

The erection of a part 9-/part 11-storey building comprising 251 residential units (15 x studio flats, 74 x one-bedroom flats, 153 x two-bedroom flats, 9 x three-bedroom flats). Of these residential units, 15 x studio, 40 x one-bedroom and 97 x two-bedroom flats are for private accommodation; 24 x one-bedroom and 26 x two-bedroom flats are for intermediate accommodation; and 10 x one-bedroom, 30 x two-bedroom and 9 x three-bedroom flats are for social rented accommodation.. In addition, the building is proposed to contain 7441m² of Class A1 designer outlet retail, 6774m² of Class D2 leisure floorspace in the form of a 10-screen cinema, 408m² of

Class A3/A4/A5 food and drink, basement parking for 115 cars, 251 cycle-parking spaces, and landscaping works, on the land bounded by Stadium Way, Royal Route and Wembley Park Boulevard (site of the former Exhibition Halls) forming part of the Quintain Stage 1 permission (ref: 03/3200).

The Quintain Stage 1 consent envisaged the provision of two multi-storey car parks associated with the Stadium and Commercial uses, one to the East of the stadium and the other to the West. Plot W10 (the subject site) was envisaged as the location of the western car park. The outline consent also allowed floorspace within Use Classes C2, C3, Sui Generis, A1 (sports), A1, A2, B1 and D1.

POLICY CONSIDERATIONS

This section of the report sets out the planning policies and guidance documents that are relevant to the proposed car park.

The outline planning consent established the principles for the majority of parameters that apply to the car park, such as the need and size of the car park, the siting of the car park and the location of accesses. Therefore, whilst the below list of policies and guidance are applicable, the consideration will focus on the issues of detail rather than the over-arching principles of the car park.

NATIONAL

Planning Policy Statement 1 – Creating Sustainable Communities

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Planning Policy Statement 12 – Local Spatial Planning

Planning Policy Guidance 13 – Transport

Planning Policy Statement 22 – Renewable Energy

Planning Policy Guidance 24 – Planning and Noise

Planning Policy Statement 25 – Planning and Flood Risk

REGIONAL

The London Plan

The London Plan, which was adopted in February 2004 and revised in 2006 and 2008, sets out an integrated social, economic and environmental framework for the future development of London.

The vision of the Plan is to ensure that London becomes a prosperous city, a city for people, an accessible city, a fair city and a green city. The plan identifies six objectives to ensure that the vision is realised:

Objective 1: To accommodate London's growth within its boundaries without encroaching on open spaces

Objective 2: To make London a healthier and better city for people to live in;

Objective 3: To make London a more prosperous city with strong, and diverse long term economic growth

Objective 4: To promote social inclusion and tackle deprivation and discrimination;

Objective 5: To improve London's accessibility;

Objective 6: To make London an exemplary world city in mitigating and adapting to climate change and a more attractive, well-designed and green city.

The Plan recognises Wembley as an Opportunity Area for leisure related development and the provision of new homes and employment opportunities. It identifies an additional employment capacity of 5,500 jobs and the provision of minimum of 5000 new homes between 2001 and 2026, and specifies the “realization of the potential of Wembley as a nationally and internationally significant sports, leisure and business location, co-ordinated with town centre regeneration and new housing”. The plan specifies that the Mayor will work with strategic partners to implement his Tourism Vision and to achieve 40,000 net additional hotel bedrooms by 2026.

Supplementary Planning Guidance

- Sustainable Design and Construction – Supplementary Planning Guidance (2006)
- Accessible London: achieving an inclusive environment – The London Plan Supplementary Planning Guidance (2004)

LOCAL

Brent Unitary Development Plan 2004

Strategy

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

The relevant policies in this respect include Policies STR3-4 (prioritising locations and land-uses to achieve sustainable development), STR5 and 9 (reducing the need to travel) and STR12-15 (protecting and enhancing the environment)

Policies

BE2 Local Context

BE3 Urban Structure: Space & Movement

BE4 Access for disabled people

BE5 Urban clarity and safety

BE6 Landscape design

BE7 Streetscene

BE8 Lighting and light pollution

BE9 Architectural Quality

BE12 Sustainable design principles

BE34 Views and Landmarks

EP2 Noise and Vibration

EP3 Local air quality management

EP6 Contaminated land

EP12 Flood protection

EP15 Infrastructure

TRN1 Transport assessment

TRN2 Public transport integration

TRN3 Environmental Impact of Traffic

TRN4 Measures to make transport impact acceptable
TRN6 Intensive Development at Selected Transport Interchangees
TRN9 Bus Priority
TRN10 Walkable environments
TRN11 The London Cycle Network
TRN12 Road safety and traffic management
TRN13 Traffic calming
TRN14 Highway design
TRN15 Forming an access to a road
TRN16 The London Road Network
TRN17 Restrictions on New Roads
TRN22 Parking Standards – non-residential developments
TRN25 Parking in Town Centres
TRN28 Restrictions on Off-Street Public Parking and Contract Parking
TRN31 Design and Land Take of Car Parks
TRN34 Servicing in new developments
TRN35 Transport access for disabled people & others with mobility difficulties
WEM2 Pedestrian Route/Promenade
WEM7 Access to development – the National Stadium Policy Area
WEM9 Comprehensive Development – The National Stadium Policy Area
WEM12 Short stay car parking in the Wembley Regeneration Area
WEM16 Urban design quality – Wembley Regeneration Area
WEM17 The public realm – Wembley Regeneration Area
WEM19 Views of the Stadium

Brent Local Development Framework Core Strategy 2010

CP1 Spatial Development Strategy
CP5 Placemaking
CP7 Wembley Growth Area
CP15 Infrastructure to Support Development

Brent Council Supplementary Planning Guidance and Documents

SPG3 Forming an access to a road
SPG12 Access for disabled people
SPG13 Layout standards for access roads
SPG17 Design Guide for New Development
SPG19 Sustainable design, construction and pollution control

Other Council Publications

Destination Wembley – A framework for development (2003) Supplementary Planning Guidance
Wembley Masterplan 2009
Wembley Vision (2002)
Wembley From Vision to Reality (2007)

SUSTAINABILITY ASSESSMENT

The applicant has submitted a TP6 Sustainability Checklist to accompany this application. The applicant has scored the TP6 at 62 % (“Very Positive”) after excluding sections of the checklist that they do not consider are applicable to this development. This is an approach that is used by your officers. However, it is considered that some fields that have been excluded are in fact applicable

and your officers have also scored some aspects differently from that detailed by the applicants and the TP6 has been scored at 53 %. This is above the minimum level of 50 % and is accordingly considered acceptable.

CONSULTATION

Statutory (application) consultation process

Consultation letters sent: 17 June 2010

Site notices erected: 29 June 2010

Advertised in local press: 29 June 2010

3rd party comments:

77 letters were sent to adjoining and nearby properties

A letter of objection was received from Wembley National Stadium Limited (WNSL) raising the following issues:

- It is unclear whether vehicles accessing the car park on event days from Royal Route will be able to use the entirety of the car park.
- South Way is closed to vehicular traffic from one hour before to one hour after a stadium event. It is not clear whether the proposal envisages this closure, and if not, what measures are in place to address the conflict with pedestrians.
- The existing car park provides 120 disabled spaces whilst the proposed car park provides 46. Given the proximity to the stadium, the number of disabled spaces should be increased.
- It is not clear whether the service road along the eastern edge of the application site will be available to Stadium Visitors on event days and whether there is a potential conflict with pedestrian safety.
- In order to ensure that the parking arrangements are satisfactory on event days, the number of spaces should available to shoppers should be limited.

WNSL suggest that a condition is attached to the Reserved Matters approval requiring the submission and approval of a Wembley Stadium Event Day management strategy, incorporating the number of spaces available for exclusive Stadium use, number of disabled spaces, access and egress arrangements (including timing), measures to ensure pedestrian safety and details of temporary (event day) signage.

Internal Consultees

Transportation:

Comments from Transportation are discussed within the Remarks section of this report.

Urban Design:

The temporary nature of this scheme has resulted in a proposed development in which the principle consideration is clearly cost rather than design. The notion of temporary in this context is likely to be a significant number of years, during which significant development is going to be undertaken in the area to the north of this development including the Council's new Civic Centre. The role that this site plays is pivotal in that it can genuinely begin to connect the stadium area with the existing town centre. The proposed pedestrian link does allow for a physical connection, however the nature of the adjacent buildings and the relationship with Upper/Lower Royal Route means that such a route could be problematic in safety terms and as a piece of urban design it leaves a lot to be desired. Simply covering the space in CCTV is not considered to be a good solution, even if it only a temporary one.

The slight reorientation of this building to reflect the building line of the proposed boulevard and the

location of an attractive entrance point would help to clearly define and animate this space without significantly impacting on the proposals.

Landscape Design:

The expanse of hard surfacing is overly wide, the soft landscaping and planting lacks interest, the 10 year length of consent justifies the need for avenue tree planting, there are no opportunities for seating, informal recreation, exercise or play, any protected trees will need to be replaced and a maintenance plan would be required.

External Consultees

Transport for London:

TfL have no comments from a Strategic Road Perspective. It is assumed that the level of parking has been set by the outline approval (reference 03/3200). It is unclear whether the car park is also to be used for coach parking. If so, the design should assumed a 15 m coach and demonstrate that there is sufficient space and access for each coach.

REMARKS

General principle of development and length of consent

This application differs from the previous Quintain Reserved Matters Applications (plots W01, W03, W04, W05 and W07) as the proposed car park is “temporary” and would only be in place for a maximum of 10 years. The 10 year period has been requested to facilitate the phasing of development, which would include the delivery of part of the retail offer prior to the completion of the new boulevard.

It is envisaged that the retail outlet centre (primarily designer outlet retail) will open in 2013. This would involve the completion of plots W04 (already completed), W05 (part), W07 and the approved extensions to York House. The completion of these buildings would also see the delivery of the new Hilton Hotel, Student Accommodation, the multiplex cinema and food and drink (A3/A5) uses.

The existing multi-storey car park obstructs direct access from South Way to the new boulevard and as such, the car park would need to be removed to ensure the provision of an adequate pedestrian link from the existing Town Centre and Wembley Stadium Station to the Quintain designer outlet Retail centre. As the existing car park is used for stadium event day parking, planning permission was granted for the temporary use of part of the Palace of Arts and Industry site (to the north of Engineers Way) for parking.

The outline planning consent envisaged a number of uses on the W10 plot, including a multi-storey car park. However, the final building is not likely to be delivered prior to the completion of the retail outlet centre and the parking and access solution detailed in this application has been proposed as an interim arrangement.

The number of non-residential car parking spaces is limited to a maximum of 3,380 by condition 56 of the outline consent and the proposal is in accordance with this condition. The siting of the vehicle accesses to the public highway are in accordance with the outline planning consent Parameter Plan 5 “Proposed Access and Circulation” as revised.

Layout, Design, Appearance and Landscaping

The design and appearance of the proposed multi-storey car park structure reflects the temporary nature of the consent. It is to be a largely open sided car park of lightweight modular construction

with a galvanised steel frame, concrete slabs and galvanised mesh balustrades on each level. The majority of the car park is two storeys in height (being a single storey structure with on-air parking on the roof). However, a 5-storey element (4-storeys with parking on the roof and a 5-storey pedestrian circulation cores) is proposed at the eastern end of the site. The circulation cores, which are also modular, would be finished with bricks with glazed panels. Urban Design have suggested that the visual appearance could be improved through variation in the fenestration of the car park cores. However, the cores are of modular construction and the design cannot be varied in this fashion.

The proposals maintain Royal Route in its current form, which is level with the first floor deck of the proposed multi-storey car park. The large under-croft area below Royal Route has accordingly been retained. Undercrofts are often areas of low townscape quality which suffer from poor levels of natural surveillance and are associated with anti-social behaviour. The applicants have now clarified that the area to the north of Royal Route will be kept open and clear to allow visibility from the temporary boulevard and the retail outlet centre whilst the width of the pedestrian access way should allow natural surveillance from the south. Whilst your officers consider that such areas should normally be designed out of new developments, the above measures are considered to provide a sufficient level of natural surveillance. It is also recommended that details of CCTV are required through condition.

The proposed main vehicular access road/ramps runs parallel and in close proximity to South Way. This results in a large area of hard surfacing which includes South Way and its footways and the access road. Details of the treatment of the boundary between the access road and the footway can be secured through conditions 2(vi) and 28 of the outline consent.

Whilst the visual appearance of the proposed car park, the access road and the undercroft area that is to be retained would not be considered to be of sufficient design quality or appearance to reflect the aspirations of the Wembley Masterplan or the Quintain Stage 1 Consent, regard should be given to the temporary nature of the proposal and the appearance of the existing multi-storey car park. Your officers consider that the proposal is acceptable as a time limited structure providing there is sufficient reassurance that the structure will be removed at the end of the temporary period. Such reassurance can be secured through a Section 106 legal agreement.

The proposal, together with the application for a "pedestrian link" on part of the adjoining "Red House" site, would provide direct pedestrian access from the Wembley Town Centre and Station Square through to the new temporary boulevard and the retail outlet centre. An 8 m wide pedestrian access way is proposed along the western side of the car park. Urban Design have suggested that the route be altered so that it directly aligns with the temporary boulevard. However, the applicants have specified that they do not wish to amend the proposals as it would result in an increase in the height of the car park which would have implications for its visual appearance. Landscape Design have suggested that the width of the pedestrian route be reduced to allow additional planting. However, your officers consider that the proposed width should be maintained to maximise the natural surveillance of this area from the north and south. The width of the access also allows a greater capacity for pedestrian flows. The explanatory report estimates peak demand at 15.8 persons per minute per metre width using a worst case scenario of a Saturday afternoon stadium event coinciding with peak shopping demand. It is specified that the width of the pedestrian link is adequate for such flows.

A number of pedestrian access points to the ground floor of the car park are proposed on the western and northern facades of the building. Stairs from the first floor deck are proposed at the

south-western corner of the car park whilst two cores (including one with lifts) are proposed within the multi-storey element of the car park. It is accordingly considered that the proposal provides adequate pedestrian access to the retail outlet centre and the stadium.

Landscaping

The application proposes a simple landscaping strategy which primarily includes zones of grass and wildflowers and willow planting that is cropped to maintain sightlines between the pedestrian access way and the car park for reasons of security and safety. In response to the comments from Landscape Design, the applicants have also specified that the proposal will include the planting of three trees. They specify that the location of these trees can be secured through condition 28 of the outline consent to allow further consideration of the siting of the trees to minimise the risk of their removal when the car park site is permanently redeveloped. These trees would replace TPO trees that are to be removed as a part of the proposed works. Your officers consider that a further condition should be attached which specifies the size of tree to be planted.

Landscape Design have suggested that seating and informal recreational/play opportunities could be provided in this area. Whilst seating would be beneficial, it is to be provided within the boulevard and informal recreation and play would reduce the ability to provide soft landscaping unless the width of the pedestrian access is reduced.

Ecology

The report highlights the current intrinsic value of the site from an ecological perspective and reports that the new landscaping provides biodiversity gains. Given the nature of soft landscaping proposed, your officers consider that such gains will be minimal. However, given the temporary nature of the consent, your officers consider the proposals to be acceptable.

Transportation

The Explanatory Report initially set out the strategy for vehicle access on both non-event and stadium event days. It clarifies that access on non-event days would occur from South Way, with retractable bollards restricting access to the private service road. On event days, the report specifies that the bollards on the private service road would be removed and motorists would be directed to/from the new car park via Royal Route and the private service road.

The junction design onto South Way allows westbound servicing vehicles for the Stadium (including articulated lorries) to turn right into the junction and temporary service road and to exit via the junction in an easterly direction.

Access to South Way

Following discussions with Transportation, the junction design was amended to reduce the width of the pedestrian crossing from 17.5 m to 10 m. Transportation have also recommended that a speed table is introduced to increase the pedestrian priority and the applicants have agreed to submit a revised drawing prior to the planning committee meeting. Further information was also provided by the applicant to demonstrate that the proposed junction onto South Way has sufficient capacity for the likely peak turnover of vehicles and Transportation have specified that this information is acceptable.

Routing of traffic

The applicants also propose the use of Perimeter Way as an alternative route to South Way. However, the submitted layout and management regime would require vehicles to enter and exit

via the ground floor southern entrance on non-event days. Given the proximity of this entrance to South Way, Transportation consider that a secondary permanent access/egress point is required onto Royal Route to ensure that the secondary route is suitably legible and direct. The submitted drawings include two x 6 m wide accesses onto Royal Route. However, changes to the layout would be required to allow the controls for access and egress. The access strategy would also need to be amended to include non-event day access directly to and from Royal Route. Your officers have accordingly recommended that further details are secured through the Section 106 agreement, to be submitted and approved at least 6 months prior to a Material Start.

Car park head room

Transportation have recommended that the head height within the car park is increased marginally to a minimum of 2.3 m, or 2.4 if cyclists are to use the car park. However, the applicants have specified that this cannot be undertaken without incurring significant expense. The 2.3 m height is only recommended rather than required through central guidance and Transportation have since commented that the failure to achieve this is not of significant concern.

Other transportation issues

Transportation have also commented regarding the need for further details to be secured through condition, including signage, car park management, CCTV and lighting. These matters are covered by conditions or Section 106 clauses of the original consent. Whilst CCTV is covered by a clause of the Section 106, your officers consider that further details should be required through condition due to the nature of the car park and the retention of the undercroft area.

Summary

Whilst the issues of access routing and the layout of access points onto Royal Route require further consideration, your officers consider that these can be adequately addressed through the submission of further details secured through the Section 106 agreement as accesses onto Royal Route are already proposed. The remaining Transportation Issues are considered to be acceptable, subject to further revisions to the junction layout to provide a speed table.

Noise

A ventilation system has not been proposed for the car park due to the open plan nature of the car park which allows passive ventilation. The applicants specify that they have looked to reduce other potential noise through:

- Design to minimise vehicle speeds;
- Incorporating a textured concrete surface to avoid tyre squeal
- Implementing car park management measures to prevent other sources of noise (e.g. loud music from cars)

There are no noise sensitive premises in close proximity to the car park, thus limiting its potential impact.

Wind

The explanatory report sets out that wind conditions around the car park will be “safe”, with higher but “tolerable”. The report sets out that the proposed development is not expected to have any significant impacts on surrounding wind conditions.

Archaeology

The report specifies that details will be submitted separately pursuant to Condition 8 of the outline consent. However, it is specified that no archaeological remains or artefacts have been found when undertaking other recent geotechnical site investigation works in the locality.

Drainage

Sitewide drainage within the Masterplan Area is dealt with under a separate condition pursuant to the outline consent. The applicants confirm that the proposal will accord with the site wide system which is required to attenuate a 1:100 year storm event.

Contamination

Contamination and remediation is also covered by a separate condition was submitted separately and approved.

Programme of works

The explanatory report sets out that demolition works will not commence until after the 2012 Olympic Games as the car parking will be required in association with Olympic events.

The “Temporary” Nature of the Consent

The temporary nature of consents is typically secured through condition. However, in this situation, it is considered appropriate by both your officers and by the applicants to restrict the period of consent through a Section 106 agreement.

Government guidance specifies that temporary consents should normally meet three tests. They should rarely be granted where the proposal is in accordance with the Development Plan, temporary consents should not be granted if they are clearly intended to be permanent and the material planning considerations also should not differ from those that would be applicable if the proposal was for a permanent planning consent. The guidance also specifies that temporary consents may be acceptable where the applicant volunteers the temporary intention or planning circumstances regarding the site will change.

Whilst the outline consent was considered to be in accordance with the Development Plan, the redevelopment of this site to only provide the multi-storey car park would represent the under-development of the site given the size of the site and its siting within the Wembley Growth Area where greater densities of development are anticipated. The proposal accordingly would be out of keeping with the Development Plan if proposed as a permanent consent.

The nature of the proposed structure is such that it is modular and removable, and whilst it is suitable for longer period of time such as that proposed, can be easily removed and relocated. The application also confirms the temporary nature of the proposals.

The principle of the car park in terms of its siting, size and access to the public highway were established within the Outline Planning Consent. In terms of design and appearance, whilst no worse than the existing multi-storey, the proposed car park would not be considered to be of sufficient design quality and appearance to reflect the area as redeveloped in accordance with the Quintain Stage 1 consent. Therefore, the design and appearance of the building is considered acceptable within a Temporary Consent, but would not be considered acceptable if the consent was not time limited. The proposed temporary layout also would not realise the layout of boulevard as set out within the Quintain Stage 1 Masterplan in terms of its alignment to the south of Royal Route. The proposal represents the introduction of a route between the existing Town Centre/Wembley Stadium Station Square and the retail outlet centre, in itself an improvement from existing. However, it would not provide a suitably direct and legible connection once the Quintain Masterplan has been built out.

Ten years represents an unusually long period to grant a temporary consent, but is considered reflective of the timeframes associated with the original outline consent. However, given the length of time proposed your officers and the applicants both consider that the temporary nature of the consent should be secured through a Section 106 legal agreement rather than by condition.

Further discussion of 3rd party and external comments

Response to TfL comments:

The number of parking spaces was indeed set within the Outline Consent. Coaches will not use this car park. They are to be accommodated elsewhere on land owned by Quintain in proximity to the Stadium.

WNSL Objections:

It is unclear whether vehicles accessing the car park on event days from Royal Route will be able to use the entirety of the car park.

The application documents clarify that access will be via Royal Route and the new private service road to the car park entrance. Access and egress is also possible directly from Royal Route. Vehicle access is possible from the open air element of the first floor deck and the taller multi-storey element of the car park. It is therefore possible to access the entire car park on stadium event days. Your officers are aware that Quintain have a contractual obligation to provide parking for the stadium which sits outside of the planning process. The proposal does not alter this contractual obligation and Quintain have specified that they will continue to meet their obligations to the WNSL.

South Way is closed to vehicular traffic from one hour before to one hour after a stadium event. It is not clear whether the proposal envisages this closure, and if not, what measures are in place to address the conflict with pedestrians.

The measures set out in the application supporting documents and discussed previously within this report clarify this matter.

The existing car park provides 120 disabled spaces whilst the proposed car park provides 46. Given the proximity to the stadium, the number of disabled spaces should be increased.

The number of disabled parking spaces that are proposed exceeds the minimum number set out within the Brent UDP 2004 and this application must be determined on this basis. Again, Quintain have confirmed that they will continue to meet their obligations to WNSL regarding the provision of parking.

It is not clear whether the service road along the eastern edge of the application site will be available to Stadium Visitors on event days and whether there is a potential conflict with pedestrian safety.

The use of this service road has been set out previously within this report and this road is likely to be used on event days. The layout has been designed so that pedestrian access is likely to occur along South Way and Royal Route and is unlikely to result in pedestrians using the service road.

In order to ensure that the parking arrangements are satisfactory on event days, the number of spaces should available to shoppers should be limited.

Again, Quintain have confirmed that they will meet their contractual obligations to the stadium. Furthermore, the maximum total number of parking spaces is set by the Outline Consent and the analysis of potential impacts associated with that level of parking was accordingly considered within that application. Such matters will also be addressed through the Parking Management

Plan, required through the Section 106 agreement.

Condition suggested by WNSL regarding Event Day management strategy, incorporating the number of spaces for exclusive Stadium use, number of disabled spaces, access and egress arrangements (including timing), measures to ensure pedestrian safety and details of temporary (event day) signage.

These matters have all either been discussed previously, or are addressed through conditions or Section 106 obligations within the Outline Planning Consent, such as the Parking Management Plan which addresses all types of vehicles on both event and non-event days.

Conclusion

Your officers recommend that time limited consent is granted and that the time limited nature of the consent is secured through a Section 106 agreement. The proposal will require the submission of new or revised details pursuant to conditions of the original outline consent or clauses of the Section 106 agreement, such as materials, landscaping, parking management, signage and so forth.

REASONS FOR CONDITIONS

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
Brent Local Development Framework Core Strategy 2010
Central Government Guidance
Council's Supplementary Planning Guidance

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
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
Tourism, Entertainment and the Arts: the need for and impact of new tourists and visitor facilities
Transport: in terms of sustainability, safety and servicing needs
Wembley Regeneration Area: to promote the opportunities and benefits within Wembley

CONDITIONS/REASONS:

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

AP(04)6550 Rev P01	AP(04)6554 Rev P01
AP(04)6551 Rev P01	AP(05)6652 Rev P01
AP(04)6552 Rev P01	AP(05)6653 Rev P01
AP(04)6553 Rev P01	ITB5206-GA-012

"Design and Access Statement"

"Reserved Matters Application for Interim Car Park, Pedestrian Link and Private Service Road"

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

The London Plan Consolidated with Amendments Since 2004
Brent Unitary Development Plan 2004
Brent Local Development Framework Core Strategy

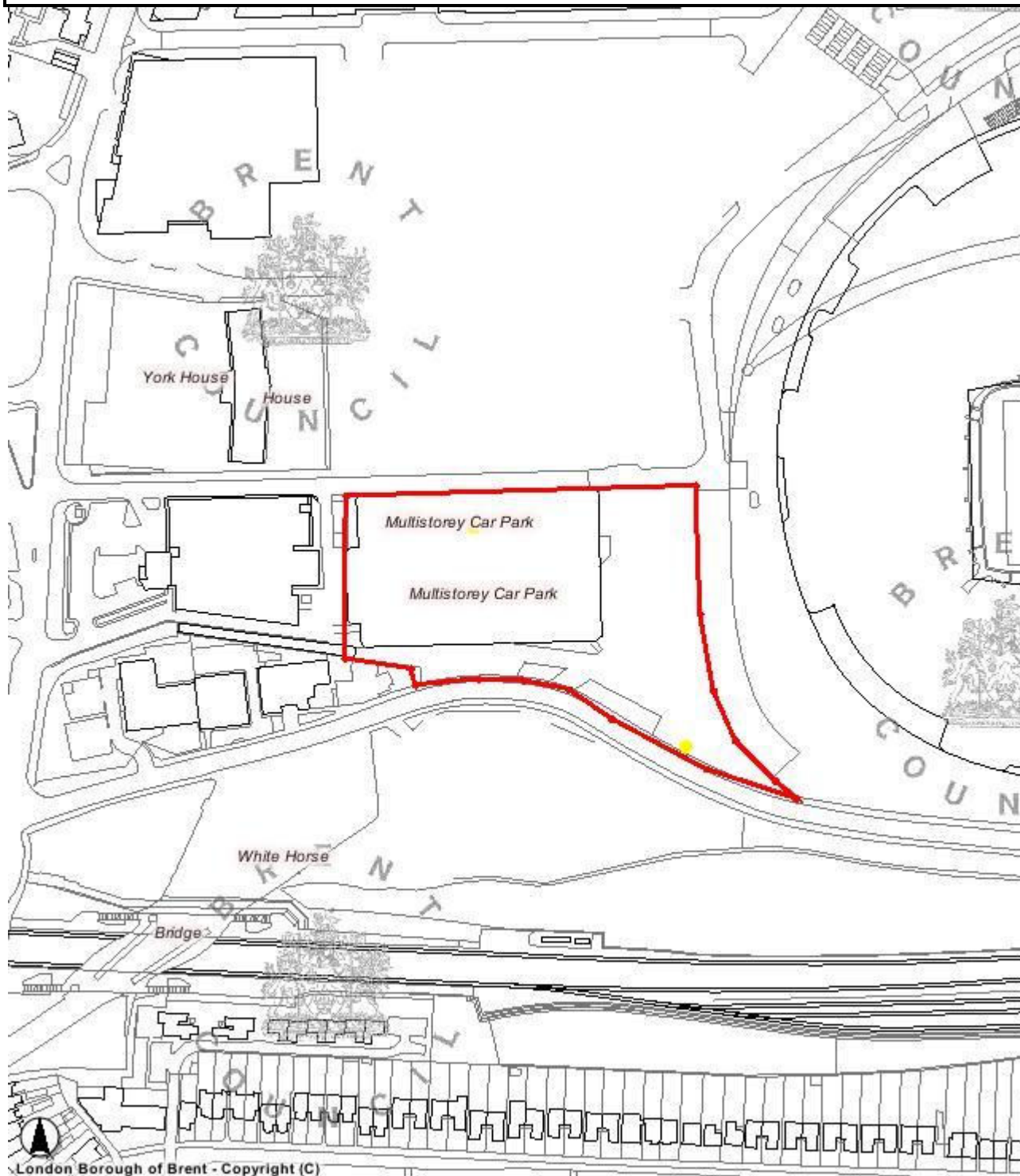
Any person wishing to inspect the above papers should contact David Glover, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5344



Planning Committee Map

Site address: Multi Storey Car Park, Royal Route, Wembley

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This map is indicative only.

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**Committee Report
Planning Committee on 15 September, 2010**

**Item No. 13
Case No. 10/1630**

RECEIVED: 5 July, 2010
WARD: Preston
PLANNING AREA: Wembley Consultative Forum
LOCATION: 197 Preston Road, Wembley, HA9 8NF
PROPOSAL: Change of use from retail (Use Class A1) to solicitors office (Use Class A2)
APPLICANT: Mr Milan Patel
CONTACT: Allen Crystal Reef Solicitors

PLAN NO'S:

-372.1 - Basement and Ground Floor Plan
-Un-numbered A3 Size Plan showing Location of the Shop in the Parade

MEMBERS CALL-IN PROCEDURE

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

Name of Councillor

Cllr Pat Harrison

Date and Reason for Request

29 July 2010.

Supports the proposal.

Details of any representations received

Has been approached by the applicant.

Name of Councillor

Cllr Jean Hossain

Date and Reason for Request

29 July 2010.

Supports the proposal.

Details of any representations received

Has been approached by the applicant.

RECOMMENDATION

Refusal

EXISTING

The subject site, located on western side of Preston Road is a mid terrace 3-storey property consisting of a vacant retail (A1) unit on the ground floor, with residential accommodation above. The vacant retail unit, which was most recently used as a Newsagent shop is the subject of this application. The premises are situated within the defined Preston Road Primary Shopping Frontage.

PROPOSAL

Change of use of vacant retail shop (Use Class A1) to Solicitor's office (Use Class A2)

HISTORY

The premises has long planning history. However none is relevant to the proposal.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

<i>BE4</i>	<i>Access for Disabled People</i>
<i>EP2</i>	<i>Noise & Vibration</i>
<i>TRN22</i>	<i>Parking Standards Non-Residential Developments</i>
<i>TRN34</i>	<i>Servicing in New Development</i>
<i>PS6</i>	<i>Parking Standards A2, B1, B2 & B8 Use</i>
<i>PS16</i>	<i>Cycle Parking Standards</i>
<i>PS19</i>	<i>Servicing Standards for A2, B1, B2 & B8 Use</i>
<i>SH1</i>	<i>Network of Town Centres</i>
<i>SH6</i>	<i>Non Retail Uses Appropriate to Primary Shopping Frontages</i>
<i>SH7</i>	<i>Change of Use from Retail to Non-Retail</i>
<i>SH19</i>	<i>Rear Servicing</i>

Considerations;

- Principle of change of use from A1 to A2
- Impact on vitality and viability of Primary Frontage
- Impact on neighbouring residential accommodation
- Parking, servicing standards & access

SUSTAINABILITY ASSESSMENT

Not Applicable

CONSULTATION

The following have been consulted on the proposal:

- Nos. 197a, 197B, 199, 199A, 201, 201A, 201B, Twinstar Car Sales
- Ward councillors

No response has been received from neighbouring occupiers. However two ward Councillors (i.e. Councillor Pat Harrison and Jean Hossain) have written in to say that they have been approached by the applicant (Mr Milan Patel) to support this planning application. The Councillors confirm in their letter that they have viewed the boarded up shop and they think that the proposed change of

use would not be a problem. In fact, it would bring a positive change that would make a better use of boarded up shop. The Councillors feel that Mr Patel has made a good case for the proposed change of use especially since two larger supermarkets (i.e. Tesco and Co-op) have opened in close proximity, making his former newsagent shop unviable.

Transportation: The proposal can be generally supported on the transportation grounds as there is no significant change in the parking and servicing allowances from the site due to the proposed Change of Use. The transportation impact on the site will also be reduced as there will be less service delivery vehicles visiting the site. There is close access to Disabled Parking spaces and cycle parking on Preston Road.

REMARKS

The application seeks planning permission for the change of use of the premises from retail (Use Class A1) to a solicitor's office (Use Class A2). The subject site is located within the Primary Shopping Frontage of Preston Road Town Centre.

The subject premises are vacant at the moment. However, prior to it became vacant, it was in use as a Newsagent/confectionary shop (certainly within the last 12 months). However, there is no evidence to suggest the premises are long term vacant.

CHANGE OF USE

Policy SH6 of Brent's Unitary Development Plan 2004 sets out that the proposed change of use of retail premises to an A2 use within the designated Primary Shopping Frontage should normally be accepted where the criteria set out in policy SH7 of the UDP is met. The criteria are set out in paragraphs a) to e) of policy SH7.

Paragraph a) requires that account be taken of the rear servicing requirements. The proposed A2 use should demonstrate that servicing by a transit sized vehicle is achievable, in this case there is sufficient provision for this to the rear.

Paragraph b) sets out that proposals should not result in an excessive concentration of units or continuous non-retail frontage within any parade or street block. The adjacent units No. 199 are occupied by a dry cleaners (Use Class A1), No. 201 is a grocery shop (Use Class A1) and 203 is an estate agents (Use Class A2), other units within this block are occupied by Tiles Bath Shop, Subway, Tesco, a flower shop, the Co-Op supermarket and a number of other independent retailers. The frontage of this stretch of parade is not considered to be overly concentrated in terms of non-retail uses.

Paragraph c) sets out the proposals should not generally increase the proportion of non-retail frontage to over 35% unless the vacancy rate exceeds 10% in which case up to 50% non-retail frontage may be permitted. The Planning Service undertakes a survey of the existing uses within the Borough's town centres bi-annually in order to monitor the vitality and health of the centres. This survey was last undertaken in summer 2009 although as part of this application Officers have recently visited the primary frontage in Preston Road to update the survey with any recent changes. The survey reveals that 55% of the primary frontage is made up by A1 uses, and that 37.5% of the frontage is occupied by non-retail uses whilst the vacancy rate (7.5%) remains below the 10% threshold that would permit a higher proportion of non-retail frontage. The current situation in Preston Road's primary frontage fails to comply with the criteria set out in paragraph c) and the proposed change of use would only seek to widen this failure to comply.

Paragraph d) considers whether the proposed non-retail use would enhance the range of services provided or enhance the specialist role of the centre. A solicitors office is proposed which would be the second one in Preston Road. There is already a "Law Practice" at No. 235 Preston Road among other non-retail A2 uses in the primary frontage. The proposed change of use would increase the total number of A2 type uses within the primary frontage and it is therefore considered

that there is an adequate provision within the locality and that an additional A2 use would not particularly enhance the range of services available within the centre.

Paragraph e) considers whether the proposal is an extension to an existing business. This clearly is not the case as a change of use is sought as part of the application.

The proposed change of use generally fails to accord with the criteria set out in paragraphs c) and d) of policy SH7. The proposed change of use would exacerbate the existing over-concentration of non-retail units within the primary shopping frontage which would harm the vitality and viability of the centre and lessen its attractiveness to shoppers. In principle the change of use cannot be supported.

It should be noted that recently a planning application ref: 10/1276 submitted for *Erection of a two storey rear extension with extraction flue and change of use of extended premises from retail (Use Class A1) to a restaurant (Use Class A3)* at 205 Preston Road was refused under Officers' Delegated Powers on 08/07/2010. The officers therefore need to be consistent in their approach when considering planning application and respect the Council's policies in their application which takes account of all types of economic situations (such as recession, competition and market economy).

SUMMARY

With reference to Policy SH7 of the Adopted Unitary Development Plan 2004, the principal of this change of use from Use Class A1 to Use Class A2 cannot be supported as it fails to comply with policy which seeks to retain retail uses and ensure that non-retail uses do not over dominate a primary shopping frontage. As this recommendation is based purely on the principle of the Council's retail policy it is not proposed that members visit the site.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed use of the premises as a solicitor's office (Use Class A2) would exacerbate the existing over-concentration of non-retail units within the Preston Road Primary Shopping Frontage, resulting in there being significantly more than 35% of the units being in non-retail use (with a vacancy rate less than 10%) and would fail to enhance the range of services that is already provided causing harm to the vitality, viability and retailing function of Preston Road Centre and lessen its attractiveness to shoppers contrary to policy SH7 of the London Borough of Brent Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

1. Adopted Unitary Development Plan 2004
2. A letter of support from Councillor Pat Harrison and Councillor Jean Hossain

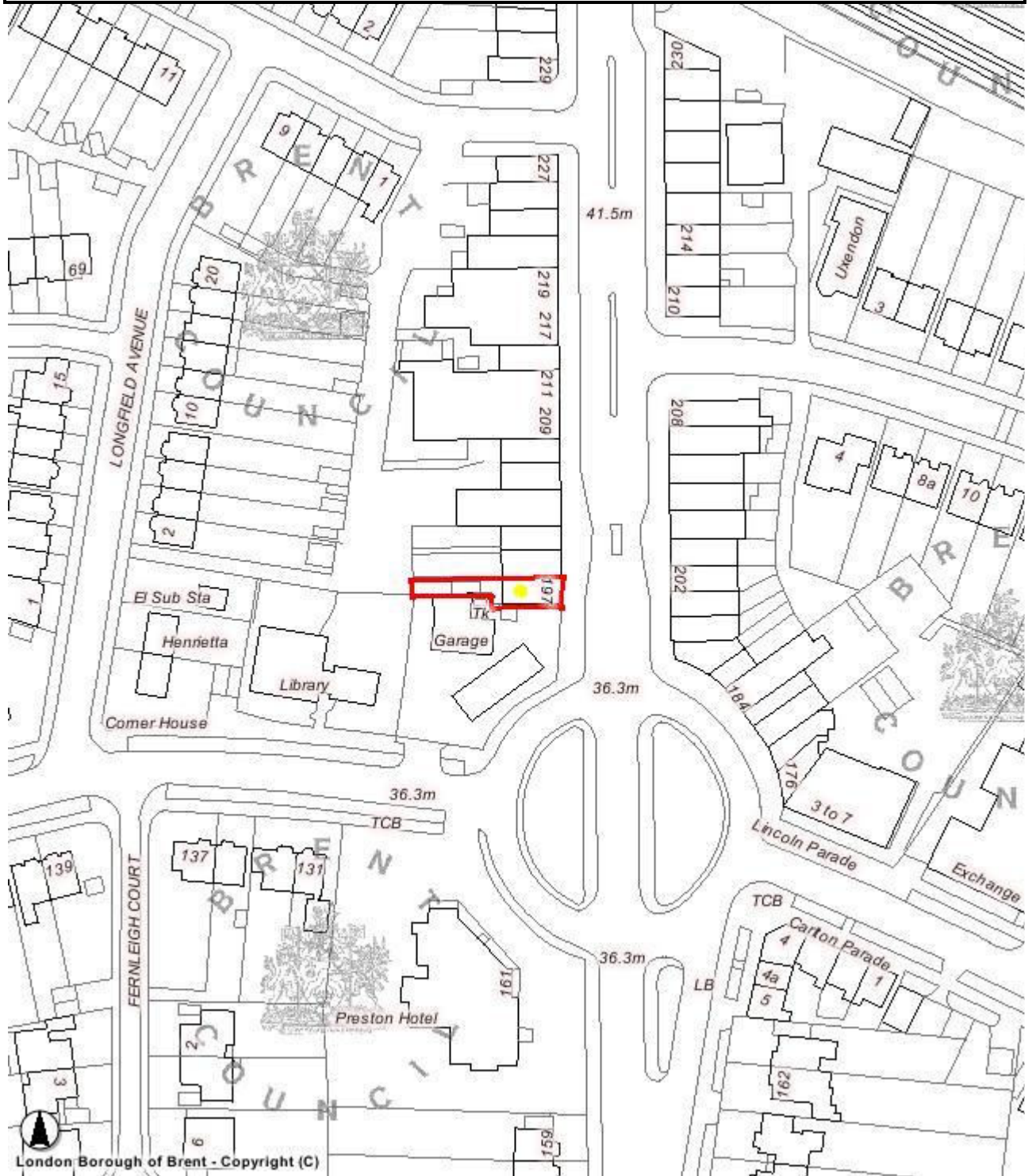
Any person wishing to inspect the above papers should contact Mumtaz Patel, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5244



Planning Committee Map

Site address: 197 Preston Road, Wembley, HA9 8NF

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**Committee Report
Planning Committee on 15 September, 2010**

Item No. 14
Case No. 10/1698

RECEIVED: 30 June, 2010

WARD: Alperton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Land next to 25, Craigmuir Park, Wembley, HA0 1NY

PROPOSAL: Erection of a two storey dwellinghouse with provision of an off street car parking space to the rear garden, refuse storage area to the front garden facing Craigmuir Park and associated landscaping

APPLICANT: T MOHAN & CO LTD

CONTACT: ADTC

PLAN NO'S:
(See Condition 2 for the approved plans)

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 and Culture 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
- A contribution of £3000 per bedroom, index linked from the date of committee and due on material start towards the provision and/or improvement of education facilities in the Borough, non car access/highway, sports and public space improvements in the area.

And, to authorise the Director of Environment and Culture, 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 vacant plot of land to lying to the east of and adjoining 25 Craigmuir Park. It is the case this land was previously within the curtilage of No. 25, but part of the site has been separated off from No.25 with its own curtilage formed. This occurred over twenty years ago.

The application site is situated at the turning end of this cul-de-sac but is not located within a Conservation Area.

PROPOSAL

Erection of a two storey dwellinghouse with provision of an off street car parking space to the rear garden, refuse storage area to the front garden facing Craigmuir Park and associated landscaping.

HISTORY

09/2174 Erection of a two storey dwellinghouse with provision of an off street car parking space to the rear garden, refuse storage area to the front garden facing Craigmuir Park and associated landscaping. **Application withdrawn**

99/0620 Erection of detached single-storey 3-bedroom bungalow. **Refused**

97/0948 Erection of 2 semi-detached two-bedroom houses with integral garages and alteration of existing vehicular access from Craigmuir Park. **Appeal dismissed**

POLICY CONSIDERATIONS

National

PPS 3 – Housing

Previously developed land is still a priority for new development however a Ministerial Statement (June 2010) announced the re-issue of PPS3 with amendments, the most notable being the exclusion of 'private residential gardens' from the definition of previously developed land. This is intended to prevent overdevelopment of neighbourhoods and to prevent 'garden grabbing'. However it is not considered this site meets the definition of a private residential garden any longer as it has been sectioned off from No. 25, with its own curtilage formed over twenty years ago and as such still meets with the definition of 'previously developed land'.

Brent

- **BE2** Townscape: Local Context & Character
- **BE5** Urban Clarity & Safety
- **BE6** Public Realm: Landscape Design
- **BE7** Public Realm: Streetscape
- **BE9** Architectural Quality
- **H12** Residential Quality – Layout Considerations
- **H15** Backland Development
- **PS14** on residential parking standards

Brent Supplementary Planning Guidance

Supplementary Planning Guidance (SPG) Note 17: “Design Guide for New Development”

Supplementary Planning Document 'S106 Planning Obligations'

Brent Core Strategy – Adopted July 2010

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

A total of 22 surrounding properties were consulted on **12th July 2010** and internal consultation was sent to Brent's Transportation Unit, Landscape Team, Environmental Health, Thames Water and Local Ward Councillor's.

3 letters of objection has been received, with the following grounds of objection raised;

- The proposed design is not in keeping with other houses on Craigmuir Park.*
- The proposal will result in an increase in noise.*

- Will lead to an increase in pollution.
- The proposal will lead to an increase in parking.
- The proposed access from the rear will lead to congestion problems
- Will result in harm to the amenities of No.23 particularly in the use and enjoyment of their garden.
- The proposed building appears overbearing.

Statutory Consultees;

Thames Water; No objections raised.

Landscape; No objection is raised in principle. In the event of planning permission being granted conditions are requested to approve details of hard surfacing, boundary treatments, soft landscaping and boundary treatments.

Transportation;

- Pedestrian access will be created onto Craigmuir Park while a rear access from Mount Pleasant will be used leading to a single garage and driveway.
- The site lies outside any area of parking control and has a low accessibility with a PTAL rating of Level 1.
- According to parking standard PS14 a 4-bed house can be permitted up to 2 car parking spaces. The proposed provision of a single garage plus a driveway length of approximately 8m is therefore acceptable in fulfilment of the standard.
- Car parking access is proposed at the rear, accessed from Mount Pleasant, in this location this access road is maintained as public highway (approximately 3m wide), and despite being narrow is deemed suitable for light use by residents.
- Various properties along Mount Pleasant, Craigmuir Park, Beresford Avenue and Newcombe Park already use the access road to access garages.
- There is space to reverse and leave the site onto Mount Pleasant in forward gear.
- Pedestrian access from the front of the site is acceptable.
- Details of refuse and cycle storage are considered to be acceptable.
- No transportation objection subject to a s106 agreement to secure contribution towards improving highway safety, new parking controls and better non-car access.

REMARKS

The proposal is assessed against the Council's UDP policies, Core Strategy policies and standards in Supplementary Planning Guidance Note 17 "Design Guide for New Development".

History

The vacant plot of land which forms the application site was sub-divided and sectioned off from the garden of 25 Craigmuir Park over twenty years ago, it has since been left to become overgrown and used at times for storage. There have been a number of unsuccessful applications to develop the site for residential purposes submitted throughout the 1990's. These were mostly for the construction of a pair of semi-detached houses. An appeal considered following the refusal of application 97/0948 dismissed the appeal for the reasons that;

- (a) The access arrangements to the pair of properties would result in a loss of amenity to prospective occupiers as the residents of one of the pair would pass directly pass the other pair, this would be likely to result in conditions harmful to residential amenity.
- (b) The proposal would result in unacceptable vehicle access for the pair of semi-detached properties, proposed via the rear access road.

Subsequent to the appeal decision an application for the construction of a bungalow was refused on the grounds that it would appear as an incongruous adjacent to 2-storey properties, that the

proposed house would be deficient in private amenity space and that there was insufficient provision for visitor parking likely to result in additional parking pressure on Craigmuir Park.

In 2009 an application for a detached 2-storey dwelling was withdrawn following comments from your Officer's that the proposed design could not be supported. There was no objection in principle to the sites development.

Design

The proposal is for a 2-storey flat roof contemporary house with integral garage, and with an "L" shaped footprint. The proposed design is not attempting to replicate the type of architecture found locally however in the past previous proposals to replicate the surrounding forms of development and types of architecture have been unsuccessful. Given that the site does not present a direct frontage onto Craigmuir Park it is considered appropriate that this infill site adopts a more modern approach as a response to the site constraints.

The flat roof design helps to reduce the scale and massing of the house, resulting in a maximum height of 5.5m which is less than the pitched roof properties either side which are typically a maximum of 8.5m high. The elevations have been broken down through the use of brick, render and cedar cladding. The palette of materials combines to add visual interest and create a more interesting building. The scale and massing of the proposed house is considered to be in keeping with surrounding forms of development in the locality.

The proposed contemporary dwelling is considered to be an appropriate design approach as it would be extremely difficult to successfully replicate the size, scale and proportions of the dwellings either side as these are pairs of semi detached properties and short rows of terraced properties. Approval is subject to a condition (submission of details) to ensure that the proposed design quality, and detailing, is carried through to the scheme once implemented.

SPG17 standards

The proposed 4-bedroom house will have an internal floor area of 139 square metres which significantly exceeds the minimum floor area standard to provide 90 square metres for a 4-bedroom dwelling.

The internal layout ensures that all rooms will benefit from reasonable levels of light and outlook and the ground floor living area has direct access to the rear amenity space. The rear windows will be at varying distances to the rear boundary, because of the shape of the site window distances will be between 8.7m and 10.1m from the boundary. SPG17 standards normally require 10m as a minimum to maintain reasonable standards of privacy. The marginal shortfall from this elevation can be justified because there is an access road to the north of the rear boundary and not another residential dwelling immediately adjoining. Windows on the front elevation, facing south are only habitable on the ground floor, and will be 9.2 from the boundary shared with No.23. Because of the "L" shaped layout the kitchen window on a return flank wall has a west facing aspect directly towards the flank wall of No.25, sited some 8.2m from the boundary and 9.6m from the flank wall of this adjoining property. In the absence of any habitable room windows within the flank wall of No.25 this is considered to be an acceptable relationship as the separation is still great enough to provide reasonable outlook, and secondly the absence of habitable windows ensures no loss of privacy will occur to the occupiers of No.23.

No habitable windows are proposed within the first floor with a south facing aspect (facing towards 23 Craigmuir Park and its amenity space). This is deliberate so as to avoid any direct overlooking of No.23, the only windows facing south are to a bathroom and high level windows to a circulation corridor. The window to "bedroom 4" is on the return flank wall, facing west and is 10m from the boundary which complies with SPG17 privacy distances.

The proposed dwelling will be separated from 23 Craigmuir Park by a distance of 2.9m, and is to project 0.7m beyond the existing rear building line, therefore the proposed building will not result in a loss of light and outlook as it comfortably meets the "2:1" rule.

The size and scale of new buildings should not be detrimental to the amenities of neighbouring properties and should result in acceptable relationships between buildings and private amenity spaces. To ensure new buildings do not become detrimental by being over dominant certain tests within SPG17 should be met. Where proposed development adjoins private amenity space/rear gardens then the height of the new development should normally be set below a line of 45 degrees at the garden edge, when measured from a height of 2m. By applying this test to the proposed development it is evident that the height of the new house sits comfortably below the 45 degree development line. This is a constrained site however the demonstration of compliance with the 45 degree rule suggests that the size and scale of the house is appropriate for the site, will result in an acceptable relationship to adjoining amenity spaces and will not be overbearing.

Amenity space & landscaping

The proposed house would benefit from a generous rear garden approximately 94sqm, with the addition of a balcony connected to "bedroom 3" therefore comfortably meeting with SPG17 standards which require 50sqm as a minimum area of amenity space for family sized accommodation. The access to parking is adjacent to the amenity space, therefore to avoid any potential harm to the quality of the private amenity some form of separation by way of a hedge or fence will be required. This detail can be secured through a landscaping condition.

In terms of boundary treatments the existing brick wall along the southern and eastern boundaries is to be retained. New boundary edge planting is proposed along eastern and southern boundaries and 6 new trees are proposed for planting. Some form of boundary treatment will need to be erected along the pedestrian footpath between the access way and No.23, details of which can be secured through a landscaping condition.

Landscape Officer's raise no objection but request that any planning permission is subject to a standard landscape condition to control hard and soft landscaping and boundary treatments.

Parking

The site lies outside any area of parking control and has low accessibility with PTAL Level 1. The proposed property will attract a maximum parking standard of 2 spaces, this can be accommodated within the integral garage and the 8m deep hardstanding directly in front of this.

The proposed vehicle access is to be from the rear of the site, accessed directly from Mount Pleasant, this service road which serves Mount Pleasant, Craigmuir Park and Highcroft Avenue properties is maintained as public highway. The access width is only 3m, but despite being narrow is deemed suitable for light use by residents, and various properties along Mount Pleasant, Craigmuir Park and Highcroft Avenue already use this access to rear garages. In this sense the proposed dwelling will be no different to the existing situation, furthermore it will be possible for vehicles reversing out of the site to then turn and leave the access road onto Mount Pleasant in forward gear.

Pedestrian access and the access routes for refuse and recycling storage is more suitable directly from Craigmuir Park, as proposed. Details of the means of refuse and recycling storage will be secured through condition.

Response to objections

The proposed design is not in keeping with other houses on Craigmuir Park.

The contemporary design is considered to be an acceptable approach. The plot has semi-detached properties to the west and terraced housing to the east. Officers are of the opinion that it would not be possible to successfully replicate either style of property due and it is considered to be appropriate to adopt a contemporary style approach which is of an acceptable size and scale.

The proposal will result in an increase in noise and pollution.

It is inevitable there will be additional noise during any construction, however Environmental Health legislation on working hours controls when it is acceptable to carry out work on-site. Should there be such problems in the future then the Council's Environmental Health department will have powers to enforce the relevant legislation.

The noise generated from one extra dwelling is not considered to be such that it would result in conditions harmful to neighbours' amenities. It is perfectly normal in suburban neighbourhoods to have housing in close proximity to each other.

The proposal will lead to an increase in parking and the proposed access from the rear will lead to congestion problems.

The maximum parking standard, which is for 2 spaces can be met fully on-site and it is not anticipated that additional on-street parking pressure will follow. The proposed access is no different to the existing situation utilised by a number of properties on Mount Pleasant, Craigmuir Park, Newcombe Park and Highcroft Avenue, and it is not envisaged that one additional dwelling will result in a significant amount of vehicle activity along this access road. If anything the siting of the dwelling and the position of the access is far more practical than many of the other properties in the area who use this as an access to rear garages.

Will result in harm to the amenities of No.23 particularly in the use and enjoyment of their garden and the proposed building appears overbearing.

The site is constrained but it has been demonstrated that the proposed dwelling comfortably falls under the 45 degree development line, ensuring an acceptable relationship to adjoining amenity spaces and ensuring that the dwelling does not appear overbearing or harmful to neighbouring amenity.

Conclusion

The proposal is considered to be acceptable in terms of its scale, design and character and will make a positive contribution to the area as well as adding to the stock of family housing within the Borough. Accordingly, it is recommended that this application be approved subject to the attached conditions and signing of the S106 legal agreement to secure a financial contribution of £12,000 (£3000 per bedroom) towards transport infrastructure, education and improvements towards open space, sports and the environment. It has been confirmed that the applicants are agreeable to the principle of this contribution.

REASONS FOR CONDITIONS

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
Central Government Guidance
Council's Supplementary Planning Guidance

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
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 (1:1250)
CPW/P/01 (1:100)
CPW/P/02 (1:100)

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

- (3) No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Class(es) A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason(s): In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority. Furthermore to prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- (4) Details of materials for all external work (including brick, windows, doors, roof and timber cladding) including samples, shall be submitted to and approved by the Local Planning Authority before any work is commenced.

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

- (5) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes, planting densities including the number and location of new trees) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (a) proposed walls, fences and gates and any other form of boundary treatment or means of enclosure indicating materials and heights;
- (b) screen planting along each of the site boundaries;
- (c) adequate physical separation, such as protective walls and fencing between landscaped and paved areas;
- (d) provision for the satisfactory screening of bin store at the front
- (e) details for the areas of hard landscape works and proposed materials;
- (f) details of the proposed arrangements for the maintenance of the landscape works.
- (g) details of the location of new planting (including new trees) within the front garden area

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 and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent, UDP 2004
Brent Core Strategy - July 2010
SPG17 'Design Guide for New Development'

Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



Planning Committee Map

Site address: Land next to 25, Craigmuir Park, Wembley, HA0 1NY

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**Committee Report
Planning Committee on 15 September, 2010**

**Item No. 15
Case No. 10/1558**

RECEIVED: 17 June, 2010

WARD: Northwick Park

PLANNING AREA: Wembley Consultative Forum

LOCATION: 57 The Fairway, Wembley, HA0 3TN

PROPOSAL: Erection of a single- and two-storey rear extension and a single- and two-storey side extension to the dwellinghouse

APPLICANT: Mr Akram Chaudhary

CONTACT: Mr Asim Hussain

PLAN NO'S:
(see condition 2 for details)

RECOMMENDATION

Approval, subject to conditions.

EXISTING

The subject site contains a two-storey, semi-detached dwellinghouse situated on The Fairway. The site is situated within the Sudbury Court Conservation Area. Surrounding properties are predominantly residential.

PROPOSAL

Erection of a single- and two-storey rear extension and a single- and two-storey side extension to the dwellinghouse.

HISTORY

04/0765 - Erection of two-storey side rear, single-storey rear extension and conservatory to dwellinghouse
Appeal Dismissed - 18/03/2005

This application was refused for the following reasons:

The proposed side extension with the rebuilding/retention of the ground floor mono-pitch roofed forward projection and insufficient set in from the side boundary for the first floor extension, would result in development that is not in keeping with the original design and appearance of this semi detached property and would not preserve or enhance the character and appearance of the Sudbury Court Conservation Area. The proposal would therefore be contrary to policies BE2, BE7, BE9, BE24, BE25 and H24 of the adopted London Borough of Brent Unitary Development Plan 2004, the provisions of Supplementary Planning Guidance 5 'Altering and Extending Your Home', the Sudbury Court Conservation Area Design Guide and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposed two storey side extension by reason of its depth, height, siting adjacent to the common boundary and resultant bulk will have an overbearing impact on the outlook from the ground floor windows of the habitable room in the side elevation of the 55 The Fairway to the detriment of the amenities of the occupiers of that neighbouring property. The proposal will therefore be contrary to policies BE9 and H24 of the adopted London Borough of Brent Unitary Development Plan 2004 and the provisions of Supplementary Planning Guidance 5 'Altering and Extending Your Home'.

09/1843 - Replacement of single-glazed, timber-framed windows and porch with double-glazed UPVC windows and door to front elevation of dwellinghouse (Article 4 Direction)
Granted - 14/10/2009

10/0223 - Details pursuant to Condition No. 2 (sections of porch) of Full Planning Permission reference 09/1843 dated 14 October 2009, for Replacement of single-glazed, timber-framed windows and porch with double-glazed UPVC windows and door to front elevation of dwellinghouse (Article 4 Direction)
Granted - 30/03/2010

10/0382 - Erection of a single- and two-storey rear extension and a first-floor side extension to the dwellinghouse (as revised by plans received 10/06/10)
Refused - 11/06/2010

This application was refused for the following reason:

The proposed first floor side extension, by reason of its excessive depth resulting from an inadequate setback from the main front wall of the dwelling, would result in a significant loss of light and outlook to habitable breakfast room windows in the northern side elevation of 55 The Fairway contrary to policies BE2 and BE9 of Brent's Unitary Development Plan adopted in 2004.

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 – Townscape: Local Character & Context
BE7 – Public Realm: Street scene
BE9 – Architectural Quality
BE26 - Alterations and extensions to buildings in conservation areas
TRN 23 – Parking standard Residential Developments

SPG

SPG 5 – Altering and Extending Your Home

Sudbury Court Conservation Area Design Guide

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

Standard three-week consultation period carried out in which 4 properties were notified. In addition, a notice was posted outside the site and placed in the local press in accordance with regulations relating to developments within Conservation Areas.

2 objections have been received regarding the proposal, which raise the following concerns:

- Property is currently let and creates parking problems within the street. The extension will only worsen this situation.
- Questions raised regarding the potential use of the property as bedsits.
- Loss of light to kitchen and breakfast room of number 55 The Fairway.

Standard Consultees

Sudbury Court Residents' Association

Retention of the garage is welcomed and should be conditioned to be retained. The gap between the extension and the boundary complies with Sudbury Court Conservation Area Policies. Concern that the rear extension exceeds what is normally allowed for semi-detached properties.

REMARKS

This application is a resubmission of an application submitted earlier in 2010 (ref: 10/0382). At the time of considering this application, amendments were requested to address concerns regarding the impact on neighbouring residential amenity and the character of the Conservation Area. The revised plans submitted contained a significant number of inaccuracies which resulted in a refusal of the previous application.

The latest application is for a single-storey and two-storey extension to the side of the property and a single-storey and two-storey rear extension. The main considerations relating to this application are the impact on neighbouring residential amenity and the scale and design of the proposal and its impact on the Conservation Area.

Impact on neighbouring residential amenity

The application proposes an extension to the rear of the existing attached garage which wraps around the property resulting in the extension of the rear wall at ground-floor level to a depth of 3.35m. This matches the depth of the existing rear projection at the property. The extension will span the width of the plot infilling the space between the existing rear projection and the boundary shared with number 59 The Fairway and extending to the boundary shared with the detached neighbour, number 55 The Fairway. A side extension is proposed at the first-floor level which is set back from the main front wall by 2.5m and has a depth of 5m. This maintains 1m from the side boundary shared with number 55 The Fairway. In addition a rear first-floor extension is proposed which will extend the rear wall of the property by 2.7m.

Consideration should be given to the impact of the proposed extensions on the attached neighbours, number 59 The Fairway and number 55 The Fairway, which would be close to the proposed side extension.

Council planning guidance recommends that extensions should not exceed a depth of 3m on a semi-detached property unless the individual circumstances of the site suggest a larger extension could have a satisfactory relationship with neighbouring properties. The attached neighbour, number 59 The Fairway, has an existing conservatory which infills the space between their original rear projection (an original feature of the property) and the boundary shared with number 57. The depth of this structure is 3.35m. Although this is larger than was approved at the property, aerial photos show that the conservatory has been in situ for over 4 years and is therefore immune from enforcement action. On this basis, it is considered appropriate to allow an extension at the adjoining property which is 3.35m, matching the situation on the adjoining neighbour's site.

In terms of the impact of the ground-floor side and rear projection on the non-attached neighbour, number 55, consideration is given to extensions allowed under Permitted Development for detached properties. Where properties are not adjoining, a depth of up to 4m is allowed. The depth proposed is significantly less than this. Furthermore it is considered that sufficient separation is achieved from main habitable-room windows in number 55 to achieve a reasonable relationship and receive officer support.

The first-floor rear extension has a depth of 2.7m. This complies with the 1:2 guideline when measured from habitable-room windows of both neighbouring properties and as such, is considered to achieve a satisfactory relationship with neighbouring properties which does not result in an unduly detrimental impact to neighbouring residential amenity.

In terms of the first-floor side extension, the original scheme applied for under ref. 10/0382 has received significant amendments in order to mitigate the impact of the development on the side-facing ground-floor windows which serve a breakfast room within number 55 The Fairway. These are original to the property and were the reason for the refusal of two previous applications (see history for full refusal reasons). In addition, one decision was upheld at appeal. As a result, the first-floor side extension has been reduced in width to maintain 1m from the side boundary in line with the Sudbury Court Conservation Area Design Guide. The depth of the extension has been limited to not extend beyond the centrepoint of the rear breakfast-room window situated in the flank wall facing the application site. Given the sensitive relationship with the neighbouring property's original habitable-room windows, an increased set-back of 2.5m has also been secured at the first-floor level to avoid an unreasonable loss of outlook from the front breakfast room window situated in the facing flank wall of the building. In order to ensure that a reasonable level of privacy is maintained for neighbouring properties, a condition is recommended which restricts the insertion of additional windows within the side walls of the extended building. As a result of the changes secured in the latest application, your officers consider the proposal to not have an unduly detrimental impact on neighbouring residential amenity.

Impact on the character and appearance of the Conservation Area

The extension complies with the Sudbury Court Conservation Area Design Guide. The first-floor side extension maintains a 1m gap from the boundary shared with 55 The Fairway. In addition, a significant set-back is secured to ensure that the extension appears subordinate to the main dwellinghouse. The rear extension, whilst larger than would generally be permitted, matches the projection of the adjoining property and is not considered so excessive in scale as to detract from the character of the original dwelling. A condition is recommended to secure samples of materials to ensure the development preserves the character of the Conservation Area.

Other matters

Concerns have been raised regarding the future use of the property for bedsits. Currently the house is occupied as a single family dwellinghouse. This has been confirmed through a site visit. The proposed floorplans do not raise concerns regarding potential for subdivision or a House in Multiple Occupation use and the applicant has stated that the property is to remain as a dwellinghouse. An informative is recommended reminding the applicant of its C3 Use Class. If this were not the case, the council would have control over the future use of the property; however, this can only be dealt with once a breach in planning control has been established. On the basis of the application details, concerns regarding the future use of the property are not sufficient to warrant a refusal of the application.

Concerns regarding parking provision for the property have also been raised. It is understood by officers that this is due to previous tenants owning a number of transit-sized vehicles. The maximum parking standard for a 4-bedroom dwelling is 2 parking spaces. The applicant proposes the retention of the property's garage which is suitably sized to hold one vehicle. In addition, the property frontage is capable of supporting a car. As the maximum parking standard is met, your officers do not consider the proposed extensions raise concerns regarding excessive overspill parking within the vicinity of the site.

Summary

With reference to council policies, the proposed extension is considered to address previous concerns regarding the impact on neighbouring residential amenity and the character of the Conservation Area and is therefore considered to be in accordance with policies BE2, BE7, BE9 and BE26 of Brent's Unitary Development Plan 2004, Supplementary Planning Guidance Note 5:

"Altering and Extending your Home" and the Sudbury Court Conservation Area Design Guide. Accordingly it is recommended that planning permission be granted, subject to conditions.

REASONS FOR CONDITIONS

n/a

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home
Sudbury Court Conservation Area Design Guide

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 drawings:

Location Plan
Existing and proposed elevations (unnumbered) (received 20/08/2010)
022: Existing floorplans (received 20/08/2010)

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

- (3) No windows or glazed doors (other than any shown in the approved plans) shall be constructed in any side wall of the building, as extended, without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- (4) The existing garage shall be permanently retained and used solely in connection with the existing dwelling.

Reason: To ensure that approved standards of parking provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- (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 on site. 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.

INFORMATIVES:

- (1) The applicant is reminded that this property is within planning Use Class C3, whereby up to 6 unrelated residents may live together as a single household. Any increase in residents above 6 people living together, other than as a single family, is likely to constitute a material change of use which would require the grant of a further planning permission from the Local Planning Authority.
- (2) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented, as this may involve the use of adjoining land, and should also ensure that all development, including foundations and roof/guttering treatment, is carried out entirely within the application property.

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan - 2004
Supplementary Planning Guidance Note 5 *"Altering and extending your home"*
Sudbury Court Conservation Area Design Guide

Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



Planning Committee Map

Site address: 57 The Fairway, Wembley, HA0 3TN

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This map is indicative only.

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