



Planning Committee

Wednesday, 23 February 2011 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
Mitchell Murray
Hossain
HM Patel
Cheese
Naheerathan
Castle
Oladapo
Thomas
J Moher
Lorber

Second alternates

Councillors:

Gladbaum
R Moher
Mashari
HB Patel
Allie
Ogunro
Beck
Powney
Van Kalwala
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 - 10
Extract of Planning Code of Practice		
NORTHERN AREA		
3. 24 Briar Road, Harrow, Middlesex HA3 0DR (Ref 10/2678)	Kenton;	15 - 20
4. 46 Ebrington Road, Harrow, Middlesex HA3 0LT (Ref 10/3141)	Kenton;	21 - 26
5. 1-16 inc. Greencrest Place, London NW2 6HF (Ref 10/3093)	Dollis Hill;	27 - 36
SOUTHERN AREA		
6. Land between 10 & 11 Chambers Lane, London NW10	Brondesbury Park;	37 - 44
7. Newfield Primary School & Newfield Nursery School, Longstone Avenue & Mission Dine Club, Fry Road NW10 (Ref 10/3052)	Harlesden;	45 - 60
8. Flats 1C-D & 2C, 9 The Avenue, London NW6 (Ref 10/2789)	Brondesbury Park;	61 - 72
9. Flats 1-11, Belvedere Hall, The Avenue, London NW6 (Ref 10/3022)	Brondesbury Park;	73 - 78
10. 16 Kingswood Avenue, Kondon NW6 6LG (Ref 10/3187)	Queens Park;	79 - 84
11. 66A Salusbury Road, London NW6 6NR (Ref 10/3155)	Queens Park;	85 - 90
12. Garages rear of 55 Mount Pleasant Road & Henley Road, London NW10 (Ref 10/3131)	Brondesbury Park;	91 - 98
WESTERN AREA		
13. 93, 93A, 94, 94A, 95, 96, 96A & 97 Ealing Road, Wembley, Middlesex HA0 (Ref 10/2942)	Alperton;	99 - 114
14. Preston Manor High School, Carlton Avenue East, Wembley HA9 8NA (Ref 10/3203)	Preston;	115 - 148
15. Shree Saibaba Mandir, Union Road, Wembley, HA0 4AU (Ref 10/2041)	Wembley Central;	149 - 164

PLANNING APPEALS

16. Planning Appeals January 2011 All Wards; 165 - 200
17. 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 19 FEBRUARY 2011

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
10/3052	Newfield Primary School & Newfield Nursery School, Longstone Avenue & Mission Dine Club, Fry Road NW10	7	Harlesden	9:40	45-60
10/2789	Flats 1C-D & 2C, 9 The Avenue, London NW6	8	Brondesbury Park	10:10	61-72
10/3202	Preston Manor High School, Carlton Avenue East, Wembley HA9 8NA	14	Preston	10:45	115-148

Date of the next meeting: Wednesday, 9 March 2011

As this meeting will consider reports on planning policy issues there will be no prior site visits.



- 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, 2 February 2011 at 7.00 pm

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

ALSO PRESENT: Councillor Jim Moher, Councillor Roxanne Mashari and Councillor Carol Shaw.

Apologies for absence were received from Baker and Daly.

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

9 Storage land next to 75 St Pauls Avenue, London NW2 5TG

Councillor Cummins declared a personal interest, withdrew from the meeting room and did not take part in the discussion and voting.

2. **Minutes of the previous meeting - 12 January 2011**

RESOLVED:-

that the minutes of the previous meeting held on 12 January 2011 be approved as an accurate record of the meeting.

3. **Former Blarney Stone, Blackbird Hill, London, NW9 8RR (10/2767)**

PROPOSAL: Proposed mixed-use redevelopment of the Blarney Stone Public House, Kingsbury, with the erection of two 3-storey houses and 34 flats in 3/4/5 storeys above a retail unit of 470m² and parking partly at basement level, with associated landscaping.

RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement.

This application was deferred from consideration on 15 December 2010 due to a problem with the traffic counting mechanism which led to discrepancies in the results of the traffic count of existing vehicles travelling along Old Church Lane. This report set out the reasons why Members were 'minded to refuse' consent and discussed the implications of the Committee's resolution, having regard to the updated Supplementary Transport Assessment and maintained the original recommendation to grant consent subject to the completion of a satisfactory section 106 agreement.

With reference to the tabled supplementary report, Rachel McConnell the Area Planning Manager drew members' attention to additional objections received reiterating previous objections and a letter of complaint expressing concerns with the Council's handling of the planning application including the Council's consultation in accordance with statutory requirements; and failure by officers to challenge the validity of information provided in the Supplementary Transport Assessment. She confirmed that those matters raised had been dealt with in the main report and comments provided on the updated Supplementary Transport Assessment. In addition a response had been sent directly to the complainant under Stage 1 of the Council's Corporate Complaints Procedure. Rachel McConnell reiterated the recommendation for approval subject to the completion of a Section 106 legal agreement.

Mr Varsani an objector reiterated that the Council's consultation was incomplete and ineffective. He expressed concerns about traffic movements along Old Church Lane, associated air pollution and pedestrian safety. Mr Varsani added that the full extent of the detrimental impact of the proposed development would be borne by the adjoining Conservation Area and the Welsh Harp nature reserve.

Mr Les Gray in objecting stated that the proposed development failed to provide adequate parking facilities for retail shoppers approximately 30% of whom were expected to arrive from outside the area. He also expressed concerns about access to the site both by shoppers and service delivery vehicles.

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 application. Councillor Mashari stated that since the consideration of the application was deferred there had been little or no change and that the main objections on grounds of traffic flow and a significant harm to Old Church Lane still stood. This harm would be made worse by inadequate parking facilities for shoppers, the prospects of delivery trucks which could grind traffic on Old Church Lane to a halt. Councillor Mashari also added that the proposed development would constitute an over-development of the site and for the above reasons urged members to refuse the application.

Mr Mark Pender the applicant's agent speaking in support of the application stated that the proposed development, a landmark building, would enhance the visual amenities of the area and provide a much needed affordable housing in addition to a financial contribution via a section 106 legal agreement. He invited the Transport Consultant who clarified why it was not advisable to refuse the application on highway grounds based on traffic surveys and his observations during visits to the site.

In response to members' questions, the applicant's agent confirmed the following: that the applicant had not as yet signed up with a Registered Social Landlord (RSL) due to the uncertainty with the application; that the frontage to Old Church Lane would be re-designed with safety audit; and that the retail shoppers would be drawn from the local area. He also confirmed the applicant's willingness to accept an additional condition requiring details of surfaces to facilitate safe use by visually impaired and other users.

Mr Nawak Khokhar expressed his support for the proposed development in terms of its elevation, affordable housing and the financial contribution within the Section 106 legal agreement.

In the ensuing discussion, Councillor Long suggested an amendment to condition 11 to require the applicant to submit details of surfaces to facilitate safe use by visually impaired and other users which was agreed.

DECISION: Planning permission granted subject to a Section 106 legal agreement and to conditions as amended in condition 11 to require details of surfaces to facilitate safe use by visually impaired and other users.

4. University Of Westminster, Watford Road, Harrow, HA1 3TP (10/2053)

PROPOSAL: Hybrid planning application for the demolition of part of the University of Westminster's Harrow Campus and the erection of new buildings and refurbishment of existing buildings, comprising:

Full planning permission for the demolition of 6,980m² of existing floor space and the erection of 3,435m² of new educational floor space (Use Class D1) in new buildings ranging in height from one to two storeys, the refurbishment of existing buildings, including new external cladding, new hard and soft landscaping, improvements to the entrance adjacent to Northwick Park Underground Station and construction of a Multi-Use Games Area;
and

Outline planning permission for a further 3,545m² of new educational floor space (matters to be approved: land use, quantum of development and means of access, with layout, scale, appearance and landscaping reserved).

RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal and Procurement.

The application was deferred at the Planning Committee on 12 January 2011 in order for members to receive a presentation on the proposals which took place last Saturday. Members noted that the previous committee report had been amended to incorporate the information set out in the supplementary report and that the conditions and draft heads of terms for the s106 had been amended accordingly. The Head of Area Planning reiterated the recommendation for approval subject to a Section 106 legal agreement.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal and Procurement.

5. Hay Lane Special School & Grove Park School, Grove Park, London, NW9 (10/2996)

PROPOSAL: Part demolition of the existing special educational needs schools and erection of a replacement special educational needs school, comprising a two-storey main building (Use Class D1) and ancillary two-storey short-break centre (Use Class C2), including a sports hall, swimming pool, multi-use games area, external play space and associated landscaping as amended by plans received 20/01/10.

RECOMMENDATION: Grant planning permission subject to conditions as amended in conditions 2, 5, 6, 7 10, 16, 18, 21 and new condition relating to Sustainable Drainage and informatives

Rachel McConnell, the Area Planning Manager updated members that although the English Heritage and the Environment Agency had raised no objections to the proposal, they each suggested conditions on archaeological deposits and sustainable drainage respectively, as set out in the tabled supplementary report. She drew members' attention to the list of amendments to conditions as set out in the tabled supplementary report.

Whilst welcoming the report Councillor Cummins suggested an additional condition relating to sustainable drainage to require exploration of re-use of water from drainage tanks.

DECISION: Planning permission granted subject to conditions as amended in conditions 2, 5, 6, 7 10, 16, 18, 21 and a new condition to amend new Sustainable Drainage condition to require exploration of re-use of water from drainage tanks.

6. Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT (10/2994)

PROPOSAL: Permission for phased development comprising Phase 1: erection of two-storey temporary school building with associated internal access road, car park, hardstanding play area, landscaping and new means of vehicular egress onto Bacon Lane (south) (3-year permission); and Phase 2: erection of single-storey permanent school building with associated hardstanding for sport and recreation, associated ancillary development and retention of means of vehicular egress onto Bacon Lane (south).

RECOMMENDATION: Grant temporary planning permission for Phase 1 decant for three years and full planning permission for Phase 2 legacy works thereafter, subject to conditions.

With reference to the tabled supplementary report the Area Planning Manager Rachel McConnell informed the Committee about a letter from the Roe Green Village Residents Association to Barry Gardiner MP reiterating the Association's ongoing concerns about the cumulative effect of various developments in relation to transportation matters and The Village School, Intergenerational Centre.

In response to the Association's request for a full wide scale Transport Assessment she stated that the application complied with the requirements of Planning Policy Guidance 13 on transportation. In respect of the impact on Roe Green she stated that the fencing required by condition 15 (further details of the hard surface sports pitches) would be beyond the existing fencing and that additional landscaping can be provided to mitigate any visual impact. She continued that as the proposed development included a proposal to render the structure, the colour of which would be agreed via condition she was satisfied that the building would meet the relevant design policies in the UDP and SPG17. She updated the Committee that a meeting with Sport England and representatives of the applicant and Kingsbury High School had been arranged in order to seek an in principle agreement between the parties. Rachel McConnell added that although the Environment Agency had no objection to the proposals they required a condition as set out in the supplementary report to secure detailed design, full justification and use of Sustainable Drainage Schemes (SuDS). In reiterating the recommendation for temporary approval, the Area Planning manager drew members' attention to a list of conditions as set out in the tabled supplementary report.

Mrs Julia Day representing Kingsbury Charity and Roe Green Nursery objected to the proposed development on grounds of traffic chaos which she felt would ensue at the junction of Grove Park and Stag Lane. She continued that with approximately 40 buses travelling in a convoy in the mornings and afternoons in an area with several other schools, the traffic impact on other motorists, the emergency services and Dial-a-Ride service would be severe.

Mr John Evans objecting on behalf of Roe Green Village Residents' Association expressed a view that the traffic movements that would result from the proposal would not be workable as it would raise safety issues. He added that the narrowness of Bacon Lane which would be used by a higher volume of traffic as parents dropped off and collected their children underpinned the Association's concerns on traffic. Mr Evans urged the Committee to defer the application until the issues raised by the Association had been addressed.

In accordance with the provisions of the Planning Code of Practice Councillor J Moher ward member stated that he had been approached by members of Kingsbury Charities. Councillor J Moher stated that as the proposal would involve the re-routing of several mini-buses through Bacon Lane it would constitute a major traffic hazard with consequences for pedestrian safety. He felt that the transport impact of the proposed development had not been properly assessed and urged members to defer the application until the concerns expressed had been addressed and a full construction method statement had been submitted and approved.

Mrs Kay Johnson the Head teacher of Village School stated that the current school building did not comply with basic health and safety regulations including problems with the electrical systems and the presence of asbestos. This situation had frequently resulted in the school being closed for the safety of staff and pupils. Mrs Kay continued that the education merits of the proposal had been established and that failure to grant planning permission was likely to result in about 200 children not having a school building to go to when the new academic year begun

in September. In response to Councillor Long's enquiry about the convoy of buses, Mrs Johnson stated that although the buses would be in use between 8.30am to 9.00am and then between 9.00am to 3.30pm, they would be marshalled to ensure that any traffic impact was minimised. She emphasised that the proposal was for a temporary period only whilst construction of The Village School was being carried out.

Steve Weeks, Head of Area Planning added that conditions 18 and 19 sought to address concerns on construction and decant traffic, respectively. Whilst welcoming this Councillor Cummins suggested an additional condition relating to sustainable drainage to require exploration of re-use of water from drainage tanks.

DECISION: Temporary planning permission granted for Phase 1 decant for three years and full planning permission for Phase 2 legacy works thereafter, subject to conditions as amended in conditions 3, 11, 14, 17, 19, 20, 21, 23, 25 and the deletion of conditions 7, 9, 10 and 26 and a new condition relating to Sustainable Drainage to require exploration of re-use of water from drainage tanks.

7. 63 Christchurch Avenue, London, NW6 7BL (10/2452)

PROPOSAL: Demolition of existing two-storey dwellinghouse and erection of 2 x three-storey blocks, comprising 6 dwellinghouses, and car-parking with provision of private amenity space and landscaping to site.

RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

With reference to the tabled supplementary report Andy Bates the Area Planning Manager informed members that the list of objections by Councillor Shaw which were similar to those raised by residents had been addressed in the main report. He considered the proposed private access road to be wide enough to accommodate parking and suggested an amendment to condition 2 as set out in the supplementary report to secure 2 additional parking bays and improved landscaping. Andy Bates drew members' attention to additional conditions on elevational treatment and details of landscape maintenance.

Mr Fabian Sharpe expressed his objection to the proposed development which he added would be built over rear gardens on the grounds that it would constitute an over-development of the site leading to loss of residential amenity. He added that the proposal would have an unsatisfactory relationship with the properties in the area. Mr Sharpe also expressed concerns on communication between residents and the council and alleged that as Councillor Cummins had been approached by the applicant there was a conflict on his part.

Councillor Cummins responded by saying that he had not received any correspondence from the objector and added for the record that had he received such an approach from the applicant as alleged, he would have replied that "as a

member of the Planning Committee he would not be able to enter into any form of discussion with the applicant” and would have also declared that at the meeting, in accordance with the Planning Code of Practice.

In accordance with the Planning Code of Practice Councillor Shaw a ward member stated that she had been approached by the applicant and objectors. Councillor Shaw objected to the proposed development on grounds as set out in the supplementary report and also as a back garden development which would be unsympathetic to the area. In order to minimise impact on loss of privacy and amenity, she suggested an amendment to condition 2 requiring additional landscaping to the western boundary with Forest Close and use of the section 106 financial contribution for improving education and the pavements in the area.

Mr Mark Pender the applicant’s agent stated that the application which would make use of an under-use site and would respect the current building line, complied with Council policies including policy CP 17. He added that the applicant had undertaken a series of public consultations the results and comments from which had been taken into account in arriving at the final scheme. On behalf of the applicant, Mr Pender accepted the condition suggested by Councillor Shaw on landscaping.

Steve Weeks Head of Area Planning recommended amending condition 2 relating to landscaping details but noted that the scope for increasing this had been highlighted during the site visit. He advised that Section 106 financial contributions were sought to reflect strategic priorities as set out in the related Supplementary Planning Document. Although there was scope to reflect local priorities where this related to the development, however, he advised that paving repairs may be better considered under normal highway maintenance.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement and subject to further amending condition 2 to seek additional landscaping to boundary with Forest Close.

8. 307-311 Kilburn High Road, London, NW6 7JR (10/2979)

PROPOSAL: Change of use class from A4 and D2 to A1, A2 and/or A3 on the ground floor and the construction of 4 flats at first floor level and the erection of second floor extension to accommodate 3 flats.

RECOMMENDATION: Grant planning permission subject to conditions, informatives and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

Andy Bates the Area Planning Manager reported that an additional objection had been received which took issue with the change to residential use on the ground floor. In responding, he stated that as the ground floor would not be used for

residential purposes, the objection was not a valid ground for refusal. In reiterating the recommendation for approval, he drew members' attention to an amendment to condition 5 suggested by the Director of Legal and Procurement as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions, informatives and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

9. Storage Land next to 75, St Pauls Avenue, London, NW2 5TG (10/3252)

PROPOSAL: Erection of Heras-style metal mesh fencing and vehicular access gate on all boundaries of site.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

Note: Councillor Cummins declared personal interest, withdrew from the meeting room and did not take part in the consideration of this application.

10. Barham Park Estate, Roundtree Road/Saunderton Road, Wembley, HA0 (10/2898)

PROPOSAL: Approval of reserved matters relating to layout, scale, appearance and landscaping, pursuant to Condition 2 of outline planning permission 09/2350 dated 17/03/10 for erection of 216 residential units (related to phases 2 & 3).

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Steve Weeks, Head of Area Planning in reference to local residents' wish for a right turn filter to be introduced at the traffic lights stated that the full Transport Assessment submitted in support of the 'hybrid' application had tested the junction capacity at Harrow Road and found that the junction would continue to operate well within capacity even when accounting for increased flows that might be expected from the estate redevelopment. Whilst he understood the residents' preference to turn right out of the estate onto Harrow Road Steve Weeks submitted that there was no requirement to upgrade the junction in order for the estates redevelopment to be acceptable on transportation grounds. He continued that in addition to the prohibitive cost of reconfiguring the junction, a right turn movement out of the estate would be unacceptable on road safety grounds. In reiterating the recommendation for approval subject to conditions and informatives, Steve Weeks drew members' attention to revised plans J, M, Q and R submitted by the applicant.

Ms Judy Miller Chair of Barham Park Tenants and Residents' Association stated that whilst she welcomed the estate re-development residents were concerned about the bus lane which would run across the junction and could result in fines as motorists waited in the bus lane before turning. In addition, access into the estate needed to be improved in the interests of pedestrian and vehicular safety before the redevelopment was completed. Ms Miller also expressed concerns about parked buses on Harrow Road and requested that part of the Section 106 financial contributions should be used to re-model the road following consultation with residents.

Rosemary Houseman the applicant's agent stated that the redevelopment was essential to the regeneration of the estate and the area as a whole. Ms Houseman continued that the applicant would maintain continuous dialogue with residents and the officers to ensure a satisfactory development was achieved.

Councillor Hashmi enquired as to whether any progress had been made on the residents' concerns expressed on the bus lanes since the consent was granted. In the same vein councillor Adeyeye also asked whether the applicant would be prepared to work with the residents to ensure that their concerns on access and transport were resolved. In responding to the above, Ms Houseman stated that the full transport plan would be submitted for approval following consultation with the residents.

In his conclusions, the Head of Area Planning whilst he understood the concerns about the bus lane, the bus lane was the responsibility of Transport *for* London (TfL) but that it would seem illogical for motorists to be penalised for crossing the bus lane to enter and exit the site as this was the only route available. He undertook to request the Head of Transportation to liaise directly with Ms Judy Miller on the work with TfL on the site to date.

DECISION: Planning permission granted subject to conditions and informatives.

11. School Main Building, Brentfield Primary School, Meadow Garth, London, NW10 8HD (10/3207)

PROPOSAL: Erection of 2 storey extension buildings to existing school incorporating new classrooms, toilets, storage rooms, school hall, kitchen and associated plant, photovoltaic panels, and educational roof garden; and landscaping changes including new external amphitheatre and proposed Multi Use Games Area, (MUGA,) ramped accesses, bin stores, parking areas and new trees.

RECOMMENDATION: (a) Grant planning permission subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report and to revised plans and conditions as amended in conditions 4, 5, 8, 9, 10, 11, 12, 13, 17, 18 and 20; and the deletion of condition 3; or

(b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

In reiterating the recommendation for approval, Steve Weeks Head of Area Planning drew members' attention to revised plans, amended conditions 4, 5, 8, 9, 10, 11, 12, 13, 17, 18 and 20; and the deletion of condition 3;.

DECISION: (a) Planning permission granted subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 details section of this report and to revised plans and conditions as amended in conditions 4, 5, 8, 9, 10, 11, 12, 13, 17, 18 and 20; and the deletion of condition 3;.

or

(b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

12. Planning Appeals January 2011

Noted.

13. Any Other Urgent Business

None.

The meeting ended at 9:10pm

RS PATEL
Chair

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 23 February, 2011**

Item No. 1/01
Case No. 10/2678

RECEIVED: 14 October, 2010

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 24 Briar Road, Harrow, HA3 0DR

PROPOSAL: Erection of a single storey rear extension, first floor side extension, installation of a rear dormer window and 2 side rooflights to dwellinghouse

APPLICANT: Mr R Wang

CONTACT: Studio 136 Architects Ltd

PLAN NO'S:
See Condition 2

RECOMMENDATION

Approval

EXISTING

The existing property is a two-storey detached dwellinghouse located on the south side of Briar Road, within the Northwick Circle Conservation Area. It is not a listed building.

PROPOSAL

Full planning permission is sought for the erection of a two-storey side extension and rear dormer window to dwellinghouse.

HISTORY

10/1708 - Full planning permission sought for the erection of rear dormer window, 2 rooflights facing 26 Briar Road first floor side and single storey rear extension to dwellinghouse - Withdrawn.

There is a building control file for the erection of a single storey side extension dating from 1993.

POLICY CONSIDERATIONS

Brent UDP 2004

BE2: Local Context & Character - Proposals should be designed with regard to their local context, making a positive contribution to the character of the area. Proposals should not cause harm to the character and/or appearance of an area, or have an unacceptable visual impact on Conservation Areas.

BE9: Architectural Quality - Requires new buildings to embody a creative and high quality design solution, specific to the sites shape, size, location and development opportunities and be of a design, scale and massing appropriate to the setting.

BE25: Development in Conservation Areas - Development proposals in conservation areas shall pay special attention to the preservation or enhancement of the character or appearance of the area; and regard shall be had for design guidance to ensure the scale and form is consistency.

BE26: Alterations and Extensions to Buildings in Conservation Areas - Alterations to elevations of buildings in conservation areas should retain the original design and materials; be sympathetic to the original design in terms of dimensions, texture and appearance; characteristic features should be retained; extensions should not alter the scale or roofline of the building detrimental to the unity or character of the conservation area; should be complementary to the original building and elevation features.

Supplementary Planning Guidance

SPG5 – Altering and Extending your Home

CONSULTATION

7 neighbours consulted, the application was publicised in the press and a site notice was displayed outside the property. The Northwick Park Residents Association were consulted.

Two objections have been on the following grounds:

1. The proposal will result in a loss of light to and privacy for the neighbouring property at No. 22 Briar Road;
2. The proposed extension combined with extensions to other properties on the street will have a detrimental impact on local amenity as a result of increased traffic movements and over parking.

Transportation
- No objection

Landscape Design
- No objection

REMARKS

Amendments following previous withdrawn application (LPA Reference: 10/1708)

The following amendments have been made to the proposal following the withdrawal of the planning application earlier this year:

- The first floor side extension has been setback from the main front wall of the dwellinghouse by 2.2m and set down from the main ridgeline by 0.45m;
- The proposed rear dormer window has been reduced in size and the proportion of glazing has been increased.

Additional details were requested as part of the planning process to clarify the height of the extension in relation to the rear ground level of the site.

Assessment

The main planning issues are considered to be:

- (a) whether the proposed alterations and extensions would have an unacceptable visual impact on the character of the property and the Northwick Circle Conservation Area.
- (b) whether the proposed alterations and extensions would have an unacceptable impact on the amenities of neighbouring occupants;

Character and appearance

The Council's Supplementary Planning Guidance 5: Altering and Extending Your Home (SPG5) requires extensions to have a set back of 2.5m from the main front wall of the house, with a reduced set back of 1.5m permitted where the extension is set in by at least 1m from the joint boundary. In the case of this application, a set back of 2.2m is proposed as the joint boundary with no.22 is splayed with an average set in of 0.6m. This provides some visual separation and it is considered, on balance, the set back of 2.2m is sufficient to prevent a terracing appearance in accordance with the objectives of SPG5. The roof of the proposed first floor side extension matches the design of the existing roof and is set down from the main ridgeline.

The proposed rear dormer window is fully compliant with SPG 5 guidelines and is in keeping with the character and appearance of the dwellinghouse. Two side rooflights are also proposed these are marked as conservation style rooflights which will be flush with the roofslope and not be prominent from in the streetscene. The single storey rear extension is of a scale and design appropriate to the property. Full details of the materials will be sought by condition to ensure that they match the existing.

Amenity of neighbouring residents.

The proposed first floor side extension does not project beyond the main rear wall of the existing dwellinghouse and complies with the 2:1 guidelines in relation to neighbouring habitable room windows to ensure any impact is kept within reasonable limits.

The proposed single storey rear extension has a flat roof with a maximum height of 3m from ground-level and a depth of 4m from the main rear wall of the dwellinghouse. The ground level of the application site is approximately 0.1m higher than no.26 and there is an existing rear patio which is 0.4m high in relation to no. 26. The height of the proposed extension at 3m has been taken from the ground level of the application site and therefore the proposed extension will have a height of 3.1m above the ground-level when viewed from the neighbouring property but will be set in 0.5m from the boundary. This is considered to be acceptable and will not have a detrimental impact on the amenity of neighbouring residents.

With regard to the relationship of the single storey extension with no. 22, this adjoining property is set at a higher level and has an existing single storey rear extension. Whilst the proposed extension would project further rearwards than the existing extension at no. 22, the height will not exceed 3m and would comply with permitted development rights.

Highways

The proposed development results in an increase in the number of bedrooms from 3 to 5. This will result in an increase in the parking standard of from 1.6 spaces to 2spaces. The front forecourt currently provides parking for 2 cars and has a small area of soft landscaping. As such it is considered that there will not be a significant increase in overspill parking as a result of the proposed development.

Briar Road is not classified as a heavily parked street and therefore it is considered the combined impact of overspill parking as a result of the extensions recently approved on Briar Road can be accommodated. The majority of properties in Briar Road have off-street parking.

Conclusion

The proposed first floor side, single storey rear extension and rear dormer window with 2 side rooflights are considered to be in keeping with the character and appearance of the dwellinghouse, preserve the character of the Northwick Circle Conservation Area and will not have a detrimental impact on the amenity of neighbouring residents. As such the proposed development is recommended for approval 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 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:

D 10 24BRI 001 Rev H
D 10 24BRI002A Rev A

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

- (3) The proposed rooflights shall be "conservation rooflights" only and shall not project forward of the roof plane.

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

- (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.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

UDP 2004
SPG 5: Altering and Extending Your Home.

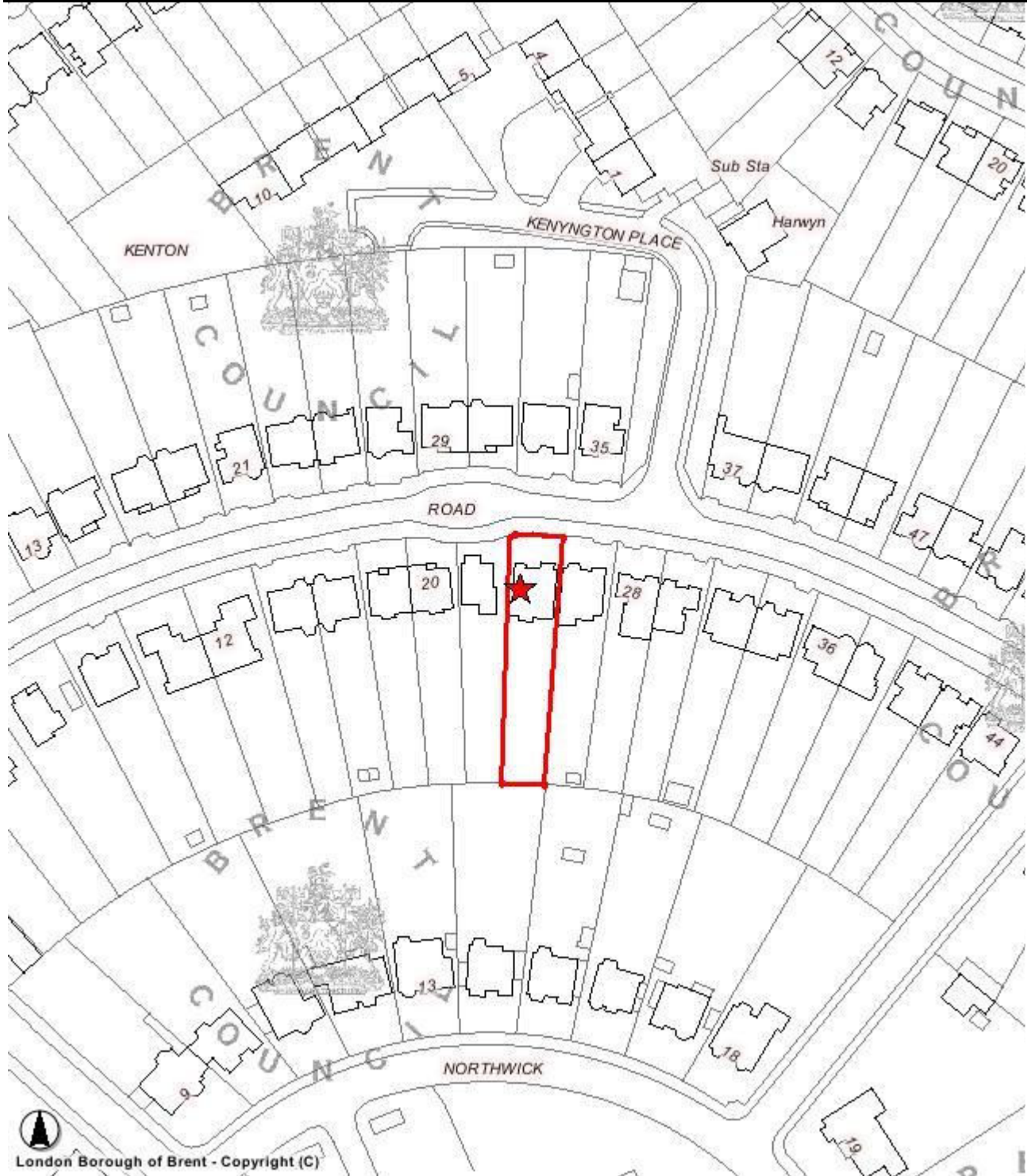
Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: 24 Briar Road, Harrow, HA3 0DR

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**Committee Report
Planning Committee on 23 February, 2011**

Item No. 1/02
Case No. 10/3141

RECEIVED: 6 December, 2010

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 46 Ebrington Road, Harrow, HA3 0LT

PROPOSAL: Erection of roof extension to dwellinghouse comprising hipped roof with rear dormer window

APPLICANT: Mr K Patel

CONTACT: Manu Design Limited

PLAN NO'S:
See condition 2

RECOMMENDATION

Approve

EXISTING

The application site contains a detached two storey dwellinghouse on the south side of Ebrington Road with a flat roof and a structure to provide stair access to the roof. The site is not in a Conservation Area nor is it Listed. The neighbouring building, to the east, is also a flat-roofed house. Other properties in the area have pitched roofs. There is no one house type that dominates the area and the character of the street is of residential properties of differing sizes, styles and bulk.

PROPOSAL

Erection of pitched and hipped roof extension to a flat-roofed dwellinghouse, with a rear dormer window and rooflights in both flank roofslopes.

HISTORY

10/2509 Erection of roof extension to dwellinghouse **Withdrawn** 05/01/2011

05/2347 Retention of front porch to dwellinghouse **Granted** 13/09/2005

E/05/0251 The erection of a porch extension to dwellinghouse **Application Decided** 03/01/2006

05/0216 Change of flat roof to pitch roof and porch extension to dwellinghouse **Refused** 07/04/2005 for the following reason:

The proposed pitched roof and the front porch extension by reasons of its height, scale and design would significantly alter and change the appearance of the existing dwellinghouse and as a result would be detrimental to the unique original character within this part of Ebrington Road, and is therefore considered contrary to policy BE2, BE7, BE9 and H21 of Brent's adopted Unitary Development Plan 2004.

POLICY CONSIDERATIONS

Brent UDP 2004

The statutory development plan for the area is the London Borough of Brent Unitary Development Plan (UDP), which was formally adopted on 15 January 2004.

The following are the policies within the UDP relevant to this decision:

- **BE2 Local Context**
 - relates to design within the local context and character and the need to take into account existing landforms and respect and improve existing materials and townscape.
- **BE9 Architectural Quality**
 - relates to extensions and alterations to existing buildings and requires them to embody a creative and appropriate design solution specific to the site's shape, size, location and development opportunities. They should be designed to be of a scale, massing and height appropriate to their setting and the townscape location. It also requests that development respects without necessarily replicating the positive local design characteristics and satisfactorily relate to them. The design should exhibit a consistent and well considered application, and be laid out to ensure that building and spaces are of a scale design and relationship to each other that promote the amenity of users, provide satisfactory levels of sun and day light, privacy and outlook for existing and proposed residents.

NOTE: Since 27th September 2007 a number of the adopted Brent Unitary Development Plan 2004 policies have been deleted. This is part of a national requirement (introduced in the Planning & Compulsory Purchase Act 2004). The policies that remain valid are described as 'saved' policies and will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. Only saved policies are considered in determining this application.

SPG

The Council produces a series of Supplementary Planning Guidance Notes that give additional information on a variety of issues and which are intended to be read in conjunction with the adopted UDP. These SPG were subject to widespread public consultations as part of the UDP process before being adopted by the Council and given this widespread public consultation the Planning Authority would suggest that considerable weight be attached to them.

- **SPG 5 Altering and extending your home**
Adopted September 2002

CONSULTATION

Neighbours consulted on 10 January 2011.

Two objections received on the following grounds:

- Loss of privacy to garden and bedroom
- Out of character with area
- Increased parking problems

These are discussed below.

REMARKS

Key considerations

The main planning issues are considered to be:

- (a) whether the proposed alterations and extensions would have an unacceptable impact on the amenities of neighbouring occupants;
- (b) whether the proposed alterations and extensions would have an unacceptable visual impact on the character of the property and of the area.

Impact on neighbouring amenity

The proposed roof incorporates a rear dormer window and rooflights in both flank roofslopes. Whilst it is acknowledged that the proposed dormer window will be at a higher level than the existing first floor windows, given the relationship with adjoining properties and the existing level of privacy, it is considered that any overlooking as a result of the proposal would not be significant. Turning to the flank rooflights, the angle of these is such that they would not cause material harm.

Visual impact

There is no objection in principle to the addition of a pitched roof to the property; the house is not in a Conservation Area nor an Area of Distinctive Residential Character, nor is it Listed. Pitched and hipped roofs are characteristic to the majority of properties in the area.

The proposed roof has been reduced in size from the previously refused application in 2005. This proposal is well designed with the original parapet wall maintained along the front and sides and the roof is stepped down to comply with SPG5 where it extends over the existing two-storey side extension. The rear dormer window complies with the requirements of SPG5 in terms of its width, position on the roof plane and its design.

Parking and access

The works do not involve any change to the layout of the forecourt nor do the plans show any planned increase in bedrooms. There is not likely to be any material change in the parking requirements for the property.

Conclusion

The proposed roof extension, including a rear dormer window, would comply with policies BE2 and BE9 of the UDP 2004 and with the objectives of SPG5; approval is recommended.

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 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):

EBRR46/A/1; EBRR46/A/2 Rev B

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

- (3) Details of the proposed roof tiles, 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.

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: 46 Ebrington Road, Harrow, HA3 0LT

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Committee Report
Planning Committee on 23 February, 2011

Item No. 1/03
Case No. 10/3093

RECEIVED: 21 December, 2010

WARD: Dollis Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: 1-16 Inc, Greencrest Place, London, NW2 6HF

PROPOSAL: Demolition of 16 existing residential units and erection of an 8-storey building comprising 27 self-contained flats (8 x 1 bed, 14 x 2 bed, 5 x 3 bed) with private balconies, provision of 34 off-street parking spaces, 54 cycle storage spaces and associated landscaping to site.

APPLICANT: Paddington Churches Housing Association

CONTACT: bptw partnership

PLAN NO'S:

D000, D001, D10, D11, D01, D02, D03, D04, D05, D06, D20, D21, D22, D23, D30, D31, D32, D33

Design and Access Statement by bptw Partnership dated Nov 2010

Daylight Study by Delva Patman Associates dated Oct 2010

Genesis Housing Environmental Sustainability Policy dated June 2009

Energy Strategy by Wessex Energy Associates date Nov 2010

RECOMMENDATION

Refusal

EXISTING

The site, including part of the access road and landscaping behind Neville's Court, has an area of 0.158ha and is currently occupied by a 2/4 storey building, containing 16 flats, that was constructed in the late 1980s. The building is not of any particular architectural merit and is currently used by a Housing Association providing short-term tenancies.

This building is not listed and is not within a Conservation Area. It is in a location with a PTAL rating of 1b, which is considered to be low.

The site is bounded by the Thames Water Reservoir to the north and west. Neville's Court which is a 1930s 4/5 storey block of apartments is to the south while the Church of St Mary and St Andrew with Presbytery is to the south east. The surrounding area is of a predominantly suburban character, with Neville's Court and the Church being the most dominant buildings in the area. These buildings front onto Dollis Hill Lane, which is classified as a local distributor road.

PROPOSAL

Demolition of 16 existing residential units and erection of an 8-storey building comprising 27 self-contained flats (8 x 1 bed, 14 x 2 bed, 5 x 3 bed) with private balconies, provision of 34 off-street parking spaces, 54 cycle storage spaces and associated landscaping to site.

The ground floor of the building includes under-croft parking for 11 cars, a bike store and a 2-bed 3-person wheelchair accessible flat. There are seven storeys of residential flats above this. The layout of floors one to five are the similar with the provision of four dual aspect flats on each while there are three flats each on the upper two floors.

HISTORY

87/0353 - Outline application for the demolition of existing garages and erection of part 3/part 4 storey block of 16 residential units over basement car park - Granted 02/06/1987

POLICY CONSIDERATIONS

London Plan

3A.3 - Maximising the Potential of Sites.

3A.11 - Affordable Housing

Mayor's Supplementary Planning Guidance: Providing for Children and Young People's Play and Informal Recreation

Core Strategy 2010

CP5 - Place Making

CP6 - Design and Density in Place Shaping

CP15 - Infrastructure to Support Development

CP17 - Protecting and Enhancing the Suburban Character of Brent

CP19 - Brent Strategic Climate Mitigation and Adaptation Measures

CP21 - Balanced Housing Stock

UDP 2004

BE2 - Townscape and Local Character

BE3 - Urban Structure: Space and Movement

BE4 - Access for Disabled People

BE5 - Urban Clarity and Safety

BE6 - Public Realm: Landscape Design

BE7 - Public Realm: Streetscape

BE9 - Architectural Quality

BE12 - Sustainable Design Principles

H11 - Housing on Brownfield Sites

H12 - Residential Quality Layout Considerations.

H13 - Residential Density

TRN3 - Environmental Impact of Traffic

TRN10 - Walkable Environments

TRN11 - The London Cycle Network

TRN 13 - Traffic Calming

TRN 23 - Parking Standards - Residential Developments

SUSTAINABILITY ASSESSMENT

The applicants are proposing to reach Code for Sustainable Homes Level 4 which is normally only required for development within Brent's growth areas. This is considered to be a positive aspect of the proposed development and is required to meet Housing Association Standards.

An energy report and sustainability checklist have also been submitted. 20% of the projected CO2 emissions from the development will be offset by the provision of on-site renewables in the form of solar panels on the roof. The checklist has a self assessed score of 68%. These details are acceptable but would normally be secured through a Section 106 Legal Agreement. As no legal agreement has been secured the failure to secure these will be included in a reason for refusal.

CONSULTATION

Consultation letters were sent to all the neighbouring properties directly affected by the proposed development. Two site notices were put up. One outside the site, the other adjacent to the primary school on Dollis Hill Lane.

There have now been 18 objections to the proposed development including comments from the neighbouring residents of Nevilles Court, the Church and the Local Primary School and a petition with over 100 signatures. The main grounds of objection are as follows:

- Density is too great exacerbating problems such as lack of amenity space and requiring a large amount of parking.
- The prominent 8-storey building will appear incongruous and out of keeping with the character of surrounding streetscene
- Loss of privacy as a result of overlooking of neighbouring residential uses from roof terraces and balconies
- Loss of daylight to neighbouring flats
- Loss of rubbish collection point for Nevilles Court
- The proposed development will increase traffic congestion and road safety in the local vicinity
- Loss of parking spaces for residents of Nevilles Court
- Visual impact and loss of outlook from neighbouring residential as a result of the 8-storey building
- Concern about prospective residents.
- Code for Sustainable Homes has not been fully complied with.
- Unsuitable refuse storage
- Poor quality setting for the proposed buildings

Transportation Comments

There are no transportation objections to this development proposal, subject to a Section 106 Legal Agreement confirming payment in the sum of £29,500 towards improving highway safety, new parking controls and better non-car access.

Conditions are recommended seeking the following amendments:

- The provision of a secondary entrance into the northern end of the refuse and recycling storage enclosure with a footpath link to the building entrance, to reduce the carrying distance for residents to about 30m, in order to comply with Building Regulations and Brent's Waste Planning Policy;
- The proposed shared surface treatment for pedestrian access to the proposed building shall be extended to incorporate the entire length of the access from Dollis Hill Lane to the building entrance along the side of Neville Court, in the interests of pedestrian safety;
- AT least two wide, marked disabled parking spaces shall be provided within the proposed car parking area for the new building.

Environment Agency

No objections

REMARKS

Principle

The principle of the demolition of the existing building is considered acceptable as there are no residential units lost as a result of the proposed development. The proposed replacement block of flats will provide 29 units in place of the existing 16 therefore the principle of the development of the site for residential use is considered acceptable.

Design

Density

The Council have a design led approach to density therefore the context of the site in terms of its opportunities and constraints within the urban environment should influence the design and appearance of the building. Notwithstanding this, the London Plan Density matrix states that new proposals within a suburban location with a PTAL (0-2) should have a density of between 150-250 habitable rooms per hectare; the proposed development has a density of approximately 494hrh. However as the site also includes parking areas for the neighbouring Neville's Court, the actual density of the proposed development is likely to be closer to 600hrh. This clearly significantly exceeds the upper limits for density set out in the London Plan. The following sections will seek to demonstrate that the level of development proposed represents overdevelopment of the site and fails to comply with the Council's Design Guidelines.

Massing, Scale and Height

The proposed development is located on raised land behind Nevilles Court and the adjacent church. The ground-level rises approximately 4m from the ground-level of Dollis Hill Lane. The building is to be of 8 storeys with upper two floors slightly recessed and of different material to the lower floors. The building has a height of 24m from ground-level at its base and will be approximately 28m above the ground level on Dollis Hill Lane. The building will be significantly higher than any of the neighbouring properties and, due to its height and elevated position, will therefore appear as the most prominent building within the surrounding area.

The building is readily visible from the street in particular through the wide access and more far reaching vantage points. It should be noted that the frontage buildings are predominantly four storeys in height and this building will significantly exceed that. The overall massing, scale and height of the building makes the building unsuited to the surrounding area and wider context.

Site Coverage

The proposed eight storey building will extend the full width of the site and will be built up to the boundary with the neighbouring reservoir at the rear. The frontage of the proposed development is almost completely given over to parking for the prospective residents except for a narrow strip of soft landscaping and bin storage. The building is considered to be of a size and scale that will appear cramped within its small site area in relation to the site boundaries. This is considered to be an indicator of overdevelopment of the site.

Quality of Accommodation

All of the proposed 27 residential units will have floor areas above the current Council standards set out in SPG 17 and the more recent draft London Plan standards set out in the Draft London Design Guide. The applicants have also had regard to the Lifetime Homes Standards and all rooms are of a size that will allow for future adaptations for accessibility. The units are all dual aspect and will have acceptable levels of daylight and sunlight.

However the ground floor wheelchair unit is not considered to provide an acceptable form of accommodation as a result of the poor quality of outlook from the unit. The main habitable rooms windows will be positioned 2m from the boundary of the site with the neighbouring open space that forms part of the Thames Water Reservoir. The boundary treatment here will be a retaining wall with a height of 2.3m dropping down to 1m adjacent to the living room windows. The neighbouring land is also at a raised level and is currently over grown with trees and shrubs. Given that this does not form part of the development site an acceptable setting cannot be guaranteed for the ground floor flat therefore it is considered that the proposal will create an unacceptable outlook to the detriment of the amenity of prospective residents.

Affordable Housing

The proposed development will result in the provision of 27 units of which 48% of these will be affordable. As more of the affordable units will be family sized units providing a higher number of bedrooms 50% of the habitable rooms proposed will be affordable. Tenure split for the affordable

housing will be 9 as social rent and 4 as intermediate housing. The level of affordable housing provision is considered to be acceptable.

Landscaping

Amenity space provision

The development site is approximately 200m from Gladstone Park which is classified as Metropolitan Open Land. However there should still be provision of communal and private amenity space and child play space in line with Council Standards.

The proposal will result in the loss of small area of landscaping to the rear of Neville's Court and the provision of an area of 50sqm of soft landscaping between the bin store and the main building and smaller pockets throughout the site. The proposed ground-level landscaping areas do not provide usable amenity space and will only contribute to the visual amenity of the development.

All of the residential units will have access to a private terrace or balcony however these vary in size depending on the unit. Even with the provision of generous sized balconies the proposed development will still have a shortfall of approximately 150 sq m of amenity space this will be detrimental to the amenity of prospective residents. Furthermore there is no provision for a children's play space in line with the Mayor's SPG: Supplementary Planning Guidance: 'Providing for Children and Young People's Play and Informal Recreation'. As there is no play space within 100m of the site it is considered to lack suitable play facilities for children under 5 years of age.

The applicants have stated that the proposal complies with the Draft London Housing Guide standards on the provision of private outdoor space. Whilst this may be the case, this specifically relates to the provision of some private space for use for example for drying clothes and for sitting out; Brent's standards relate specifically to the provision of usable amenity space and as shown the proposal fails to meet the relevant standards in relation to this.

In terms of amenity space the proposed development fails to provide an adequate level of private and communal amenity and does not have adequate child play facilities contrary to planning policy BE9, SPG 17 and the Mayor's SPG: Supplementary Planning Guidance: 'Providing for Children and Young People's Play and Informal Recreation'.

Visual Amenity

The provision of parking spaces outside Neville's Court will reduce the area of grassland for the existing residents in an area which is predominantly hard standing. It is acknowledged that the grass does not provide usable amenity space but it does have visual amenity value. The loss of such space is further representative of the overdevelopment of the site.

Trees

To the west of the development site is an area of land which forms part of the Thames Water Reservoir. On this site there is a tree that is protected by a tree preservation order (TPO). It has not been demonstrated that the proposed building works, including new and re-enforced retaining walls on the boundary, will not have a detrimental impact on the preservation of this tree. Therefore the proposal is considered to be contrary to planning policy BE33 of Brent's UDP 2004.

Impact on Neighbouring Residential Amenity

The nearest neighbouring residential accommodation is the presbytery for St Mary and St Andrew's Church, at a distance of 28m from the rear wall of the dwelling to the front wall of the proposed building. As it is north facing, there will be no loss of sunlight to this property. The three storey forward projection of the existing building is significantly closer than that proposed however there are currently no windows facing the presbytery and at 3 storeys, the building is significantly smaller than that proposed.

The proposed development will have a number of habitable room windows and balconies directly overlooking the rear amenity space and rear elevation of the Presbytery as such given the elevated positions of the balconies and windows, the proposed development will have a detrimental impact in terms of overlooking on the amenity of neighbouring residents in the presbytery. Furthermore there will be a detrimental impact on their visual amenity as a result of having a building of such a scale in this position, which will appear unduly prominent.

The residents of the ground floor flats of Neville's Court will also be detrimentally affected by the proposed development. The proposed development involves the re-location of 8 parking spaces designated for the residents of Neville's Court from the existing site to land directly behind the rear elevation of Neville's Court. This land is raised above the ground-level at the rear wall of Neville's Court and is currently a small strip of soft landscaping. To accommodate the parking a 1m high retaining wall with a screen boundary fence above will be constructed adjacent to this. This is likely to have a significant impact on the outlook of existing residents given the change in ground-level.

It is considered that the proposed development will have a detrimental impact on the amenity of neighbouring residents.

Highways and Parking

The proposed development will provide 23 parking spaces for the proposed development (two of which are disabled parking) and 11 re-located parking spaces for Neville's Court. The maximum parking standard for the site taking account of the housing mix is 32 spaces, therefore the provision will be below the maximum level. The Council's Transportation Officer has confirmed that the projected car-parking demand for the proposed development is 22 spaces therefore the proposed level of parking can be accepted as there will not be any significant overspill parking.

The access is from Dollis Hill Lane and will be maintained as existing. It is considered that there will not be a significant increase in vehicle movements as a result of the existing level of development on site. As such there is not expected to be a detrimental impact on highway and pedestrian safety. A proposed shared surface is proposed for the area directly in front of the proposed building. The Transportation Officer has recommended that this be extended down to the junction of the access road with Dollis Hill Lane so if the application was to be approved, full details would be sought by condition.

The provision of a large bicycle store with space for up to 50 spaces is welcomed and above current minimum standards for cycle provision. The proposed bin store is of an acceptable size and will be accessible for service vehicles. The current door to the bin store is located over 35m from the lift and therefore would not comply with current guidelines. This could be easily resolved by the provision of a door on the elevation facing the proposed building and could be secured by condition if permission was granted. It is considered that the proposed development would have an acceptable impact in terms of parking and highways.

Section 106

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

- i) 48% affordable housing
- ii) A contribution of £3000/£2,400 per bedroom (private/affordable), for education, sustainable transportation and open space and sports in the local area.
- iii) Submission and compliance with the council's Sustainability Checklist ensuring a minimum 50% score is achieved.
- iv) All residential units achieve Code for Sustainable Homes Level 4
- v) The construction adheres to the Demolition Protocol

- vi) 20% of the proposals CO2 emissions are offset through on-site renewable generation.
- vii) The Contractor joins and adheres to the Considerate Contractors scheme

The applicants have not agreed to these heads of terms therefore the failure to offset the impact on local infrastructure in the form of a section 106 agreement, has been included as a reason for refusal.

Conclusion

The proposed demolition of the existing residential block and erection of an eight storey building with 27 flats with associated parking and landscaping is considered be unacceptable by reason of the excessive scale, massing, height, bulk and site coverage of the building within a predominantly suburban location; the detrimental impact on the residential amenity of neighbouring residents; inadequate amenity space provided and the failure to demonstrate that the proposed development will not have a detrimental impact on the protected tree on neighbouring land. As such the proposed development is recommended for refusal for the reasons set out below.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed 8-storey residential building, by reason of its excessive scale, height, massing, site coverage and elevated position when viewed from Dollis Hill Lane, will result in a development that is unduly prominent and fails to respect the character and appearance of the suburban location contrary to planning policies CP6, CP17 of Brent's Core Strategy 2010, BE9 and H13 of Brent's UDP 2004 and the guidance set out in SPG 17: 'Design Guide for New Development'.
- (2) The proposed groundfloor flat, by reason of the proximity of the main habitable room windows to the side boundary and retaining wall, will result in a poor level of outlook detrimental to the amenities of the prospective residents contrary to planning policy BE9 and H12 of Brent's UDP and SPG17: 'Design Guide for New Development'.
- (3) The proposed building with 29 flats, by reason of the significant number of habitable room windows and private open spaces on the south elevation will result in overlooking of the rear amenity space and rear habitable room windows of the neighbouring presbytery, which is currently not overlooked. As such it is considered to have a detrimental impact on the amenity of neighbouring residents in terms of loss of privacy contrary to planning policy BE9 of Brent's UDP 2004 and the guidance set out in SPG 17.
- (4) The proposed re-positioned parking areas to the rear of Nevilles Court, by reason of excessive height of the retaining wall and boundary screen in proximity to habitable room windows of the neighbouring flats, will result in a poor outlook from these flats detrimental to the amenity of the existing residents contrary to planning policy BE9 of Brent's UDP 2004
- (5) The applicant's have failed to demonstrate that the proposed building works will not have a detrimental impact on the protected tree within the neighbouring Thames Water Land as such the proposed development fails to comply with planning policy

BE 33 of Brent's UDP 2004 and British Standard 5837:2005: Trees in relation to Construction Recommendations.

- (6) The proposed residential development, by reason of the inadequate provision of amenity of sufficient quality amenity space and lack of a childrens playspace, fails to provide an acceptable form of accommodation contrary to the London Plan Supplementary Planning Guidance: 'Providing for Children and Young People's Play and Informal Recreation' and policies BE6, BE7, BE9, H12 and TRN10 of Brent's UDP 2004 and SPG 17: Design Guide for New Development.
- (7) In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places and increased pressure for the use of existing open space, without contributions to enhance open space or make other contributions to improve the environment or toward measures to monitor or improve air quality and would not result in the adequate provision of affordable housing. As a result, the proposal is contrary to policies TRN3, TRN4, TRN10, TRN11, CF6, EP3, H1, H2, H3 and BE7 of Brent's adopted Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Plan

Mayor's Supplementary Planning Guidance: Providing for Children and Young People's Play and Informal Recreation

Brent Council's Core Strategy 2010

Brent Council's UDP 2004

SPG 17:'Design Guide for New Development

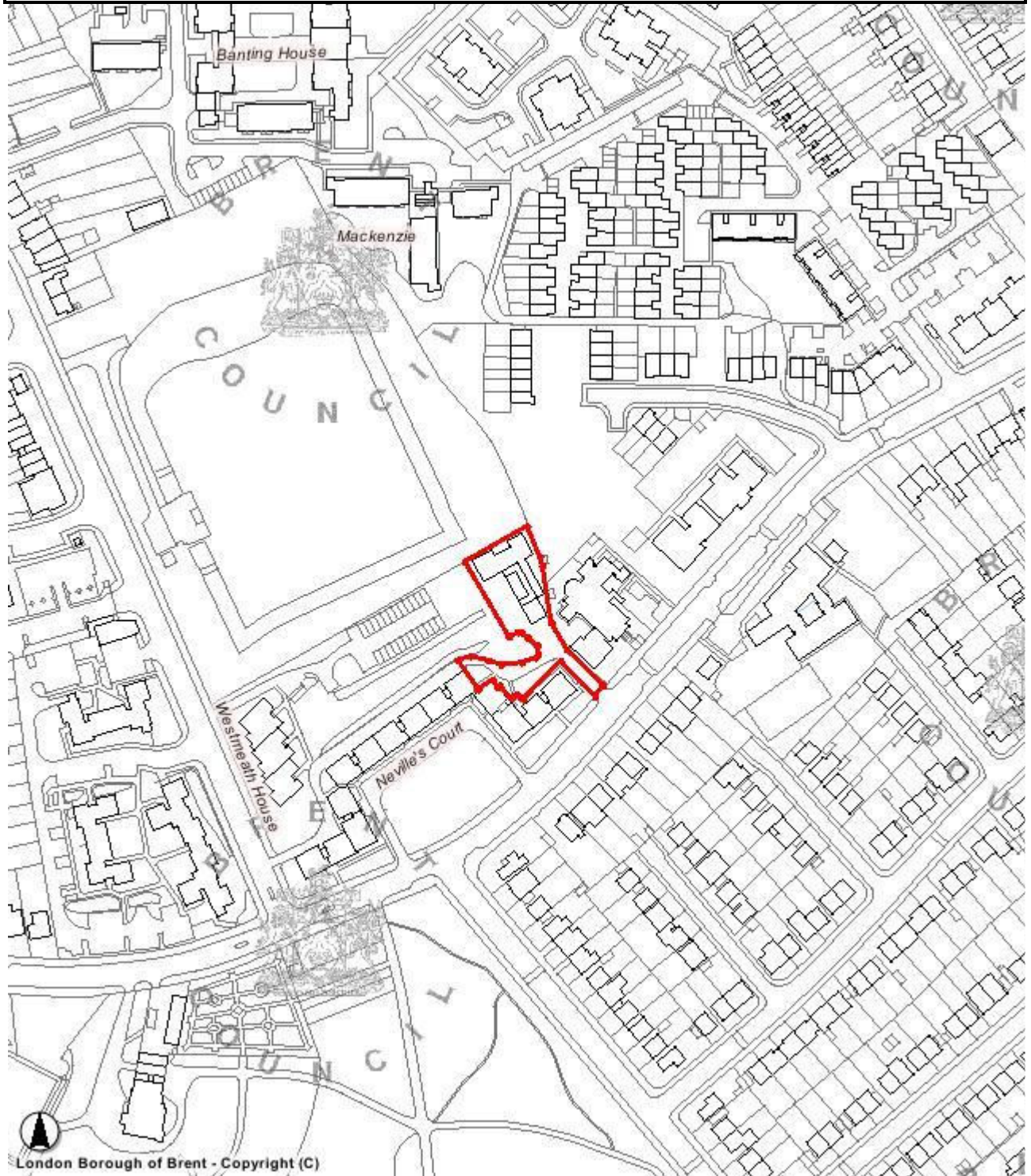
Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: 1-16 Inc, Greencrest Place, London, NW2 6HF

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**Committee Report
Planning Committee on 23 February, 2011**

Item No. 2/01
Case No. 11/0104

RECEIVED: 17 January, 2011

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Land Between 10 and 11, Chambers Lane, London

PROPOSAL: Erection of two 2-storey dwellinghouses and associated landscaping

APPLICANT: Regeneration and Major Projects

CONTACT: MADE-IN

PLAN NO'S:
See condition 2

RECOMMENDATION

To:

(a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or

(b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

SECTION 106 DETAILS

The Council is the applicant and land owner of the site, and rather than a full s106 the application requires an Agreement in the form of a letter from the Director of Regeneration and Major Projects or the Director of Finance and suitably worded conditions to secure the following benefits:

- a. Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement
- b. A contribution of £18,000 due on material start and, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area and/or the provision of community facilities.
- c. The removal of the vehicular crossover and double yellow lines on the site frontage and provision of on-street car parking pays.
- d. Join and adhere to the Considerate Contractors scheme.

EXISTING

The site is situated between no. 10 and 11 Chambers Lane on the north/east side of the road. The site is currently gated and vacant. The site has previously been used for the parking of library vehicles including a mobile library van.

The site is not within a conservation area.

PROPOSAL

See above

HISTORY

10/2734 Withdrawn on 7th January 2011

Erection of 2 single storey dwellinghouses with lower ground floor level and associated landscaping.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

STR11 – The quality and character of the Borough’s built and natural environment will be protected and enhanced; and proposals which would have a significant harmful impact on the environment or amenities of the Borough will be refused.

STR14 – New development will be expected to make a positive contribution to improving the quality of the urban environment in Brent by being designed with proper consideration of key urban design principles relating to townscape (local context and character), urban structure (space and movement), urban clarity and safety, the public realm (landscape and streetscape), architectural quality and sustainability.

BE2 - Design should have regard to the local context, making a positive contribution to the character of the area. Account should be taken of existing landform and natural features, the need to improve the quality of existing urban spaces, materials and townscape features that contribute favourably to the area's character, or have an unacceptable visual impact on Metropolitan Open Land. Proposals should not cause harm to the character and/or appearance of an area. Application of these criteria should not preclude the sensitive introduction of innovative contemporary designs.

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.

BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, new planting of an appropriate species, size, density of planting with semi-mature or advanced nursery stock, new integrally designed structural landscaping on appropriate larger sites, boundary treatments which complement the development and enhance the streetscene and screening of access roads and obtrusive development from neighbouring residential properties.

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

BE9 – Creative and high-quality design solutions (for extensions) specific to site's shape, size, location and development opportunities Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

H11 - Housing will be promoted on previously developed urban land which the Plan does not protect for other land uses.

H12 – The layout and urban design of residential development should comply with the policies in the Built Environment Chapter, and in addition they should have a site layout which reinforces or creates an attractive and distinctive identity, have housing facing onto streets and defining roads, have access to and layout which achieves traffic safety, have appropriate car parking, and avoid excessive coverage of tarmac or hard

TRN11 – Developments should comply with the plan's minimum Cycle Parking Standard (PS16), with cycle parking situated in a convenient, secure and, where appropriate, sheltered location.

TRN23 – Residential developments should not provide more parking than the levels as listed in standard PS14 for that type of housing, with its maximum assigned parking levels. Lower standards apply for developments in town centres with good and very good public transport accessibility. Where development provides or retains off-street parking at this level then on-street parking will not be assessed. Car-free housing developments may be permitted in areas with good or very good public transport accessibility where occupation is restricted by condition to those who have signed binding agreements not to be car owners. Such persons will not be granted residents' parking permits.

Supplementary Planning Guidance

SPG17 – Design Guide For New Development

CONSULTATION

Neighbouring occupiers were consulted on 17th January 2011, 1 objection has been received raising the following concerns:

- The only place large vehicles, in particular the 206 buses, are able to pass each other is opposite the space between 10 and 11 Chambers Lane. If parking is created here large vehicles will simply get stuck.
- Surely there is pre-existing, unoccupied housing stock which can be renovated at much lower cost to the tax payer and provide accommodation for local people.

REMARKS

The application envisages the erection of two 2-storey dwellinghouses and associated landscaping.

Design

The properties to either side of the site are terraced. The site is a minimum width of about 6m at the front which is similar to the width of the neighbouring single dwellings. However, about 10m back into the site the plot doubles in width and at the end of the neighbouring outriggers the site is over 20m wide providing ample space for 2 dwellinghouses.

A form of building similar to the traditional terrace form is proposed with the widest part of the building to the front and a narrower outrigger behind. Due to the narrow frontage of the site the properties are designed to have a 2-storey bay type feature with a front gable which reflects the bays of the neighbouring buildings. This feature in the application scheme is proposed to be timber clad, on further consideration officers are of the opinion that timber should not be the elevational treatment to the front and the applicant is required by condition to explore other materials to relate better to the surrounding context. At ground floor there is the entrance door as well as a door to a store accessible externally, this door is proposed in timber to match and so would be relatively concealed. As officers recommend the material be changed a reconsideration of the stores will be necessary and either acceptable design detail for the doors or their omission will be required.

At first floor the fenestration is simple providing outlook and light to the front bedroom. The rest of the elevations visible from the public highway are proposed as stock brick to match the area. The flank walls are proposed in hanging tile to match the roof and the outrigger would again be brick.

The proposed dwellings adequately relate to the proportions and style of the neighbouring buildings but with an obvious contemporary design which is considered to be acceptable.

Quality of accommodation

Both units are proposed as 3-beds and have internal floor areas of approximately 100sqm, exceeding the 85sqm minimum required by SPG17. The layout provides good access to light and outlook for all habitable rooms. One unit has a large garden of 178sqm while the other has a much smaller but still acceptably sized garden of 86sqm.

Neighbouring amenity

While the neighbouring terraces are built with a very close relationship between their respective outriggers the adjacent end of terrace properties currently have an open aspect. The positioning of the proposed building is designed to not unacceptably restrict light and outlook to adjacent windows. The flank walls of the front part of both neighbours are windowless and therefore the proposed dwellings do not have an impact at this point. In the main rear elevation of the neighbouring properties both buildings have rear facing windows at ground and first floor, the proposed dwellings have been designed to fall within the 1:2 rule of SPG5 meaning that these rear facing windows are not obstructed.

The proposed dwellings project beyond the main rear elevation of the neighbours by about 2.4m and being angled away from the boundaries any impact is minimised. In the flank walls of the neighbouring outriggers there are windows at both ground and first floor, number 10 is a single dwellinghouse while number 11 was converted into 2 flats in 1979. Having viewed floor plans of neighbouring properties at first floor the windows belong to bathrooms; there is a possibility that one of the first floor windows is to a bedroom as apparent on another neighbouring property, however as the adjacent buildings have 2 flank wall windows rather than 3 this is not thought to be the case, the windows are obscurely glazed and pipes leading to and from them also suggests bathroom uses. At ground floor the windows are to bathrooms, utility rooms or kitchens.

The angled flank walls of the proposed dwellings are an average of about 5m from the flank walls of their neighbours, though as already described they are angled away and project no further than 2.4m alongside the flank walls of the outriggers. This is a far more generous relationship than the typical terraces which have a distance of about 3.6m between flank walls which project to a depth of 7.5 from the main rear elevation. The only window proposed along the flank wall is at first floor and connects with a rooflight, a condition is recommended that the window part up to the eaves be obscure glazed to ensure the dwellings do not impact on neighbouring privacy.

The dwelling proposed adjacent to number 11 is set a further 3.5m back than the other proposed dwelling. The distance between the rear of this building and the rear boundary of the garden falls a little below the guidance of SPG17 which seeks 10m. At first floor to the rear 2 windows are proposed to a single bedroom and the distance from these windows to the neighbour's rear curtilage is 7m and 6.7m. In contrast to this however the gardens to the rear are at least 27m deep meaning there is over 30m between the facing rear elevations while SPG17 requires 20m. It is apparent that there are trees and other quite large scale planting in the gardens to the rear which will help to maintain privacy and officers recommend a planting scheme including deciduous trees along the rear boundary to enhance this screening further. The relationship is considered to be, on balance, acceptable.

Both units do have a small proposed balcony from one of their rear bedrooms which are enclosed by the flank walls of the buildings meaning they would not harm the neighbours to either side. However given the depth of the shorter garden it is not considered acceptable for the dwelling next

to number 11 to have a useable balcony while the depth of the garden to the proposed dwelling next to number 10 is sufficient to prevent harmful overlooking. A condition is recommended to restrict the use of the space shown as a balcony, instead a juliet balcony could be proposed or it could be replaced with a window only, either way no access shall be provided to the external space.

Despite the shallow depth of the rear garden both proposed dwellings do fall within an angle of 45 degrees measured from a height of 2m at the rear curtilage, this confirms that the dwellings are not overbearing in their impact to the rear when tested against adopted SPG17 guidance.

Highways

To the front of the property currently there is a vehicular crossover which has been closed off with guard rails and bollards, whilst on the street there are double yellow lines for approximately 20m originally put in to provide manoeuvring space for large vehicles accessing the site. The narrow width of the site at the front would not easily allow for off street parking and instead the proposal seeks to remove the cross over and instead allow for the creation of parking bays at this side of the road.

The site has Public Transport Accessibility Level (PTAL) of 4, in areas of good public transport the parking standard attributed to 3-bed dwellinghouses is 1.2 car spaces. The applicant is required to restore the kerb and channel and parking bays. This would avoid any need to make the new dwellings "car-free" as the parking standard could easily be accommodated within the created on street space.

As noted above, an objection has been received in relation to the use of this currently unparked space as a passing point for large vehicles. Highways officers have been consulted on this point but do not object; the road is 9m wide and parking bays are 2m wide, therefore with a bay on both side the useable road space would still be 5 metres. For two way traffic a minimum 4.8m carriageway width is appropriate which this road would achieve. Although the proposal would obviously result in a reduction in road width, which may force all drivers to be more aware when they approach the bend in the road, the Transportation Engineers have confirmed that in technical highway terms the proposed arrangements would be acceptable.

Landscaping

As described above trees are required to provide screening to the rear, trellis is also recommended by landscape officers at the rear boundary with climbers. A soft landscaping scheme is also required for the sites frontage, at least 50% soft landscaping is generally required and will be achieved here. The front curtilage also needs to accommodate refuse and recycling storage.

Planning Obligations

In order to mitigate the impact of the increased number of occupants on the local area specifically in terms of education, sustainable transport, open space and sports a contribution of £3000 per new bedroom is required in accordance with SPD: S106 Planning Obligations.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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):

A_PL_01
A_PL_02
A_PL_03
A_PL_E1
A_PL_E2
Con_PL_01
ST_PL_00

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

- (4) The flank wall window and the lower panes of the rear facing first floor windows shall be obscurely glazed and maintained as such.

Reason: In the interest of neighbouring amenity.

- (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.
- In addition these details shall include an alternative material for the front elevation to replace the timber with a material which relates to the surrounding character, and the design detail of the doors to the stores or the omission of the stores shall be addressed at this point.

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

- (6) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed prior to occupation of the building(s).

Such scheme shall also indicate:-

(i) Boundary treatment

Proposed walls, gates and fencing, indicating materials and heights, including trellis to the rear boundary.

(ii) Screen planting on boundary

Screen planting along the rear boundary consisting of deciduous trees with a girth of 10-12cm planted at 3m spaces (Rowan and Birch, plus Field Maple in the larger garden).

Climbers to the trellis to include Honeysuckle, Jasmin and Clematis.

(iii) Hardstanding

Details of any hardstanding proposed within the curtilage of the site, this should be permeable.

(iv) Front garden

The layout and planting of the front gardens including 50% softlandscaping and the location of refuse and recycling storage.

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.

- (7) A full tree survey and tree protection statement complying with BS5837:2005 'Trees in relation to construction' shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the work shall then be carried out in accordance with the approved details.

Reason: To ensure that the development does not result in the damage or death of nearby trees which would result in the loss of amenity and biodiversity.

- (8) Revised details of the treatment of the space currently shown as a balcony in the dwelling next to number 11 Chamber Lane shall be submitted to and approved in writing by the LPA before work commences on site. The inset fenestration shall either be a Juliet balcony or a window with no external access.

Reason: In the interest of neighbouring amenity and to prevent unacceptable levels of overlooking harmful to privacy.

INFORMATIVES:

None Specified

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



Planning Committee Map

Site address: Land Between 10 and 11, Chambers Lane, London

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Committee Report Planning Committee on 23 February, 2011

Item No. 2/02
Case No. 10/3052

RECEIVED: 6 December, 2010

WARD: Harlesden

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Newfield Primary School & Newfield Nursery School, Longstone Avenue & Mission Dine Club, Fry Road, London, NW10

PROPOSAL: Demolition of single storey building Mission Dine Community Centre and two temporary classrooms and the erection of a single and two storey extension to Newfield Primary school, creation of 2 external multi use games, 3 key stage play areas and associated hard and soft landscaping

APPLICANT: London Borough of Brent

CONTACT: Mott MacDonald Ltd

PLAN NO'S:
Please see condition 2

RECOMMENDATION

To:

(a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report. (The Council is the applicant and land owner of the school site and in these circumstances the application cannot be subject to a full s106) or

(b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

SECTION 106 DETAILS

The Council is the applicant and land owner of the school site, and rather than a full s106 the application requires an Agreement in the form of a letter from the Head of Property and Asset Management and suitably worded conditions to secure the following benefits:

- a. Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- b. Prior to Occupation submit, gain approval for and adhere to a shared use management plan
- c. Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and BREEAM Very Good with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- d. 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.
- e. Join and adhere to the Considerate Contractors scheme.

EXISTING

The site which is occupied by Newfield Primary School and a building in use as a social club for the elderly and disabled is located on Longstone Avenue, NW10. The site is accessed via Fry Road and Longstone Avenue. The application property is bound by an Open Space to its North, North West margin, a car park to the South and residential properties to the East.

PROPOSAL

Demolition of single storey building occupied by Mission Dine Community Centre and two temporary classrooms and the erection of a single and two storey extension to Newfield Primary school, creation of 2 external multi use games areas, 3 key stage play areas and associated hard and soft landscaping

The existing MUGA will be altered, retained and be available for public use. The proposed MUGA will occupy the existing Mission Dine site. The existing pedestrian entrance off Fry Road will be widened and made good. A new play area will replace the temporary classrooms. A new seating area will be provided adjacent to this pedestrian path. A new path leading off from the main pedestrian access leading to Longstone Avenue Open Space will be installed. The existing path between the Northern Elevation of the School and Longstone Avenue will be made good.

The current capacity of the school is 210 and the proposed will be 420. The accommodation will provide an additional form of entry provision offering 30 new places a year. The demolition of the temporary classrooms will create additional play space for Key Stage 1. The extension and expansion has provided the school with an opportunity to rationalise their layout, to split the children into younger (Key Stage 1 or KS1) and older (Key Stage 2 or KS2) age groups. The proposals including additional teaching space (546m²), hall (178m²), administration area (60m²), library space (12m²) specialist space (46m²), and services (78m²) will enable each of the two age groups to have their own dedicated accommodation.

HISTORY

The property has an extensive site history, however none of the entries are of particular relevance in the assessment of this application.

POLICY CONSIDERATIONS

Local

Brent Unitary Development Plan 2004

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.

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.
- TRN4 Measures to make transport impact acceptable, including management measures to reduce car usage to acceptable levels.
- TRN22 Parking standards for non residential developments
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- PS12 Non-residential car parking standards
- PS15 Parking standards for disabled people.
- PS16 Cycle parking standards

Open Space, Sport & Recreation

- OS8 Protection of sports grounds

Community facilities

- CF2 Location of small scale facilities
- CF10 Development within school grounds

Brent Core Strategy 2010

- CP 18 Protection and enhancement of open space, sports and biodiversity**
STR33, STR34, STR35, OS4, OS6, OS7, OS8, OS11, OS22
Protects all open space from inappropriate development. Promotes enhancements to open space, sports and biodiversity, particularly in areas of deficiency and where additional pressure on open space will be created
- CP 19 Brent strategic climate mitigation and adaptation measures**
none
Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas

Supplementary Planning Guidance

Supplementary Planning Guidance No. 17 "Design Guide for New Development"

Regional

London Plan Consolidated with Alterations 2008

Policy3A.18 *Protection and Enhancement of Social Infrastructure and Community Facilities*

National

Planning Policy Guidance Note No. 17: Planning for Open space, Sport and Recreation

Open spaces, sport and recreation all underpin people's quality of life. Well designed and implemented planning policies for open space, sport and recreation are therefore fundamental to delivering broader Government objectives

Where a robust assessment of need in accordance with this guidance has not been undertaken, planning permission for such developments should not be allowed unless:

- (i) the proposed development is ancillary to the use of the site as a playing field (eg new changing rooms) and does not adversely affect the quantity or quality of pitches and their use;
- (ii) the proposed development only affects land which is incapable of forming a playing pitch (or part of one);
- (iii) the playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity and quality and in a suitable location - see paragraph 13 above; or
- (iv) the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field.

SUSTAINABILITY ASSESSMENT

As the proposal would involve the creation of more than 1000m² of floor space the application is classified as a 'Major Development'. Consequently regard needs to be had to advice contained in Supplementary Planning Guidance 19:- Sustainable Design, Construction & Pollution Control (SPG19). The applicant submitted a Sustainability Checklist indicates an overall score of 49. The Sustainability Officer considers that subject to the submission of further evidence that the development should comfortably exceed the Council's minimum requirement, achieving a score in excess of 50 thus achieving at least a 'very good' rating. It is recommended that the sustainability checklist score should can be secured by condition

The design of the proposed development would incorporate a number of sustainability measures which seek to reduce the impact of the development in terms of its energy efficiency. These include the provision of both energy efficient lighting, use of rooflights to enhance daylight alongside other passive measures which seek to reduce the developments overall CO² emissions. The applicant has submitted an energy report as part of the application which sets out that the above measures would achieve a 22% reduction in overall CO² emissions in comparison to the notional building which would bring it within 2010 Building Regulations.

The applicant has also stated that they intend for the development to achieve a BREEAM 'Very Good' which would comply with the targets set by policy CP19 of the Council's adopted Core Strategy. Again, in order to ensure that the development would realise the anticipated sustainability benefits it is recommended that compliance with these minimum targets are secured in a s106 agreement should planning permission be granted.

CONSULTATION

External

On 14 December 2010, neighbouring residents and Ward Councillors were consulted on the application. A site notice was posted outside the site on 21 December 2010 and a notice was posted in the local press on 16 December 2010. The Council has received 25 objections and 1 comment. The primary objection related to the loss of services the Mission Dine provides to the elderly and the comment stated no objection to the proposal.

Internal

Transportation: The Head of Transportation raises no objection subject to conditions. Due to the relevance of these comments to the application, they are detailed in the Remarks section, below

Design officer: Raises no objection subject to further details, of materials

Landscape officer: No objections in principle. Further detail to be secured by condition

Sustainability officer: See Sustainability Assessment section, above

Statutory consultees

Sport England

No objection as the development benefits from exception E5 of Sport England's playing fields protection policy, subject to conditions as follows:

Prior to bringing into use of the proposed development a management and maintenance scheme for a period of 24 years to include measures to ensure the replacement of all artificial surfaces within the next 10 years and management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the site by the applicant.

Reason: to ensure that new facilities are capable of being managed and maintained to an acceptable standard which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport.

Prior to commencement of the use details of the design and layout of the MUGA, which shall comply with Sport England Design Guidance Notes and include consideration of 'Access for Disabled People 2002', shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The proposed facilities shall be constructed in accordance with the approved design and layout details and shall be suitable for disabled persons.

Reason: to ensure the development is fit for purpose, subject to high quality design standards and sustainable.

The temporary hard-standings for building and construction access on playing field must be removed in entirety within 2 months of completion of building works

Reason: to ensure the development is fit for purpose

(Proposed as condition 14 and 15)

REMARKS

Introduction

Changes in Brent's population have created increasing demand for school places. The number of four year olds on school rolls is expected to rise strongly over the next three to four years.

In 2009-10, Brent Council analysed the increased demand for places and added a further 68 reception places, at Anson Primary School (7) Park Lane (30) Brentfield (30) Avigdor Hirsch Torah Temimah (1), providing a total of 3428 reception places. Despite adding new places, there remains a shortfall of reception places in the Borough. As of 29 July 2010, there were 164 children of primary school age without a school place for the 2009/10 academic year. For the 2010-11 academic year beginning next September, temporary provision for 135 additional reception places has been created in the following schools; Brentfield (30) Wykeham (30) Braintcroft (30) Islamia (30) St Robert Southwell (15).

Applications for reception places 2010-11 are up on last year with 3817 applications compared to 3583 for 2009-10. Since the closing date for applications a further 295 have been received, making a total of 4112 applications. More applications will have come in since the start of the academic year.

As of 15 September 2010, after the additional 135 temporary places are taken into account, 208 Reception children are still unplaced, with 40 vacancies overall in schools; this leaves a net shortage of 168 Reception places in the current academic year. New arrivals to Brent continue to seek reception places. Furthermore many places at Brent's faith schools are taken up by children from outside the borough.

There is also a mismatch between where vacancies exist and where unplaced children live. Most parents seek a local school for primary aged children. During 2009-2010 in some cases the LA has had to offer places up to 5 kilometres away from where children live as this was the nearest offer that could be made.

The Local Authority consulted with primary schools in the borough to explore the possibility of increasing the number of school places. It has been evident that the demand for places would be greater than the number of available places. This assessment was based on the number of applications received by LA, the current forecast of student numbers and feedback from schools. Subsequently, the Local Authority reviewed capacity constraints at all primary schools and identified the maximum need for school places in local areas. Discussions have taken place with schools that were suitable and willing for expansion. This was followed by an initial feasibility assessment.

Newfield Primary School is a Community school using the admission arrangements set by the Local Authority. It offers non-denominational mixed gender places for students aged 3-11 years. The Local Authority in agreement with the governing body of Newfield Primary School has proposed to alter the school by adding an additional form of entry from September 2011. The current capacity of the school is 210 and the proposed capacity will be 420

Principle of Development

As evident above, an acute need for school places exists. Two principles of development require attention prior to the assessment of this proposal i.e. 'Is a MUGA on Open Space appropriate' and 'Whether the loss of one community use is suitably replaced by another.

a) MUGA on open space

Unitary Development Plan (UDP 2004) policy OS8 *Protection of Sports Grounds* now supported by Core Strategy (CS 2010) policy CP18 *Protection and Enhancement of Open Space, Sports & Biodiversity*. This policy protects all open space from inappropriate development. It also promotes enhancements to open space, sports and biodiversity, particularly in areas of deficiency and where additional pressure on open space will be created.

As explained above the School expansion uses (572m²) ground from the open space. To compensate for the loss of open space the proposed development is judged to provide (a) a better quality play space in the form of a 'Multi Use Games Area' (MUGA), which will be for public use after school hours (b) a high quality civic building which will be a positive asset to meet the shortage of spaces in the borough; and (c) high quality landscaping, including screen planting to the North and South boundaries, raised grass mounds and improved paths to the school and open space. Sport England were consulted as part of this application and raise no objection, subject to conditions, on the basis of the above (see also *Consultation* section of this report).

This assessment is also in line with the exception process set out in Planning Policy Guidance Note No. 17: Planning for Open space, Sport and Recreation, which states that planning permission for such development on open space should not be allowed unless:

1. *The proposed development is ancillary to the use of the site as a playing field (eg new changing rooms) and does not adversely affect the quantity or quality of pitches and their use;*
2. *The proposed development only affects land which is incapable of forming a playing pitch*

(or part of one);

3. *The playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity and quality and in a suitable location; or*
4. *The proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field.*

Further details of public access to one of the MUGA's will be controlled via condition and hours of operation will be imposed to ensure its use does not cause undue harm to neighbouring residential amenity (*Proposed condition 8*). No floodlighting is proposed so its use will be naturally limited when daylight ends; condition 8 is proposed to ensure no floodlighting is erected without planning approval

b) Replacement of Community Use

The Mission Dine Community facility serves the elderly and disabled community three times a week. The facility occupies a single storey building with an associated yard (994m²) adjacent to Fry Road. Land occupied by the Mission Dine is needed for the expansion of the school. The South West boundary will be straightened to accommodate these changes. Mission Dine's lease expires on 31 August 2011 and the Council has given appropriate notice of its proposals in accordance with statutory legislation. The Council's Property and Asset Management (PAM) Service are seeking to assist in relocation.

The principle of seeking possession of land for school expansion is supported by the Councils UDP policy CF8 and London Plan Policies 2a.9 and 3a.24. Further, policy CF10 states that development will only be permitted on school grounds if it complements the educational functions of the school. The uses associated with the Mission Dine do not provide such a contribution.

However, Policy CF3 seeks to protect community facilities or allow their loss to be balanced. Whilst it is acknowledged that the community provision provided in the application proposals will not provide a substitute for users of the Mission Dine, it has been noted that the nearby day centre (the Elders Voice Club, Mortimer Road) could accommodate users. Age Concern is prepared to hire out a hall at Fortunegate Road NW10 for use as a Social Club. Further, any demands for out of hours youth activities, can be satisfied by the school itself.

Design

The proposed extensions are part single storey, part two storey and are situated at the Northern end of the existing school building, forming a new wing that runs East to West across the site. The Eastern part forms the extended hall, services and offices, and the Western section of both the ground and first floor creates an expanded Key Stage 2 wing. The extensions will be a mixture of brickwork, render and timber cladding. The extensions will respect the existing on-site buildings, whilst providing a modern interpretation to the school's future structure in compliance with policies BE9 and CF8. The altered entrance and roof of the offices is to have a part green part brown roof.

The larger buildings have been placed at a sufficient distance from the sites residential neighbours to have little impact on their garden settings. The elevation treatment has been well coordinated with the massing, materials and windows helping to create a "junior school" character of an appropriate scale to the site and surrounding residential properties. However the type and quality of the materials is critical and will be secured by condition.

Highway Concerns

The proposal includes the expansion of the existing primary school from 210 pupils to approximately 420 pupils. In addition, the number of staff members will increase from 35 to a full-time equivalent of 60 staff.

Parking standards require a maximum of 1 car space per 5 staff, which means an increase in the standard from 7 to 12 car spaces, a significant increase. Furthermore, visitor parking should be

provided to a maximum of 20% of the staff parking, which will mean an increase from 1.4 to 2.4 spaces.

The intention is to retain the existing twelve car spaces in the car-park accessed from Longstone Avenue, which will provide the majority of the maximum standard. A single disabled parking bay has been included, which complies with guidance

The proposal includes details of 5 no covered cycle stands which provide 10 no. This exceeds the minimum of 6 cycle parking spaces. PS16 seeks 1 space per 10 staff at primary school level. This is therefore acceptable. It is not anticipated that primary age children will cycle to school.

A "Travel Plan Addendum" has been submitted with the application. The general breadths of measures proposed are suitable, and there are separate targets linked to the various measures, which are appropriate. Despite the expansion in pupil numbers it is envisaged that by 2016 the numbers travelling by car will be reduced to below present levels.

60% of existing pupils walk to the school, and a further 14% walk part of the way. Nonetheless, if 42 pupils are brought entirely by car presently, using the same percentages for modal split, 91 pupils will do so when the school is expanded. Meanwhile 40% of staff currently travel to work by car, which would mean 24 staff after expansion. The targets set are to halve the number of pupils brought to school by car, to a little under 1 in 10 (9%) and to halve the number of staff travelling by car to 1 in 5 (20%). As discussed above, this will mean little change in practice as the numbers of pupil and staff are set to double with the proposed expansion of the school.

The Travel Plan requires annual monitoring and recording, as well as a full review and re-survey every five years. A co-ordinator will work with the Head Teacher and school council to ensure progress is made.

The junctions between Longstone Avenue and the vehicular school access, and between Chadwick Road/Fry Road and the pedestrian school access have both been modelled with PICADY software, which shows that in no direction will flows come close to the 85% maximum acceptable capacity, and no queuing is likely to ensue on these roads therefore. Parking beat studies undertaken indicate that there is an issue with high levels of overnight car parking, but that during the AM and PM peaks for dropping off and picking up schoolchildren, sufficient on-street car parking is available. The presence of CPZs in close proximity to the school on all sides should assist in preserving residents' parking, albeit that during peak times short-term illegal parking (5 minutes) may be undertaken by parents.

The new pedestrian access corridor from Fry Road/Chadwick Road to the south-west of the site will provide a safe and welcoming route for pedestrians. At approximately 3.8m in width it is suitable for two or more people to walk along side-by-side.

A new service access has been created on the northern side of the site, accessed from the Longstone Avenue entrance to the site. This is kept well away from pedestrian routes, and turning will be possible within the existing car park in this area. The access is designed for use by refuse and recycling collection vehicles, and suitable bin storage is shown in this area. The access passageway is at least 3m in width, and so will be accessible by delivery and refuse collection vehicles. This has been tracked, and although tight, it is usable. Alterations to improve the ease of access would be welcomed, since there is some scope to do so.

Landscape and Play Space

At present the play space for the existing primary school is provided by way of a dedicated hard surfaced play area, The existing total provision of play space is 1632m². The play areas for the proposed Primary School would be provided by way of 2 MUGA's , one of which will be available to the public and two further play areas. Overall, the proposed provision of play areas would occupy an area of 1930m², As such, it is considered that in quantitative terms the proposed development

would improve the overall provision of amenity and play areas. Officers are satisfied this space would be suitable to accommodate the increase in pupils

Planting to the Southern boundary adjacent to Fry Road has been proposed. Officers welcome the screen planting as this will help screen the MUGA. 12 Medium sized trees are proposed to the Northern boundary abutting the open space so to screen the mass of the proposed extensions. Officers find these arrangements to be acceptable. The Western boundary to gardens is a concrete fence, and will remain.

As explained above the School expansion claims (572m²) ground from the open space. To compensate for the loss of open space the proposed development is judged to provide (a) a better quality play space in the form of a 'Multi Use Games Area' (MUGA), which will be for public use after school hours (b) a high quality civic building which will be a positive asset to meet the shortage of spaces in the borough; and (c) high quality landscaping, including screen planting to the North and South boundaries, raised grass mounds and improved paths to the school and open space

Details, including plant specification and maintenance for the part brown, part green roof has been submitted. Officers are satisfied these arrangements are acceptable.

A detailed landscaping scheme for the proposed development has not been submitted as part of the application therefore these will be secured by proposed condition 9.

Impact on neighbouring properties

The mass of the building is located away from residential properties. As detailed above no significantly adverse highway implications are considered likely. The improved Open Space although reduced in sized will be more accessible by way of the new path to the local community and immediate residents.

The proposed development will be appropriately screened along the Southern and Northern boundaries so to prevent undue harm to neighbouring amenity and to promote an aesthetically pleasing development respectfully. The report accompanying the application does refer to floodlighting, however, Officers can confirm that this is not part of this planning application. Any floodlights will be subject to separate planning assessment and the neighbouring occupiers will be notified in due course if and when an application is submitted.

Given the location of the MUGA, the proximity of residential properties and the fact that this application is likely to result in additional, and more intense, hours of use, when compared to the existing usage, means that the issue of how the floodlights will impact on people living nearby is critical. For the avoidance of doubt, this application is for a MUGA without floodlights, and needs to be determined on this basis, without prejudicing future considerations of any floodlights at the appropriate time.

The submitted noise report makes a series of recommendations, ranging from specific materials for some areas to more general criteria for plant etc. where specific units have not yet been selected. A convincing argument is made that it will be possible both to create a reasonable noise environment for learning and protect local residents from plant noise etc. The report does, however, note that it is unlikely that the main hall will meet BB93 criteria when the moveable partition is in place to divide it into two halls and suggests that a derogation be given for this one area. Officers consider this arrangement to be acceptable. Further details will be secured by condition

Conclusion

The proposed extensions are required in order to meet a recognised need to provide education for primary school aged children within the Borough. The proposed extensions are on balance considered acceptable. The applicants have demonstrated that subject to a legal agreement, the

proposal will not harm the local highway network and will relate satisfactorily to local amenities. The applicants have demonstrated that the proposal will comply with local and national planning policies, and accordingly approval is recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-
Planning Policy Guidance 17 – Planning for open space, sport and recreation
Planning Policy Statement 5 – Planning for the Historic Environment
Planning Policy Statement 9 - Biodiversity and Geological Conservation
Planning Policy Statement 25 – Development & Flood Risk
Planning Policy Statement – A sporting future for the playing fields of England

London Plan 2004 as consolidated with amendments

Brent's Unitary Development Plan 2004
Brent's Core Strategy 2010
SPG17 - Design Guide for New Development
SPG12 – Access for disabled people, designing for accessibility

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

X(PA)005 P1
L(PA) 005 P2
L(PA) 006 P1
E(PA) 002 P2
L(PA) 002 P4
L(PA) 003 P3
XE(PA)001 P2
L(PA) 004 P3
X(PA)003 P3
E(PA) 001 P2

Energy Statement for Planning
Section 11 Land Use and Ecology
Environmental Audit
Travel Plan Addendum
Transport Assessment

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

- (3) Within 6 months of the date of this decision the applicants shall submit details of materials for all external work, including samples of the proposed hardwood cladding system, frame, render, brickwork, doors, roof and fenestration including window light shelves 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.

- (4) No development shall commence unless details of a Construction Method Statement incorporating:
- a) details of the proposed site compound
 - b) methodologies that ensure air quality on site is safeguarded during construction
 - c) an Environmental Management Plan
 - d) a Site Waste Management Plan
 - e) evidence of compliance with ICE Demolition Protocol
 - f) evidence of membership of the Considerate Contractors scheme
 - g) methodology of protecting trees related to construction (BS:5837 2005) during construction works
 - h) details of wheel washing, to prevent harm to the local highway network

is submitted to and approved in writing by the Local Planning Authority, prior to the commencement of works and thereafter the details and methodologies approved shall be complied with

Reason: In order to safeguard local residential amenities, sustainability measures and air quality

- (5) Within 12 months of occupation the applicants shall submit a review by a BRE approved independent body which verifies that the development has met or exceeded a BREEAM 'very good' rating 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 the occupation of the extension.

Reason: To ensure a satisfactory development which incorporates sustainability measures that are commensurate to the scale of development proposed.

- (6) Within 12 months of occupation the applicants submit to the Local Planning Authority evidence that 20% of the CO2 produced on-site is off-set with a renewable technology as defined within the London Plan 2004 as consolidated with amendments, through the installation of PV panels or an equivalent technology on site. If the review specifies that the development has failed to meet the above levels, compensatory measures off-site shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the extensions.

Reason: To ensure a satisfactory development which incorporates sustainability measures that are commensurate to the scale of development proposed.

- (7) Within 3 months of the date of this decision, the applicant shall submit details of
- a) a Community Access Management Plan to cover community access to the on-site Sporting Facilities. The plan will include rates of hire (base upon those charged at other public facilities), hours of operation (after-school, not less than 20 hours in term time) and can be reviewed on a yearly basis.

These details shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the extensions and thereafter implemented in accordance with the approved details

Reason: To ensure a satisfactory development which incorporates community access

- (8) 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 within 3 months of this decision notice. Such landscape works shall be completed within 12 months of commencement of the development hereby approved.

Such details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels.
 - (ii) Hard surfaces details including locations, materials and finishes.
 - (iii) The location of, details of materials and finishes of, all proposed street furniture, storage facilities, signage and lighting.
 - (iv) Proposed boundary treatments including screening, walls and fencing, indicating materials and dimensions.
 - (v) All planting including location, species, size, density and number.
 - (vi) A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape.
 - (vii) 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.
- (9) a. Within 3 months of the date of this decision details of any plant/ extraction equipment to be installed together with any associated ducting and the expected noise levels to be generated, shall be submitted to and agreed in writing by the Local Planning Authority prior to installation and thereafter shall be installed in accordance with the approved details. Ducts should outlet at least 1m above eaves unless otherwise agreed in writing.
- b. The noise level from any plant (e.g. refrigeration, air-conditioning, ventilation system, kitchen extraction equipment), together with any associated ducting, shall be maintained at a level 10 dB (A) or greater below the measured background-noise level at the nearest noise-sensitive premises. The method of assessment should be carried out in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas".
- c. Should the predicted noise levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: In order to ensure adequate insulation and noise mitigation measures to safeguard the amenities of adjoining occupiers

- (10) Prior to occupation of the proposed development the applicants shall submit evidence that the development achieves BB93 for internal noise levels and sound insulation. This shall be submitted to and approved in writing by the LPA and thereafter the development shall be completed in accordance with the details so approved

Reason: To ensure a suitable, learning environment and protect the amenities of future children occupants

- (11) The applicants will comply strictly in accordance with the measures set out within the submitted School Travel Plan, unless otherwise agreed in writing by the Local Planning Authority. The Travel Plan shall be monitored on an annual basis and the results of the ITrace-compliant monitoring incorporated into the submission requirements below:
- a. Within 3 months of occupation, the Travel Plan shall be audited, with a site and staff ITrace- compliant survey and these details shall be submitted to the Local Planning Authority and approved in writing within 6 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.
 - b. A review of the Travel Plan measures over the first 12 months of operation shall be submitted to the Local Planning Authority within 15 months of the commencement of the use and the review shall be approved in writing within 18 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.
 - c. A review of the Travel Plan measures over the first 3 years months of operation shall be submitted to the Local Planning Authority within 36 months of the commencement of the use and the review shall be approved in writing within 39 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.
 - d. A review of the Travel Plan measures over the first 5 years of operation shall be submitted to the Local Planning Authority within 60 months of the commencement of the use and the review shall be approved in writing within 63 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to promote sustainable transport measures where on-street parking and manoeuvring may cause highway safety problems.

- (12) Prior to bringing into use of the proposed development a management and maintenance scheme for a period of 24 years to include measures to ensure the replacement of all artificial surfaces within the next 10 years and management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the site by the applicant.

Reason: to ensure that new facilities are capable of being managed and maintained to an acceptable standard which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport.

- (13) Prior to commencement of the use details of the design and layout of the MUGA, which shall comply with Sport England Design Guidance Notes and include consideration of 'Access for Disabled People 2002', shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The proposed facilities shall be constructed in accordance with the approved design and layout details and shall be suitable for disabled persons.

Reason: to ensure the development is fit for purpose, subject to high quality design standards and sustainable.

- (14) The temporary hard-standings for building and construction access on playing field/MUGA must be removed in entirety within 2 months of completion of building works

Reason: to ensure the development is fit for purpose

- (15) Activities within the building shall only be permitted between 0800-2100 hours Mondays to Saturdays and 1000-1700 hours Sundays and Bank Holidays, with the premises cleared within 30 minutes after these times.

Use of Multi Use Games Areas shall only be permitted between 0800-2000 hours Mondays to Fridays and 0900-1800 hours Saturdays and 1000-1700 Sundays and Bank Holidays.

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

- (16) No floodlighting will be provided to the MUGA without prior approval of the Local Planning Authority.

Reason: In the interests of nearby residential amenity and to ensure local residents can be consulted on any proposals

- (17) Prior to the commencement of the use a report shall be submitted to and agreed by the Local Planning Authority demonstrating that suitable noise insulation and reverberation levels have been achieved in classrooms (excluding the main hall).

Reason: To achieve suitable quality classrooms

- (18) Prior to the commencement of the use a report shall be submitted to and agreed by the Local Planning Authority demonstrating noise levels resulting from the development at the nearest residential facade will not exceed 10 dB below ambient noise levels.

Reason: To protect the amenity of local residents.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245



Planning Committee Map

Site address: Newfield Primary School & Newfield Nursery School, Longstone Avenue & Mission Dine Club, Fry Road, London, NW10

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Committee Report
Planning Committee on 23 February, 2011

Item No. 2/03
Case No. 10/2789

RECEIVED: 27 October, 2010

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Flats 1C-D & 2C, 9 The Avenue, London, NW6

PROPOSAL: Demolition of two storey building and erection of 4 storey building plus basement level, consisting of 9 self contained flats (4x 2-bedroom, 3 x 3-bedroom and 2x 4-bedroom), provision of 9 car parking spaces at basement level and associated landscaping

APPLICANT: BBL

CONTACT: Mr Robbie Grobler

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

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

- A contribution of £45,000 (15 x £3000) index-linked from the date of Committee and due on Material Start to be used for the provision of education/training, sustainable transportation, open space and sports within the local area
- A contribution of £50,000, index-linked from the date of Committee and due on Material Start to be used towards the provision of affordable housing within the Borough
- Sustainability - submission and compliance with the Sustainability check-list, ensuring a minimum of 50% score is achieved in addition to adhering to the Demolition Protocol, with compensation should it not be delivered
- The proposed development shall be 'car-free'.
- A contribution to cover the cost of providing a new vehicular crossover to 11 The Avenue and the works to be provided in accordance with a timetable to be agreed
- Join and adhere to the Considerate Contractors scheme
- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance

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

EXISTING

The subject site is located on the north-western side of The Avenue, between the junctions with Brondesbury Park and Willesden Lane. The site is occupied by a two storey villa building comprising of four self-contained flats. Towards the south-west the existing building adjoins Belvedere Hall, a residential building containing 11 self-contained flats. Under previous applications the subject site and Belvedere Hall had formed part of the same site. This is most evident in that access to the forecourt in front of Belvedere Hall is currently provided by way of the forecourt to the subject site. Towards the north-east lies the former Manor School site, which includes a similar villa building which mirrors that on the subject site. Works are currently underway to introduce additional school accommodation on the site to facilitate the temporary relocation of the Swiss Cottage SEN School to the site (10/1691). To the rear of the site, towards the north-west lies Marada House, a 4/5-storey residential block. For clarity the subject site is not located within a Conservation Area, nor is the existing building Listed.

PROPOSAL

See above

HISTORY

In November 1991, planning permission (91/1059) was granted for the conversion of the existing buildings at 9-11 The Avenue, known at the time as Brondesbury Hall, into 15 self-contained flats. The application also included permission for the erection of a two-storey extension to the rear of 9 The Avenue and for the demolition of an existing building to the rear and the erection of a new 4-storey building, now known as Marada House. In July 2004, planning permission (04/0803) was approved for the erection of a three-storey rear extension and second floor side extension to 9-11 The Avenue in order to allow the reconfiguration of the 11 existing flats within 11 The Avenue. The four flats within 9 The Avenue remained unaffected by the proposals. Planning permission (08/1587) was approved in 2009 for the erection of a 5-storey extension to Marada House (originally approved under 91/1059). This extension has now been implemented.

Since 2006 there have been three separate applications (06/0461, 07/0225 & 10/0386) for the demolition of the existing building at 9 The Avenue and the erection of a new four storey building containing between 9 and 14 flats. All of these applications have been withdrawn by the applicant prior to determination.

A planning application (10/3022) for a new vehicular crossover and access is currently under consideration on the adjoining property at 11 The Avenue (Belvedere Hall). The proposed vehicular crossover is required to maintain access to the forecourt of 11 The Avenue should the redevelopment of 9 The Avenue, as proposed under the current application, be carried out. As such planning application 10/3022 also appears on the current Committee agenda.

Whilst there are a number of other planning records relating to both the subject and adjoining sites these are not considered to be of particular relevance to the current application.

POLICY CONSIDERATIONS

The London Plan (consolidated with alterations since 2004)

3A.11 Affordable Housing Thresholds

London Borough of Brent Core Strategy 2010

CP2	Population & Housing Growth
CP14	Public Transport Improvements
CP15	Infrastructure to Support Development
CP21	A Balanced Housing Stock
CP19	Brent Strategic Climate Mitigation and Adaptation Measures

London Borough of Brent Unitary Development Plan 2004

BE2	Townscape: Local Context & Character
BE3	Urban Structure: Space & Movement
BE5	Urban Clarity & Safety
BE6	Public Realm: Landscape Design
BE7	Public Realm: Streetscape
BE9	Architectural Quality
BE33	Tree Preservation Orders
H12	Residential Quality - Layout Considerations
TRN23	Parking Standards - Residential Developments
TRN24	On-Street Parking
TRN34	Servicing in New Development

Supplementary Planning Guidance 17:- Design Guide For New Development
Supplementary Planning Guidance 19:- Sustainable Design, Construction & Pollution Control
Supplementary Planning Document:- s106 Planning Obligations

SUSTAINABILITY ASSESSMENT

As the proposed scheme would result in the introduction of a significant residential use within an Air Quality Management Area (AQMA) the applicant has submitted a sustainability checklist. The checklist has been inspected by the Sustainability Officer and it has been confirmed that at present the scheme would achieve a fairly positive rating of 43.5%. However, a number of areas have been identified where the schemes sustainability rating could be improved to meet the Council's normal requirement of being very positive (50%). It is recommended that a requirement to achieve a score in excess of 50% should be secured by way of a s106 agreement should Members be minded to approve the current application.

The proposal falls below the 10 unit threshold which would require the scheme to adhere to the London Plan target of providing 20% on-site renewable energy. However, the applicant has indicated that the proposed development would include the provision of solar PV panels to the roof in order to incorporate an element of renewable energy into the scheme.

CONSULTATION

EXTERNAL

Consultation letters, dated the 23rd November 2010, were sent to Ward Councillors and 125 neighbouring owner/occupiers. The application was also advertised through the display of a site notice, dated 26th November 2010, and the publication of a press notice, dated 25th November 2010. In response, 5 letters of objection and a petition with 51 signatures against the proposed development were received. A letter in support of these objections was also received from Ward Councillors Carol Shaw and Barry Cheese. The concerns of the objectors include:-

- The proposed development will harm the daylight, outlook and privacy of neighbouring occupiers
- The proposed balconies and amenity area will result in noise disturbance to neighbouring occupiers.
- The proposed development would harm the character and appearance of the streetscene.
- The proposed development will restrict delivery vehicles from accessing 11 The Avenue.
- The proposed development would cause further parking and traffic congestion along The Avenue.
- The gap created between 9 and 11 The Avenue could cause disturbance for neighbouring occupiers if used as an access.

- The proposed development will harm existing TPO trees on site which would have a negative impact on wildlife.
- The proposals make misleading sustainability claims.
- The development will place additional pressure on already stretched services, such as schools.

INTERNAL

Transportation Unit

The Council's Transportation Unit has inspected the proposals for both 9 The Avenue and the concurrent application at 11 The Avenue (10/3022). Provided that both applications are to be approved the Council's Transportation Unit would raise no objection to the current application subject suitable conditions and s106 contributions towards sustainable transportation.

Landscape Design Team

Concerns were raised regarding the lack of landscaping details included the initial submission. In response, the applicant has submitted a landscaping scheme for the proposed development and it has now been confirmed that there would be no objection to the proposed development

Tree Protection Officer

Concerns were raised regarding the initial submission in terms of its impact on TPO trees on the site. In response the applicant has undertaken a tree survey, amended the access to the basement car park to minimise interference with tree root zones and submitted a schedule of tree protection works to be carried out to protect TPO trees from damage caused by construction works. The Tree Protection Officer has confirmed that the submitted details are sufficient to overcome previous concerns provided that suitable conditions are attached to any permission.

Sustainability Officer

See 'Sustainability Assessment' section of the report.

REMARKS

URBAN DESIGN

The subject site is occupied by a two-storey late Victorian villa. The villa comprises of two main elements, the main body, which is attached to the flank wall of the adjoining property at 11 The Avenue, and a two-storey recessed side annex which has also been extended to the rear. The annex is set at a lower level than the main body of the villa but also incorporates two storeys. The villa is well set back from the street, as are the adjacent properties on either side, and the front garden area generally consists of hardstanding which is enclosed by a brick wall, approximately 1.8m in height running along the front of the site. The treatment of the front garden area provides a poor setting for the existing villa and does little to enhance the quality of the streetscene. The elevations to the existing building are simple and well proportioned and whilst it is acknowledged that the existing building is a relatively attractive period property, which mirrors a similar property within the grounds of the adjacent school, it is not Listed nor is it within a Conservation Area. As such, should a building of sufficient architectural merit be proposed then there would be insufficient planning grounds to resist the demolition of the existing villa.

The design of the proposed building is unashamedly modern which in itself is not a reason to resist the proposed development provided that it can be demonstrated that the building would be of sufficient architectural quality. The building would be composed mainly from a white rendered facade punctuated by a number of generous and well proportioned window openings to the front and rear elevations, as well as a number of integral balconies, which help add visual interest to the elevations. However, in streetscene terms, the building's main characteristic would be the

projected curvature added to the central section of the front elevation. In order to ensure that this element would not appear overly dominant a central recess has been incorporated in order to divide the mass into two sections. The central recess would also help to frame the main pedestrian entrance to the building adding legibility to the design.

In terms of scale and massing, the proposed building, at four-storeys, would be of an equivalent scale to the neighbouring building at 11 The Avenue to which it would be attached. The scale of the building would be subservient to Marada House, a five storey building located towards the rear of the site. The adjacent school site contains a similar two-storey villa building to that on the subject site and a number of two-storey temporary buildings which have recently been installed. The proposed building responds to the change in scale on the school site by stepping back the front elevation and reducing the height to three-storeys on that side of the site. The opposite side of The Avenue is characterised by pairs of semi-detached late Victorian properties which are generally two and half storeys in height. However, as the proposed building would be set further back from the street, by approximately 10m, it is considered that its scale would be unlikely to overbear the properties on the opposite side of The Avenue. The footprint of the proposed building, although altered, respects the footprint of the existing building in terms of its overall scale and in terms of its relationship with the adjoining property.

The proposed development would involve the replacement of the existing front boundary wall with 1.2m high railings and the introduction of a landscaping scheme to the front of the property. This would provide a superior setting to that enjoyed by the existing building which would enhance the quality of the streetscene.

Overall it is considered that whilst a contemporary approach has been adopted, the design of the proposed building is well considered, both in terms of its scale and its general appearance, and that it would respect the positive character of the surrounding area.

IMPACT ON ADJOINING OCCUPIERS

In terms of the relationship with the existing building at 11 The Avenue, it is considered that the windows most likely to be affected by the proposed development are those to the north eastern flank of the buildings rear projection. These windows would face the rear projection of the proposed building at a distance of approximately 13.4m. It is noted that general the footprint of the proposed building has been pushed forward from that of the existing building to compensate for the additional height of the building. The relationship between these windows and the rear projection of the proposed building is in general accordance with the guidance contained in SPG17 which sets out that the new development should be set below a line 30 degrees taken from 2m above ground level. There would be windows installed to the flank wall of the proposed building but these would be secondary windows and should be conditioned to be obscured in order to ensure that privacy is maintained should planning permission be granted.

In terms of the relationship with the five-storey rear extension to Marada House, it is noted that the extension contains a number of habitable windows in the flank wall which would directly face habitable room windows to the rear of the proposed building. The distance between these windows would be approximately 19-20m. The guidance contained in SPG17 sets out that a gap of 20m should be maintained to ensure privacy. Although some of these windows would fail slightly to comply with the guidance it is considered, given that a number of the windows within the existing building are slightly closer than those proposed, that reasonable privacy would be maintained between the units. The relationship between the Marada House and the proposed building would also comply with the 30 degree guidance set out in SPG17 as discussed above.

The distance between the front elevation of the proposed building and the front elevation of the buildings on the opposite side of The Avenue would be in excess of 30m. As such, it is considered that the proposed building would be unlikely to have any significant impact on the outlook, daylight or privacy of occupiers on the opposite side of The Avenue.

As it is a non-residential use the relationship between the proposed development and the adjacent school site is considered less sensitive. However, the proposed building has been designed to minimise overlooking.

The applicant has submitted a daylight and sunlight study alongside the application which, using the BRE standard guidance, seeks to assess the impact of the proposed development on the daylight and sunlight of neighbouring occupiers. The report concludes that the proposed development would result in a very minor loss of daylight and sunlight to some Marada House windows although the margin of loss is unlikely to be perceptible. In terms of 11 The Avenue, the report concludes that some windows would actually enjoy better daylighting as a result of the proposal.

In terms of noise disturbance from the new development, it is considered that as the development would result in a net increase of 5 units on the site that there is likely to be a significant increase from the existing situation. The amenity space to the rear of the property, which would be overlooked by windows to 11 The Avenue and Marada House, would be primarily used to provide two private gardens, one to each of the ground floor units and a modest communal garden. This is not considered to be significantly different from the existing situation.

To the rear there is an external stairway from the basement car-park to the communal garden which is close to the windows at 11 The Avenue. However, this stairway is only included in the proposal as it is required under Building Regulations as a means of escape. The access for residents to the car-park would be provided by an internal stairwell/lift and it is recommended that a condition be placed on any permission to ensure that the external stairwell is used as an emergency exit only.

RESIDENTIAL LAYOUT & QUALITY

The proposed development envisages the formation of 9 self-contained units over four-storeys of accommodation. The units mix would consist of four 2-bedroom units, three 3-bedroom units and two 4-bedroom units which is considered an appropriate mix in terms of responding to the Borough's Housing need for larger, family sized (3+ bedrooms), units as identified in the Core Strategy. The majority of units generally exceed the minimum internal floor space standards with the exception of two of the 2-bedroom units which are marginally (0.3m²) below the minimum standard of 65m². All habitable rooms within the scheme would have an adequate standard of outlook and daylighting. A refuse/recycling store would be provided within the front garden of the development which would allow for safe and convenient storage and collection.

All units would be provided with some form of private amenity space, in the form of private gardens for the ground floor units and balconies/roof terraces for the units on the upper floors. Whilst alone the private amenity space provision for 7 of the 9 units would fail to satisfy the guidance contained in SPG17, there would also be communal gardens to the front and rear which would increase the overall amenity provision for the site to comply with the standards required by SPG17. A landscaping scheme for the site has been provided alongside the application and this is considered by the Landscape Design Team to be of a good quality. The scheme indicates that approximately 12 new trees will be planted on the site.

TPO TREES

A number of the existing trees on site are subject to a tree preservation order (TPO). Of these the most notable is the Holm Oak, located close to boundary with the adjacent school site. Having inspected the initial submission the Tree Protection Officer raised concerns regarding the impact of the proposed development on TPO trees, and in particular the Holm Oak. In response the applicant commissioned a survey of the trees on site in order to assess the likely impact of the proposed development. In response the location of the basement car-parking area and vehicular

access was amended to reduce the likely impact of the development on the root protection zones of the Holm Oak. The applicant also submitted an arboricultural method statement setting out procedures that would be undertaken during demolition/construction to ensure that the development would not cause any significant harm to the health of the existing trees.

The tree survey identified that one of the TPO trees, a Silver Birch, is in fact already in poor health and should be removed regardless of the development. However, as this tree is covered by a TPO the applicant has agreed to plant a replacement tree of the same species in a similar location.

TRANSPORTATION

Car-parking for the proposed development would be provided by way of an on-site basement car park. Access to the car-park would be provided from The Avenue using the existing vehicular crossover to the site. The basement car-park would provide 9 car-parking spaces including 1 disabled space. The on-site parking provision would comply with the Council's parking standards and the applicant has agreed that the development would be permit-free, preventing overspill parking onto The Avenue which is heavily parked.

Due to the historic relationship between the properties at 9 and 11 The Avenue, the forecourt to 11 The Avenue, which can be used to provide parking for residents of that building, is only accessible via the existing vehicular access and forecourt to 9 The Avenue. As the proposed development would involve the replacement of the existing forecourt with soft landscaping this would remove access to the existing forecourt at 11 The Avenue which would prevent residents at 11 The Avenue benefiting from off-street parking and increase the demand for on-street parking within the locality of the site. As the area is already heavily parked this loss of access to existing off-street parking facilities would be of concern and has been raised by Officers as an issue when considering previous applications for similar developments on the site.

In order to address this issue, the applicant has agreed to cover the costs of providing a new vehicular access to the existing forecourt of 11 The Avenue. A planning application (10/3022) for this crossover appears on the current Committee agenda and has been recommended by Officers for approval. Provided that Members are minded to grant permission for the proposed vehicular crossover, the Council's Transportation Unit have indicated that they would have no objection to the proposal provided that the cost of the vehicular crossover is secured by way of a s106 agreement. The existing forecourt to 11 The Avenue is approximately 10m deep and could be used to assist with the servicing of the building by transit sized vehicles.

It is noted by Officers that planning permission has recently been granted in connection with the temporary occupation of the adjacent site by the Swiss Cottage SEN School, and the traffic impact of this development was raised as a concern by objectors to the scheme. As such, the traffic impact of this adjoining development has also been considered during the assessment of the current application. However, as the proposed development would be permit-free and only provide parking for 9 cars it is not considered that the traffic generated by the development would be so significant that it would cause cumulative traffic problems when considered in conjunction with the adjacent site.

A secure cycle store would also be provided within the basement car-park. The cycle store would provide cycle storage for 9 cycles in compliance with the Council's normal standard of one space per unit. As discussed above, the proposed refuse/recycle store is siting in a convenient location for collection

AFFORDABLE HOUSING

Policy 3A.11 of The London Plan sets out that affordable housing should be provided on sites capable of providing 10 or more residential units. The current proposal would involve the creation of 9 self-contained units, below the threshold, but it is noted that a number of these units are well in

excess of the Council's minimum internal floor space standards, as set out in SPG17. Other constraints would make the provision of 10 or more units on the site challenging, but it is considered that the applicant has failed to demonstrate that this would be impractical and, as such, the potential to provide 10 units remains a possibility. However, it is acknowledged that even if 10 units could be provided on the site, in practice it would be difficult to achieve a layout that provides an appropriate on-site mixture of private and affordable accommodation. In such cases a contribution in lieu of on-site provision would normally be secured and therefore the applicant has agreed to make a contribution of £50,000 towards the provision of affordable accommodation off site. Officers consider that if such a contribution were to be secured through a s106 agreement that this would satisfy the applicant's affordable housing liability for the redevelopment of the site.

S106 PLANNING OBLIGATIONS

The existing plans submitted alongside the application indicate that the existing building current contains 14 bedrooms/bed spaces. However, the planning history suggests that the building has recently subdivided to increase the number of bedrooms and Officers consider that the building would have previously accommodated 10 bedrooms. The proposed development would create 25 bedrooms, a net increase of 15, and therefore under the Council's standard charge approach to s106 planning obligations a contribution of £45,000 towards sustainable transportation, education, open space and sport would be required. The applicant has agreed to meet this requirement and this should be secured in a s106 agreement if Members are minded to grant planning permission.

CONSIDERATION OF OBJECTIONS

The concerns of the objectors relating to the impact of the development on the character and appearance of the streetscene, the living conditions of neighbouring occupiers, on-street parking and traffic conditions and TPO trees have been addressed in the report above. The sustainability requirements and the contributions to be made to local infrastructure are also clarified in the report. For clarification the proposed building would adjoin the building at 11 The Avenue, as does the existing building, and therefore there would be no side passage between the buildings.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

The London Plan (consolidated with alterations since 2004)

Brent Core Strategy (LDF) 2010

Brent Unitary Development Plan 2004

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

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

Council's Supplementary Planning Document:- s106 Planning Obligations

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

Built Environment: in terms of the protection and enhancement of the environment

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 drawings:
- 09TA- 901
 - 09TA- 100 Rev L
 - 09TA- 101 Rev M
 - 09TA- 101 E&P Rev A
 - 09TA- 201 Rev K
 - 09TA- 203 Rev F
 - 09TA- 204 Rev J
 - WW-001 Rev A

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

- (3) The landscape works, planting and tree planting shown on the approved plan, WW-001 Rev A, shall be completed prior to the occupation of any part of the development unless agreed in writing with the Local Planning Authority

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 with planting of the same size and species and in the same position, unless agreed in writing with the Local Planning Authority.

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

- (4) The basement parking spaces shown on the approved plans shall be constructed prior to the occupation of the building and shall be permanently retained and used solely in connection with the development hereby approved.

Reason: To ensure that the approved standards of parking provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- (5) The windows on the south-western face of the building, facing 11 The Avenue, shall be constructed with obscure glazing with any openings located at high level only (not less than 1.7m above the internal floor level). These windows shall be permanently maintained in that condition unless agreed in writing with the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- (6) The rear access door and stairway to the basement car park shall not be used for access to or exit from the building save in the event of an emergency and the door shall be kept closed at all times unless agreed in writing with the Local Planning Authority

Reason: To safeguard the amenities of the adjoining occupiers.

- (7) The cycle storage within the basement car park, as indicated on the approved plan, shall be installed prior to occupation of the development unless agreed in writing with the Local Planning Authority

Reason: In the interests of promoting sustainable transportation

- (8) All screening and planting to the balconies and roof terraces, as indicated on the approved plan, shall be installed prior to the occupation of the development.

Reason In order to maintain adequate privacy.

- (9) The development shall be carried out in accordance with the proposals set out in the submitted Arboricultural Method Statement, produced by Chalice Consulting Ltd and dated 31st January 2011, submitted as part of the planning application unless agreed in writing with the Local Planning Authority

Reason: To ensure that the development does not have an adverse impact on TPO trees on site.

- (10) Details of all external materials, windows, doors and screening, 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) Further details of the appearance of the refuse/recycling store, indicated on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The refuse/recycling store shall constructed in accordance with the approved details prior to the occupation of the development, hereby approved.

Reason: To ensure that the proposed refuse/recycling store would have an acceptable impact on the streetscene and in the interests of public health

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent Core Strategy 2010

London Borough of Brent Unitary Development Plan 2004

The London Plan (consolidated with alterations since 2004)

Supplementary Planning Guidance 17:- Design Guide For New Development

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

Supplementary Planning Document:- s106 Planning Obligations

6 letters of objection

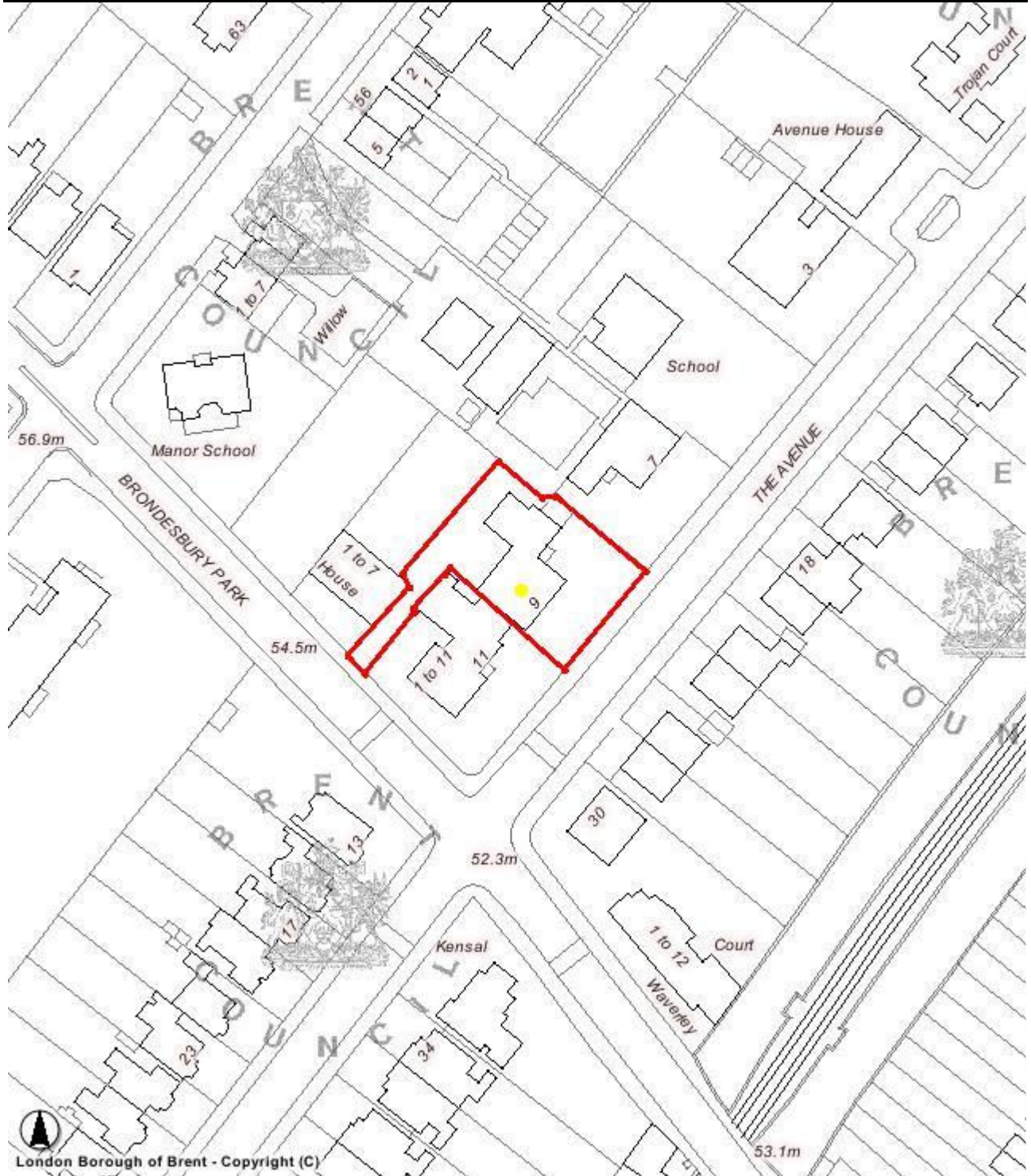
Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



Planning Committee Map

Site address: Flats 1C-D & 2C, 9 The Avenue, London, NW6

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**Committee Report
Planning Committee on 23 February, 2011**

Item No. 2/04
Case No. 10/3022

RECEIVED: 23 November, 2010

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Flats 1-11, Belvedere Hall, 11 The Avenue, London, NW6

PROPOSAL: Formation of vehicular crossover to existing forecourt area

APPLICANT: C/o Agent

CONTACT: Mr Robbie Grobler

PLAN NO'S:

See condition 2

RECOMMENDATION

Approval

EXISTING

The subject site, located on the northern corner of the junction between The Avenue and Brondesbury Park, is occupied by Belvedere Hall, a part-three, part four-storey residential block of flats. The property has an existing forecourt area to the front which is current accessed via the forecourt of the adjoining site at 9 The Avenue.

PROPOSAL

See above

HISTORY

It should be noted that a planning application (10/2789) to redevelop the adjoining site at 9 The Avenue to provide a four storey plus basement building containing 9 self-contained flats also appears on the current Committee agenda. If the application to the neighbouring site is approved by Members, and the proposed development goes ahead, this would result in the loss of the existing access to the forecourt at 11 The Avenue, which is currently provided via the forecourt to 9 The Avenue. This application seeks permission to construct a new vehicular crossover to 11 The Avenue which would maintain access to the existing forecourt. As such, although the applications are for different sites, they have a direct relevance to one another.

The planning history relating to the site includes a number of applications for the conversion and extension of the subject property and the neighbouring properties at 9 The Avenue and Marada House which have a historic association with the subject site. More detail of this history is contained in the Committee report for planning application 10/2789 which also appears on this agenda.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

BE7 Public Realm: Streetscape
TRN15 Forming an Access to a Road

Supplementary Planning Guidance 3:- Forming an Access onto a Road London Borough of Brent Domestic Vehicle Footway Crossover Policy

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

EXTERNAL

Consultation letters, dated 30th November 2010, were sent to 125 neighbouring owner/occupiers. Four letters of objection were received in response to the submitted proposal. The concerns of the objectors include:-

- The proposed development would result in the loss of on-street parking bays which would exacerbate existing parking pressures.
- The proposed development would result in the loss of soft-landscaping
- The proposed development would not allow delivery vehicles to serve the development.

It should be noted that the location of the proposed vehicular crossover has been amended to ensure that no existing on-street parking bays are lost. It also should be noted that the development would not result in the loss of soft-landscaping to the front of 11 The Avenue as the existing hardstanding would remain unaltered. Concerns relating to the loss of existing soft landscaping where due to a lack of clarity in the submitted plans which have since been revised.

INTERNAL

Transportation Unit

The Council's Transportation Unit raised some concerns regarding the original proposal submitted as the crossover would not be wide enough to allow vehicles entering and exiting the site to pass one another and the loss of on-street parking bays and street trees that would result from the siting of the proposed crossover. However, in response to these concerns the crossover has been widened to 4m and relocated westward, away from existing street trees and on-street parking bays. The Council's transportation Unit have confirmed that they would have no objections to the amended proposals.

REMARKS

TRANSPORTATION

The current application seeks planning permission for the formation of a vehicular crossover and access to the existing forecourt area at the front of the subject property from The Avenue, a local distributor road. The existing forecourt and other landscaping of the site would be unaffected by the proposal.

The proposed crossover would be 4m in width which would be generally sufficient to allow domestic vehicles entering and exiting the site to pass one another, preventing obstruction of the

highway. The proposed access would be constructed on a section of highway where on-street parking is currently restricted by yellow lines. As such, none of the existing on-street parking bays, which form part of the local CPZ, would be affected by the proposals. The vehicular access would serve the existing forecourt which is currently capable of accommodating four parked cars. This provision would be unaffected by the proposals. The Council's Transportation Unit have confirmed that the proposed layout of the access would comply with the Council's normal standards, allowing vehicles to enter and leave the site in a forward gear. In addition, the location of the access in relation to the nearby signal controlled junction is acceptable to the Council's Transport engineers.

This existing boundary wall is approximately 1.8m in height and is constructed from brickwork. In order to form the access, a 4m section of the existing boundary wall would be removed and the adjoining section, 2.2m in width would be replaced with a low wall with railings above. This would improve visibility splays for drivers leaving the site as would the existing pedestrian access on the opposite side of the new access which is currently treated with a metal railing gate. The remainder of the existing boundary wall would remain intact. No gates are proposed to the vehicular access which is welcomed in this instance as waiting vehicles would be likely to cause an obstruction of the highway. No alterations to the existing layout of the curtilage are proposed but this is considered acceptable as the majority of the frontage is already given over to soft-landscaping. Overall, it is considered that the alterations to the existing boundary treatment would be sympathetic to the setting of the property and the character of the streetscene.

CONSIDERATION OF OBJECTIONS

It is considered that the amendments, as detailed in the 'Consultation' section of this report, have addressed the concerns of the objectors regarding on-street parking and soft landscaping. In relation to concerns regarding the suitability of the forecourt to accommodate large delivery vehicles it should be noted that at present servicing by larger vehicles is only possible by utilising land that does not belong to the subject site. As such, access to this forecourt could be restricted regardless of any planning decision. The existing forecourt and proposed width of the access is considered sufficient to assist with servicing by transit sized vehicles.

CONCLUSION

The vehicular crossover is considered to have an acceptable impact in transport and character terms. The proposed crossover would also help safeguard access to the existing on-site parking for 11 The Avenue which, if lost, would place an additional demand for parking on-street. As such, approval is recommended.

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 3:- Forming an Access onto a Road

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

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:-:

- 11TA-101 Rev C
- 11TA-201 Rev A
- 11TA-900

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

- (3) The alterations to the existing front boundary treatment, as indicated on plan 11TA-201 Rev A, shall be completed prior to the commencement of the use of the vehicular access, hereby approved. The approved boundary treatment shall be maintained as such unless agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the appearance of the streetscene

INFORMATIVES:

- (1) The applicant is advised to contact the Council's Transportation Unit in order to arrange for the works to the public footpath.

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004
Supplementary Planning Guidance 3:- Forming an Access onto a Road
London Borough of Brent Domestic Vehicle Foot way Crossover Policy
Four letters of objection

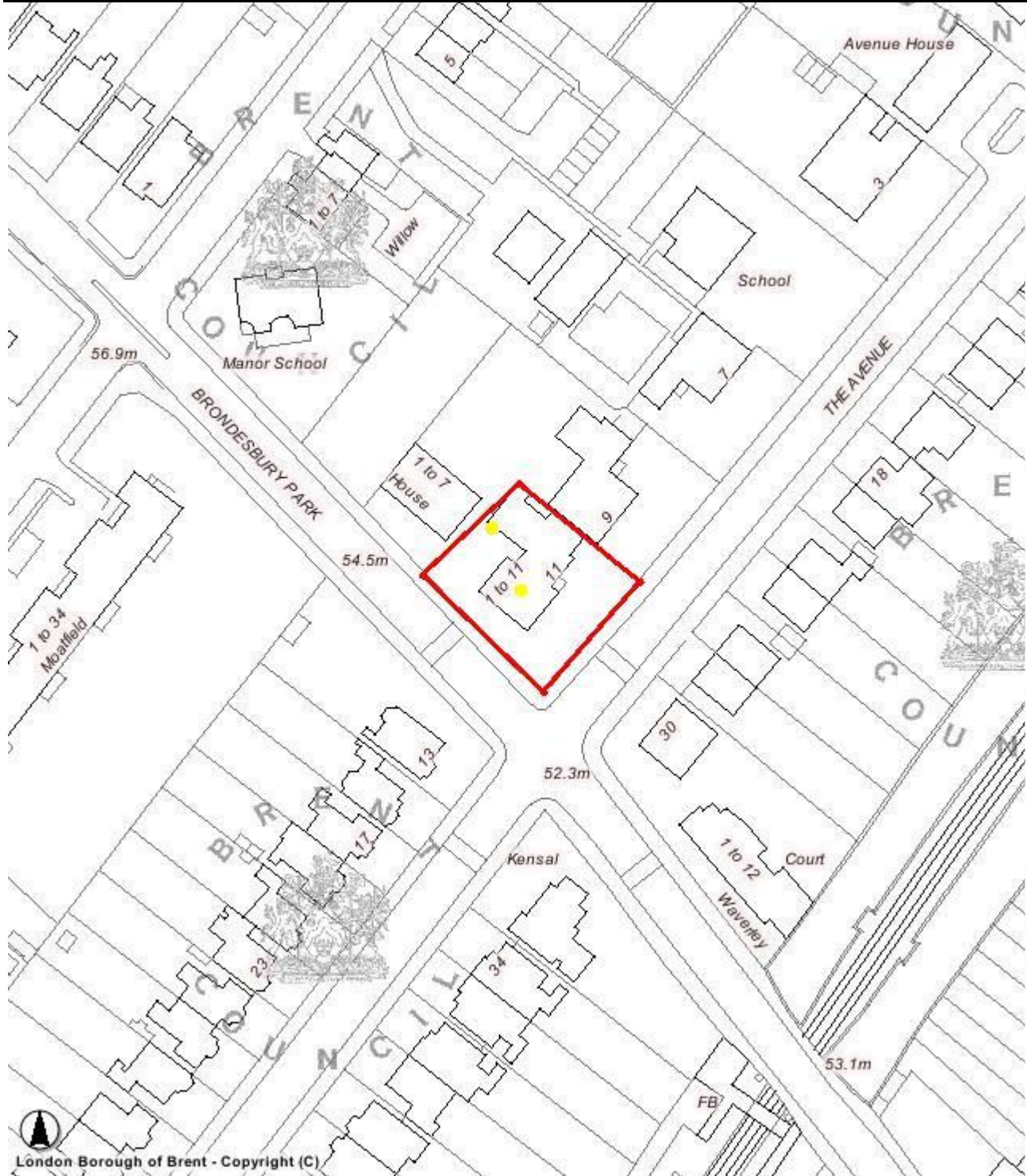
Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



Planning Committee Map

Site address: Flats 1-11, Belvedere Hall, 11 The Avenue, London, NW6

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**Committee Report
Planning Committee on 23 February, 2011**

Item No. 2/05
Case No. 10/3187

RECEIVED: 9 December, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 16 Kingswood Avenue, London, NW6 6LG

PROPOSAL: Replacement of all crittall windows with steel double glazed crittall windows; Replacement of garage door and installation of 1 front and 1 rear rooflight and 2 new windows to first floor rear of dwellinghouse

APPLICANT: Summerleaze Ltd

CONTACT: D Gilbey Consulting Ltd

PLAN NO'S:
See Condition 2.

RECOMMENDATION

Grant Consent.

EXISTING

The site currently comprises a 3-storey approximately 1950's dwellinghouse located on the eastern side of Kingswood Avenue and benefits from an integral single garage and driveway onto the street. Kingswood Avenue is located in the Queens Park Conservation Area and is afforded extra protection of Article 4(1) Direction. The property is not listed. Kingswood Avenue is a local access road which is defined as being heavily parked. The site lies within CPZ "KQ" which operates 08:30 – 18:30 Monday to Friday, and has good accessibility with a PTAL rating of level 4.

PROPOSAL

This application seeks to replace all crittall windows and garage door with steel double glazed crittall windows, replace 1 rear rooflight and 2 new windows to first floor rear of dwellinghouse and to convert the garage to a habitable space. The existing driveway and vehicular access will be retained.

HISTORY

14/10/1970 Conversion of living room into garage.

10/3180 Certificate of Lawfulness proposing erection of single storey rear extension. Lawful 8 February 2011.

POLICY CONSIDERATIONS

- **Brent Unitary Development Plan 2004**

BE7 Public Realm: Streetscape
BE25 Development in Conservation Areas
H12 Residential Quality – Layout Considerations
TRN15 Forming an Access to a Road
PS14 Residential Development Parking Standards (Use Class C3)

- **Supplementary Planning Guidance 3:- Forming an Access onto a Road (SPG3)**
- **Supplementary Planning Guidance 5:- Altering and Extending your home (SPG5)**
- **Queens Park Design Guide**

CONSULTATION

Neighbours/representees

6 neighbouring owner/occupiers consulted, to date 3 objections received.

In these objections reference has been made to another application on the site for a certificate of lawful development (10/3180) proposing a single storey rear extension to be built as permitted development. As indicated above, the Council have formally confirmed that consent is not required for the single storey rear extension.

The confusion over what is being sought through the planning application may have arisen because the applicant presented the proposed permitted development extension on the drawings of this full application. However, it is stated on the plans for this application that the extension is to be considered under a separate application for permitted development.

One representation received has objected to the location of the new first floor window opening stating it could potentially provide access to the roof of the rear extension proposed under separate permitted development application. Officers acknowledge this concern and would place an informative on any permission granted stating that this permission would not allow the use of the roof as a roof terrace - whilst an informative on the approved certificate of lawfulness is also included, by way of referral to Class A which does not allow a roof terrace under permitted development.

Statutory Consultees

Queens Park Residents Association consulted
No representation received

Transportation unit

No Highways objections subject to a condition requiring the boundary wall to be retained as existing to prevent more than one vehicle parking off-street at the property, which would be contrary to Policy TRN23 of the UDP-2004.

REMARKS

Amendments

Following requests from officers, applicants submitted amended plans (04/02/2011) to show more clearly the distinction between this application and the concurrent application for certificate of lawfulness which also appear on the plans.

Discussion

Officers consider there to be 3 key issues that are pertinent to the determination of this application. These are;

- i) the Impact of the proposals on the character of the Conservation Area
- ii) the impact of proposals toward neighbouring amenity
- iii) the loss of the off street parking space.

These will be addressed in turn.

Impact on the character of the Conservation Area

This property is one of the more recent developments in Queens Park, although it does have an aspect directly onto the park. As the property is within the Queens Park Conservation Area with extra Article 4 (1) Direction controls, the Council employ extra diligence with regard to ensuring building alterations are complimentary with the existing building stock. The proposals involve the replacement of all the existing windows on the front elevation with new double glazed metal framed Crittall windows supplied by specialist Crittall window suppliers and specified as matching existing details. This includes the replacement of the garage door as per the specification above. The plans have accompanying window sections. Officers consider these replacements as specified in the application to be suitable for the building and the character of the Conservation Area.

On the rear elevation some window alterations are proposed consisting of the enlargement of a first floor window opening and installation of a new window as specified above, and insertion of new stair/landing windows. Officers consider that this configuration relates well to the existing fenestration and as the neighbouring properties have also varied the fenestration, it is not disrupting a predominant rhythm. In any case, as these modifications are at the rear there is more opportunity for deviation from the existing configuration compared to the front where the Council apply more stringent control.

The existing roof light is to be replaced with a new rooflight into existing aperture, generally improving the condition of the building which officers have no objection to.

Impact on neighbouring amenity

The enlargement of the window opening at the rear is the only modification that could potentially cause overlooking issues. In assessing this possibility, officers consider that a) it is not significant enough an enlargement for officers to object to the proposals and b) it is not on a flank wall therefore it is considered acceptable.

Loss of off street parking space

As the road is defined as heavily parked, the Council would not accept the loss of the off street space unless it can be re-provided within the site subject to other considerations for the front garden. The existing driveway measures approximately 4.3m in depth. This compares unfavourably with the 4.8m depth required for a standard car parking space. However, the proposal sets back the converted garage wall from the building line to a depth of 4.7m in order to allow for a car parking bay to be properly accommodated in the front garden. While this remains marginally below the standard size of a car parking bay, it is an improvement on the existing situation, and transportation officers have made no objection to its use as an off street parking space.

Furthermore, as the front driveway can be regarded as a parking space, the total parking provision as a result of the loss of garage is reduced from 2 to 1, which is more in line with the parking standards set out in PS14 of the UDP-2004 for a dwelling house within CPZ with good PTAL ratings.

Front Garden/Refuse

The plans do not indicate any works being done to the front garden and indicate approximately 50% soft landscaping consistent with UDP policy BE9. However officers after visiting the site have concerns that the front garden has suffered as a result of the building works which are already progressing on site. Therefore officer's recommend a landscaping condition be placed on this permission requiring that further detail be submitted for approval by the local authority before

occupation of the converted garage. Details of refuse and recycling will also be required under this condition.

Cycle Parking

There are no details of secure, covered cycle parking, however the property does benefit from a rear garden within which suitable provision (eg: a shed) could be accommodated if desired.

Summary

The catalogue of refurbishment works as assessed in this report, are considered to improve the condition of this building in the Conservation Area in a way that is sympathetic with the original design and character whilst ensuring neighbouring amenity is not impeded. Approval is therefore recommended.

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
SPG5 - Altering and Extending Your Home
SPG3 - Forming an access onto a road

Queens Park 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 drawing(s) and/or document(s):

SL EX01, SI EX04, SL EK05, SL P01, SI P02A, SL P03, SLP07A, un numbered window detail and section drawings.-

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

- (3) Details of the front garden layout shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All detailed works shall be carried out as approved prior to the:-

(a) occupation of the garage;

- (i) planting of the front garden area with shrubs and/or trees;
- (ii) the retention of existing boundary wall;
- (iii) car parking space for [1] cars, the defined points of access and the surfacing materials to be used;
- (iv) waste and recycling storage facilities.

Reason: To ensure a satisfactory appearance and in the interests of local amenity.

INFORMATIVES:

- (1) This permission does not allow the use of the roof of the rear extension proposed under Certificate of Lawfulness application ref: 10/3180 as a roof terrace.

Any person wishing to inspect the above papers should contact Samuel Gerstein, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5368



Planning Committee Map

Site address: 16 Kingswood Avenue, London, NW6 6LG

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Committee Report
Planning Committee on 23 February, 2011

Item No. 2/06
Case No. 10/3155

RECEIVED: 8 December, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 66A Salusbury Road, London, NW6 6NR

PROPOSAL: Alterations to roof and formation of roof terrace to rear, installation of 2 rooflights facing Salusbury Road and 1 to the rear.

APPLICANT: Mr S Hickmott

CONTACT: Beecham Moore Partnership

PLAN NO'S:
See condition 2.

RECOMMENDATION

Approve.

EXISTING

The site currently contains a 2-storey terraced consisting of 4 purpose built flats. This application relates to the top floor flat.

The design of the property is distinctive and turns the corner of Salusbury Road into Montrose Avenue with an L-shaped form which addresses both frontages. This results in the rear elevation projecting some 6m further into the rear garden than the adjoining rear wall of the adjoining property at 64 Salusbury Road. The additional length of the building appears to be a characteristic of the terrace with a similar feature at the opposite end of terrace (ie: No 58 Salusbury Road). The garden of No.66 abuts the flank wall at No.2 Montrose Avenue which is positioned approximately 1m from the site boundary. The property is not located in a conservation area, although the boundary of the Queens Park Conservation Area lies at the rear of the site and includes No.2 Montrose Avenue, which is adjacent to the application property.

PROPOSAL

See above.

HISTORY

Full planning permission 09/1723 for a single storey rear extension was approved in September 2009

Full planning permission 09/2269 for conversion of roof space into 1 self contained flat, formation of roof terrace, 2 rooflights adjacent to Salusbury Road, 4 rooflights adjacent to Montrose Avenue, 3 rear rooflights and installation of railings to boundary wall adjacent to Montrose Avenue of

building was refused in December 2009

Full planning permission 10/0219 for conversion of roof space into 1 two-bedroom flat, with formation of roof terrace, including demolition of chimney stack, installation of 2 rooflights facing Salusbury Road, 4 rooflights facing Montrose Avenue and 3 rear rooflights, addition of railings to boundary wall adjacent to Montrose Avenue and provision of new refuse-bin storage and cycle-parking area for 4 bicycles was refused by the Council on 19 March 2010. An appeal against this refusal was dismissed on 27 September 2010.

POLICY CONSIDERATIONS

Unitary Development Plan 2004

BE2 Townscape: Local Context & Character

BE9 Architectural Quality

Supplementary Planning Guidance Note 5: Altering and Extending your Home

CONSULTATION

16 Neighbouring properties, and the Queens Park Residents Association, were consulted on 12 January 2011. The Council has received 4 objections to the application. The grounds of objection are set out below:

- loss of privacy.
- design of the building and character of the area.
- impact on adjacent Conservation Area.
- terrace would be incongruous.
- internal accommodation proposed would result in increased noise from increased number of occupiers.
- building work should be kept to a minimum.

REMARKS

Background

As Members will note from the planning history section of this report, an appeal on this building was recently (September 2010) dismissed. As a result, the views of the Inspector at that time need to be considered carefully in the determination of this current application.

For clarity, the appeal proposal 10/0219 was a more intense proposal than the current scheme and envisaged creating a separate 2 bedroom flat in the roofspace of the building. This application now proposes enlarging the accommodation for the existing top floor flat and needs to be determined on this basis. The scheme continues to include additional rooflights and an external roof terrace to serve the enlarged flat. As a result, any views the Inspector had on these particular elements is material here.

Although the appeal is discussed further below, the Inspector considered that the roofspace was not capable of providing a separate residential unit and would result in additional pressure for on-street car parking without mitigation, but that the provision of a roof terrace and the number of rooflights proposed was not considered to be unacceptable.

Impact on Neighbouring Amenity

The proposal continues to propose a roof terrace so as to provide external amenity space (approx. 6.0sqm in area) to the rear elevation of the property. Occupiers will continue to gain access to the terrace via the open plan "lounge/family" room.

The proposed terrace is similar to the feature previously proposed and the Inspector made the following comments on it:

"Some concern has been expressed that the proposals would result in greater overlooking to neighbouring properties. However, in my opinion, the limited width of the proposed roof terrace would minimise any potential for overlooking of neighbouring dwellings to the south or west".

In these circumstances, it would seem that the issue of the terrace has been formally considered and that it would be difficult to object to the feature in the light of these circumstances.

Transportation Issues

Previously, the proposed 2-bed flat (plus study/office room) resulted in a significant increase in car parking requirements within the building as a whole and was a ground for refusal on this basis. The site cannot provide off-street car parking, while on-street parking cannot provide a solution either, since Salusbury Road is a Distributor Road and Montrose Avenue is defined in the UDP as being "heavily parked".

The Inspector supported the Council on this particular point, considering that the additional on-street parking pressure created by the extra flat would cause harm to highway safety. However, as explained above, the proposal now incorporates additional floorspace for an existing residential unit and there is no longer an issue arising from any increased parking requirement.

Other issues

The appeal proposal envisaged a total of 9 new rooflights in the existing roofslope. The number was required in order to try and improve, as far as practicable, the quality of internal accommodation in the new flat. Notwithstanding the Council's objections to this element of the scheme, the Inspector concluded that:

"The side elevation of the appeal property is long and the roofslope is partially obscured by a mature tree. I do not consider, therefore, that the number or position of the proposed rooflights would be significantly detrimental to the appearance of the area."

Obviously, Officers were disappointed at this judgement, but for clarity, this current proposal only proposes two rooflights on the front (Salusbury Road) elevation of the building and one in the rear roofslope. It is considered that this aspect of the development is now acceptable and would not result in any material harm.

Whereas previously concern was raised about the lack of outside space to meet the likely needs of the occupiers of the additional flat, this current application creates external space for the existing flat where none exists at present and can be seen as a benefit in this regard. That said, whilst the Council was concerned about the lack of outside space in 10/0219 this concern was not shared by the Inspector and he concluded that:

"I do not consider that the issue of limited external amenity space is one that, in this case, would necessarily result in detrimental living conditions."

The proposal would allow the three bedroom unit to have an internal floor area significantly larger than the minimum guidance set down in adopted SPG 17 (130sqm as compared to 80sqm). As a result, although it is likely that the extended unit would be occupied by a single family, the size of the flat does mean that renting it out for a level of multiple occupancy, with less than 6 people living together as a family, is also a possibility. However, for clarity, either of these possibilities would mean that the extended property would remain in the C3 (dwellinghouse) use class which is acceptable in policy terms. The application must be determined on this basis.

Conclusions

A previous refusal on this site was considered at appeal in September 2010. The appeal was

dismissed and the proposal is resubmitted excluding all the issues in which the Inspector supported the Council (eg: the provision of an additional flat being unacceptable in principle), whilst continuing to include those elements that the Inspector did not take issue with (eg: number of rooflights, external terrace). As a result, whilst the concern of residents is understood, the current proposal does need to take into account all material considerations, including the views of the appeal Inspector, and on this basis the recommendation is for permission to be granted.

For the avoidance of doubt, as this application no longer includes an additional dwelling unit there is no requirement for a Section 106 legal agreement as had been the case at the time that the appeal scheme was considered.

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

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.

2226/10
2226/03
2226/11

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):

- site plan.
- 2226/03.
- 2226/10.
- 2226/11.

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

(3) Details of materials for all external work 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.

INFORMATIVES:

- (1) This is a determination based on the proposal being an extension to an existing flat.
A new residential unit would be unacceptable

Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245



Planning Committee Map

Site address: 66A Salusbury Road, London, NW6 6NR

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Committee Report
Planning Committee on 23 February, 2011

Item No. 2/07
Case No. 10/3031

RECEIVED: 24 November, 2010

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Garages rear of 55 Mount Pleasant Road, Henley Road, London

PROPOSAL: Variation of condition number 2 (plan numbers) to allow the following minor material amendments:

- Increase in size of basement area;
- Alteration to rooflight over bathroom from flat to domed.

to the scheme granted by full planning permission 10/0932 dated 13/07/10 for the demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area and subject to a Deed of Agreement dated 8th July 2010 under Section 106 of the Town and Country Planning Act 1990, as amended).

APPLICANT: Mr Rayburn

CONTACT: Ambo Architects London

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The application refers to the site at the rear of No 55 Mount Pleasant Road which sites a detached double garage. The ownership of the application site has been separated from the dwellinghouse at No 55 for over 7 years. The site benefits from planning permission for the erection of a single storey dwellinghouse.

PROPOSAL

See description above

HISTORY

10/0932 Approved at planning committee on 13th July 2010

Demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwellinghouse with basement

storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area and subject to a Deed of Agreement dated 8th July 2010 under Section 106 of the Town and Country Planning Act 1990, as amended

10/2601 Refused on 25th October 2010

Non material amendment (for extension of the proposed basement storage accommodation) of planning permission 10/0932.

While there is no statutory definition of 'non-material' officer's consider that in order to be considered as a non-material amendment any proposal should be so minor as to not require any detailed consideration or consultation, in this instance this was not considered the case and the application was refused for the following reason:

"The proposed increase in the size of the basement and its proportion in terms of the area defined as habitable accommodation is considered to be too great to be non-material in the context of the approved scheme (10/0932)."

For clarity this decision states that the proposal failed to meet the non-material criteria and not that if considered in a different situation the principle of the amendment could not be supported.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

BE2 - Design should have regard to the local context, making a positive contribution to the character of the area. Account should be taken of existing landform and natural features, the need to improve the quality of existing urban spaces, materials and townscape features that contribute favourably to the area's character, or have an unacceptable visual impact on Metropolitan Open Land. Proposals should not cause harm to the character and/or appearance of an area. Application of these criteria should not preclude the sensitive introduction of innovative contemporary designs.

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.

BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, new planting of an appropriate species, size, density of planting with semi-mature or advanced nursery stock, new integrally designed structural landscaping on appropriate larger sites, boundary treatments which complement the development and enhance the streetscene and screening of access roads and obtrusive development from neighbouring residential properties.

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

BE9 – Creative and high-quality design solutions (for extensions) specific to site's shape, size, location and development opportunities Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

H12 – The layout and urban design of residential development should comply with the policies in the Built Environment Chapter, and in addition they should have a site layout which reinforces or creates an attractive and distinctive identity, have housing facing onto streets and defining roads, have access to and layout which achieves traffic safety, have appropriate car parking, and avoid excessive coverage of tarmac or hard

Supplementary Planning Guidance

SPG17 – Design Guide For New Development

CONSULTATION

Neighbouring occupiers and Ward Councillors were consulted on 13th January 2011, 6 objections have been received with the following comments:

- The basement must not affect the foundations of the neighbouring property.
- While it states the basement will be for a gym and utility room there is no certainty that it would not be a bedroom in the future resulting into a more cramped property out of character with its surroundings.
- More inhabitants would add to the congestion of Henley Road.
- The proposed domed rooflight would be obtrusive and affect the privacy of the neighbour's property and radiate more light.
- Provisions in the local area mean there is no necessity for a basement gym.
- In the latest drawings the foundations of the basement are only 1cm away from the boundary of no. 55 Mount Pleasant and it is likely the basement will lead to the loss of the leylandii hedge.
- There is no answer to how it will be built without gaining access to the neighbouring properties and causing further damage.

REMARKS

As Members will be aware and as noted above the proposed dwelling was approved at Planning Committee in 2010. This application proposes 2 amendments to the scheme.

Basement area increase

The approved plans include a basement for storage and utility measuring 18.5sqm, the proposed basement measures approximately 42sqm effectively doubling its area.

The proposal has no external impact on the appearance of the dwellinghouse so the proposal would not affect the streetscene or have any different relationship with neighbouring dwellings.

Landscaping

The Council's landscape officers have been consulted about the extent of the basement and relationship with surrounding landscaping. Officers have noted that the basement would project closer to a neighbouring tree however as this is largely below the existing garages it is not expected that the trees roots would be extensive in this area. It should be possible to carry out the development without significant damage to the tree provided that the work is undertaken in accordance with BS5837:2005. The Tree Protection condition put on the original approval is considered to be suitable and necessary to ensure trees are sufficiently protected and work is carried out in such a way as to minimise its impact on tree roots.

Amenity of future occupiers

The proposed increased size of the basement would provide much more scope for the regular use of the space by future occupiers. The expanded space is proposed to be used as a gym. In new developments the Council is concerned about the level of light and outlook provided to habitable rooms and officers are clear that the proposed basement would not be acceptable as habitable space, however other rooms do not have the same requirement for amenity of this sort including

utility rooms, storage and gyms. The application is clear that the proposed basement is ancillary to the main habitable uses which are allocated to the ground floor and officers do not object to the additional floor area to the non-habitable basement. A condition is recommended requiring that this remain the case.

In addition to these considerations it has been confirmed with Building Control officers that in order for a basement to be used as habitable accommodation it must have a means of escape in the form of a window and lightwell. As this is not the case in this instance the space would not meet Building Regulations requirements for habitable rooms further preventing any possible future change of the proposed use of the space.

Highways

Neighbours have expressed concern about increased demand from parking if the basement is utilised as another bedroom. Notwithstanding what is stated above the parking standard attributed to the approved 2-bed dwelling is 1.2 spaces, if the unit increased to 3-beds the standard would be 1.6 which could be considered significant. This is another reason to insist upon the condition preventing the use of the basement as another bedroom. The increased basement would not impact on the demand for parking.

Rooflight

The rooflight over the bathroom was approved as a flat rooflight, the proposal is to change this to a circular rooflight which would be convex and so slightly protrude above the flat roof. The rooflight is located in the section of the building proposed to be towards the rear boundary of no. 55 Mount Pleasant Road. The total projection is a maximum of 20cm, from some points this may be visible but it is not considered to make a significant difference to the design of the building. Any light emitted from the rooflight would be minimal as with the originally proposed flat rooflight and the fairly generous depth of surrounding gardens means that it is a significant distance from neighbouring properties.

The proposal is considered to be acceptable as an amendment to the approved scheme and approval is recommended.

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

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 hereby approved shall be commenced within 3 years of 13th July 2010.

Reason: 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):

425/GA.1A
425/GA.2.1E
425/GA.2.2B
425/GA.3B
425/GA.4B
425/GA.5B
425/GA.6B
425/GA.7C
425/GA.8B
425/GA.9C
425/GA.10B
425/GA.15B
425/GA.16B

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

- (3) Planning permission is granted for use of the basement as a store room, utility room and gym (i.e. as indicated on plan no: 425/GA.2.2B). The basement will not be used as additional bedrooms or living space. Any change of use of the basement will require planning permission.

Reason: To safe guard the amenity of future occupiers

- (4) The area so designated within the site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work 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.

The scheme shall include species, sizes and numbers as well as details of hardstanding materials.

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.

- (5) 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):

To prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- (6) No off-street parking shall be allowed at the site at any time in the future.

Reason:

To ensure the modest amenity space is not eroded by vehicle parking.

- (7) The roof shall not be accessed other than for maintenance and shall not be used as a roof terrace at any time.

Reason: In the interest of neighbouring privacy.

- (8) Before the development hereby approved is occupied, the redundant vehicular access and crossover shall be stopped up and reinstated to footway, and a new on-street parking bay installed including the removal of the single yellow line, at the applicant's expense.

Reason: In the interests of pedestrian and highway safety, and to provide suitable car parking for the scheme in compliance with Policy TRN24 of the UDP 2004.

- (9) Details of materials, including samples, for all external work including fencing, 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.

- (10) A full tree survey and tree protection statement complying with BS5837:2005 'Trees in relation to construction' shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the work shall then be carried out in accordance with the approved details.

Reason: To ensure that the development does not result in the damage or death of nearby trees which would result in the loss of amenity and biodiversity.

- (11) Details of ventilation and extraction systems 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: In order to allow the Local Planning Authority to exercise proper control over the development and to safeguard the amenities of the adjoining occupiers.

INFORMATIVES:

- (1) This application does not grant permission for for proposed materials, these are to be considered separately under a submission to agree the details required by condition.
- (2) The applicant is advised that the Council would be unlikely to look at any proposal to use the basement as habitable accommodation favourably.

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: Garages rear of 55 Mount Pleasant Road, Henley Road, London

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Committee Report
Planning Committee on 23 February, 2011

Item No. 3/01
Case No. 10/2942

RECEIVED: 8 December, 2010

WARD: Alperton

PLANNING AREA: Wembley Consultative Forum

LOCATION: 93 & 93A, 94 & 94A, 95, 96 & 96A, 97 Ealing Road, Wembley, HA0

PROPOSAL: Demolition of the existing buildings (93 to 97 Ealing Road,) and the construction of a 4-storey mixed-use development consisting of ground-floor and basement retail/ financial/ professional services/ restaurants (Use Classes A1, A2, A3,) offices (Use class B1) at first floor and 9 residential flats (Use Class C3,) on second and third floors, (four 2-bed units, four 1-bed units, one 3-bed unit,) with associated parking and landscaping

APPLICANT: Ethos Construction Solutions Ltd

CONTACT: Claridge Architects

PLAN NO'S:
Please refer to condition 2

RECOMMENDATION

(a) Resolve to Grant Planning Permission, subject to a s106 legal agreement, or
(b) If the applicant fails to demonstrate the ability to provide for the s106 terms and meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement prior to the application's statutory expiry date, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

SECTION 106 DETAILS

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

- a) Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.
- b) A contribution of £3000 per bedroom created, due on material start and index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area
- c) A Car-free development, if a CPZ is introduced residents AND occupants of the commercial premises shall not be entitled to on-street parking permits
- d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved, Code for Sustainable Homes Level 3 and BREEAM Excellent, with compensation should it not be delivered. In addition to adhering to the Demolition

- e) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that this is unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation
- f) An additional contribution of £750 due on material start and, index-linked from the date of committee for off-site landscaping as the scheme will reduce the opportunity for landscaping on Ealing Road and will harm existing street trees necessitating replacements
- g) A contribution of £10,000 toward local open and play space improvements, due on MS and index-linked from the date of decision
- h) The potential access through to the rear of 89-91 Ealing Road shown on the submitted plans shall be permanently maintained
- i) Submit a Servicing Management Plan
- j) Join and adhere to the Considerate Contractors scheme.

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

EXISTING

The site is located on the corner of the junction of Ealing Road, a London distributor road and Douglas Avenue a local residential access road. The site occupies an area of approximately 0.09 hectares and currently comprises a short terrace of three 2-storey buildings. 93 Ealing Road has a travel agent at the ground-floor with a residential flat above. 95-97 Ealing Road currently appears to be vacant but has established use as a hotel.

PROPOSAL

Full planning permission is sought for the demolition of the existing buildings (93 to 97 Ealing Road,) and the construction of a 4-storey mixed-use development consisting of ground-floor retail/ financial/ professional services/ restaurants (Use Classes A1, A2, A3,) offices (Use class B1) at first floor and 9 residential flats (Use Class C3,) on second and third floors, (four 2-bed units, four 1-bed units, one 3-bed unit,) with associated parking and landscaping

HISTORY

- | | |
|------------|---|
| 13/08/2010 | Enforcement investigation instigated against the unauthorised change of use of the premises from a hotel to a mixed use as travel agent (A1) and money transfer business (A2) (Ref: E/10/0631). |
| 07/10/2008 | Resolution to grant planning permission for the demolition of the existing buildings and the erection of a 3-storey and 4-storey building incorporating 9 flats, comprising 6 x three-bedroom and 3 x two-bedroom flats with balconies at first-, second- and third-floor level; 3 x commercial units (Use Class A1, A2 & A3) at basement and ground-floor level subject to a s106 agreement (not signed) (Ref: 08/2151). |
| 01/08/2006 | Enforcement Notice issued for the unauthorised change of use of 95-97 Ealing Road from a hotel to a mixed use hotel, restaurant and take-away (Ref: E/06/06090). |

POLICY CONSIDERATIONS

London Plan 2004 as consolidated with amendments

The following policies from Brent's Core Strategy adopted in July 2010 are considered to be relevant to the consideration of the application:

- CP2** Population and Housing Growth
- CP5** Placemaking
- CP6** Design & Density in Place Shaping
- CP15** Infrastructure to Support Development
- CP16** Town Centres and the Sequential Approach to development
- CP19** Brent Strategic Climate Mitigation and Adaptation Measures
- CP21** A Balanced Housing Stock

The following saved policies and standards contained within the Council's Adopted Unitary Development Plan 2004 are considered to be relevant to the consideration of the application:

- STR3** – the development of previously developed land will be maximised.
- STR9** – London Distributor Roads will be protected
- STR11** - the quality and character of the Boroughs built and natural environment is protected
- STR19** – new housing development should reduce the need to travel, give preference to the use of pdl, and provide an acceptable level of amenity of existing and proposed residents
- BE1**- Urban Design Statements
- BE2** – Townscape: Local context, and character
- BE3** - Urban structure, space and movement
- BE4** - Access for disabled people
- BE5** – Urban Clarity and Safety
- BE6** – Public Realm Landscape Design
- BE7** – Public Realm Streetscape
- BE9** – Architectural Quality
- BE11** – Intensive and Mixed Use developments
- BE12** - Sustainable Design Principles
- BE17** – Building services equipment
- EP2**- Noise and Vibration

EP3 – Local Air Quality Management

H10 – Containment of Dwellings

H11 – Housing on Brownfield Sites.

H12 – Residential Quality- Layout Considerations

H13 – Residential Density

H18 – The Quality of flat conversions

H20 – Flats over and adjoining buildings in Shopping Centres

H22- Protection of Residential Amenity

TRN3 - Environmental impact of traffic

TRN4 –Measures to make Transport impact acceptable

TRN10 – Walkable environments

TRN11 – The London Cycle Network

TRN15- Forming an access to a road

TRN20 – London Distributor Roads

TRN22 – Parking Standards Non-residential Developments

TRN23 - Parking Standards Residential Developments

TRN34- Servicing in New Development

TRN35 – Transport access for disabled people & others with mobility difficulties

SH5 – Out of centre retail developments

SH19 – Rear Servicing

SH21- Shopfront Design

SH31 - Development of Ealing Town Centre

The following supplementary documents are also considered relevant to this application:

Supplementary Planning Guidance (SPG) 17 - "Design Guide for New Developments".

Supplementary Planning Guidance (SPG) 19 - "Sustainable Design, Construction and Pollution Control."

Supplementary Planning Document - S106 Planning Obligations.

SUSTAINABILITY ASSESSMENT

The site is not within a Growth Area. The applicants therefore need to meet Code for Sustainable Homes 3, BREEAM Excellent and 20% on-site renewables. The application is accompanied by an Energy demand and renewables option assessment in accordance with London Plan policy, and

includes the assessment of the feasibility of CHP. The Mayor's Policy on 20% CO2 reduction from onsite renewables has now been adopted and any proposal would need to achieve this as a minimum standard. The applicant's report finds that CHP is the most viable renewable energy. However it states that the CHP would be gas-fired. This is not considered "renewable" under the current London Plan 2004 as consolidated with amendments. The applicants have been asked to demonstrate a boiler room and flue to service the CHP. The Mayor's Energy Hierarchy (be lean, clean, and green,) places CHP second above renewable energy use on site, so its provision is supported, but it cannot be considered a renewable technology under the current Plan. The London Plan is under review, but in the meantime officers have required the applicants to propose an alternative renewable energy in addition to the CHP. The applicant's Sustainability Statement is questionable in that it only appears to propose to off-set 10% of the site's CO2, when 20% off-setting should be sought. Notwithstanding this, no calculations have been provided by the applicants to demonstrate how much is being off-set on site

The Evidence of Proposed Sustainable Design under the Form TP6 mentions solar hot water panels will be located on the roof. However these are not indicated on the roof plan. Furthermore officers consider that the proposed solar hot water panels are likely to compete with the CHP. The applicants have therefore been asked to consider an alternative renewable energy to provide the 20% off-set. (The Council is adopting the approach to not require the off-set of the full 20% as we support the principle of CHP use on site.) The Sustainability Statement refers to PVT and solar thermal panels interchangeably. This is not correct. Officers consider that Solar thermal would conflict with CHP, PV would not. If PV is proposed, the applicants have been asked to provide the calculations for how much of the CO2 on site is off-set now. The proposed PV panels should also be shown on the roof plan. An update of the amount of CO2 off-set on site and the combined efficiency measures achieved by CHP and PV panels will be provided in the supplementary. Heads of terms shall require 20% off-set of renewable technologies in addition to CSH3 and BREEAM Excellent as part of the s106.

The proposal should also take into account the measures detailed within the Council's SPG 19 and any application should be accompanied by a TP6 Sustainability Checklist which achieves a rating of at least 50%. The applicants have provided a checklist that is scored at 51%. Officers score them at 12.5% but this is largely due to the failure to demonstrate details. For example, the TP6 makes no reference to the fact that the site is in an AQMA, and associated measures to ensure air quality is not harmed by the development. The following is a suggestion of areas that could be examined:

- 2.3f) As submitted, the development intensifies cars on the existing road networks, this may be reduced if the development does not result in a net increase in cars on site
- 2.4f) As submitted the proposal does not provide a clear pedestrian route to the residential development. This must be addressed, and could increase the score.
- 4.3h) Passive ventilation is not specified
- 4.3j) please confirm that heat recovery will be undertaken on the mechanical ventilation system.
- 4.3l) Localised lights with user controls are not specified anywhere
- 4.5 a-e) None of the water saving measures are specified anywhere- are these in the missing Sustainability Statement? - resulting in -35 score
- 6.1 a-i) None of the air quality measures are detailed – resulting in a -85 score
- 6.2 k/l) No noise reduction measures are specified
- 6.4t) Organic composting facilities should be detailed on the submitted drawing

Officers expect a revised TP6 form to achieve a score of at least 50. This will be a head of term within the s106 agreement.

CONSULTATION

Consultation letters were sent out on the 06/01/11 to 36 properties including properties on Ealing Road and Douglas Avenue

2 letters of objection have been received raising the following issues:

- The area already has litter problems,
- Ealing Road has severe congestion problems for vehicles and pedestrians, particularly at weekends and the high-storey proposal will worsen the local quality of living and traffic problems in Douglas Avenue, particularly the proposed road access
- The development will lead to a loss of privacy, and cause noise, pollution and dust at all times of the day and night, impacting on the enjoyment of the adjoining house and garden.
- The size of the building is out of keeping with neighbouring properties and will be visually overbearing.
- The development will lead to a loss of privacy to the neighbouring home and garden
- The building is visually overbearing, out of keeping with the locality
- The development is out of scale with the locality
- The new development will raise additional noise, fumes and dust pollution
- The development has an over-provision of parking, and therefore the development does not encourage sustainable transport measures.
- Trading times should be restricted to minimise disturbance at evenings/ Sundays
- The Council should seek obligations to mitigate against the development impacts, such as sustainable transport measures, social housing, environmental enhancements and community facilities.

2 Site notices 13/01/11

Press notice 20/01/11

Environmental Health - No comments received, conditions likely to require measures to prevent dust entrainment in an Air Quality Management Area (AQMA), self-closing doors, controls over proposed extract ventilation systems and the requirement that construction/ demolition works and deliveries are only undertaken within set hours.

Landscape - No objections subject to conditions relation to hard/ soft landscaping and amenity roof details. A method statement for the lawful elimination of Japanese Knotweed on site is required.

Highways - Initially raised objections to the proposed development, which had a basement layout that could not be supported, as it would have raised highway safety concerns and servicing problems, in addition to an inadequate cycle store. As the site has PTAL4 the Engineers are content with a car-free development subject to s106, (no permits to be issued to residents or businesses if a CPZ were to be introduced.) According revised drawings are sought reducing the car parking provision and providing space for an 8m rigid lorry, (8m by 3.5m) this could be dually used for a rigid lorry and van, in addition another transit space (6m by 3m,) is required for the retail units. Both should be capable of being used at the same time. Cycle parking provision is also required.

REMARKS

Introduction

The application proposes the demolition of the existing buildings and the erection of a 4-storey mixed-use development consisting of ground-floor and basement retail/ financial/ professional services/ restaurants (Use Classes A1, A2, A3,) 440sqm offices (Use class B1) at first floor and 9 residential flats (Use Class C3,) on second and third floors, (four 2-bed units, four 1-bed units, one 3-bed unit,) with associated parking and landscaping.

Policy issues arising from Proposed Uses

The proposal will provide 440sqm of office space at first floor and 445.7sqm of commercial A1/A2/A3 floorspace at ground floor. The site faces onto Ealing Road and falls within Ealing Road's Town Centre as designated in the Core Strategy. This means that the siting of the 4 proposed commercial units is compatible with the Council's retail policies. The proposed use

classes A1-A3 at the ground-floor and basement are acceptable in this location. The proposed office on the first floor is considered appropriate in the Town Centre and complies with the sequential approach to development within policy CP16. As this amount of commercial floorspace generates parking and servicing implications, officers feel that it is necessary to include a condition that the office space may not be subdivided into separate units, but must instead operate as one business. The applicants have agreed to this as a condition of approval.

Design and Layout

The principal views of the proposed development from the public realm are those provided from the streetscene to the west on Ealing Road and Douglas Avenue to the south. The building is 4 storeys at its highest. This scale of development is considered appropriate for an urban, "town centre" site. It should be noted that application 08/2151 was reported to committee previously for a mixed use development on site up to 4 storeys. The Council's Urban Designer finds that the development has a clean, simple elegant geometric form of 4 storeys. The ground-floor is glazed retail frontage supporting 2 storeys of brick frames balconies to 9 flats. The attic storey sits on top and is constructed in a light-weight frame system with glass and panel infill. A warm brown/ orange brick is to be used. Further amendments have been agreed with the applicant to further articulate the eastern and northern elevations, and revised drawings are awaited. The Council's Urban Designer also required the solid elevation treatment to be continued up to the top floor in places, which was felt to improve the buildings appearance by integrating the top-floor with the rest of the proposal. The applicants have introduced a small area of brickwork in the top-storey, and chimney detail which is considered to facilitate this connection.

The existing site frontage on Ealing Road consists entirely of a hardstanding forecourt partly surrounded by railings. There is no authorised vehicular access. The proposed design brings the building-line forward in the streetscene, matching the building line of the previously approved scheme. This minimises the opportunity to provide any significant planting in front of the building. However at ground floor the building will be set-back by 2.8m from the back of the Ealing Road pavement creating a deeper more expansive public space in front of the new building, which will also be sheltered by the upper floors of the building which partly oversail this expanded public space

The Council's Highway department welcome this addition to the public realm, particularly as the pavement along this stretch of Ealing Road is constrained. The Council's Highways Department have indicated that they would be willing to adopt this new public area. This will assist the maintenance of visibility splays at the junction and the circulation of pedestrians adjoining a bus stop. The commercial units at the ground-floor provide shop windows which are a modern design that compliments the proposed building. The design provides an active street frontage.

The main pedestrian access to the proposed flats is provided from Douglas Avenue. The entrance, lift and stairwell provide separate access to the residential development from the commercial premises. There is also the entrance to the first floor offices and a reception area here. The entrances are set back 1.2m from the edge of the footpath, providing an active frontage, but also allowing soft landscaping to be established to soften the approach to the development and assist its integration in the streetscene. The entrance areas separate the streetscene from an amenity courtyard at ground-level to the rear. This also contains the servicing bays and a disabled parking space. Cycle stores for the residential and office developments are provided at ground level. A residential refuse store for waste and recycling is at street-level and has inward opening doors to prevent pavement obstructions. A commercial goods lift provides access to the basement for servicing the A1/A2/A3 and B1 uses in addition to the commercial refuse store. Amended plans are awaited that demonstrate this layout.

The Council's Principal Landscape Designer has identified an area of Japanese knotweed in the north-eastern part of the site, which requires special removal and this will form the subject of a condition. An existing street tree is likely to be damaged by the proposed access positioning and proximity to the proposed building. A s106 charge will be made for the provision of additional

off-site landscaping to address this loss and the limited opportunities for introducing landscaping on the Ealing Road frontage.

On all elevations the windows serving the proposed flats at first and second floor have been poorly detailed and do not relate in size or scale to other features. It has been suggested that the windows are altered in order to co-ordinate their proportions. Amended plans are awaited.

Quality of Residential accommodation

The proposed residential unit sizes vary. There are four 2-bed units, four 1-bed units, one 3-bed unit. All of the flats exceed minimum floor-space guidelines set out within the Council's SPG17, some quite significantly, (for example flats 301, 302, that are 80sqm rather than 65sqm, which are the minimum floorspace guidelines.) This is likely to provide for a better quality of accommodation. The proposal does not under-use the site as it complies with London Plan 2008 density guidelines, (see section on Density below.)

The proposed flats outlooks are generally good. None of the flats are solely north-facing. There are sufficient distances between proposed window openings and boundaries in order to comply with guidelines within SPG17, which aim to allow for adequate light and privacy for new residential units and adjoining residential properties.

Amenity space

The main detailed amenity space for the proposed dwellings is the proposed communal roof garden on the third floor and terrace for the 3-bedroom unit 205 on second floor. A canopy area provides some weather protection. Privacy screen details shall be conditioned. Each of the flats will have access to privacy recessed balconies. Some of these are in excess of 11sqm, and the smallest is 6sqm. All are at least 1m deep, providing useable amenity space. In order to meet Brent's SPG17 guidelines approximately 210sqm amenity space is required for the proposed unit mix. As originally submitted the proposal was significantly short upon the space provided. Revised drawings are expected to provide approx 150sqm, leaving a shortfall in the amenity space provision on site. In order to comply with guidelines within SPG17 the applicants have been asked to provide a £10,000 contribution towards local open and play space improvements through the s106 accompanying this application, which they have agreed to in principle.

Impacts on adjoining residential development

Objections have been received from third parties living to the east of the site. They raise concerns over the amount of parking proposed and use and hours of use of the proposed car park area. Since the application was received amended drawings have reduced the parking provision on site, and further amendments to reduce this still further are anticipated. The use of the current car park area is not physically controlled. The proposal incorporates gates/ bollard to control access, to ensure that this area will be more tightly controlled than it is now. The proposed access is set 0.8m off the boundary with Pearl Oyster and a landscape buffer has been proposed to soften the impact of vehicle parking and manoeuvring on the adjoining occupiers. This is an improvement upon the wall and impromptu narrow shrub barrier on site now.

Neighbours have also raised concerns that the development will add to local congestion problems for vehicles and pedestrians. The proposal has been assessed by the Council's Highway division against relevant local planning policy transportation guidelines and largely complies. This is discussed further below. In addition, the legal agreement associated with the development is expected to generate funds towards non-car access/ highway improvements and /or parking controls to improve the local area.

Pearl Oyster, (which is subdivided into 2 flats) is the name of the building on Douglas Avenue adjoining the site, has non-habitable windows within the side elevation facing the development site. The nearest part of the proposed building has a terrace at second floor. There is one glazed access door facing the neighbouring building. However this is sufficiently forward in the plot that it is in front of the building at Pearl Oyster and will not have direct sight of the neighbours' side

elevation and will have no direct sight over the existing neighbouring private garden. The proposed terrace is set over 7m from the shared eastern boundary and over 13m from the northern boundary. It will have privacy screens to the north and east, to prevent any overlooking opportunities and safeguard the amenities of adjoining occupiers. The forward positioning of the proposed roof garden within the plot is such that it will not afford views of the private amenity areas of Pearl Oyster given the position of the neighbouring building and the fact that there are no habitable room windows within Pearl Oyster's western elevation. These site circumstances will also prevent the proposed building being overbearing on adjoining occupiers.

11m separate the proposed front block on Douglas Avenue with roof garden, from the northern boundary that borders the garden area to the rear of 89 Ealing Road. This is considered sufficient distance to maintain neighbouring privacy and complies with guidelines within SPG17. 89 Ealing Road only has non-habitable rooms within its southern facing elevation.

Parking and servicing

The original submission incorporated excessive parking levels including ground floor and basement parking areas. With regard to vehicular access in general, there were significant concerns with regard to the design of the proposed access ramp to the basement car park, which incorporates a 90° bend around which there would be no inter-visibility between vehicles entering and leaving the car park. With the tightness of the bend not allowing two cars to pass one another, the design is considered to be unsafe. The gradient of the access ramp is also very steep and no indication has been given that any transition lengths would be provided at either end to minimise the risk of grounding. As guidance, the gradient should not exceed 5% for a distance of at least 4m from the highway boundary, which will also help to ensure adequate visibility to the back of the footway. Clarification is also needed on the minimum headroom along the ramp to ensure it is accessible to transit vans and high-top conversion vehicles.

Given the difficulties arising from the combination of trying to provide an acceptable design for the basement access ramp, overprovision of parking and poor servicing arrangements, officers suggested that the basement car park be deleted. This would then provide more space at ground floor level to achieve a suitable layout that can accommodate the servicing, parking and access requirements. This would also help should a future access route through to 85-89 Ealing Road still be desired at the rear of the site

The site lies in a controlled parking zone but has good access to public transport (PTAL4) with proximate rail stations and bus stops. As the site has good access to public transport services and is located within a CPZ, a reduced allowance of 0.7 spaces per 1-/2-bed flat and 1.2 spaces per 3-bed unit applies to the residential floorspace, whilst a reduced allowance of one space per 300m² applies to the offices. As such, up to 6.8 residential car parking spaces would be allowed. However, officers support in principle a "car free" development that residents and occupants of the commercial premises shall not be entitled to on-street parking permits should a CPZ be developed in the future. This will form part of the s106 associated with the development. One disabled space is provided in accordance with planning policy TRN35. The parking area is to be delineated by gates. The applicants have been requested to relocate the gates so that they are at least 6m away from the rear of the footpath in order to prevent highway obstructions. Amended drawings are awaited.

Standard PS16 requires one secure bicycle parking space per residential unit, whilst the offices would require at least four spaces. 9 residential spaces and 4 office cycle spaces are shown within dedicated cycle stores and additional stands are provided within the development frontage within the forecourt area in front of the proposed shops on Ealing Road to service the A1/A2/A3 uses.

The proposal currently provides spaces to accommodate an 8m rigid lorry for the offices, (8m by 3.5m) that could be dually used for a rigid lorry and van, in addition another transit space (6m by 3m,) for the retail units. A servicing management plan shall be required as a Head of term within the associated s106 legal agreement in accordance with Policy TRN34.

Noise

There are currently commercial units on ground-floor with residential units above. However, the scheme will be expected to meet Building Regulations insulation requirements and if built to modern standards, noise emissions between floors are not anticipated to be problematic.

The applicants have been requested to provide details of internal ducting for all 3 commercial units rather than just the one currently shown. This is in accordance with Policy BE17 which requires building services equipment to generally be accommodated inside proposed buildings. Amended drawings are awaited to show this.

Other issues relating to noise raised by the Council's Environmental Health division may be satisfactorily conditioned. This includes measures to prevent dust entrainment in an Air Quality Management Area (AQMA), self-closing doors, controls over proposed extract ventilation systems and the requirement that construction/ demolition works and deliveries are only undertaken within set hours.

Flood Risk

The site is within Flood Zone 1 and is less than 1 hectare in size; therefore no detailed flood risk statement is required.

Density

The site has a PTAL of 4, which in an urban context would fall within the 200-700 hr/ha, 55-255 u/ha ranges on the Mayor's London Plan matrix. This scheme would result in a density of 266hr/ha and 100u/ha. This is within the tolerances for the unit number and habitable rooms/ hectare compared with the London Plan guidelines.

Conclusion

The amended scheme is considered a high quality design that will provide a mixed use development within Ealing Town Centre. Subject to amendments, conditions and s106 obligations the proposal is considered to relate satisfactorily to the local streetscene context, neighbouring amenities and highway network. Accordingly officers recommend that the application be approved.

RECOMMENDATION: Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-
The London Plan 2004 as consolidated with amendments
Brent Core Strategy 2010
Brent Unitary Development Plan 2004
Supplementary Planning Guidance (SPG) 17 - "Design Guide for New Developments".
Supplementary Planning Guidance (SPG) 19 - "Sustainable Design, Construction and Pollution Control."
Supplementary Planning Document - S106 Planning Obligations.

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):

10052 EX. 00	10052 EX. 01
10052 S.00	10052 GS. 00A
10052 GS. 01A	10052 GS. 02
10052 GE .01A received 09/02/11	10052 GE .02A received 09/02/11
10052 GE .03A received 09/02/11	10052 GE .05A received 09/02/11
10052 GA .01 received 02/02/11	10052 GA .02A received 02/02/11
10052 GA .03A received 02/02/11	10052 GA .04A received 02/02/11
10052 GA .05A received 02/02/11	10052 GA .06A received 02/02/11

Energy Statement
Design & Access Statement
Sustainable Development Checklist

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

- (3) Prior to occupation of the development hereby approved
- a) the proposed refuse and recycling facilities for residential and commercial uses shall be installed on site
 - b) 4 publicly accessible Sheffield bicycle parking spaces in the Ealing Road forecourt

shall be installed and completed in all respects in accordance with the approved details before the buildings are occupied.

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

- (4) Prior to the commencement of the use of any part of the approved development all
- a) parking spaces
 - b) turning areas
 - c) loading bays - which will be marked for use only as a loading area

shall be constructed and permanently marked out in accordance with the approved plans. Thereafter they shall be retained and used solely in connection with the development hereby approved and for no other purpose.

Reason: To enable vehicles using the site to stand clear of the highway so that the proposed development does not prejudice the free-flow of traffic or the conditions of general safety along the neighbouring highway.

- (5) All existing vehicular crossovers rendered redundant by the development, hereby approved, shall be made good, and the kerb reinstated, at the expense of the applicants, prior to the first occupation of the development.

Reason: In the interests of highway safety.

- (6) The proposed vehicle access gates/ bollard shall not be set closer than 5m to the back of the public footpath unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of highway safety and to prevent unnecessary highway obstructions

- (7) Notwithstanding the submitted plans, this consent does not extend to any shopfront or advertisement proposed or indicated for the site which would need to be the subject of a separate planning, or advertisement consent.

Reason: For the avoidance of doubt and in order to allow the Local Planning Authority to exercise proper control over the development.

- (8) During demolition and construction on site:-
(a) - The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1997 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site;
(b) - Construction/ refurbishment/ demolition works and ancillary operations that are audible at the site boundaries, shall only be carried out between the hours of 0800 - 1800 Mondays - Fridays, 0800 - 1300 Saturdays and At no time on Sundays or Bank Holidays;

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

- (9) a) The external doors for the ground-floor commercial uses shall be made self-closing to minimise emission of odours and/or noise to the neighbouring area. No use of the ground-floor commercial premises shall take place until such time as the external doors has been fitted with self-closing devices, unless otherwise agreed in writing by the Local Planning Authority
b) Any musical amplification systems that may be used in the commercial units shall be maintained at a level that is at least 10dB below the external background noise level of the nearest noise sensitive premises. Should the predicted noise levels exceed those required by this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: To safeguard the amenities of the occupiers of adjoining properties.

- (10) Deliveries/ unloading/ loading associated with the application site shall only be between the following hours:
08:00 – 18:00 - Monday to Saturday
Not at all - Sundays/Bank Holidays
Unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to safeguard the reasonable amenities of adjoining residential properties

- (11) No windows, glazed doors or other openings (other than any shown in the approved plan) shall be constructed in the northern and eastern walls of the building, without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

- (12) The forecourts between the proposed commercial build-lines and both highways shall not be used for trading purposes without the prior written consent of the Local Planning Authority

Reason: In order to prevent unnecessary streetscene clutter and obstructions of the public footpath.

- (13) The first floor offices hereby approved shall be used shall not be subdivided into separate occupancies at any time and shall be operated as one B1 business premises unless otherwise agreed in writing by the Local Planning Authority

Reason: In order for the Council to maintain control of occupancy to ensure servicing is adequately controlled

- (14) The proposed basement shall only be used to provide ancillary floor-space in conjunction with the ground-floor units and cannot be subdivided to provide self-contained units without the prior written consent of the Local Planning Authority. The use of the basement shall be restricted to storage, plant, sanitary accommodation, kitchens and preparation areas to serve the commercial units above unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the over-intensification of commercial use at the site, and in order for the Local Authority to control servicing of the development

- (15) Details of materials for all external work with samples, (including choice of bricks, cladding, windows, doors, balcony details and screens) and recessed walls feature details on the northern and eastern elevations shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing and those details, once approved, shall be fully implemented.

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

- (16) No development shall commence unless the applicant submits details of all ground-floor areas indicated for hard and soft landscape works on the approved plan. These shall be suitably landscaped with trees/ shrubs /plants and hard surfacing in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any construction work on the site, and such landscaping work shall be completed prior to occupation of the buildings and thereafter maintained in accordance with the approved scheme.

The scheme shall indicate by not be limited to:-

- a) soft landscaping including plant sizes, and densities of planting for plants, shrubs and trees
- b) hard surfacing for paths and including the use of permeable paving for the servicing area
- c) other appropriate matters within the context of a landscaping scheme, such as details of seating, and usage of areas;
- d) treatment of the roof terraces,
- e) general arrangement of hard and soft landscape; construction details of roof; drainage; waterproofing; proposals; indicative sections across roof
- f) substrate depth to soft landscape the roof gardens – to be a minimum of 100mm for sedum/wildflower; 150mm for turf; 300-450mm for shrubs and 600mm for trees. Areas of soft landscape/planting should cover at least 70% of total roof space.
- g) A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape. Water points should be provided for the main communal terrace at third floor, ground floor rear courtyard and Douglas Avenue frontage

Any trees, shrubs and plants planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased, shall be replaced by trees and shrubs and plants 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 area.

- (17) a) No development shall take place unless there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected or retained. The boundary treatment shall be completed before occupation of the buildings, or commencement of the use, or in accordance with a programme agreed in writing with the Local Planning Authority. Any existing boundary treatment shall not be uprooted or removed except where in accordance with the approved plan and shall be protected from building operations during the course of development.
- b) Any trees, shrubs and plants planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased, shall be replaced by trees and shrubs and plants of similar species and size to those originally planted.

Reason: To safeguard the character of the area and the reasonable residential amenities of local residents.

- (18) Prior to development commencing, full details of

- a) the proposed third floor roof terrace's weather-proofing
b) methods of screening the second and third floor roof terrace areas to prevent overlooking, and
c) balcony screens

shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the details shall be implemented in accordance with the approved details prior to the occupation of the building.

Reason: In order to enhance the amenity value of the proposed communal amenity area, and safeguard neighbouring occupiers

- (19) No development shall commence unless the applicants submit a method statement for the lawful elimination of Japanese Knotweed on site, which shall be submitted to and approved in writing by the Local Planning Authority and thereafter the works shall be undertaken in accordance with these approved details prior to the commencement of development

Reason: Japanese Knotweed is an invasive non-native plant, which is restricted under s14 of the Wildlife and Countryside Act 1981. It is regarded as controlled waste.

- (20) No development shall commence unless prior to development commencing, further details of the private commercial and residential secure bicycle storage facilities 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 buildings are occupied.

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

- (21) Prior to the commencement of any A3 use, details of suitable and sufficient apparatus for the neutralisation of all effluvia from the processes of cooking, shall be submitted to and approved in writing by the Local Planning Authority and shall be installed prior to commencement of the use and thereafter maintained.

Reason: To safeguard the amenities of the occupiers of adjoining property

- (22) a) Details of any plant/ extraction equipment to be installed together with any associated ducting and the expected noise levels to be generated, shall be submitted to and agreed in writing by the Local Planning Authority prior to development commencing and thereafter shall be installed in accordance with the approved details. Ducts should outlet at least 1m above eaves unless otherwise agreed in writing.
- b) The noise level from any plant (e.g. refrigeration, air-conditioning), together with any associated ducting, shall be maintained at a level 10 dB (A) or greater below the measured background-noise level at the nearest noise-sensitive premises. The method of assessment should be carried out in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas".
- c) Should the predicted noise levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: In order to ensure adequate insulation and noise mitigation measures to safeguard the amenities of adjoining occupiers

- (23) The residential units hereby approved shall not be occupied unless details are submitted to the Local Planning Authority which confirm that lifetime homes standards has been provided within the development.

Reason: In the interest of providing accessible and adaptable accommodation for future users.

INFORMATIVES:

- (1) The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by the building works in the site. Unless otherwise agreed in writing by the Council this must include:
- damping down during demolition and construction, particularly in dry weather conditions,
 - minimising the drop height of materials by using chutes to discharge material
 - damping down the skips/ spoil tips as material is discharged,
 - sheeting of lorry loads during haulage and employing particulate traps on HGVs
 - ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
 - utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
 - the use of demolition equipment that minimises the creation of dust.

Reason: To minimise dust arising from the operation in an Air Quality Management Area.

Any person wishing to inspect the above papers should contact Amy Wright, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



Planning Committee Map

Site address: 93 & 93A, 94 & 94A, 95, 96 & 96A, 97 Ealing Road, Wembley, HA0

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Committee Report
Planning Committee on 23 February, 2011

Item No. 3/02
Case No. 10/3203

RECEIVED: 13 December, 2010

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: Preston Manor High School, Carlton Avenue East, Wembley, HA9 8NA

PROPOSAL: Erection of a one and two storey building to form a permanent primary school in the grounds of Preston Manor High School, with a new access between 109 & 111 Carlton Avenue East, comprising new classrooms, small and large halls, staff room, reception, kitchen and office space, with plant and photovoltaic panels, revised landscaping incorporating car park, a new Multi Use Games Area, (MUGA,) play areas, access paths, external amphitheatre and new trees

APPLICANT: Major Projects (London Borough of Brent)

CONTACT: Mott MacDonald

PLAN NO'S:
Please refer to condition 2

RECOMMENDATION

To either:

- (a) Resolve to Grant Planning Permission, subject to a s106 legal agreement, or
- (b) If within a reasonable period the applicant fails to demonstrate the ability to provide for the s106 terms and meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

SECTION 106 DETAILS

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

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance.
- (b) Prior to Occupation submit, gain approval for and adhere to a Community Access Plan of the school, covering public access to the small and large halls and MUGA for not less than 20 hours a week at rates comparable to council facilities.
- (c) Prior to Occupation submit, gain approval for and adhere to a Travel Plan of the school.
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and BREEAM EXCELLENT 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 a contribution of £25,000 towards local highways improvements.
 - (h) Funding/ undertaking of works in the public highway in the vicinity of the site through s278 of the Highways Act 1980 to include:
 - (i) construction of a new access road with footways into the site, including lighting and drainage;
 - (ii) amendments to the junction of the site access/Princess Avenue/Carlton Avenue East to provide standard kerb radii on each side of the junction with a speed table and tactile paving (together with associated amendments to the crossovers into the adjoining properties);
 - (iii) provision of footways along both sides of Princess Avenue;
 - (iv) provision of suitable signing and lining for the school (incl. SCHOOL KEEP CLEAR markings and advance warning signs);
 - (i) Prior to Material Start a contribution of £7500 towards the provision of a new cricket table at Eton Grove to cover installation, maintenance and management agreements

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

EXISTING

The site takes up approximately a 0.6 hectare section of the existing school grounds of Preston Manor High School. The site lies in the top north-eastern section of the school grounds and is roughly triangular in shape. About a third of the site consists of an overgrown scrubby area along the northern and eastern boundaries, the rest is mown grass and forms part of the high school's playingfield. The grassed area is not marked out as a sports pitch but is occasionally used by the high school for sports purposes. The more overgrown areas along the boundaries have been subject to a habitat assessment, and no endangered species have been found. The Council's Arboricultural officer confirms that no trees in this area are worthy of a Tree Preservation Order. The site is not situated within a conservation area.

The proposed school is to be accessed between 109 & 111 Carlton Avenue East. An existing maintenance track is to be upgraded here to a road, which will extend east to the existing highway, Carlton Avenue East, with its junction to Princess Avenue. The eastern school boundary to the south of the access has an existing mixed character of fences, (including open mesh fencing,) with some hedges and trees.

PROPOSAL

Erection of a one and two storey building to form a permanent primary school in the grounds of Preston Manor High School, with a new access between 109 & 111 Carlton Avenue East. The building will provide a 2 form entry primary school, with learning facilities for reception classes through to to year 6, (4 to 11 year olds.) The facilities will consist of 14 standard classrooms, an information & communication technology (ICT) room, a design and technology classroom, a library, main hall and small hall. Staff areas include offices and reception/ administration. The main halls have been designed to be accessible out of hours including a new MUGA area that can be used by the local community out of school hours. Plant and photovoltaic panels are proposed. On site landscaping incorporates a car park, and a new Multi Use Games Area, (MUGA,) play areas, access paths, external amphitheatre, new shrubs, plants and trees.

The primary school will be built as a 420 place school, but it is not proposed to be fully occupied until 2016. It will have 120 pupils in September 2011, (60 pupils from the existing temporary school and 60 new intake,) and each subsequent year the school will increase by 60 pupils until it reaches 420 spaces.

HISTORY

Many history records on file, but the most relevant recent applications are:

- 17/12/10 Temporary planning permission granted for the erection of a temporary primary school in the grounds of Preston Manor High School, to be accessed from Ashley Gardens, comprising a single-storey modular building incorporating two classrooms, assembly hall, staff room, medical area and ancillary office and storage space (Ref 10/2738)
- 10/01/08 Planning permission granted for the erection of a single-storey block comprising of 14 new classrooms, toilets and office space; the erection of a new sports hall; the relocation of outdoor hard play area and the relocation of 2 existing mobile classroom buildings and removal of 1 mobile classroom (Ref: 07/3033).
- 01/06/2004 Planning permission granted for the erection of two single storey portable buildings for use as classrooms to replace recently fire damaged portable building (Ref: 04/0575).
- 28/01/00 An appealed against the non-determination of an application for the erection of 61 detached and semi-detached dwellings with associated car-parking and amenity space; rearrangement of the existing sports pitches and provision of an all-weather floodlit playing area, and erection of a mixed school building dismissed (Ref: 99/0652).
- 12/10/99 Planning permission refused for the erection of 61 detached and semi-detached dwellings with associated car-parking and amenity space; rearrangement of the existing sports pitches and provision of an all-weather floodlit playing area, and erection of a mixed school building (Ref: 99/0582).

POLICY CONSIDERATIONS

Planning Policy Statement 5 – Planning for the Historic Environment

Planning Policy Guidance 17 – Planning for open space, sport and recreation

Planning Policy Statement 25 – Development & Flood Risk

Planning Policy Statement – A sporting future for the playing fields of England

Brent's Unitary Development Plan 2004

BE2- Townscape- Local Context and Character

BE5 – Urban Clarity & Safety

BE8 – Lighting and Light pollution

BE9- Architectural quality

BE12 – Sustainable Design Principles

BE17 – Building services equipment

EP2 – Noise & Vibration

EP6- Contaminated Land

H22 – Protection of Residential amenity

TRN3 – Environmental Impact of Traffic

TRN4 – Measures to make Transport Impact acceptable

TRN11 – The London Cycle Network

TRN22 – Parking standards- non-residential developments

TRN34 – Servicing in New development

TRN35 – Transport access for disabled people and others with mobility difficulties

CF2- Location of small scale Community Facilities

CF10 – Development within school grounds

Brent's Core Strategy 2010

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

CP19 – Brent Strategic Climate Mitigation and Adaptation Measures

CP23 – Protection of existing and provision of new Community and Cultural Facilities

SPG17 - Design Guide for New Development

SPG12 – Access for disabled people, designing for accessibility

SUSTAINABILITY ASSESSMENT

The proposed school will have a total floorspace of 2271.29sqm. The Energy Statement indicates that the applicants originally expected to meet the London Plan requirement to offset 20% of on-site CO2 emissions using a ground source heat pump and approx 150sqm roof-mounted photovoltaic cells. In order to meet this level, the proposed school must off-set 19,594kg/CO2/annum. The applicants calculate that they will off-set 20,714kg/CO2. To ensure that the 20% carbon offset target is met it is included as a s106 requirement. The school will also use passive measures such as high efficiency glazing and thermal insulation, to maximize the building's efficiency. During the course of the application the applicants have confirmed that they now expect to provide 20% of CO2 emissions entirely through PV panels. This will result in an area 285sqm of PV cells. These have been designed to be visible from the ground, in order to enhance pupils' educational experience.

The applicants are required to submit and comply with the Sustainability check-list Form TP6 ensuring a minimum of 50% score is achieved and BREEAM Excellent with compensation should it not be delivered. In addition applicants are expected to adhere to the Demolition Protocol. The applicants score themselves 62.5 on the Sustainable Checklist. Officers score them at 36. Developments are usually expected to score at least 50, although the TP6 checklist is biased towards higher scores in residential development. Whilst it may be difficult to achieve 50 on a school site, a higher score than 36 would be a requirement of any associated s106 legal agreement. Officers can see how a score of 47 could be achieved if further information was provided.

The pre-assessment of Preston Manor Primary School has demonstrated an overall "Excellent" rating on BREEAMs 2008 educational building measurement with a score of 82.58%. This complies with the requirements of policy CP19.

The school will be heated by 3 gas boilers. The new hall will be heated by a wet underfloor heating system. The majority of the school will be temperature controlled by low surface temperature sensors. Classrooms will be cooled in summer with motorized inlet dampers, grilles, stack ventilation, brise soleil and openable windows. In winter the natural ventilation openings will be closed and an extract air handling unit will recover heat. The kitchen area will also have a mechanical extraction ventilation system. Perimeter photocell controllers will control when low light levels require artificial lights to be on in the building. External lights will be controlled by photo-electric cells and/or timers, so that they only operate when required.

CONSULTATION

Consultation letters were sent out on the 23/12/10 to 320 properties including properties on Ashley Gardens, Aylands Close, Carlton Avenue East, Forty Avenue, Perrin Grange, Highfield Avenue, Hollycroft Avenue, Keysham Court, Preston Road, Orchid Court and Carlton Parade.

2 Site notices 20/12/10
Press notice 30/12/10

13 letters of objection received, raising the following issues:

Lack of clarity in the application documents/ consultation

- The planning statement is misleading, until you read the addendum, which clarifies 3.1 that the school will be built as a 420 pupil school, but will not be fully occupied until 2016.
- The Consultation periods and people to write to on notices differ from what residents were told at public meetings. This seems like a shoddy attempt by Brent Council and Preston Manor High School to push through the plans without sufficient consultation, or giving tax-paying residents time to object
- The school consultation should have notified residents on Elmstead Avenue and CAE, and not added them as an after-thought
- Residents have not been allowed 21 days to comment. The consultation dates appear to have been cut

Loss of green-space

- 109&111 CAE raise concerns about their fence being damaged by the proposal, and they require access to their garages to be maintained
- The proposal will result in further loss of green space
- The Planning Inspector found in the planning appeal by Preston Manor School and St Georges West London Ltd in their report of 30/03/00, pg 15 Annex A, 10.7 "The degree to which loss of private view is a material consideration to be protected in the public interest, is a matter of law... the open prospect makes a valuable contribution to the general environment of the area... a material loss of openness would undermine the attractiveness of the residential area
- The Planning Inspector found in 2000, "once lost to development, open space is unlikely to be regained so that there is little prospect of any increase in overall provision in Brent."
- The 2 storey building will result in a loss of privacy and outlook for residents
- The northern end of the site has become scrub after the pavilion building burnt down. The grassed area is regularly used for training and sports purposes, which is cynically described as hardly used in the consultation documents

Traffic concerns

- Traffic control in the area is poor, and does not allow for more vehicles to use the already inadequate roads
- How will Brent deal with the extra traffic congestion and parking issues?
- The proposals will result in more cars dropping off children. This will lead to congestion on CAE, Princess Avenue and Elmstead Avenue, leading to rat-runs, and possibly a CPZ or one-way roads, which residents do not want
- Monitoring parking during snowy conditions will not indicate a true reflection of the existing problem
- Have alternative entrances been considered to minimise traffic impact, for example, Ashley Gardens for parent parking, and the main High School entrance for pedestrians
- A second school entrance onto CAE will have a detrimental impact on parking and traffic for CAE and Elmstead Avenue residents, it would be better if Ashley Gardens school were to be retained
- A MUGA is not needed on site, nor is an external amphitheatre. If these are hired out to the public, this will worsen parking further
- The parking spaces for staff will be one per 5 staff. This will create insufficient parking with approx 50 staff, they will be forced to park on CAE, Princess avenue and Elmstead Avenue, which is unfair on local residents
- Brent Council are waiting for an excuse to introduce CPZs, so residents will have to pay for their parking

- The traffic congestion arising from the proposal will raise safety concerns for pedestrians and children
- Cars and lorries use CAE as a short-cut from Forty Avenue to Preston Road. Most drivers show little respect for the speed, despite the road humps. It is like Brands Hatch already, without the new school
- CAE already has congestion with people parking to use the Preston Road station, or existing school. There is not enough parking on surrounding roads for parents collecting and dropping off children.
- The parked cars lead to vehicles speeding between the retained gaps, leading to many unreported accidents
- The congestion on CAE is sometimes so bad that cars mount the kerb and drive inside of parked cars along the grass verge to get by. This would be dangerous for pedestrians, and cyclists, particularly young children. It is only a matter of time before a serious accident occurs. Those making the application share a degree of culpability
- There is no protection of existing residents parking
- An existing nursery in the church is already causing parking problems for local people
- Preston Road is a bottle-neck of traffic, generating noise without the school, which can only add to it.
- The parking/congestion around the Ark was not properly considered. This proposal for only 13 parking spaces also seems flawed. A more realistic approach should be considered
- More parking should be provided within the school grounds for drop-off rather than relying on adjoining roads
- The Council should consider a CPZ
- Local residents will be trapped by the congestion, particularly around school opening and closing, and on refuse collection days
- The buses waiting outside the Ark Academy are an accident waiting to happen, as cars swerve over the central line to avoid them. This, like the current proposal shows a lack of foresight regarding traffic problems
- The greatest deficit of school places is in the south of the Borough, meaning that the majority of children will travel from outside the area. The existing school uses up the majority of spaces on the road. Where will all of the new vehicles park at school opening and closing times?
- Brent Council should enforce existing parking controls
- Wooden posts should be placed on the grass verges to stop vehicles mounting them, at more cost
- St Erconwalds Church, the existing nursery school also causes congestion in the local area already
- Transporting children to the school will increase carbon footprints

Noise and disturbance

- An access between 109&111 CAE will generate more noise and traffic to unbearable levels
- The proposal will result in garage removal vehicles and other cars using Princess Avenue and the access track, resulting in unacceptable levels of noise, smell and dust as only one access is proposed
- Waiting parents leave their car engines running for heat or air conditioning
- Local buses are already full from the High School children. How will the proposed children reach the school?
- Out of hours use of the school will worsen the noise problems
- The quietness of the area will be disturbed by the shrill noise of young children during play-time

Other

- The fall of the land of approx 3m will not assist residents living in CAE, only those who live to the north.
- The proposed cycle shelter will harm the quality of the neighbouring garden, which has a vegetable patch at the end, and is unencumbered by trees
- The school fields are used as a helicopter landing site for dignitaries on Event Days
- The behaviour of existing school children in local streets is aggressive towards residents and visitors
- The existing students leave high amounts of litter in the area
- The interests and concerns of local residents must be taken into account, the majority are against the additional projected pupil intake
- Who will provide funding for the proposed school?
- The children filling the proposed school should have been considered when they were born 4 years ago, rather than as an after-thought by Brent Council
- The children in the proposed primary school will automatically have a place at the High School, disadvantaging the children who live locally from getting a place
- We have been advised that there are a number of schools within the Borough, such as Chalkhill Primary that are under-utilised, and could provide spaces for children rather than requiring an entirely new school
- The new school will cost, not just for the initial set-up, but its continued maintenance for years to come. How will the Council continue to fund the school?
- The High School's Ofsted rating has fallen. Resources should be focussed on increasing this again, rather than expanding
- Parents of pupils at the school have voted against its expansion
- The fields were originally bequeathed with covenants. Does Brent have the right to build on it?
- In 2000 local residents successfully resisted building on the school grounds, which is subject to restrictive covenants
- Brent have fenced the fields, preventing residents access
- People living at the new housing at Wembley Link will need schools and shops, etc. The pressure on the area will keep rising
- Preston Manor itself opposed an all-through school at the Ark
- Does Preston Manor plan to become an Academy?
- The existing High School children intimidate other footpath users
- The local houses are predominately 1930s semi-detached. The design of the new school and type of materials are completely out of keeping.
- None of the other local schools have buildings and play areas as close to housing
- There is not need for the facilities to be useable by the local community. The MUGA at Tenterden Playing fields are hardly used. This and the proposed MUGA at King Edward VII park are both in walking distance
- The only users of the proposed MUGA are likely to be drug takers, dealers and dangerous dog owners from the Hirst Crescent area. The Safer Neighbourhoods team will not want a new MUGA near an area with known anti-social behaviour problems
- Public access out of hours, will allow low life access to local residential properties, security and lighting will be costly 24/7
- The need for a primary school is not in the local area. The need for spaces may not continue to grow, particularly if the economic crisis leads to the overseas population going home.
- The new school will be too far for children to travel to, and not all the spaces will be taken up. The school could become a white elephant
- It seems obscene to be spending on a new school when Brent are cutting elderly

and disabled services

- The application should not be rubber-stamped approved. As the applicant is Brent Council. The planning officer is employed by Brent, and councillors are told to toe the line.
- Are there enough funds to cover the shortfall from the Comprehensive Review Programme? How will the shortfall be made up? How will on-going costs be met?
- The Wembley Area Consultative Forum on 20th October minuted no support for a proposed school
- With 3 junior schools close by, there is no need for a primary school here
- The proposed primary school will result in just under 2000 children on site
- Bus stops are already taken over by High School children
- How much has the planning application cost the Council? The supporting documentation is needlessly padded
- More children than just 300 six formers leave the school at lunch times, leading to litter problems, which are not policed by the school
- Who has assessed whether the proposal meets fire standards
- Will the primary school be built on contaminated soil?

Environmental Health – no objections subject to conditions regarding contaminated land remediation and verification. A noise impact assessment in relation to the MUGA is required. The acoustic barrier proposed should be detailed.

Landscape Design – no objections subject to conditions on hard and soft landscaping (including dense boundary planting, ground cover shrubs and trees,) levels, lights, boundary treatments, green roofs, play areas, green wall and roofs, insitu seating and planters, amphitheatre, steps, and trees to be protected during construction works to BS5837 standards. There is a discrepancy in relation to the retention of an oak on site. Details of play equipment should be provided. The use of concrete across the site is not advocated as it becomes stained over time. Coloured tarmac is likely to degrade in the proposed mastertint areas, leading to weed growth, particularly where excessive edging would be required for the large number of narrow strips proposed.

Highways-no objections subject to s106 to achieve a revised School Travel Plan; Funding/undertaking of works in the public highway in the vicinity of the site through an Agreement under S278 of the Highways Act 1980 to include: (a) construction of a new access road with footways into the site, including lighting and drainage; (b) amendments to the junction of the site access/Princess Avenue/Carlton Avenue East to provide standard kerb radii on each side of the junction with a speed table and tactile paving (together with associated amendments to the crossovers into the adjoining properties); (c) provision of footways along both sides of Princess Avenue; (d) provision of suitable signing and lining for the school (incl. SCHOOL KEEP CLEAR markings and advance warning signs); Provision of a sum of £25,000 towards potential on-street parking controls in the area.

A revised car park layout is also required, demonstrating that refuse and service vehicles would be able to turn within the site and providing segregated and safe pedestrian routes into the building entrance. The latter will also need to include a pedestrian footpath from Ashley Gardens.

Environment Agency – the site is less than 1 ha. It is important to ensure that the site adheres to the SUDs hierarchy. Surface water must be appropriately managed to ensure no harm elsewhere. Educational flood management methods should be used wherever possible

Urban Design – no objections, but suggestions on quality of materials, and a method of demarcating the school entrance route

Sport England –raised concerns at pre-application, but formal comments awaited, and will be reported in the supplementary

REMARKS

Introduction

This application is for the erection of a permanent primary school to meet an identified need to provide education places within the Borough. The main planning considerations are as follows:

- Community facility/ need
- Size and scale of proposed building upon surroundings including residential amenities, the school playing fields, boundaries and pitches
- Environmental impact assessment
- Impact on open space and sports provision
- Transportation impacts
- Flood risk

Demand for Primary Places

Changes in Brent's population has created increasing demand for school places. The number of four year olds on school rolls is expected to rise strongly over the next three to four years.

In 2009-10, Brent Council analysed the increased demand for places and added a further 68 reception places, at Anson Primary School (7) Park Lane (30) Newfield (30) Avigdor Hirsch Torah Temimah (1), providing a total of 3428 reception places. Despite adding new places, there remains a shortfall of reception places in the Borough. As of 29 July 2010, there were 164 children of primary school age without a school place for the 2009/10 academic year. For the 2010-11 academic year beginning next September, temporary provision for 135 additional reception places has been created in the following schools; Brentfield (30) Wykeham (30) Braintcroft (30) Islamia (30) St Robert Southwell (15).

Applications for reception places 2010-11 are up on last year with 3817 applications compared to 3583 for 2009-10. Since the closing date for applications a further 295 have been received, making a total of 4112 applications. More applications will have come in since the start of the academic year.

As of 15 September 2010, after the additional 135 temporary places are taken into account, 208 Reception children are still unplaced, with 40 vacancies overall in schools; this leaves a net shortage of 168 Reception places in the current academic year. New arrivals to Brent continue to seek reception places. Furthermore many places at Brent's faith schools are taken up by children from outside the borough.

There is also a mismatch between where vacancies exist and where unplaced children live. Most parents seek a local school for primary aged children. During 2009-2010 in some cases the LA has had to offer places up to 5 kilometres away from where children live as this was the nearest offer that could be made.

The Local Authority (LA) consulted with primary schools in the borough to explore the possibility of increasing the number of school places. It has been evident that the demand for places would be greater than the number of available places. This assessment was based on the number of applications received by the LA, the current forecast of student numbers and feedback from schools. Subsequently, the LA reviewed capacity constraints at all primary schools and identified the maximum need for school places in local areas. Discussions have taken place with schools that were suitable and willing for expansion. This was followed by an initial feasibility assessment.

Preston Manor High School

The Local Authority has asked the governing body of Preston Manor High School to consider the proposal to expand the school by creating a new permanent two form of entry primary school to

open in September 2011.

Preston Manor High School is a Foundation school using the admission arrangements set by the Governing Body. It offers non-denominational mixed gender places for students aged 11-19 years. Student numbers on roll at the school in the academic year 2009-10 are given below:

Number on Roll*	Y7	Y8	Y9	Y10	Y11	Sixth Form	Total
Preston Manor High School	251	250	223	231	228	298	1481

*January 2010 Census Data

Preston Manor High School has agreed to accommodate two Reception classes (60 places) on a temporary basis from January 2011 until the end of the academic year. The temporary accommodation was recently approved at Planning Committee under application reference 10/2738. The temporary school buildings have been erected within the High School grounds, adjacent to Ashley Gardens. The temporary buildings are strictly time-limited and may only be on site for a maximum of 2 years.

The current planning application 10/3203 proposes the creation of the proposed permanent primary school. The new primary school is situated at the north end of the existing high school site, with its own dedicated access from Carlton Avenue East between 109 & 111 Carlton Avenue East. If this current planning application were to be accepted, Preston Manor would offer two form of entry primary provision from September 2011. This would mean that the school would admit two form of entry (60 students) in the reception year from January 2011 and this cohort would progress to Year 6 by September 2016, after which they would transfer to the high school. The primary school will be built as a 420 place school, but it will not be fully occupied until 2016. It will have 120 pupils in September 2011, and each subsequent year the school will increase by 60 pupils until it reaches 420 spaces.

The proposed use

The application proposes the erection of a permanent primary school in the grounds of Preston Manor High School to be accessed from Carlton Avenue East. The use of an existing school site for the provision of education facilities is acceptable and complies in principle with Policy CF10.

The proposed siting within the school playing field

The permanent school is proposed within the school grounds of Preston Manor High School. The school is to be run in conjunction with the established High School, under the same Headmaster. The site is within the north-eastern part of the school playing fields.

Brent's Core Strategy places great emphasis on the protection of Open Space. Policy CP18 states that " inappropriate development" of open space should be resisted. This is defined as any development harmful to the use or purpose of open-space unless very special circumstances apply. However, the applicants have demonstrated that there is a specific local need for a new primary school. They have explained in supporting documents that other siting options were explored but were discounted. In addition the new primary school is functionally linked to the existing High School on site. The siting will allow a new pedestrian and vehicular access from Carlton Avenue East. The applicants consider the siting minimizes impact upon the existing High School's operation. This would comply with the thrust of policy CP18.

The "Brent Outdoor Sports Audit" by Ashley Godfrey Associates 2008 revealed that the school currently benefits from two Senior Football Pitch, (74% + 73%,) one Junior Football Pitch (61%), and 3 Tennis courts (78%.) Since that survey a new sports hall have been provided on site. None of the audited facilities will be lost as a result of the proposal. The applicants have provided revised drawings that demonstrate that the majority of existing pitches on site are to be retained and upgraded.

The applicants confirm that the area of the proposed primary school site is not often used by the High School. The supporting documents demonstrate that the current operation of the High School will not be harmed by the proposed primary school application. The applicants have confirmed that the proposed siting of the permanent primary school will not impinge upon the High School's ability to expand in the future in compliance with Policy CF10 of Brent's Unitary Development Plan 2004. It is therefore not considered appropriate to refuse the current primary school application on the grounds of harm to the High School's potential future expansion.

The loss of Playing fields

The site is in an area not often used for sports or recreation by the High School and is not marked out as a pitch. The application does not result in the loss of a pitch but nevertheless will take up land that has potential to form a pitch. In order to comply with PPG17 the applicants would need to demonstrate that the playing fields are surplus to requirements. Whilst the site area is not often actively used by the high school, there is a deficiency of pitches within the Borough of Brent. This deficiency is identified within the Council document "Planning for Sport and Active Recreation Facilities Strategy 2008."

Furthermore Sport England has issued a PPS that prevents building on pitches or playingfields with the potential to form pitches. In order to comply with Sport England's policy guidelines, the applicants would need to demonstrate that the proposal is one of the 5 identified exceptions to building on playing pitches. It is because of the need to minimize the land-take of the application on the existing playing fields, that the applicants created a 2-storey primary school design.

During pre-application discussions Sports England recognised that the proposed primary school is to meet a dire need in the Borough to provide education to children currently out of school. Conversely, this does not justify an Exception to the "Sporting Future for the Playing Fields of England" planning policy statement. The two most applicable Exceptions are as follows:

- Exception E4 states "a playing field which would be lost as the result of the proposed development, would be replaced by a playing field of an equivalent or greater quantity in a suitable location and subject to better or equivalent management arrangements, prior to the commencement of development."
- Exception E5 states "the proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field."

The applicants have submitted supporting documents that set out that they are aware that the site results in the loss of playingfields at Preston Manor High School. To compensate for this:

- 1) They are providing a Multi Use Games Area (MUGA) on site for use by the school and out of school hours, by the community. This is a significant improvement upon the existing grass and scrubby area along the northern and eastern boundaries of the site, which has mounds and changes in topography that prevents its use as a pitch, or playingfield near to the edges of the school site. The upgraded surface, space, community access and associated operational lights goes some way towards Exception E5 but is not sufficient to address the entire land-take. It should be noted that the community access arrangement will be operated by a management plan for up to 20 hours a week via a head of term of the s106.
- 2) They are upgrading the retained playingfields at Preston Manor High School with a rationalized layout and regrading works. This goes some way to off-setting the loss of the useable pitch which is affected by the land-take of the proposed primary school, in compliance with Exception E5.

- 3) They have considered the Council document “Planning for Sport and Active Recreation Facilities Strategy 2008” and have liaised with Sports Services. Sports Services have identified that within the local area, the playing field that is in most need of an upgrade is Eton Grove, Kingsbury. Here the sum of £7500 will allow the excavation of a 27m by 25m cricket square, which would be graded and laid with new loam and grass cover, to create a new cricket table. The sum of £7500 will be sought through s106 legal agreement for these off-site improvement works. Therefore the provision of a new, upgraded cricket table at Eton Grove, as a result of £7500 s106 monies arising from the permanent primary school application at Preston Manor High School will off-set the use of the playing fields at Preston Manor for new school buildings. Officers anticipate that this complies with Exception E4. It should be noted that Sports Services have indicated that the new cricket table would need to be accompanied by changing facilities in order to ensure that the facility is useable. It is expected that this will be forthcoming within a Community Centre at Eton Grove. In the event that no application for a Community Centre is submitted and approved within a reasonable period, S106 monies will be used to bring forward the changing facilities on site.

Officers have referred the proposal to Sport England, and expect that the measures set out within points 1-3 to meet in part Exceptions E4 and E5, so that on balance Sport England will accept the net loss of playing fields at Preston Manor High School, as a result of land-take by the proposed primary school. Officers conclude that as a result of measures 1-3 Sport England are unlikely to object to the proposal, which will therefore not be referable to the Secretary of State.

Covenant

The school playing fields are subject to a covenant. The current understanding of the governing body and the Council is that the restrictions, which pre-date establishment of the original school buildings, were modified so as not to prevent construction of the original school buildings. The covenant was probably intended to prevent ad-hoc commercial development of the land. The view of Council Legal Officers is that the covenants are not intended to prevent the school’s expansion; hence the proposals to alter and expand the existing high school were pursued. The applicants anticipate that an application to vary the covenant is likely to realise a positive outcome. The 'Upper Tribunal' formerly the 'Lands Tribunal' would determine the application to vary the covenant.

Preston Manor High School is a popular and well performing school and the applicants expect that the proposal to provide primary school places will both provide a benefit to the local community and contribute to the Council’s statutory duty. It is intended that the High School will make an application to the Upper Tribunal to modify the existing covenants by seeking to limit the use of the land for Educational, Recreational and Community purposes only. This will mean that the current covenant (which permits the development of this site for residential development,) would be removed.

The application for planning permission is a separate process to the one that considers covenants, which is a legal matter. Therefore, as long as the correct ownership notices have been served, (which they have,) the planning application may be determined. The grant or refusal of planning permission will not override other statutory processes. Members are therefore advised to determine the planning application, which will not prejudice the Upper Tribunal findings in relation to the covenant.

Design

The location of the primary school site within the High School grounds has been selected for operational and logistical reasons. The proposed primary school is set back from the existing streetscene, which reduces its legibility. However, the Council’s Urban Designer supports the fact that the applicants have provided a vista of the main entrance as one approaches the site along Princess Avenue. The Council’s Urban Designers suggests that the entrance road contains a sculptural feature announcing the start of the journey into the school, which the applicants support. This will be conditioned. The position of the entrance allows passive supervision of the proposed primary school site, which complies with Secured By Design principles.

Overall the elevation design is considered coherent and legible with a simple, non-challenging approach. The use of quality details, colour, texture and materials has the potential to improve the scheme. The applicants comment that the standing seam roof they hope to use will Butler MR24 or similar (a folded seam system rather than a profiled standing seam.) Timber cladding will be tongue and grooved Western Cedar and the walls will have feature cladding also in Western Cedar. Render will be the standard MODCELL lime render finish in a cream colour. Full details of the materials to be used will be conditioned.

Sustainability measures within SPG19 and BREEAM Excellent, will be satisfied by the inclusion of a green roof above the hall, photovoltaic cells at roof level and the carbon-zero straw bale wall and roof system offered by MODCELL. Access to the building will have level thresholds. Stair risers will be no greater than 170mm and treads are 280mm. There is one 8 person lift, with controlled access. Beyond the building walkways are ramped no greater than 1:20. This complies with accessibility guidelines.

The proposed building is 2-storey which minimizes the area affected by the proposal's land-take. It forms an L shape of development with the 2-storey classroom wing stretching east-west across the site. The classrooms each have their own front door at ground-level. They consist of two reception age classrooms, four infants' classrooms and eight junior classrooms, Special Educational Needs and learning resource facilities. The entrance area provides a link from the classrooms to the northern section of the building, containing the school hall. The halls adjoin the school kitchen and servery. The height and massing of proposed building is visually reduced when viewed from the north and west as the primary school building is set into the natural topography, where ground levels are 3m higher towards the western side of the site. The building will appear smaller when viewed from this aspect from Preston Road properties for example, but will appear full-height when seen from Carlton Avenue East, to the east of the site.

Impact of the building upon neighbouring residential amenities

The proposed building complies with SPG17 in terms of the building massing in relation to neighbouring gardens. The building is closest to properties fronting Carlton Avenue East. The closest distance to the end of gardens of these properties from the building is 11.6m distance to the eastern boundary and 19.8m to the northern boundary. The applicants have suggested an acoustic fence and dense boundary planting along the northern and eastern edges of the site adjoining residential properties. The introduction of "dense boundary planting" is expected to include trees. The full details and appearance of these boundary treatments will be conditioned. There is already some planting present in the area, but this is an ad-hoc nature, and not all established trees/ shrubs are within the school boundary, under the applicant's control. Some neighbouring dwellings have in the past not had any planting at the end of their properties, so in some cases the introduction of soft landscaping to the site boundary will represent a significantly altered outlook for the residential properties. Overall however officers support new planting along the sensitive boundaries, which is expected to help to soften the appearance of the building from adjoining residential properties.

It should be noted that the planning process may only consider material considerations. The proposal will result in a significant change to the view of playing fields that local residents currently enjoy. However loss of view is not a material planning consideration; and whilst outlook of properties may be considered, this is only in relation to how a new structure relates to habitable rooms and impacts occupiers. The building is considered sufficient distance not to appear overbearing upon the outlook of neighbouring occupiers. There is sufficient space between the building and boundaries in order to landscape the proposal and assimilate the built structure into its surroundings. Furthermore it complies with SPG17 which guides the Local Planning Authority on the acceptability of a new building to existing occupiers' privacy and outlook.

The proposal also incorporates a Multi Use Games Area (MUGA) between the building and the northern boundaries of the site. As the natural ground levels change from west to east, with the

western edge of the fields being 3m higher than the eastern parts, the MUGA is recessed into the ground slightly, which will reduce its visual prominence and also assist acoustic attenuation. Any external proposed lights will be restricted by condition to ensure that there is no light back-spill into the residential gardens in accordance with Policy BE8. This ensures that neighbouring amenities are not harmed by the development.

Noise

The applicants have submitted a noise assessment during the course of the application in relation to the building only. The building overall achieved BB93 levels, which sets guideline upper limits for indoor ambient noise levels to safeguard future users. The only areas of non-compliance were the WCs opening onto the small hall, servery entrance and doors dividing the kitchen and hall, and the use of a movable partition between the small and large halls. These are all considered acceptable omissions. Classrooms generally complied with BB93 unless windows were open. Existing background noise levels were measured externally on site and ranged between 48 to 53LAeq, 10mins. The maximum noise levels for mechanical plant at all nearby residential premises were measured at LAeq35bB. A condition will restrict any noise-generating equipment such as air conditioning in order to avoid machinery noise nuisance to neighbouring occupiers in accordance with policies H22 and EP2.

No details of noise levels have been submitted in relation to the Multi Use Games Area (MUGA.) As this may be used by the community outside of school hours, the applicants have been asked to set out anticipated noise levels and attenuation measures for this area which is 1.5m away from the boundary with residential properties to the north and east. The MUGA is recessed into the natural slope at this point on site, leading to retaining walls which will assist sound attenuation in addition to an acoustic fence along the boundaries of the site. Further details of these features will be conditioned. No externally mounted PA system is proposed, and this will also be restricted by conditions.

Contamination

The applicants have submitted an assessment that demonstrates that the site lay within a medieval open field system, and there is no evidence of it ever having been developed. No designated heritage assets are affected by the development. This would normally mean that the site is unlikely to be contaminated. However a site Investigation Report assessed the ground and soil on site and did reveal some contamination. The report recommends shallow foundations and found widespread benzo(a)pyrene contamination across the site and asbestos in one location. In the landscaped areas the report concludes that contaminated material will need to either be removed, or capped with clean, inert material to prevent harm to human health. The report also recommends liaising with the Environment Agency given the proximity of the Wealdstone Brook. The report findings are surprising given the lack of development on site. The Council's Environmental Health officers comment that the soil samples with high levels of PAHs (and benzo(a)pyrene) were taken along what looks like a footpath and the borehole log shows tarmac at the surface. So it is not surprising that these samples had high PAH. He advises that further samples should be undertaken to establish whether there is contamination, or in fact the samples had been contaminated by the tarmac surface. A further soil sample survey has been undertaken and its results will be addressed in the Supplementary to this report. However as the status of the site's contamination is inconclusive at this time precautionary conditions are recommended.

Landscape matters

The Habitat Survey finds that the site has moderate features for bat potential, but little overall in terms of ecological value. The nearest protected bat and bird sightings are over 1500m from the site. The Arboricultural Method and Materials Statement concludes that T1, T11, T12, T13, G1, G2 should be felled. Since the Arboricultural statement was written the sports pitch proposals have been revised in dialogue with the school. The intent now is to retain all trees with the exception of G1, G4, part of G2 and T1. The Council's Tree Officer has assessed this report and concurs that none of the affected trees to be felled are worthy of Tree Protection Orders. During construction works all trees retained will be protected to BS 5837, which will form a condition of approval. The

application proposes at least 53 new trees within the main site in addition to trees that will be required within the proposed dense boundary planting.

Revised drawings are expected to provide “dense boundary planting” in native species to all boundaries, with buffers a minimum of 1m wide. The details of this planting will be submitted later. The access track will have replacement close board fencing to residential properties, then approximately a 1500mm strip of buffer planting with 1200mm high railings. Conditions will provide full details of hard and soft landscaping (including dense boundary planting, ground cover, shrubs and trees,) levels, lights, boundary treatments, play areas, green wall and roofs, insitu seating and planters, amphitheatre, steps, and trees to be protected during construction works to BS5837 standards.

The Council’s Landscape Designer has highlighted the need for greater details of what is to be provided in the areas marked ‘Imaginative Play’ ‘Sensory Play’ and ‘Nature Play.’ In plan L(PA)901 these are all colour keyed as amenity grassland, with oval shapes in ‘Mastertint’ coloured tarmac paths. While the Council supports the provision of extensive play areas, grass and tarmac paths are not considered to comprise play areas. Details of these areas will be conditioned including details of play equipment proposed in Bark Chip area and details of 400mm high in-situ seats and planters, (materials and finish.) Officers are not convinced that in-situ concrete seating is a good option for a primary school, especially when used as extensively as shown.

The Council’s Landscape Designers appreciate the play value of proposed Giant Stepping Stones and support this as a play feature, but find the use of in-situ concrete for construction a concern. The applicants have revised this to exposed decorative aggregate concrete but this is not considered to be an appropriate material for use as a children’s play feature as it will not contribute to play value. There is also the potential for injury falling on concrete stepping stones and such injury would be far worse on concrete than on timber or rubber equivalents. In addition the use of in-situ cast concrete is not an attractive material, and the appearance is likely to become stained and dirty over time. The applicants have been asked to revise this detail.

The Council’s Landscape Designers also consider that excessive use is made of striped and angular shaped paving surfaces finished in coloured tarmac. While this could be fun for children, officers find that the large numbers of joints are likely to degrade relatively quickly, with cracks forming, causing fretting at edges and allowing weed growth, which will be an expensive maintenance problem for the school. The applicants have not altered this. The Council’s Landscape Designers add that laying of this material would also be very difficult in stripes which are drawn to scale as narrow as 250-300mm. Edge restraint is required during laying of hot macadam surfaces, to achieve the pattern shown would require extensive laying of edging for a large number of narrow stripes. The applicants have been asked to address this. They have provided specifications (such as Q10/200A that states 150mm depth of 6mm steel edging fixed by bolts.) While the use of steel edging for ‘Mastertint’ is well established, officers note that in this case the frequency of edgings across the area is excessive. Over time there will be differential settlement between macadam surfacing laid on sub-base and the steel edging fixed to concrete. This could potentially in the long term lead to steel edging being left proud of surfacing, creating a trip hazard for children. Settlement could be made worse due to trafficking and turning by refuse collection vehicles. The applicants confirm that work will be to manufacturer’s recommendations and good practice. However officers cannot agree that laying macadam surfacing in such narrow strips, divided by numerous steel edgings is good practice and consider it will potentially lead to long term management, maintenance and potential trip hazard problems for the school. Although a radiating pattern of stripes look good on plan, the Landscape designers question whether will it have any benefit or play value to children once built on site. Accordingly the applicants will be ask to address these concerns and an update will be provided in the supplementary.

Red and brown wet pour play safety surfacing (a type of spongy play surface) was originally used to create two ‘target’ shapes in seating areas. The Council’s Landscape Designers conclude that the use of this material would be more appropriate as part of the play areas, around some of the as

yet unspecified equipment and seating areas could be paved with conventional surfacing. This has been revised so that it is now a wet pour safety surface, which is supported. To the east of the infant classrooms a multi-play item is shown. However orientation of the unit shows a slide facing south, and if this slide is stainless steel or other metal, south orientation is not recommended and officers suggest this is changed to face north.

Adjacent to the multiplay area for the younger children, revised drawings include a raised concrete planter containing trees. Trees are supported in this location however the planter is relatively narrow, shown at approx 1.5m internal width, which is too narrow for long-term establishment of proposed trees at close spacing shown, with the concrete edge seating plus associated below ground construction, surrounded by bound gravel path and wet pour safety surface. The concrete planter is also likely to be affected by the proposed railings that are to be inserted in the top of it, which will affect its integrity.

The Seating Steps/ Amphitheatre/ Feature Play Steps are considered a narrow angular shape, which does not have an obvious stage area. More details are requested of how this relates to the building and adjacent gabion planter. Building 'play steps' in concrete is not considered by the Council's Landscape Designers an ideal material for young children to play on and the applicants have been asked to provide further details. They have provided more details of a concrete step. However no information is given on how steps will form an amphitheatre, and the plan does not show any stage or performance area. It is unclear where these spaces that could be used as a stage or as a viewing area are, and if they are elsewhere on the site, it is not clear how they relate to proposed amphitheatre. The applicants will be asked to rectify this, or amend the detail accordingly.

Officers have also raised continued concerns about children having to walk through the car-park to reach the main entrance, and the servicing details for the refuse truck requiring access over the mastertint coloured tarmac, which is not considered robust enough to be able to withstand the refuse truck manoeuvring over time. Surfacing as designed outside main entrance strongly suggests an exclusively pedestrian area, no indication is made that vehicles are likely to on this area. The proposed turning area is likely to be the busiest outside space on the site, a main circulation area for children, staff and other visitors. There could be a risk to children entering or leaving the main entrance. The landscaping details and areas of concern to the Council's Landscape Designers can be dealt with by detailed conditions and an update will be provided in the Supplementary.

Transportation issues

Access

The site is accessible by an existing access track between 109 and 111 Carlton Avenue East. This access route is adopted as publicly maintainable highway as far as the gate into the playing fields. This route is shown within the Transport Assessment as being amended to include a 4.8m carriageway with 1.8m footways on either side and 8m kerb radii where it meets Carlton Avenue East. The junction of the site access/Carlton Avenue East/Princess Avenue is unconventional, as it as existing comprises of an 18m diameter turning circle, which in turn interrupts the footways along Carlton Avenue East.

The 4.8m carriageway width will allow two vehicles to pass one another, but given the limited number of spaces to be served, there may be some merit in reducing the width further (either to a constant width of 4.1m or to include a length of single width carriageway along the route as a traffic calming feature) to help to keep approach speeds low and to discourage parking along the access. The kerb radii onto Carlton Avenue East are also larger than required and should be reduced to 4m, which will help to keep the access clear of the crossovers to the properties on either side (which will need to be modified to suit). The position shown for tactile paving will need to be altered to sit in line with the footway of Carlton Avenue East, whilst SCHOOL KEEP CLEAR zig-zag markings and advance School Children warning signs will need to be included on the drawing. Otherwise, visibility from the proposed access is good.

The undertaking of these works will need to be done through Section 278 of the Highways Act 1980 and an amended access layout, including details of surface materials (block paving would be appropriate), lighting and drainage will need to be submitted and approved as part of that process before works commence on site. This will be dealt with via heads of terms within the s106 legal agreement.

The main pedestrian access will be from Carlton Avenue East, and officers anticipate that revised drawings will show a segregated route for pedestrians along the driveway to the building entrance. A secondary entrance is indicated into the High School playing fields to the rear, with mention made of the potential for providing an additional pedestrian access route from Ashley Gardens in the future. This will be conditioned to be secured at this stage as a permanent access route, in order to reduce walking distances from the southwest and thus help to support the School Travel Plan. A footpath/maintenance vehicle route is also shown to the existing High School building to the south along the edge of the playing fields. This allows some scope to make shared use of their car parking facilities, as necessary.

Parking on site

The proposed primary school roll will grow year-on-year from 180 pupils in 2012 to 420 pupils in 2016. Prior to 2012, a temporary school will be operated on the western side of the playing fields, for up to 60 children, with access from Ashley Gardens (see application 10/2738). The proposed permanent school is estimated to be staffed at 50 full-time and 31 part-time staff.

Car parking allowances for educational uses are set out in standard PS12 of the adopted Unitary Development Plan 2004. This allows up to one space per five staff, plus an additional 20% for visitors. On the basis of an approximate "full-time equivalent" staffing level of 65 staff, no more than 15 spaces should be provided for the school. The proposed provision of 12 spaces would therefore accord with standards, whilst the inclusion of a wide, marked disabled parking space would satisfy the requirements of standard PS15.

Standard PS16 requires the provision of at least one bicycle parking space per ten staff, so at least seven spaces will be required. A covered area for ten bicycles has been indicated within the site to satisfy this requirement. Full details of the cycle shelter's appearance will be subject to condition.

Servicing on site

Space for the standing and turning of service vehicles has been indicated in front of the main building entrance. However, the submitted tracking for this area as originally submitted has been undertaken using a fire tender, which is less onerous in its requirements than a refuse vehicle. As such, revised tracking has been undertaken to demonstrate that a refuse vehicle could turn in this area and thus access the proposed bin store. The revised servicing arrangement is currently being assessed by the highway engineers and the supplementary report will provide an update.

Impact on highway network

The scale of this proposal is such that it would be likely to have a significant impact on the local transport network. As such, Policy TRN1 requires the submission of a Transport Assessment and this has been prepared by Mott MacDonald Ltd. Public transport access to the site entrance is moderate (PTAL 3), with Preston Road Underground station (Metropolitan line) within 960 metres (12 minutes' walk) and four bus services (79, 204, 223 & 245) within 640 metres (8 minutes' walk).

On-street parking in Carlton Avenue East, Princess Avenue and Elmstead Avenue is generally unrestricted, although the area is within the Wembley Stadium event day protective parking scheme, whereby on-street parking on event days is restricted to residents' permit holders only.

Surveys

The site was visited twice on Friday 14th January 2011 (8.15am and 3.30pm) by Council officers. On both occasions, the central length of Carlton Avenue East (between the site entrance and No.

67) was very lightly parked (i.e. 10-15%). The length between the site entrance and Preston Road was 50% parked in the morning and 65% in the afternoon, whilst there was one car in the morning and four cars in the afternoon parked on Princess Avenue. As such, there were 50-60 spare parking spaces within about 200m of the site entrance during the two visits. Elmstead Avenue was only visited in the morning and was about two-thirds parked. The area is not generally considered to be heavily parked at night

Further to setting a maximum parking allowance within the site, standard planning policy guideline PS12 also requires particular attention to be paid to setting down facilities outside schools and the impact that such parking would have on adjoining residential roads at the start/finish of the school day.

In order to assess parking capacity in the area, detailed parking beat surveys were therefore undertaken by the Transport Consultant on Tuesday 30th November 2010 in Carlton Avenue East, Princess Avenue, Elmstead Avenue, Forty Close and Gabrielle Close between 5.30am and 7.30pm. The latter two roads are remote from this proposed school site though, so are not considered further. This survey day had inclement weather, and concerns were raised that the findings may not be a typical representation, so the survey was substantiated by a new survey in January 2011. For both the parking surveys and the turning count surveys the new data does not vary greatly from the data taken during the December 2010 surveys. In terms of the traffic surveys it is considered that the changes would not dramatically alter the modelling outputs or bring the junctions over capacity. For the new parking survey data the variations in occupancy for each street would not greatly alter any of the assumptions or conclusions currently stated in the report. Streets which were operating at or near capacity in the December 2010 surveys showed similar occupancy levels during the January 2011 surveys. For this reason it is not felt there is a need to undertake a further more detailed analysis including a re-issuing of the TA.

In general, Elmstead Avenue was shown to be heavily parked throughout the day, so offers very little spare parking capacity. Both Princess Avenue and Carlton Avenue though were shown to be lightly parked at the start and finish of the surveys, but with more extensive parking through the middle part of the day, which tends to indicate use by commuters from Preston Road station at its northern end and possible overspill parking by High School staff at its southern end.

The surveys considered only the overall number of cars parked along Carlton Avenue East though and did not break parking demand down any further, despite measuring over 700m from Forty Avenue to Preston Road. The site was therefore visited again by Brent Council officers at 8.15am and 3.30pm, to coincide with arrivals and departures at the High School. Throughout both these periods, the central section of Carlton Avenue East closest to the proposed school entrance experienced very little on-street parking. Combined with Princess Avenue and the length of Carlton Avenue East between the site and Preston Road, which together were about 50-60% parked, spare on-street parking capacity for 50-60 cars was observed at the start and finish of the school day within about 200 metres of the site.

In order to estimate the likely volume of parking generated, modal share data from the Travel Plan for the nearby Wembley Primary School on East Lane was examined. This showed 27% of staff currently driving (plus 16% car sharing) and 47% of pupils being driven to the school by car. Applying those figures to this proposal would leave about 11 staff vehicles seeking parking space on-street close to the proposed Preston Manor site and about 197 pupils arriving at and leaving the school by car once it is fully operational.

As such, like any primary school, the proposal would be likely to generate large quantities of on-street parking in the area, particularly at the start and finish of the school day. That said, if a new school is required in the Borough, then this location is comparatively good, as it is reasonably easily accessible by public transport and there is shown to be an unusually large amount of spare on-street parking capacity available on the adjoining streets that could be utilised by parents and staff (in contrast to most other streets in the Borough).

Nevertheless, whilst there is spare on-street parking capacity in the nearby streets, this would not be sufficient to accommodate all of the above demand should children all be dropped and collected at about the same time. A number of mitigation measures will therefore be required if the school is approved in order to minimise traffic impact.

Travel Plan

The prime measure is a Travel Plan. Preston Manor High School already operates a Travel Plan and as part of this application, a framework Travel Plan has been drawn up for the primary school, to be operated either as an addendum to the High School's existing plan or as a stand-alone document for just the Primary School. The preference would be for the latter, but with co-ordination between the two schools where joint action would be mutually beneficial (e.g. operation of a car sharing database for staff).

The submitted Travel Plan sets out a number of measures that will be implemented to reduce car use, including road safety and cycle training for pupils, provision of bicycle parking, changing and showering facilities for staff, walking buses and 'Walk on Wednesday'-type promotions, car sharing, interest-free season ticket loans for staff, staggered start time for different year groups and investigation of the potential for remote park and walk schemes.

These are intended to reduce the proportion of pupils arriving by car to 38% and the proportion of staff travelling as single car drivers to 11% by 2016. These targets are considered broadly acceptable, but should be reviewed once the proposed temporary school on Ashley Gardens is operational and survey data has been gathered from it. An acceptable monitoring and review programme involving detailed surveys being undertaken every two years has also been included.

However, the Travel Plan is very light on detailed information for the school (e.g. general background, assessment of existing transport network, policy review, detailing of the Travel Plan Co-ordinator's role and detail around the implementation of the Travel Plan, such as an Action Plan and details of how it will be secured and funded). It is also missing some key measures, such as the operation of breakfast and after-school clubs to assist in staggering arrivals and departures and an on-site car parking management system (such as giving priority to car sharers).

A further major issue that has not been addressed in the Travel Plan is the proposed catchment area for the school. The Transport Assessment alludes to the shortage of school places for children in the southeast of the Borough, which could result in a large proportion of the future school roll initially coming from areas some distance from the school. This would make implementation of a number of the key travel plan measures, such as promotion of walking, very difficult and would require consideration of alternative measures, such as dedicated school buses from key population centres. The Travel Plan has been assessed by the Council's Highway officers using TfL's ATTrBuTE programme and has scored a "FAIL" (29/83).

The applicants consider that although initially there may be a higher than usual percentage of children travelling to the site, this will balance out over time as the school's criteria for attendance becomes applicable. The applicants have therefore not anticipated that a dedicated bus route is necessary.

Subject to Executive approval and planning approval, it is the Council Children and Families department's intention to write to all school applicants letting them know that there will be up to 60 reception places available at Preston Manor primary school for September 2011. Those parents who want a place at Preston Manor will be able to indicate that. All applications will be ranked in line with the existing oversubscription criteria for Preston Manor High School. These are as follows: *Where applications exceed the number of places available, offers of places will be made using the following criteria in order of priority:*

- i) children in public care (Looked After Children)*
- ii) children who have a brother or sister attending the school in the year in which the application is*

made and will continue to be on roll at the date of admission.

iii) children for whom it is essential to be admitted to Preston Manor High School because of special circumstances to do with significant medical needs, social needs or special educational needs.

iv) proximity to the school (for children who do not fall within criteria i – iii) distance will be measured in a straight line from the front door of the child's permanent address (including flats) to the school reception, [using the local authority's computerised measuring system], with those living nearest to the school being accorded the highest priority.

This demonstrates that local applicants will have priority.

Given the potential impact that this school would be likely to have on the local area, the Council's Highway Engineers recommend that a full Travel Plan be submitted and agreed before the school comes into operation, at which time results of the Travel Plan for the temporary school on Ashley Gardens can be used to refine targets. Children attending the temporary school provision granted under reference 10/2738 accessed from Ashley Gardens Early Learning Centre live in the following postcodes, 13 in HA0, 11 in HA9, 1 in HA3, 2 in NW9, 3 in NW2. There are 28 more out of school children waiting to be admitted to the temporary provision living in the HA9, HA0 and NW9 postcodes. These children will transfer to Year 1 in Preston Manor permanent primary school subject to the Executive Committee decision and planning permission being obtained.

Off-site highway improvements

Aside from a Travel Plan, a number of highway improvements are also recommended around the site to mitigate transport impact. Princess Avenue opposite the site currently lacks any footways, thereby forcing pedestrians to walk on the grass verges, or in the road when they are too muddy. As such, it is not considered to be of an acceptable standard to be used by parents to set down and pick up their children by car, and yet it does form an extremely useful link between Carlton Avenue East and Elmstead Avenue that allows parents to turn around and travel back in the direction they arrived from without having to perform a hazardous U-turn outside the school entrance.

It is therefore considered essential that any proposal for a school on this site meets the cost of providing footways along either side of Princess Avenue, as well as providing a more conventional and pedestrian-friendly junction layout with Carlton Avenue East (through the removal of the redundant turning circle) in order to make the crossing of the street safer. This should be supplemented by a speed table across the junction (removing the speed cushions immediately west of the junction) to ensure traffic speeds past the school entrance are kept suitably low. The total cost of doing these works is estimated at about £50,000. Alternatively, these highway works can be included in the S278 works for the site access, agreed through the planning application's s106.

The other mitigating measure that may be considered is on-street parking controls to deal with any parking problems that may arise once the school is operational. These may take the form of a Controlled Parking Zone, which may only need to operate for one hour during the middle part of the day to prevent the street from being used by local commuters and school staff. Any such restrictions would be subject to public consultation.

To this end, it is recommended that a sum of about £25,000 be set aside for a period of three years following full occupation of the school building, for use by the Highways & Transport Delivery Unit for the implementation of parking controls in the vicinity of the site. In the event that further parking controls are deemed to be unnecessary or not to have local support, these funds could be returned to the applicant. This will in turn give an incentive to the school to do what they can to minimise the impact of parking in the area through their Travel Plan. This will be sought through a s106 accompanying this application.

To examine the wider traffic impact, the predicted volume of traffic to and from the fully occupied school has been added to existing flows on the local road network, as surveyed on 30th November

2010, substantiated by the January 2011 survey. This exercise assumes that a significant proportion of future school traffic will arrive from the south and east, as these are the areas of the Borough with the greatest shortage of school places.

The junctions of Carlton Avenue East with Preston Road, Forty Avenue and Princess Avenue/site access and the junctions of Elmstead Avenue with Preston Road and Forty Avenue were then tested using industry standard software. This exercise showed each of these junctions to operate well within capacity during both the morning and mid-afternoon periods with the addition of the predicted school traffic, and so the local road network is considered capable of handling the predicted traffic flows to and from this new school.

The accident history for the site has also been examined. One slight accident was recorded directly outside the site in March 2008, involving a pedestrian stepping out into the path of a car travelling northwestwards along Carlton Avenue East. This points to the need to modify the junction layout to remove the redundant turning circle and thus reduce the road width and provide a speed table outside the school entrance, as discussed above, and will be achieved through s106. Aside from that accident, no other accidents were recorded in Carlton Avenue East, Princess Avenue or Elmstead Avenue. Three accidents were recorded at the junction of Carlton Avenue East with Forty Avenue, with a further accident at the junction of Carlton Avenue East with Preston Road.

In conclusion, the proposal is likely to cause large amounts of on-street parking in the vicinity of the site at the start and finish of the school day (as would happen wherever a new school were sited), but the availability of on-street parking in the area makes this site better able to deal with this than most other locations in the Borough. School opening hours will be staggered to reduce congestion and mitigation measures will be required to improve the junction layout at Carlton Avenue East/Princess Avenue/site access, to provide footways along Princess Avenue and to provide a new access into the site with suitable signing and lining, as well as to provide a high quality School Travel Plan.

Flood Risk

The site area is less than a hectare within Flood Zone 1. In accordance with PPS25 on Development and Flood Risk, the development only needs to consider good practice on drainage. The Environment Agency raise no objections to this specific proposal but ask that the Sustainable Urban Drainage (SUDs) hierarchy on site is respected. The applicants have agreed to use sustainable drainage solutions wherever it is practical and cost efficient to do so, considering the contamination issues that may exist on site. They will be using porous surfacing in the car parks and hard play areas and the sports hall/admin block will have a green roof including an attenuation layer. The pitched roofs of the classroom blocks will drain to a piped network that will feed into underground attenuation tanks before discharging to the existing surface water sewer. Detailed design will ensure that greenfield run off rates are maintained for a 1 in 100 year storm + an allowance for climate change. The attenuation tank capacity and associated detail drawings will be issued as part of our detailed design. Although not required for planning, a full flood risk assessment has been carried out. Detailed design will be based on the design rainfall rates contained in the report. Desktop studies and enquiries with the relevant authorities show no history and only a minimal risk of flooding. Brent's SFRA has been previously issued to the applicants and they comment that it will be referred to during detailed design.

Third party comments

Substation

The site is close to an electricity substation; accordingly the applicant has been asked to clarify whether electromagnetic radiation has been considered. An update will be provided in the supplementary.

Consultation concerns

The Statement of Community Involvement states that the applicants held a meeting on 29th November at Preston Manor School. This explained the history of the project and need for the

school. A number of objections have been received to the planning application on the grounds of the consultation dates. This has arisen as the Council has had a statutory duty to consult neighbours as the Education Authority about the proposed new primary school. The Council has also had responsibility as a Local Planning Authority to consult neighbouring properties. These dual responsibilities have led to different consultation dates and timescales for interested parties to respond. In terms of this planning application, neighbours were advised in letters of the application on 23/12/10, and as the application is reported to Planning Committee on 23/02/11, third parties have had longer than the statutory 21 days in which to comment on the application.

Why is a school needed now?

The proposed primary school is required at Preston Manor because the Council is under immense pressure to provide primary school places, especially in the lower age groups – Reception and Year 1 classes. According to GLA's projection, the demand for Reception places will continue to steeply rise in the borough over the next three years. The Local Authority has a statutory duty to provide sufficient school places in the borough.

According to the government data, the birth rate in England reversed a long period of decline in 2001, and has shown growth in every year since. This growth is not uniform, and in addition to local variation, some areas are seeing changes in demographic and other factors which have resulted in a sharp increase in reception age pupil numbers in 2008, and projections that there will be further cumulative increases for at least the next few years.

Most London authorities are facing increased demand for Reception school places and are resorting to provide temporary accommodation where possible. As an example, London Borough of Lewisham has opened 18 Reception classes this year and is still receiving more applications. Similarly, Hounslow has added 345 Reception places of which 6 form of entries are on a temporary basis. Enfield Council has provided 7 additional Reception classes and is planning to deliver 4 additional classes during the current academic year.

Like other London Authorities, both land and capital resources are limited in Brent and it is a challenge to find premises for a new primary school within the timeline required to provide the school places in the vicinity of the demand. All schools in the borough are working at near-to-full capacity at lower primary year groups. As at 26 October 2010, 634 primary aged pupils remained without a school place, of which, 150 pupils were Reception aged children. The number of unplaced children and vacancies in the system are constantly fluctuating but overall demand is exceeding supply in the lower year groups (reception to Year 2), which is correlated to the pattern of rising demand in the borough, and indeed across London, over the last three years.

As at 24 January 2011, 50 reception aged children and 122 Year 1 children remain without a school place for the 2010-11 academic year.

Preston Manor is already stretched

In 2009, 69% of pupils at Preston Manor High School attained 5 or more GCSE's (A*-C) including English and Math. This is higher than the Local Authority average (57.1%) and national average (49.8%). The Council expects the school to be able to cope with the new primary school children.

Preston Manor's parents voted against an all-through school

The Governing body received 71 on time responses to the consultation. 37 consultees support the proposal and 29 consultees have expressed concerns, whilst 5 remain undecided.

Loss of green-space

The report above (impact on residential properties,) details that loss of a view is not a material planning consideration. However local residents raise the comments made by the Planning Inspector in the planning appeal by Preston Manor School and St Georges West London Ltd in their report of 30/03/00, pg 15 Annex A, 10.7 "The degree to which loss of private view is a material consideration to be protected in the public interest, is a matter of law... the open prospect makes a

valuable contribution to the general environment of the area... a material loss of openness would undermine the attractiveness of the residential area. The Planning Inspector found in 2000, "once lost to development, open space is unlikely to be regained so that there is little prospect of any increase in overall provision in Brent." This report was made in relation to application 99/0652. The application proposed in relation to the erection of 61 dwellings on site, which was appealed against non-determination and dismissed. Your officers have considered previous officer comments made at the time of the appeal.

The officer report from 1999 states:

This scheme follows a refusal of permission on appeal last year. The current scheme has been submitted in an attempt to overcome the objections identified in the last appeal. Since that time, circumstances have changed in that the open space at GEC is coming on-stream and the Council have received an appeal decision that granted planning permission for housing on the WASPS rugby ground. The relevant policies relating to open space are OS9, OS11 and OS12. These playing fields lie within a Public Open Space deficiency area and within a Priority Area for the Provision of new public open space, as set out in the 1996 Adopted Unitary Development Plan. At the last public inquiry, the Inspector supported the aims of Policy OS12, which seeks normally to refuse development that would result in a loss of education playing fields where there is a deficiency of local public open space and where the development site would be within 400m of this deficiency area. ...Given the WASPS decision, it is considered that with the potential benefits offered by the community use of the sports and recreation facilities, plus the financial contribution to open space enhancement in the locality, and the laying out of open space at the GEC site, it is now difficult to argue that the loss of playing fields in an area of open space deficiency would form a strong reason for refusal, particularly if other problems with the earlier scheme have now been overcome. It is considered that there has been a change in site circumstances since the last appeal decision. On balance, it is your officer's view that the open-space objections have been largely overcome in the new scheme. It is also recognised that there is substantial public objection to the loss of the playing fields. Notwithstanding, it is considered that the scheme, together with the benefits offered to be secured through a Section 106 agreement, now meets the objectives of the Council's open space policies, including OS12.

The previous application was materially different from the current proposal, in that it related to 61 dwellings rather than a school. More than ½ of the site area of the current proposal will be landscaped. While the introduction of the new school will change the character of the area, the significant area of landscaping and external playspace located around the proposed school will go some way to retaining some sense of the openness referred to by the inspector in their 2000 decision. The proposed building is 2 storey but is set well away from boundaries and complies with guidelines in SPG17, which are intended to enable assessment of the impact of a proposal upon neighbouring occupiers' outlook, privacy and whether or not a development is overbearing.

Highways

Most of the comments made by third parties are addressed in the Transportation section above. It is acknowledged that the proposals will result in more cars in the local area, dropping off children, which will lead to greater congestion on local roads. The primary school will mitigate against this as much as possible with staggered opening and closing times compared to the High School and a Travel Plan that encourages sustainable transport modes. The Council's Highway Engineers support the Consultant Engineers findings that the local highway network has capacity for some parking, enabling a school to be sited here with less impact than would be found elsewhere in the Borough, where the roads do not have capacity. There have been mixed responses to the introduction of new parking controls on the local roads to prevent commuters from parking here to use the station. One example of such a control is a Controlled Parking Zone, (CPZ) that could operate at certain times of the day. Some local residents have written in support of this, and some against in relation to commenting on the proposed primary school. No such measures would be introduced without a widespread consultation process. However this is something that could be introduced in the future, and the Highways department has sought s106 monies in relation to this school application to ensure that appropriate measures could be implemented within the next 5

years, if deemed necessary.

Noise and disturbance

A proposed primary school will be noisier than the existing playing fields where children only occupy the area for sports occasionally. However, the Noise section of this report above sets out measures that officers have required in order to ensure that noise nuisance opportunities are minimised.

Other

The proposed cycle shelter will harm the quality of the neighbouring garden

The cycle shelter is single storey and set 1m from the shared boundary, and will be separated by an acoustic fence, and dense shrub planting, which is considered to adequately screen the proposal.

The school fields are used as a helicopter landing site for dignitaries on Event Days

The High School have used the field to land helicopters in the past but for a number of reasons have not agreed to do so for the past four years except for two air ambulances. There is no formal agreement in place to do so into the future.

Who will provide funding for the proposed school? What has it cost?

Cost is not a material planning consideration, but we have been informed by the applicants that Capital Cost - The cost for the building is being met from the Basic Need Safety Valve allocation of £14.76m from the DfE. On 15 November 2010, the Executive agreed the sum of £7m to this project from Basic Needs Safety Valve funding totalling £14.76m allocated to the Council in November 2009 to support the provision of additional permanent primary places by 2011.

Revenue cost - Revenue funding is provided by the central government and is based on a formulaic allocation derived on basis of pupil numbers. All schools in England have been working under the LMS (Local Management of Schools) arrangements. Since 1999, this has also been known as "Fair Funding". By law, schools must be funded by a formula which is "simple, objective, measurable and predictable in effect, and clearly expressed. Most of the formula is determined by central government. However, each local Authority is free to take into account local circumstances. Planning fees for this application were £10,385 and, whilst hard to quantify, the cost of producing the application documents was circa £500.

Public access out of hours, will allow low life access to local residential properties, security and lighting will be costly 24/7

The existing High School has an extensive colour CCTV system, movement activated external lights and modern alarm systems. In the event of alarms being activated out of school hours the school has a 24\7 keyholding company. This security coverage can be extended to the primary school with efficiencies arising from the use of the same site. In addition as good neighbours local residents also contact the police if intruders are spotted on the playing fields. The new school is not anticipated to worsen crime in the area. In addition public access to the primary school's sports facilities will be subject to strict management controls.

Who has assessed whether the proposal meets fire standards?

Fire safety is covered under separate legislation and will be considered by Building Control.

Environmental Impact Assessment of the Development

The proposed scheme will be unlikely to have any significant environmental effects by virtue of its nature, scale and location and it is therefore considered that no Environmental Impact Assessment is warranted in this instance. The Council has issued a screening opinion under the provisions of regulation 5 of SI 1999/293 Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. A copy of this is on the planning file.

Conclusion

The proposed primary school is required in order to meet a recognised need to provide education

for primary school aged children within the Borough. Officers have considered interests of acknowledged importance and the proposed primary school is on balance considered acceptable. The applicants have demonstrated that subject to a legal agreement, the proposal will not cause significant harm to the local highway network and will relate satisfactorily to local amenities. The applicants have shown that the proposal will comply with local and national planning policies, and accordingly approval is recommended.

RECOMMENDATION: Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-
Planning Policy Guidance 17 – Planning for open space, sport and recreation
Planning Policy Statement 5 – Planning for the Historic Environment
Planning Policy Statement 9 - Biodiversity and Geological Conservation
Planning Policy Statement 25 – Development & Flood Risk
Planning Policy Statement – A sporting future for the playing fields of England

London Plan 2004 as consolidated with amendments

Brent's Unitary Development Plan 2004
Brent's Core Strategy 2010
SPG17 - Design Guide for New Development
SPG12 – Access for disabled people, designing for accessibility

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):

L-(9-) 901 P01 Landscape
L-(9-)902 P01 Proposed Pitch layout
L(05)001 P4 Proposed ground floor plan
L(05)002 P4 Proposed first floor and roof plan
L(05)006 P3 Proposed Sections and elevations

Acoustic Design Report
Arboricultural Method & Materials Statement
BREEAM Education 2008 Pre-Assessment Report
Cultural Heritage Desk Based Assessment
Design & Access Statement
Educational Need Assessment and Site Selection
Energy Statement for Planning
Extended Phase 1 Habitat Survey
Neighbourly Matters Report
Planning Statement & Statement of Community Involvement
Preston Manor Primary School – Travel Plan

Report on Phase 2 – Site Investigation
Sustainable Development Checklist
Traffic Assessment

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

- (3) Prior to the occupation of the proposed buildings, the following shall be constructed and permanently marked out in accordance with the approved drawings:
- (a) parking spaces, (including one disabled parking space);
 - (b) turning areas;
 - (c) footways

These shall be constructed and permanently marked out in accordance with the approved plans. Thereafter they shall be retained and used solely for the specified purposes in connection with the development hereby approved and shall not be obstructed or used for any other purpose/s.

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

- (4) The nature play/ habitat area shall include the following features:
- a) at least 3 log piles
 - b) at least 5 nest/ bat boxes
 - c) at least 2 bird feeding stations

These shall be completed within 1 year of commencement of development on site, unless otherwise agreed in writing by the Local Planning Authority prior to the occupation of the building

Reason: To ensure a satisfactory development which incorporates sustainability measures that are commensurate to the scale of development proposed.

- (5) a) The Multi Use Games Areas shall only be permitted to be used between
08.00-22.00 hours Mondays to Fridays
08.00-20.00 hours Saturdays and
09.00-19.00 Sundays and Bank Holidays.
- b) Any floodlights associated with the MUGA area shall be switched off within 15 minutes of these times and the MUGA vacated

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

- (6) Within 6 months of the date of this decision the applicants shall submit details of materials for all external work, including samples of the proposed hardwood cladding system, hall glulam frame, render, brickwork, doors, roof including roof standing seams, and fenestration including window brise soleil 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) Within 3 months of the date of this decision, the applicant shall submit details of the proposed hall internal dimensions, demonstrating that they meet Sport England's minimum size dimensions for a badminton court in terms of length, width and height. These details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and thereafter implemented in accordance with the approved details

Reason: To ensure a satisfactory development which incorporates community access

- (8) Within 3 months of the date of this decision the applicants shall submit details of
- a) any proposed brown roof
 - b) any proposed green roof
 - c) proposed green screens/
 - d) steps to amphitheatre
 - e) gabion planter
 - f) general arrangement of hard/ soft landscape; construction details of roof; drainage; indicative roof sections
 - g) substrate depth to soft landscape – to be a minimum of 100mm for sedum/wildflower; 150mm for turf; 300-450mm for shrubs and 600mm for trees.
 - h) an associated roof landscape maintenance schedule (min 5 years)

These details shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the commencement of development and thereafter the details shall be installed in accordance with the details so approved prior to the occupation of the building

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

- (9) Within 3 months of this decision notice and prior to commencement of any demolition/ construction work on the site, a landscape plan shall be submitted to and approved in writing by the Local Planning Authority. Such landscape works shall be completed prior to occupation of building(s) and 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, manufacturers, specifications, and finishes. These should have a permeable construction wherever possible and should make reference to the Sustainable Urban Drainage System hierarchy. These include, but are not limited to
 - i. nature play stepping stones

- ii. sensory play surfaces
- iii. imaginative play surfaces
- iv. bark chip play area
- v. wet pour safety surfacing
- vi. alternatives to mastertint coloured tarmac
- vii. self binding gravel path
- viii. block paving pedestrian/ vehicular
- ix. slab paving
- iii. The provisions of a dense landscaped shrub buffer along the boundaries of the site, incorporating trees
- iv. Proposed boundary treatments including walls and fencing, indicating materials and heights and providing details of acoustic properties, where applicable.
- v. All planting including location, species, size, density and number
- vi. Any sustainable construction methods which are to be used.
- vii. The provision of play equipment including specifications, model and orientation
- viii. The provision of at least 53 new trees within the site
- ix. Details of the proposed amphitheatre including materials, finish and species
- x. Further details of the stimuli to make the imaginative play and sensory play areas fulfill their specifications
- xi. Details of the proposed totem pole
- xii. Details of a sculptural intervention to signify the approach to the school along the access road
- xiii. Details of the MUGA retaining walls
- xiv. A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape.

Any trees, plants 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

- (10) No development shall commence unless details of a Construction Method Statement incorporating:
- a) details of the proposed site compound
 - b) methodologies that ensure air quality on site is safeguarded during construction
 - c) a Site Waste Management Plan
 - d) methodology of protecting trees related to construction (BS:5837 2005) during construction works
 - e) details of wheel washing, to prevent harm to the local highway network

is submitted to and approved in writing by the Local Planning Authority, prior to the commencement of works and thereafter the details and methodologies approved shall be complied with

Reason: In order to safeguard local residential amenities, sustainability measures and air quality

- (11) No development shall commence unless further details of:

- a) the proposed refuse and recycling facilities
- b) 10 secure, weatherproof bicycle parking spaces, including details of the appearance of the shelter

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 buildings are occupied.

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

- (12) Within 6 months of this decision and prior to occupation of the buildings, details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority.

Such details shall include, but not be limited to:

- a) the specification, manufacturer, lux, model, direction and the siting of each lamp
- b) a lighting contour plan that demonstrates light spill in lumens and ensures that no light spillage from the site enters neighbouring residential garden areas

The lights shall be installed in accordance with the details so approved prior to occupation

Reason: In order to prevent harm to local amenities from light spillage

- (13) No music, public address system or any other amplified sound system shall be installed externally on the site without the prior written approval of the Local Planning Authority. Any proposed system/s shall be submitted to and approved in writing by the Local Planning Authority prior to installation and thereafter only installed in accordance with the details so approved

Reason: To safeguard the amenities of the adjoining occupiers

- (14) Prior to occupation of the proposed development the applicants shall submit evidence that the development achieves BB93 for internal noise levels and sound insulation within the classrooms. This shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be completed in accordance with the details so approved

Reason: To ensure a suitable, learning environment and protect the amenities of future children occupants

- (15) Within 12 months of the date of this decision and prior to installation, the applicants shall submit details of the proposed

- a) kitchen extraction system and filters
- b) ventilation equipment
- c) the gas boiler flue and emissions

These details should include an assessment of their impact on air quality and shall be submitted to and approved in writing by the Local Planning Authority prior to installation and thereafter the development shall be completed in accordance with the details so approved

Reason: In order to safeguard local air quality and amenities

- (16) a. Within 3 months of the date of this decision, details of any plant/ extraction equipment to be installed together with any associated ducting and the expected noise levels to be generated, shall be submitted to and agreed in writing by the Local Planning Authority prior to installation and thereafter shall be installed in accordance with the approved details. Ducts should outlet at least 1m above eaves unless otherwise agreed in writing.
- b. The noise level from any plant (e.g. refrigeration, air-conditioning, ventilation system, kitchen extraction equipment), together with any associated ducting, shall be maintained at a level 10 dB (A) or greater below the measured background-noise level at the nearest noise-sensitive premises, (less than LAeq35dB.) The method of assessment should be carried out in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas".
- c. Should the predicted noise levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: In order to safeguard the reasonable amenities of local residential properties

- (17) a. A noise impact assessment (with appropriate mitigation measures if required) must be submitted to the Local Planning Authority, detailing the potential noise impacts of the Multi Use Games Area on the nearby residential properties. The noise level from the MUGA shall be maintained at a level 10 dB (A) or greater below the measured background-noise level at the nearest noise-sensitive premises. The method of assessment should be carried out in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas".
- b. Should the predicted noise levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: To ensure that nearby residents do not suffer a loss of amenity by reason of noise pollution

- (18) No development shall take place until a remediation strategy has been submitted to and approved by the Local Planning Authority. The strategy must include all works to be undertaken to remove, treat or contain the contamination found on site; proposed remediation objectives and remediation criteria; and an appraisal of remedial options.

Reason: To ensure the safe development and secure occupancy of the site

- (19) The site shall be remediated in accordance with the approved remediation strategy. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation strategy and the site is permitted for end use. It shall detail what will happen to the soil on site that is not suitable for reuse in areas of sensitive end-use, such as soft landscaped areas. The quality of any soil imported to the site for the purposes of landscaping and the creation of the amphitheatre, must be tested for contamination and the results included in the Verification Report.

Reason: To ensure the safe development and secure occupancy of the site

- (20) Within 6 months of the date of this decision the applicants shall submit details of the existing pitches/ playing fields on site that are to be improved as a result of this application. These shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
- a) an indicative summer and winter layout
 - b) details of the reprofiling proposed, including before and after levels
 - c) details of drainage improvements, where applicable

Thereafter the improvements shall be undertaken in accordance with the approved details prior to the occupation of the buildings on site, unless otherwise agreed in writing by the Local Planning Authority

Reason: For the avoidance of doubt and to safeguard neighbouring amenities and sports pitches

- (21) The development hereby approve shall not commence unless a drainage strategy, detailing on and/or off site drainage works has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall not be occupied until the approved details have been implemented in full.

Reason: To ensure a satisfactory development that does not lead to sewage flooding and to ensure that there is adequate capacity in the sewerage network and that surface water is protected

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Planning Policy Statement 5 – Planning for the Historic Environment
Planning Policy Guidance 17 – Planning for open space, sport and recreation
Planning Policy Statement 25 – Development & Flood Risk
Planning Policy Statement – A sporting future for the playing fields of England

Brent's Unitary Development Plan 2004
Brent's Core Strategy 2010

SPG17 - Design Guide for New Development
SPG12 – Access for disabled people, designing for accessibility

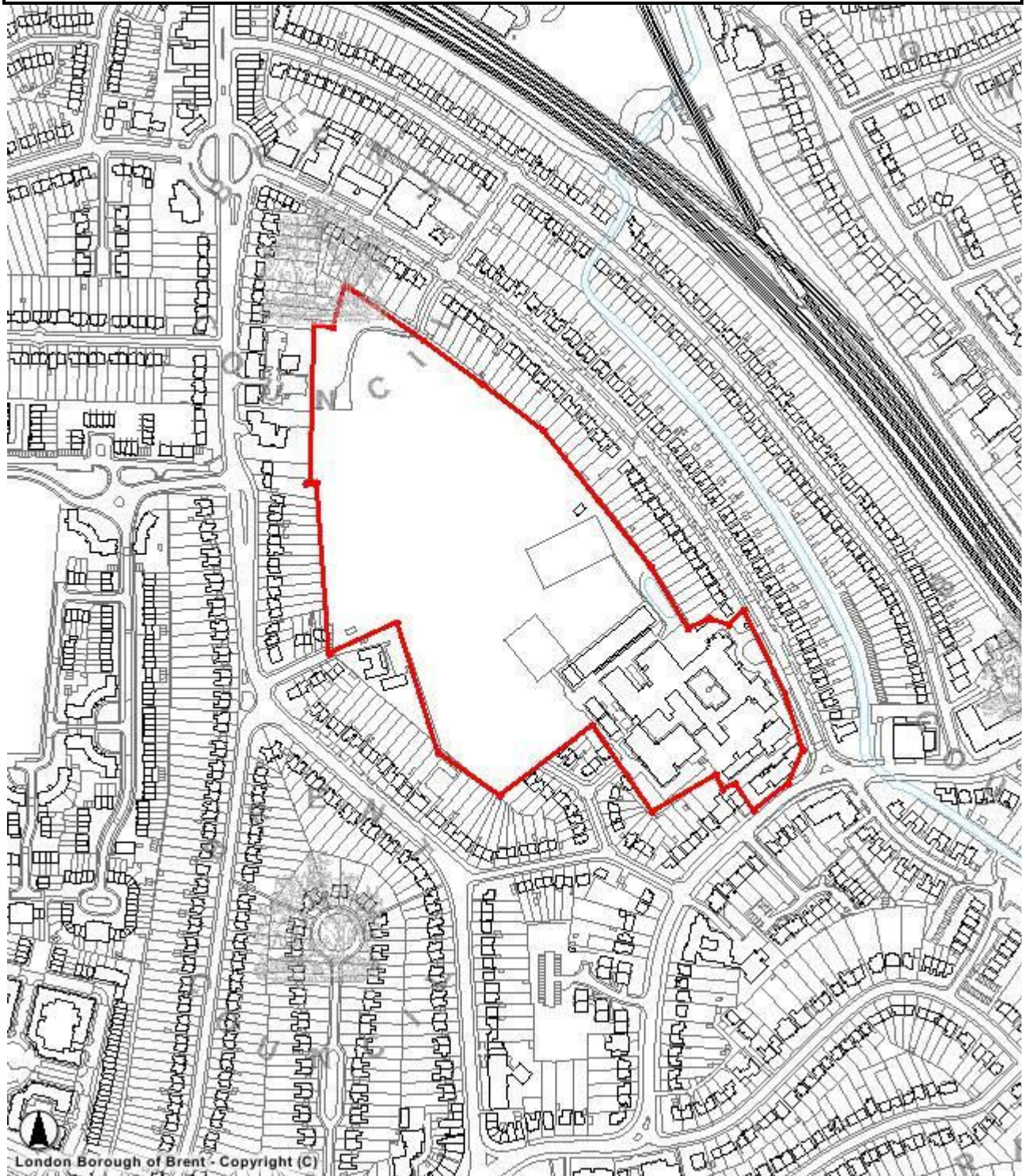
Any person wishing to inspect the above papers should contact Amy Wright, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



Planning Committee Map

Site address: Preston Manor High School, Carlton Avenue East, Wembley, HA9 8NA

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Committee Report
Planning Committee on 23 February, 2011

Item No. 3/03
Case No. 10/2041

RECEIVED: 20 August, 2010

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: Shree Saibaba Mandir, Union Road, Wembley, HA0 4AU

PROPOSAL: Retrospective application for change of use to a place of worship (Use Class D1), and proposed erection of a single-storey rear extension, a canopy to the side elevation and two front canopies of entrance doors

APPLICANT: Shirdi Sai Baba Temple

CONTACT: ASK Planning

PLAN NO'S:

2010-02 303

2010-02 302 Rev C

Design and Access Statement July 2010

Travel Plan dated February 2011

Transport Statement dated February 2011

Identification of key times (undated)

1x Food Count for December

1x People Count for January

Thursday Queue Management Plan (unnumbered)

Monday-Sunday (except Thursday) Queue Management Plan (8am-9pm) (unnumbered)

This report provides an update to Members following the deferral of the above application for a retrospective change of use to a place of worship (Use Class D1), and proposed erection of a single-storey rear extension and a canopy to the side elevation from the Planning Committee Meeting on 15th December 2010. Since this date, at the request of members of the Planning Committee, officers have continued discussions with the applicants to try and address the concerns raised within the original committee report. These relate to the intensity of the use and its impact on neighbouring residential amenity in terms of noise and disturbance, the scale of the extensions proposed and the impact on parking provision within the area.

Intensity of the Use

Following discussions with officers, further information has been submitted by the applicants comprising:

- A travel statement and travel plan
- A detailed breakdown of the use highlighting the use through a typical day, drop off zones for worshippers, the weekly procession and the main festivals throughout the year
- A count of devotees over a 12 day period in January
- A count of the number of food containers distributed in December
- A layout plan showing layout/queue management on Thursdays
- A layout plan showing layout/queue management other days

In addition to this supporting information the applicants have asked officers to advise members that a new Temple has opened in East London in December 2010 which has resulted in a significant change to attendance at the application site. In addition, the Temple Trustees have engaged in a dialogue with neighbours and are in the process of nominating a person to liaise with affected neighbours in conjunction with the Temple Trustees.

The information submitted has been reviewed by officers. The information submitted outlining the numbers of food containers distributed in December appears to confirm concerns regarding the intensity of the use. This information highlights that on average, around 300 worshippers would visit the site between 12.30pm and 9pm (no information is provided for the morning acts of worship within this document). It also confirms the appellant's description of the peak time occurring on a Thursday. Information has been provided for two Thursdays in December showing an attendance of 750 and 874 respectively within this 8.5 hour period which would place significant pressure on parking provision.

A people count for January has also been provided however this is not comprehensive and only covers a short period of around 10 days with a large number of gaps during this time where numbers have not been recorded. Furthermore, where numbers have been recorded they appear to be estimated within a wide range rather than providing exact figures which calls into question the robustness of this data. The figures provided suggest a drop in attendance in comparison with the aforementioned December food figures which may possibly be linked to the opening of the East London Temple. However your officers would require more robust monitoring over a longer period (of at least 2 months) in order to be certain that this new pattern of numbers of attendees was a new trend which is likely to be maintained. This is required in order to increase the certainty that any condition on maximum numbers of people within the building at any one time would be reasonably met.

It is recognised that the Trustees have also provided a layout plan showing an internal arrangement which facilitates larger numbers of visitors being accommodated within the building on a Thursday which is when the Temple experiences a higher numbers of visitors. Whilst this is welcomed in order to reduce the need for external queues previously observed by officers under the unauthorised canopy attached to the side of the building (which has now been removed), the applicants wish to gain consent for a similar structure within this location which could be used for any overspill of worshippers in the future. It is for this reason that officers wish for more comprehensive monitoring of visitor numbers in order to ensure that any external canopy would only be used for the storage of shoes under a covered area which provides protection in adverse weather conditions and not for people to congregate as this may result in noise and disturbance to neighbouring residential units on the upper floors of Coronet Parade.

Scale and Design of the Proposed Extensions

Following the deferral from the 15th December Planning Committee Meeting revisions to the rear extension have been made in order to address officers concerns regarding the impact on number 22 Union Road. The proposed extension will result in the building projecting for 4.25m beyond the rear wall of number 22 which contains a habitable room window to a kitchen/diner however the applicants have provided a 1.4m set-in from the boundary. Your officers do not consider the set-in provided to be sufficient to allow the additional depth to remain as was originally proposed. In general, a 2m set-in would be more suitable in this circumstance to provide sufficient separation from the neighbouring window to achieve a reasonable impact on the amenities of 22 Union Road and without this, your officers do not consider the amenities of the adjoining neighbour to have been sufficiently safeguarded in accordance with the requirements of policy BE9.

With regards to the side canopy, previously officers have requested reductions to the scale of this structure to provide a greater setback from the front elevation to achieve a more subordinate appearance. This would also limit its scope to use as a covered area which provides protection for people waiting to enter the Temple during busy periods. The applicants have declined to make this

amendment and have provided a layout for Thursdays showing how a queue is to be managed internally. Whilst this may seek to address officer's concerns regarding the previous use of this structure to allow it to be reinstated, without robust evidence that shows demand has been alleviated through the opening of new venues, your officers are not prepared to support this extension currently. Furthermore, even with this evidence, a setback would still be required in order to ensure that a more subordinate appearance is achieved.

Previously your officers did not raise concerns regarding the front entrance canopies subject to the receipt of satisfactory details which show these structures will be sufficient quality to respect the character of the original building which could be secured by condition. This view remains unchanged.

Transportation Implications

As requested by officers, a transport statement and travel plan have been submitted. These documents determine the modes of transport used by worshippers attending the Temple and predict the likely number of trips accordingly. This is based on a survey of worshippers who have completed questionnaires. The results of the survey indicated that around 30% of worshippers arrive by car. 22% of these cars would have a passenger. From these results, it has been suggested that about 30 two-way trips would occur at any one time on a Thursday evening and 12 two-way trips would occur at any one time on a Saturday/Sunday evening. This is based on the number of worshippers never exceeding 100 at any one time on a Thursday and 45 on a Saturday/Sunday evening. The figure of around 30 cars is also stated to apply on special event days as, although around 1000 visitors are likely to attend, this would be over a 12 hour period and is unlikely to exceed more than 100 people being within the Temple at any one time. It should be noted however that these figures have been calculated based on the applicants suggestion that the number of worshippers would never exceed 100 people at any one time however the food container figures demonstrate that the usage has exceeded this figure and as such, your officers do not currently feel confident in the demand for car parking which has been estimated.

The numbers highlighted are stated to be easily accommodated within Lexham Car Park which is 180m north of the site on Curtis Road as this car park contains in excess of 140 spaces for public use. Whilst it is recommended that there is also opportunity for parking within surrounding streets the operation of the Travel Plan is considered to limit the demand on this provision as the objective of this document is to promote a reduction in single occupancy car travel to and from the site. The indicative travel plan provided is considered to provide sufficient measures which deal with the promotion of sustainable transport measures and would be monitored over a five year period.

It is also noted that following the opening of alternative temples in East London, Milton Keynes and Leicester, a survey has been undertaken which indicates the Temple at Wembley predominantly caters for a local community with a smaller proportion of longer distance trips. However no firm evidence of this has been provided within the Travel Plan to support this statement. Furthermore, without the monitoring of numbers to ensure that the number of visitors at any one time has reduced to a maximum of 100 visitors, no assurances can be provided to members that the previous problems regarding parking and traffic generation have been resolved.

Summary

Whilst it is recognised that significant efforts have been made by the applicants to demonstrate that the use is now appropriate in its intensity to respect the amenities of neighbouring properties and would have adequate transport management measures, your officers do not consider sufficiently robust evidence which monitors numbers consistently over a significant period to have been provided to demonstrate that the use is now at a manageable level. Without this evidence, your officers remain concerned that any conditions on numbers of worshippers would not be reasonably met and cannot be easily enforced and would therefore fail to meet the requirements for conditions set out in Circular 11/95. The nature of the use is such that it is not appropriate for worshippers to

be turned away once the building reaches capacity thus your officers consider further monitoring over a significant period to be necessary in order to demonstrate that previous demand for this Temple has been alleviated by the opening of the 3 other venues.

Your officers would continue to discuss these issues with the applicants so that this further evidence could be compiled however the timetable of the outstanding Enforcement Appeal requires preparations to be done by the end of February. Your officers consider it unlikely that a further deferral of this Appeal to be granted by the Planning Inspectorate and as such, officers have been required to report this matter to committee again for a decision.

On balance, the proposal is considered to remain contrary to policies BE9, CF14, TRN1, TRN3 and TRN4 of Brent's Unitary Development Plan adopted in 2004.

Officer Recommendation: Remains Refusal for the following reasons: (original report attached as Appendix 1)

1. In the absence of a detailed monitoring information which demonstrates that numbers of worshippers and traffic impacts are being satisfactorily controlled, this application fails to demonstrate that the change of use would not result in an unduly detrimental level of noise and disturbance to neighbouring and nearby residents or conditions prejudicial to the free and safe flow of traffic and pedestrians on the local highway network contrary to policy CF14 and TRN1 of Brent's Unitary Development Plan adopted in 2004.

2. The proposed rear extension, by virtue of its depth, height and close proximity with the boundary would result in an unduly detrimental impact to the amenities of 22 Union Road in terms of outlook and overbearing impact. Furthermore in the absence of a detailed monitoring information which demonstrates that the change of use can respect the amenities of neighbouring properties, the intensification of the use of the existing building through extensions is likely to lead to unduly detrimental level of noise and disturbance to neighbouring and nearby residents contrary to policies BE2 and BE9 of Brent's Unitary Development Plan adopted in 2004.

3. The proposed side extension, by virtue of its scale, design and inadequate setback from the main front elevation is considered detrimental to the character and appearance of the existing building. Furthermore in the absence of a detailed monitoring information which demonstrates that the change of use can respect the amenities of neighbouring properties, the intensification of the use of the existing building through extensions is likely to lead to unduly detrimental level of noise and disturbance to neighbouring and nearby residents contrary to policies BE2 and BE9 of Brent's Unitary Development Plan adopted in 2004.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

(1) In the absence of a detailed monitoring information which demonstrates that numbers of worshippers and traffic impacts are being satisfactorily controlled, this application fails to demonstrate that the change of use would not result in an unduly detrimental level of noise and disturbance to neighbouring and nearby residents or conditions prejudicial to the free and safe flow of traffic and pedestrians on the local highway network contrary to policy CF14 and TRN1 of Brent's Unitary Development Plan adopted in 2004.

(2) The proposed rear extension, by virtue of its depth, height and close proximity with the boundary would result in an unduly detrimental impact to the amenities of 22 Union Road in terms of outlook and overbearing impact. Furthermore in the absence of a detailed monitoring information which demonstrates that the change of use can

respect the amenities of neighbouring properties, the intensification of the use of the existing building through extensions is likely to lead to unduly detrimental level of noise and disturbance to neighbouring and nearby residents contrary to policies BE2 and BE9 of Brent's Unitary Development Plan adopted in 2004.

- (3) The proposed side extension, by virtue of its scale, design and inadequate setback from the main front elevation is considered detrimental to the character and appearance of the existing building. Furthermore in the absence of a detailed monitoring information which demonstrates that the change of use can respect the amenities of neighbouring properties, the intensification of the use of the existing building through extensions is likely to lead to unduly detrimental level of noise and disturbance to neighbouring and nearby residents contrary to policies BE2 and BE9 of Brent's Unitary Development Plan adopted in 2004.

INFORMATIVES:

None Specified

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: Shree Saibaba Mandir, Union Road, Wembley, HA0 4AU

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

**Item No. 3/04
Case No. 10/2041**

RECEIVED: 20 August, 2010

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: Shree Saibaba Mandir, Union Road, Wembley, HA0 4AU

PROPOSAL: Retrospective application for change of use to a place of worship (Use Class D1), and proposed erection of a single-storey rear extension and a canopy to the side elevation

APPLICANT: Shirdi Sai Baba Temple

CONTACT: ASK Planning

PLAN NO'S:
2010-02 303
2010-02 302 Rev A
Design and Access Statement July 2010

RECOMMENDATION

Refuse planning permission

EXISTING

Situated on Union Road, the subject site contains a single storey building with a steep pitched roof formerly in use as a social club/assembly hall for the British Legion. To the west of the site is Coronet Parade a three storey terrace fronting Ealing Road with commercial units occupying the ground floor and residential units above. The residential units are accessed to the rear of the parade from a servicing road which is adjacent to the site. To the east is a line of traditional two storey dwellinghouses. The property is not situated in a conservation area nor is it a listed building.

PROPOSAL

Retrospective application for change of use from British Legion Hall (Use Class Sui Generis) to a Place of Worship (Use Class D1) and proposed erection of a single storey rear extension, erection of a full length canopy to one of the side elevations, the erection of two porch canopies to the front elevation and the installation of UPVC windows

HISTORY

E/10/0096 - Without planning permission, the change of use of the premises from a hall (Use class Sui Generis) to a temple/place of worship (Use Class D1), the erection of a canopy structures to the side and front of the premises, the erection of a marquee to the rear and the installation of signage to the premises

Enforcement Notice Served.

Appeal lodged - pending consideration

The enforcement appeal has been made under ground (a) - that planning permission should be granted, ground (c) - that a material change of use has not occurred at the premises, ground (f) - that the steps to comply with the notice are excessive and ground (g) - that the time limit for compliance is too short.

09/1152 - Demolition of existing hall and erection of a part one, part three and part four storey childrens residential care home

Application Withdrawn - 12/08/2009

02/1481 - Erection of portakabin to rear of premises

Refused - 30/08/2002

22955 5666 - Extension

Granted - 19/06/1957

POLICY CONSIDERATIONS

Local

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan (Consolidated with Alterations since 2004).

Brent's Unitary Development Plan - 2004

BE2 - Townscape: Local Context & Character

BE9 - Architectural Quality

TRN3 - Environmental Impact of Traffic

TRN4 - Measures to Make Transport Impact Acceptable

CF2 - Location of Small Scale Community Facilities

CF4 - Community Facilities Capable of Holding Functions

CF14 - Places of Worship

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

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.

Policy 3A.18 of the London Plan concerns the protection and enhancement of social infrastructure and community facilities.

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 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

n/a

CONSULTATION

Standard three week consultation period carried out between 15 September 2010 and 06 October 2010 in which 99 properties were notified. Ward Councillors have also been notified regarding the proposal.

The application has received a significant response including:

- 185 individual letters of support from the surrounding area
- 467 individual letter of support from other parts of London, the UK and internationally together with support from unspecified addresses.
- A petition in support of the application with 534 signatures
- A petition of objection to the application with 156 signatures
- 17 standard form letters have been received which states the person signing has been approached by the family residing at 22 Union Road to support the temple in finding larger

premises for the Temple. The wording of this letter is ambiguous and it is uncertain whether the individuals who have provided their details are in support of or object to the scheme.

- Letters of support have also been received from the Hindu Forum of Britain and Barry Gardiner MP.

28 letters of objection with addresses, one councillor objection and one objection with no postal address. These objections raise the following concerns:

- Noise and disturbance to neighbouring residential amenity beginning early in the morning and continuing into the late evening (after 9pm)
- Noise disturbance from ceremonial parades
- Crowding in the street around the temple before and after events.
- Littering of food packaging and rats
- Processions result in Union Road being closed to traffic which results in congestion in the surrounding area and prevents buses being able to pass through Union Road
- Increased traffic congestion from visitors
- Visitors block private driveways to residential properties
- No dedicated coach parking for the use which results in further road blockages
- Cumulative impact of three religious institutions within a small area
- Health and safety hazard from burning substances within the premises
- Increased anti-social behaviour caused by crowds outside temple - including urination against neighbouring walls
- Impact on Wembley Brook running along the rear of the site

It should be noted that one of the addressees who submitted a letter of support through the Council's website has contacted officers to advise that her details have been used by an unknown individual and she has no comments regarding the application. This letter of support has therefore not been counted.

Internal Consultees

Transportation - No objections, subject to conditions

Thames Water - No objections

REMARKS

Background

This application seeks to regularise the existing use of the premises as a temple. The operation of the Shree Saibaba Mandir commenced at the beginning of 2010 and has been the subject of an enforcement investigation which has resulted in an enforcement notice being issued to rectify the breach in planning control. The notice includes a number of unauthorised structures; a marquee at the rear, a canopy along the side elevation, two canopies fixed to the front elevation and signage. These have now been removed from the site. In their place, the application seeks approval for new UPVC windows to improve noise insulation, a single storey rear extension to improve the existing facilities within the building, the erection of a canopy along the western side elevation to provide shelter for visitors whilst removing shoes and new canopies above the front entrance doors.

The material planning considerations relevant to this application are the principle of the use, the impact on neighbouring residential amenity, the scale and design of the extensions proposed and their impact on the character of the area and transportation implications. In particular, as the use is existing and has been observed by officers and objectors, it is necessary to consider whether the use can be adequately controlled by conditions to address officers concerns. This issue has been discussed with the applicants who have supplied further information. This will be discussed later in the report.

Principle of the Use

The building has previously been used as a British Legion Hall which falls within the Sui Generis Use Class as the organisation is a network of social clubs for members. This conclusion is supported by decisions from other authorities, appeal decisions and legal advice. Nevertheless, it is clear from the design of the original building that the building was intended as a function hall which facilitates large groups of people meeting. As a result, the council does not object to the proposed change of use to D1 for a religious institution subject to the intensity of the use being appropriate for the site. This approach is consistent with policy CF14 of the adopted Unitary Development Plan which considers the provision of religious meeting places for all denominations acceptable provided there is no significant loss of residential amenity or unacceptable transport impact, particularly at the time of religious festivals.

Impact on neighbouring residential amenity

The site is surrounded by residential neighbours. The closest of these are 22 Union Road and the flats on the upper two floors of Coronet Parade. As a result, careful scrutiny of the intensity of the use is required to ensure that the impact to residential amenities is acceptable. The enforcement record, property database and objections highlight a large number of issues since the commencement of the use early in 2010. These include issues such as the transfer of noise from within the building to neighbouring residential properties and noise and disturbance from processions outside the building which includes the banging of drums and the use of a public address system. In addition the marquee to the rear appears to have been used to facilitate food being served which has resulted in complaints that there are an increase in rats in the area and neighbours have reported smoke from burning substances being a further problem. A site visit also revealed that the canopy along the side of the building which has now been removed was previously used as a waiting area when the Temple is at capacity during peak times which presents a risk that this would continue to be used for these purposes if consent were to be granted for a new canopy to be erected. These issues have been discussed with the applicants who have expressed a desire to work with the council to control the use within acceptable limits.

Within the building, the transfer of noise will be mitigated through the installation of new glazing. In addition, a condition could be attached requiring a noise mitigation strategy which shows means of ventilation which prevent the need for opening any windows and provide suitable door controls/an external lobby. This is consistent with the approach recommended by officers when considering the retention of the mosque on Harrow Road which was also in close proximity with residential uses.

The applicants have advised of the circumstances surrounding the use since its commencement in January 2010. It has been indicated that the success of the Temple has been unprecedented and as such, the management of the use to address concerns of neighbours has evolved over time. The Shree Sai Baba Mandir is the only Temple in the UK devoted to this saint and as such, the catchment area for worshippers attending services at the Temple is larger than would generally be expected for a place of worship. In response to this, the applicants have advised that other venues have been set up in East London, Milton Keynes and Leicester which alleviate pressure on the Temple in Wembley. No quantitative evidence has been submitted confirming how these new facilities have impacted on visitor numbers at the application site. The applicants highlight and state that there are 4 prayer times every day which stagger the arrival of numbers and that during peak times, stewards are based permanently at the site entrance to divert worshippers. A condition could be attached to any consent restricting the number of people within the Hall at any one time however in light of the intensity of activity observed previously, your officers feel that a more detailed management plan should be provided prior to the granting of permission in order to ensure that these conditions would be complied with. This would seek to deal with suitable locations where devotees might be diverted to in the event that the hall was at capacity. Currently it has not been specified where any overspill might congregate and as such officers remain concerned regarding noise and disturbance from crowds congregating outside the premises.

Further support for this approach is set out within policy CF14. This policy requires the impact of major festivals to be considered. It should be noted that a significant amount of complaints were received regarding a major festival held on 25 July 2010 which involved a significantly larger activity than is typically generated (approximately 1000 visitors over a 13 hour period). The applicants have advised that the Temple celebrates 6 festivals throughout the course of a year which need a greater degree of management to minimise the impact to neighbouring residential amenity. The lack of a detailed management plan does not provide the reassurance needed for officers to recommend approval at present.

As a further commitment to work with the Council, the applicants have advised that the use of the public address system for the procession outside of the premises has ceased and food is now served in takeaway boxes removing the need for the marquee at the rear and reducing the time spent at the Temple. The applicants have advised that the procession, which is a weekly activity undertaken on a Thursday evening, is an essential part of the worship and would need to continue. This activity involves a group of around 50 people leaving the site, processing along the pavement and crossing the road to Pavitt Hall, continuing to process around the Hall and before crossing Union Road again and returning to the site. The group of worshippers sing devotional songs and play musical instruments such as small hand cymbals and drums. This activity is completed by 9pm and is managed by stewards who seek to ensure that traffic continues to move freely along Union Road. The discontinuation of the public address system is welcomed and helps limit the disturbance to neighbouring properties. Nevertheless this issue is a frequently cited complaint as the practice does result in disturbance both to residential neighbours and to the free and safe flow of traffic along Union Road. It is uncertain how this associated activity can be controlled to address these issues.

Objectors have also raised issues with an increase in littering and anti-social behaviour associated with Temple users. Your officers believe that measures to deal with the issues arising from Temple worshippers can be written in to the management so that the impact to neighbouring residential amenity is adequately mitigated. However in the absence of a detailed management plan which satisfactorily deals with all of these issues, the change of use is currently considered contrary to policy CF14. These issues are considered to warrant a refusal of the application at the present although your officer to consider if possible for these concerns to be overcome.

Scale and Design of Proposed Extensions

The application proposes 2 small cantilevered canopies over the two front entrances which have been designed to respect the character of the building. These are minor additions which do not raise any significant concerns although samples of materials and structural details of supports to show a good quality finish would need to be conditioned in the event that the scheme could be approved.

It is also proposed to reinstate a canopy along the side of the building for shelter whilst worshippers remove footwear and to provide covered access from the side of the building around to the front of the site. Given the previous use of this area for worshippers to queue whilst the temple is at capacity and the absence of an indicative management plan, your officers have requested that the scale of this extension be reduced. A significant setback which would result from a reduction in scale would also significantly improve the appearance of this addition within the street scene and address officers concerns regarding its impact on the character of the building. The applicants have declined to make this amendment however as the access is used as a form of fire escape. Your officers do not consider this to be a reasoned justification as a covered area is not necessary to ensure a suitable fire escape.

A further extension to the rear is proposed which extends the original rear elevation by 4.1m. This structure extends along the boundary shared with 22 Union Road, a residential property, and projects 4.3m beyond the rear elevation of this property with a height of 3m. The physical impact of this extension would be more detrimental than can be considered reasonable and officers would

require the depth to be reduced and the separation between the extension and boundary to be increased. The extension exceeds the limits put forward by officers however the agent has declined to amend this. Accordingly the rear extension is considered unacceptable due to the unduly detrimental impact to the amenities of the immediate neighbour in terms of outlook and overbearing impact and is considered contrary to policy BE9.

Whilst there are issues with the physical form of the extensions proposed in terms of impact on neighbouring amenity and design, your officers consider these issues could be overcome with amendments. Nevertheless your officers would need to be satisfied that the management of the use is controlled appropriately prior to any increases to the building which would typically be associated with a more intensive use than the existing building is capable of supporting. Accordingly, this issue is included as a reason for refusal.

Transportation Implications

Policy CF2 which deals with the location of small-scale community facilities states that such uses should be located in or adjoining a town or local centre. This is in order to ensure such activities are situated where access to public transport is moderate or better. The site has good accessibility to public transport with a PTAL rating of 4 due to its close proximity to Wembley Central Station and local bus routes. As such the location is, in policy terms, considered appropriate for the use proposed.

Nevertheless, the site has no potential for parking or servicing. Furthermore the reports from objectors regarding problems with inconsiderate parking by temple users and coaches parking and blocking Union Road must be considered together with concerns regarding increased congestion in surrounding streets. These concerns have been highlighted to the applicants as similar applications (such as the mosque on Harrow Road ref 08/1847, and the application to redevelop McNicholas House being considered at this committee, ref 10/2390) have required the submission of a detailed Travel Plan which indicate traffic management measures prior to the granting of planning permission. In response to this, initial information regarding existing systems which are in place have been provided. The agent has declined to provide this document prior to the granting of planning permission however and has instead requested that a detailed travel plan should be dealt with through condition (or in the case of a travel plan, a legal agreement).

The initial measures provided by the applicant include the following:

- Arrangements with Auto Point on Coronet Parade adjacent to the site for the use of up to 6 spaces for visiting devotees
- Arrangements with Shivam Nursing Home on Chaplin Road to allow use of up to 8 spaces for visiting devotees
- Encouraged use of the private car park on Curtis Road
- Advanced warning system for coach parking who would be directed to the Curtis Road Car Park
- Signage at the premises advising not to park outside the premises

Whilst the information provided demonstrates that the applicants have put in place some traffic management systems, it is not clear how the arrangements with neighbouring sites would not impede these other uses from having sufficient parking arrangements. It is also noted that although the applicants state they are encouraging devotees to the Curtis Road Car Park, it is not clear how this is done. In reviewing the Temple's website, it is noted that no such information is provided if people were considering worshipping at the Temple having travelled some distance.

It is noted from a site visit that stewards are also in place outside the hall to discourage people from parking in a manner which is inconsiderate to neighbouring residents. However at the time of observing the use, your officers were asked to move on despite being parking within a legitimate parking space whereas others who had parked inconsiderately were ignored. Therefore it is

uncertain whether this practice is undertaken in a consistent manner in order to effectively protect vehicular accesses belonging to neighbouring residents.

As a result your officers do not consider there to be any justification for the submission of a fuller travel plan to be dealt with by legal agreement or condition given the amount of objection received regarding this matter from local residents and officers observations. Furthermore as the use is continuing to operate, it is considered appropriate to insist that a full travel plan be developed in advance of any consent being issued. Accordingly in the absence of a full travel plan which demonstrates that the existing harm to residential amenity in terms of increased parking pressure, congestion and noise and disturbance from vehicle and coach parking, your officers consider it necessary to recommend the application for refusal.

Response to other objections

Objectors have raised concerns regarding smoke and smell from substances being burned on site. This matter is traditionally dealt with through Environmental Health controls. Discussions with Environmental Health Officers have revealed that an abatement notice has been served on the premises on the 17th September 2010 following concerns from neighbours regarding this matter. Since this date, officers have received correspondence from the Temple Trustees confirming that extraction arrangements have been put in place to direct smoke upwards. The nature of the extraction equipment put in place is unknown and further investigation in to whether this would require formal planning permission is pending however the issue of burning substances is being addressed through other legislation.

Concerns have been raised regarding the impact on Wembley Brook. Confirmation regarding the location of Wembley Brook has been sought from the Environment Agency who have confirmed that the extension works proposed would not impact the culverted brook and as such, no specific measures are required in this instance.

Conclusion

Whilst the original building lends support for a D1 use, your officers do not consider the applicants to have demonstrated that the use currently operated can be managed in a way which has a reasonable impact on neighbouring and nearby residents in terms of acceptable levels of noise and disturbance and adequate transport management measures. In the absence of further supporting information in the form of a robust management plan the proposal is, on balance, considered to be contrary to policies CF14 and TRN1 of Brent's Unitary Development Plan adopted in 2004 and is accordingly recommended for **refusal**.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) In the absence of a detailed management plan to satisfactorily control numbers of worshippers and traffic impacts, this application fails to demonstrate that the change of use would not result in an unduly detrimental level of noise and disturbance to neighbouring and nearby residents or conditions prejudicial to the free and safe flow of traffic and pedestrians on the local highway network contrary to policy CF14 and TRN1 of Brent's Unitary Development Plan adopted in 2004.
- (2) The proposed rear extension, by virtue of its depth, height and close proximity with the boundary would result in an unduly detrimental impact to the amenities of 22 Union Road in terms of outlook and overbearing impact. Furthermore in the absence of a detailed management plan demonstrating that the change of use can respect the amenities of neighbouring properties, the intensification of the use of the existing

building through extensions is likely to lead to unduly detrimental level of noise and disturbance to neighbouring and nearby residents contrary to policies BE2 and BE9 of Brent's Unitary Development Plan adopted in 2004.

- (3) The proposed side extension, by virtue of its scale, design and inadequate setback from the main front elevation is considered detrimental to the character and appearance of the existing building. Furthermore in the absence of a detailed management plan demonstrating that the change of use can respect the amenities of neighbouring properties, the intensification of the use of the existing building through extensions is likely to lead to unduly detrimental level of noise and disturbance to neighbouring and nearby residents contrary to policies BE2 and BE9 of Brent's Unitary Development Plan adopted in 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

The London Plan Consolidated with Alterations since 2004
Brent's Unitary Development Plan - 2004
Local Development Framework Core Strategy 2010

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

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Received PLANNING Appeals between 1-Jan-2011 and 31-Jan-2011

Planning Committee: 23 February, 2011

Application Number: 10/1529 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 31/01/2011 **Appeal Against:** Refusal of planning permission
Location: 232 Ealing Road, Wembley, HA0 4QL
Proposal:

Part retrospective application to erect a single storey rear extension to shop involving alterations to the unlawfully constructed extension

Application Number: 10/1636 **Team:** Northern Team **Application Type** Other TLF
Appeal Received: 19/01/2011 **Appeal Against:** Refusal of planning permission
Location: Street Record, Brook Road, London, NW2
Proposal:

Prior approval for replacement of the existing replica telegraph-pole mast with a 13.8m streetworks monopole (telecommunications mast) accommodating 6 antennas, and installation of an additional, ground-based, equipment cabinet opposite the junction with Flowers Close (Part 24 General Permitted Development Order) (as accompanied by Site Specific Supplementary Information; General Background Information on Radio Network Development for Planning Applications; Health and Mobile Phone Base Stations; and ICNIRP letter and certificate)

Application Number: 10/1959 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 11/01/2011 **Appeal Against:** Refusal of planning permission
Location: 2 Tudor Court North, Wembley, HA9 6SG
Proposal:

Demolition of attached garage and erection of a single and two storey side extension to dwellinghouse

Application Number: 10/2132 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 18/01/2011 **Appeal Against:** Refusal of planning permission
Location: 1-4 INC Holmfield, Crawford Avenue, Wembley, HA0
Proposal:

Extension to roof to create 2 self-contained flats (Scheme 2)

Application Number: 10/2144 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 18/01/2011 **Appeal Against:** Refusal of planning permission
Location: 1-4 INC Holmfield, Crawford Avenue, Wembley, HA0
Proposal:

Extension to roof to create 2 self-contained flats (Scheme 1)

Application Number: 10/2225 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 17/01/2011 **Appeal Against:** Refusal of planning permission
Location: 17A Southview Avenue, London, NW10 1RE
Proposal:

Erection of a first floor rear conservatory to first floor flat

Application Number: 10/2253 **Team:** Western Team **Application Type** Other CLD
Appeal Received: 12/01/2011 **Appeal Against:** Refusal of planning permission
Location: 39 Cecil Avenue, Wembley, HA9 7DU
Proposal:

Certificate of lawfulness for the proposed erection of an outbuilding in the rear garden of single family dwellinghouse (Use Class C3)

Received PLANNING Appeals between 1-Jan-2011 and 31-Jan-2011

Planning Committee: 23 February, 2011

Application Number: 10/2256 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 27/01/2011 **Appeal Against:** Refusal of planning permission
Location: 777 Harrow Road, Wembley, HA0 2LW
Proposal:

Change of Use of exiting juice coffee parlor (Use class A1) to restaurant (use class A3) and installation of external extraction duct

Application Number: 10/2319 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 14/01/2011 **Appeal Against:** Refusal of planning permission
Location: 35D Mowbray Road, London, NW6 7QS
Proposal:

Erection of side and rear dormer windows and 1 front rooflight to top floor flat

Application Number: 10/2456 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 04/01/2011 **Appeal Against:** Refusal of planning permission
Location: 24 Flamsted Avenue, Wembley, HA9 6DL
Proposal:

Proposed extension/alterations to existing garage to form domestic store

Application Number: 10/2479 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 17/01/2011 **Appeal Against:** Refusal of planning permission
Location: 47 Twybridge Way, London, NW10 0SU
Proposal:

Erection of single storey rear extension to dwellinghouse

Application Number: 10/2502 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 24/01/2011 **Appeal Against:** Refusal of planning permission
Location: 230 Carlton Avenue East, Wembley, HA9 8PZ
Proposal:

Erection of a single-storey detached outbuilding in the rear garden of the dwellinghouse (retrospective application)

Application Number: 10/2588 **Team:** Northern Team **Application Type** Other ADV
Appeal Received: 12/01/2011 **Appeal Against:** Refusal of planning permission
Location: 387 Edgware Road, Cricklewood, London, NW2 6LH
Proposal:

Erection of a vertical, free-standing, internally illuminated advertisement board for poster displays

Application Number: 10/2660 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 12/01/2011 **Appeal Against:** Refusal of planning permission
Location: 67 Oldborough Road, Wembley, HA0 3QB
Proposal:

Erection of outbuilding in rear garden of dwellinghouse (retrospective application)

Application Number: 10/2695 **Team:** Northern Team **Application Type** Other ADV
Appeal Received: 25/01/2011 **Appeal Against:** Refusal of planning permission
Location: 7 & 7A Bridge Road, Wembley, HA9
Proposal:

Installation of an internally illuminated advertisement board to the side wall of 7 and 7A Bridge Road

Received PLANNING Appeals between 1-Jan-2011 and 31-Jan-2011

Planning Committee: 23 February, 2011

Application Number: 10/3020 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 26/01/2011 **Appeal Against:** Refusal of planning permission
Location: 16 Priory Gardens, Wembley, HA0 2QG
Proposal:

Erection of a new detached two-storey dwellinghouse within the curtilage of 16 Priory Gardens and formation of a new vehicular crossover to front.

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Received ENFORCEMENT Appeals between 1-Jan-2011 and 31-Jan-2011

Planning Committee: 23 February, 2011

Application Number: E/10/0022 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 31/01/2011

Location: 45 Holland Road, London, NW10 5AT

Description:

Without planning permission, the erection of a first floor rear extension, single storey rear canopy, single storey lean-to side extension and the addition of brick piers and trellises to boundary walls of dwellinghouse.

("The unauthorised development")

Application Number: E/10/0443 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 17/01/2011

Location: Car Wash, 470 Church Lane, London, NW9 8UA

Description:

Without planning permission, the change of use of the premises to a mixed use as car wash business and car park, and the erection of a canopy structure and metal container in association with the unauthorised change of use.

("The unauthorised change of use and development")

Application Number: E/10/0492 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 24/01/2011

Location: 230 Carlton Avenue East, Wembley, HA9 8PZ

Description:

Without planning permission the erection of a building in rear garden of the premises.

Application Number: E/10/0830 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 24/01/2011

Location: Alleyway rear of 25-51, Blackbird Hill, London, NW9

Description:

Without planning permission, the change of use from an alleyway to mixed use as access way, car repair, car servicing and storage of car-repair equipment, car parts and other equipment associated with the repair and servicing of vehicles.

("The unauthorised change of use")

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Decisions on PLANNING Appeals between 1-Jan-2011 and 31-Jan-2011

Planning Committee: 23-Feb-2011

Application Number: 09/2216 **PINSRefNo** X/10/2121481 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 27/01/2011

Location: 34 Oxenpark Avenue, Wembley, HA9 9SZ

Proposal:

Certificate of Lawfulness for a proposed single storey outbuilding in rear garden of dwellinghouse (as revised by plans received on 11/11/09)

Application Number: 09/2256 **PINSRefNo** A/10/2122094/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 07/01/2011

Location: Flats 1-6 Inc, 4 STEVENS COTTAGES, High Road, London, NW10

Proposal:

Change of use of two storey building and two storey side extension into 5 self contained flats and retention of detached ancillary outbuilding (revised description).

Application Number: 10/0012 **PINSRefNo** A/10/2126065/NWF **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 28/01/2011

Location: 59 Oakington Avenue, Wembley, HA9 8HX

Proposal:

Erection of two 2-storey detached dwellinghouses (1 x 4-bedroom and 1 x 3-bedroom) within rear garden of 59 Oakington Avenue, with parking and refuse in the proposed front gardens, a new vehicle access and pedestrian access to the side of 18 Forty Close, and associated landscaping

Application Number: 10/0276 **PINSRefNo** A/10/2131603 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 04/01/2011

Location: 3 & 3A, Furness Road, London, NW10 4QH

Proposal:

Partial demolition of existing factory and erection of a new three storey building comprising 9 self-contained flats with cycle storage area at lower ground floor level, refuse storage at upper ground floor level, provision of 9 off-street parking spaces and associated landscaping to site

Application Number: 10/0642 **PINSRefNo** H/10/2133541 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 31/01/2011

Location: 119A & B, Chamberlayne Road, London, NW10 3NS

Proposal:

Retrospective application for the installation and display of 1 advertisement hoarding on the flank wall at first and second floor level facing Wrentham Avenue

Application Number: 10/1011 **PINSRefNo** A/10/2136470/WF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 31/01/2011

Location: 6 Mayfields, Wembley, HA9 9PS

Proposal:

Erection of single-storey and part first-floor rear extensions to dwellinghouse

Application Number: 10/1082 **PINSRefNo** A/10/2132759/WF **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 04/01/2011

Location: 16 The Grange, Wembley, HA0 1SY

Proposal:

Erection of a single-storey rear extension to the dwellinghouse (part retrospective application for retention of structure with alterations)

Decisions on PLANNING Appeals between 1-Jan-2011 and 31-Jan-2011

Planning Committee: 23-Feb-2011

Application Number: 10/1451 **PINSRefNo** A/10/2136238/WF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 05/01/2011

Location: 18D Cavendish Road, London, NW6 7XL

Proposal:

Erection of front and rear dormer window and removal of 2 front rooflights to second-floor flat

Application Number: 10/1589 **PINSRefNo** A/10/2138053/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 27/01/2011

Location: 29 Bramston Road, London, NW10 5TX

Proposal:

Conversion of dwellinghouse into 3 self-contained flats (1x three-bedroom. 1x one-bedroom and 1x studio flats)

Application Number: 10/1604 **PINSRefNo** A/10/2138164 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 31/01/2011

Location: SKL House, 18 Beresford Avenue, Wembley, HA0 1YP

Proposal:

Retrospective application for change of use from offices (Use Class B1) to a college of further education (Use Class D1)

Application Number: 10/1839 **PINSRefNo** D/10/2141248 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 12/01/2011

Location: 1 Mildrose Court, Malvern Mews, London, NW6 5PT

Proposal:

Erection of a mansard-roof extension to the dwellinghouse to form an additional storey at second-floor level

Application Number: 10/1906 **PINSRefNo** D/10/2142431 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 28/01/2011

Location: 79 Keslake Road, London, NW6 6DH

Proposal:

Erection of a single-storey side extension to the dwellinghouse

Application Number: 10/1911 **PINSRefNo** D/10/2141416 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 19/01/2011

Location: 72 Norwood Avenue, Wembley, HA0 1LY

Proposal:

Erection of a single storey attached garage to side of dwellinghouse

Application Number: 10/2340 **PINSRefNo** D/10/2140310 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 11/01/2011

Location: 83 Torbay Road, London, NW6 7DT

Proposal:

Erection of single-storey outbuilding in rear garden of dwellinghouse

Decisions on PLANNING Appeals between 1-Jan-2011 and 31-Jan-2011

Planning Committee: 23-Feb-2011

Application Number: 10/2405 **PINSRefNo** D/10/2141037 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 25/01/2011

Location: 17 Brampton Grove, Wembley, HA9 9QX

Proposal:

Retrospective application for development comprising a part single-storey, part two-storey side and rear extension to the dwellinghouse, with the following modifications:

Replacement of the ground-floor and first-floor windows on the front elevation of the side extension

Removal of front rooflights

Alterations to the pitch angle of the roof over the side extension

Reduction in the width of the first-floor rear extension

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Decisions on ENFORCEMENT Appeals between 1-Jan-2011 and 31-Jan-2011

Planning Committee: 23 February, 2011

Application Number: E/08/0772 **PINSRefNo** C/10/2124037**Team:** Southern Team**Appeal Decision:** Appeal part dismissed / part allowed**Appeal Decision Date:** 21/01/2011**Location:** 17 Hawthorn Road, London, NW10 2LR**Proposal:**

The erection of an outbuilding in rear garden of the premises, the increase in height of the boundary wall fronting Litchfield Gardens and the change of use of the premises to four flats.

Application Number: E/09/0023 **PINSRefNo** C/10/2124686**Team:** Northern Team**Appeal Decision:** Appeal part dismissed / part allowed**Appeal Decision Date:** 17/01/2011**Location:** 70 Uxendon Hill, Wembley, HA9 9SL**Proposal:**

Without planning permission, the erection of a two-storey side extension, part single-storey and part two-storey rear extension, hip to gable end roof extension and rear dormer window to the premises.

("The unauthorised development")

Application Number: E/09/0051 **PINSRefNo** C/10/2132100**Team:** Western Team**Appeal Decision:** Appeal Allowed**Appeal Decision Date:** 10/01/2011**Location:** 30 Second Way, Wembley, HA9 0YJ**Proposal:**

Without planning permission, the change of use of the premises to a vehicle parking area.

("The unauthorised development")

Application Number: E/09/0399 **PINSRefNo** C/10/2119710 & APP/T5150/C/10/2119711 **Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 11/01/2011**Location:** 120 Dewsbury Road, London, NW10 1EP**Proposal:**

Without planning permission, the erection of one rear and two side dormer windows, two storey side and rear extensions, and the change of use of the premises from one house to three self-contained flats.

("The unauthorised development")

Application Number: E/10/0066 **PINSRefNo** C/10/2137285**Team:** Northern Team**Appeal Decision:** Appeal part dismissed / part allowed**Appeal Decision Date:** 31/01/2011**Location:** 2 Sherrick Green Road, London, NW10 1LD**Proposal:**

Without planning permission, the erection of two-storey side and rear extensions, a part single-storey rear extension to the premises, the formation of a hard surface to the front garden of the premises for the parking of vehicles, the erection of a front canopy/porch structure and front boundary wall to the premises.

("The unauthorised development")

Application Number: E/10/0215 **PINSRefNo** C/10/2130431**Team:** Northern Team**Appeal Decision:** Appeal part dismissed / part allowed**Appeal Decision Date:** 13/01/2011**Location:** 329 Church Lane, London, NW9 8JD**Proposal:**

Without planning permission, the erection of a building in the rear garden of the premises.

Decisions on ENFORCEMENT Appeals between 1-Jan-2011 and 31-Jan-2011

Planning Committee: 23 February, 2011

Application Number: E/10/0253 **PINSRefNo** C/10/2135799 & 2135800 **Team:** Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 26/01/2011

Location: 70 Woodhill Crescent, Harrow, HA3 0LZ

Proposal:

Without planning permission, the erection of a pitched roof extension with the addition of two dormer windows and rooflights to the premises.

("The unauthorised development")

**PLANNING SELECTED appeal DECISIONS between
1-Jan-2011 and 31-Jan-2011
Planning Committee: 23 February, 2011**

Introduction

In order to keep Members fully informed of Planning Appeal decisions, copies of Inspector's decision letters concerning those applications that have been allowed or partly allowed on appeal, are attached to the agenda. These include the following:

Our reference:	10/1082	Appeal Decision: Appeal Allowed	Appeal Decision Date: 04/01/2011
Team:	Western Team		
Location:	16 The Grange, Wembley, HA0 1SY		
Proposal:	Erection of a single-storey rear extension to the dwellinghouse (part retrospective application for retention of structure with alterations)		

Our reference:	10/1906	Appeal Decision: Appeal Allowed	Appeal Decision Date: 28/01/2011
Team:	Southern Team		
Location:	79 Keslake Road, London, NW6 6DH		
Proposal:	Erection of a single-storey side extension to the dwellinghouse		

Background Information

Any persons wishing to inspect an appeal decision not set out in full on the agenda should check the application details on our website or contact the Technical Support Team, Planning and Development, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email tps@brent.gov.uk

Chris Walker, Assistant Director - Planning and Development

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ENFORCEMENT SELECTED appeal DECISIONS between

1-Jan-2011 and 31-Jan-2011
 Planning Committee: 23 February, 2011

Introduction

In order to keep Members fully informed of Enforcement Appeal decisions, copies of Inspector's decision letters concerning those cases where Enforcement action has been initiated and the appeal has been allowed or part allowed, are attached to the agenda. These include the following:

Our reference: E/08/0772	Appeal Decision Date: 21/01/2011
Team: Southern Team	Appeal Decision: Appeal part dismissed / part allowed

Location: 17 Hawthorn Road, London, NW10 2LR

Proposal:

The erection of an outbuilding in rear garden of the premises, the increase in height of the boundary wall fronting Litchfield Gardens and the change of use of the premises to four flats.

Our reference: E/09/0023	Appeal Decision Date: 17/01/2011
Team: Northern Team	Appeal Decision: Appeal part dismissed / part allowed

Location: 70 Uxendon Hill, Wembley, HA9 9SL

Proposal:

Without planning permission, the erection of a two-storey side extension, part single-storey and part two-storey rear extension, hip to gable end roof extension and rear dormer window to the premises.

Our reference: E/09/0051	Appeal Decision Date: 10/01/2011
Team: Western Team	Appeal Decision: Appeal Allowed

Location: 30 Second Way, Wembley, HA9 0YJ

Proposal:

Without planning permission, the change of use of the premises to a vehicle parking area.

Our reference: E/10/0066	Appeal Decision Date: 31/01/2011
Team: Northern Team	Appeal Decision: Appeal part dismissed / part allowed

Location: 2 Sherrick Green Road, London, NW10 1LD

Proposal:

Without planning permission, the erection of two-storey side and rear extensions, a part single-storey rear extension to the premises, the formation of a hard surface to the front garden of the premises for the parking of

ENFORCEMENT SELECTED appeal DECISIONS between

**1-Jan-2011 and 31-Jan-2011
Planning Committee: 23 February, 2011**

Our reference: E/10/0215

Appeal Decision Date: 13/01/2011

Team: Northern Team

Appeal Decision: Appeal part dismissed / part allowed

Location: 329 Church Lane, London, NW9 8JD

Proposal:

Without planning permission, the erection of a building in the rear garden of the premises.

Background Information

Any persons wishing to inspect appeal decision letters not set out in full on the agenda should contact the Planning Service Technical Support Team, The Planning Service, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email: tps@brent.gov.uk.

Chris Walker, Assistant Director - Planning and Development



Appeal Decision

Site visit made on 7 December 2010

by Mike Moore BA(Hons) MRTPI CMILT MCIHT

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 January 2011

Appeal Ref: APP/T5150/A/10/2132759

16 The Grange, Wembley, HA0 1SY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Ankur Tagdiwala against the decision of the Council of the London Borough of Brent.
 - The application Ref 10/1082, dated 4 May 2010, was approved on 29 June 2010 and planning permission was granted subject to conditions.
 - The development permitted is the "*erection of a single-storey rear extension to the dwelling house (part retrospective for retention of structure with alterations)*".
 - The condition in dispute is No 3 which states that: "*The alterations to the extension shown on the hereby-approved plan TG16/1 received 23 June 2010 shall be completed in full within 6 months of the date of this planning consent*".
 - The reason given for the condition is: "*In order to rectify the breach in planning control and in the interests of neighbouring residential amenity*".
-

Decision

1. I allow the appeal, and vary the planning permission Ref 10/1082 for the erection of a single-storey rear extension to the dwelling house (part retrospective for retention of structure with alterations) at 16 The Grange, Wembley, HA0 1SY granted on 29 June 2010 by the Council of the London Borough of Brent, deleting condition 3 and substituting for it the following condition:
 - 3) The alterations to the extension shown on the hereby approved plan Ref TG16/1 received 23 June 2010 shall be completed in full within 6 months of the date of appeal decision Ref APP/T5150/A/10/2132759.

Main Issue

2. The main issue is whether the condition in dispute is reasonable and necessary in the interests of the living conditions of nearby residents.

Reasons

3. The appeal property is a 2-storey mid terrace dwelling located in a residential street. A single storey rear extension to the dwelling has been constructed to facilitate its subdivision into 2 self-contained flats. This development has been subject to an enforcement notice which has been appealed under grounds (f) and (g) and is subject to a separate decision.
4. The planning permission that is the subject of this appeal relates to a rear extension that is smaller than that built. The appellant has agreed to the

reductions required but considers that more time is necessary as the two families in the property have a contract to be accommodated until March 2011 with the works being undertaken thereafter. I have not seen the details of the contract but, notwithstanding any such obligation, a period of 6 months should be adequate to secure alternative accommodation for existing residents and complete the necessary works. In that regard, over 5 months have elapsed between the date of the Council's decision and my site visit.

5. The property was still being lived in at the time of my visit and there is a need for the residents to find new accommodation before the alterations to the extension can commence. Whereas I conclude that a condition of this kind is both reasonable and necessary to secure the development in the interests of the living conditions of neighbouring residents, the timescale remaining to implement the Council's condition is clearly unrealistic. The impact of the development on neighbours is not so severe that immediate action is essential. In this context, the compliance period of 6 months should begin from the date of this decision. However, as almost a year will have passed since the permission was granted, and in the absence of any compelling evidence to the contrary, a further extension of time beyond that would not be justified.
6. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition and substituting another.

M J Moore

INSPECTOR



Appeal Decision

Site visit made on 18 January 2011

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 January 2011

Appeal Ref: APP/T5150/D/10/2142431
79 Keslake Road, London NW6 6DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Jason Watts against the decision of the Council of the London Borough of Brent.
- The application Ref: 10/1906, dated 18 July 2010, was refused by notice dated 21 September 2010.
- The development proposed is the erection of a single storey side extension.

Decision

1. I allow the appeal and grant planning permission for the erection of a single storey side extension, at 79 Keslake Road, London NW6 6DH in accordance with the terms of the application Ref: 10/1906, dated 18 July 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the plans submitted with the application and appeal.
 - 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the extension have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main issues

2. I consider the main issues to be:
 - Whether the proposal would preserve or enhance the character or appearance of the Queen's Park Conservation Area, within which the appeal site is located.
 - The effect on the living conditions of the occupiers of the adjacent dwelling.

Reasons

3. The environmental quality of the Conservation Area derives to a large extent from the attractive detailing of the front elevations of the Victorian dwellings set in the vicinity of Queen's Park. However, the proposal concerns the rear of the dwelling at the appeal site, which cannot readily be seen from the street. This has a somewhat utilitarian appearance, being dominated by a two storey flat roof rear projection, due to its height and significant depth of about 8m.
4. The proposed extension would be attached to the side of the rear projection, which it would not project beyond the end of and because of the single storey height it would be noticeably lower. It would also not extend past the flank of the main part of the host dwelling. Despite its uniform width and height and in the context of the existing rear projection, the extension would not, therefore, appear unacceptably bulky or excessive in scale and would be a relatively subordinate addition. As a result, the character and appearance of the host dwelling would not be adversely affected.
5. As a result of these factors, the character and appearance of the Conservation Area would be preserved. The proposal therefore complies with this aim of London Borough of Brent Unitary Development Plan (UDP) 2004 Policy BE25. For the above reasons, the proposal is also in accordance with UDP Policy BE26, which among other things aims to ensure that extensions in Conservation Areas do not alter the scale of buildings, detrimental to the unity or character of the Conservation Area.
6. The adjacent dwelling to the east has a rear projection with openings in the side looking towards the appeal site. However, these face the side of the rear projection at the appeal site so that in relation to these openings there would be no significant additional sense of enclosure. In any case, the Council indicates that it is mainly concerned with the adjacent opening facing directly down the back garden in the main rear wall.
7. The extension would be set just under a metre off the boundary and the nearest part to the adjacent dwelling would have a relatively modest height of 2.4m, with the roof sloping down to this point. The adjacent property is also set back from the boundary. Due to these factors and despite the length of the addition and absence of a recessed area, there would be no undue sense of enclosure at the adjacent dwelling. This is especially the case bearing in mind the context of a relatively densely developed urban area. For the above reasons, it is concluded that the living conditions of the occupiers of the neighbouring property would not be harmed and there is no conflict with UDP Policy BE9, which seeks to prevent such adverse effects.
8. It is advised in the Council's *Queen's Park Conservation Area Design Guide* and in the Supplementary Planning Guidance, *Altering and Extending Your Home, SPG5*, September 2002 that single storey rear extensions to terraced dwellings should not exceed a depth of 2.5m from the main rear wall. Because there would be no detrimental effects arising from the proposal and the presence of the existing two storey rear projection, this advice should not be strictly applied in this instance.

9. Because of the conclusion in relation to the Conservation Area and the absence of harm to living conditions, it is therefore determined, taking account of all other matters raised, that the appeal succeeds.
10. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. A condition to this effect is therefore justified. To protect the appearance of the Conservation Area, the facing materials of the extension should be controlled.

M Evans

INSPECTOR



Appeal Decision

Site visit made on 8 November 2010

by Mrs H M Higenbottam BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 January 2011

Appeal Ref: APP/T5150/C/10/2124037
17 Hawthorn Road, London NW10 2LR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr G Garramone against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/08/0772.
- The notice was issued on 2 February 2010.
- The breach of planning control as alleged in the notice is the erection of an outbuilding in rear garden of the premises, the increase in height of the boundary wall fronting Litchfield Gardens and the change of use of the premises to four flats.
- The requirements of the notice are;
 - Step 1 Cease the use of the premises as four flats and cease the occupation of the premises by more than ONE household.
Remove all fixtures and fittings associated with the unauthorised use from the premises. (For the avoidance of doubt, this includes the removal of all kitchens from the premises, except ONE, and all bathrooms from the premises, except ONE, and all internal locks on doors, except those to the remaining bathroom.)
 - Step 2 Demolish the outbuilding in the rear garden of the premises and remove all associated debris and materials associated with this demolition from the premises.
 - Step 3 Reduce the height of the boundary wall fronting onto Litchfield Gardens so that it is restored back to its original height before the unauthorised development took place.
- The period for compliance with the requirements is 6 months after this notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2) (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

Summary of Decision: The appeal succeeds in part and the enforcement notice is upheld as varied in the terms set out below in the Formal Decision.

Ground (f)

1. The appellant accepts that the requirements set out in steps 2 and 3 of Schedule 4 of the notice are reasonable. However, he takes issue with the requirement set out in Step 1 of Schedule 4 insofar as it requires the removal of all but one of the bathrooms from the premises.
2. I accept that it is not unusual for 3/4 bedroomed dwellings to have more than one bathroom. Whilst I appreciate the Council is concerned that the retention

of bathrooms may encourage the conversion of the property again into multiple residential occupation without planning permission, the other requirements of Step 1, namely the removal of all but one kitchen and all internal locks on doors, would adequately address the concerns of the Council.

3. The requirements of the Notice do not dictate the internal layout of the building, but simply require the removal of facilities that have enabled self contained flats to be created. The building currently has four bathrooms and the appellant considers removal of one bathroom on the ground floor and one on the first floor may not be unreasonable, albeit he considers it is not necessary to do so to create one household. I consider it would be reasonable to allow more than one bathroom to be retained within a 3/4 bedroom property. In my view, the retention of two bathrooms would be appropriate and I will therefore vary the requirements of the Notice accordingly. To this limited extent the appeal on ground (f) succeeds.

Ground (g)

4. The ground of appeal is that the time given to comply with the notice is too short. The Council has given 6 months for compliance with the Notice. The appellant is seeking a period of compliance of 9 months.
5. At the time of my site visit there appeared to be tenants in all the flats. The appellant states that 6 months is too short a period to allow the premises to be vacated and the works to be planned in a proper fashion and that this would be unduly stressful for the tenants and an unreasonable infringement of the tenant's private life.
6. There are no details of any tenancy agreements or notice periods. Nevertheless, I consider it would be reasonable to grant an extension of time to allow any occupier to look for alternative accommodation and for the appellant to comply with the requirements. In my view, the period of 9 months sought by the appellant would not be excessive and I shall vary the Notice accordingly. To this limited extent the appeal on ground (g) succeeds.

Formal Decision

7. I allow the appeal on grounds (f) and (g), and direct that the enforcement notice be varied as follows:
 - (a) by the deletion of the second paragraph of STEP 1 of Schedule 4 of the notice and the substitution of the following:

Remove all fixtures and fittings associated with the unauthorised use from the premises. (For the avoidance of doubt, this includes the removal of all kitchens from the premises, except ONE, and all bathrooms from the premises, except TWO, and all internal locks on doors, except those to the remaining bathrooms.
 - (b) by the deletion of "6 months" and the substitution of "nine months" as the period for compliance.
8. Subject to these variations I uphold the enforcement notice.

Hilda Higenbottam

Inspector



Appeal Decision

Site visit made on 8 November 2010

by Mrs H M Higenbottam BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 January 2011

Appeal Ref: APP/T5150/C/10/2124686
70 Uxendon Hill, Wembley HA9 9SL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Nabeel Almulla against an enforcement notice issued by the Council of the London Borough of Brent.
 - The Council's reference is E/09/0023.
 - The notice was issued on 3 February 2010.
 - The breach of planning control as alleged in the notice is the erection of a two storey side extension, part single storey and part two storey rear extension, hip to gable end roof extension and rear dormer window to the premises.
 - The requirements of the notice are demolish the unauthorised development at the premises and remove all associated items, debris and materials arising from the demolition from the premises OR demolish the unauthorised development and reconstruct the development in accordance with the approved plan 12/08D of planning permission 08/2470 which was attached to this notice.
 - The period for compliance with the requirements is 5 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal succeeds under ground (f) and the notice is varied by the deletion of "Demolish the unauthorised development and reconstruct the development" of the second paragraph of STEP 1 of Schedule 4 and substitution of "Alter the unauthorised development".
2. The appeal succeeds under ground (g) and the notice is varied by the deletion of '5 months' and the substitution of "eight months" as the period for compliance.
3. The appeal fails under grounds (c) and (a), the enforcement notices is upheld as varied and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ground (c)

4. The ground of appeal is that there has not been a breach of planning control. The appellant accepts that what has been built differs from the 2008 planning permission in a number of ways. These are
 - The original hipped roof of the appeal property has been extended to form a gable;

- The two storey rear extension has been constructed with a gable end (the permitted roof form was hipped); and
 - A dormer roof extension has been constructed within the rear roof slope of the original roof.
5. The development that has been carried out does not comply in a material respect or to a material extent with that which was granted planning permission in 2008. Furthermore, although the appellant considers that the hip to gable roof form on the original dwelling and the rear dormer would constitute permitted development under Class B of Part 1 of Schedule 2 of the General Permitted Development Order 1995 as amended (GPDO), the development as constructed comprises the hip to gable extension, the rear dormer and the two storey and single storey rear extensions. As such they are part of a larger development that required planning permission. I therefore find that the development as a whole is unlawful.
6. The appeal under ground (c) fails.

Ground (a)

Main Issue

7. I consider the main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

8. The appeal property is a semi-detached dwelling. Originally the pair of semi's had hipped roofs. No 70 is situated within a residential area, comprising two storey semi-detached properties mainly with hipped roofs. Some properties within the area have been extended extensively, some with dormers and at least one with a gable extension, but the hipped roofs to the houses remain the predominant characteristic of the area.
9. The appellant considers that as a 'fall back', the hip to gable roof form on the original dwelling and the rear dormer would constitute permitted development under Class B of Part 1 of Schedule 2 of the General Permitted Development Order 1995 as amended (GPDO). As stated above what has been constructed was one development and as such is unlawful. There is no substantiated evidence that a lesser scheme, which may constitute permitted development, would ever be implemented. I therefore give the appellant's 'fall back' position little weight.
10. The hip to gable roof extension is contrary to the established character of hipped roofs within the area. The roof extension, taken together with the two storey side element, due to the bulk and massing of the resultant extensions is incongruous within the street scene and significantly greater than that approved in 2008. The junction between the two storey side extension and the hip to gable extension is crude and detracts from the roofscape within the street scene.
11. The rear dormer extension has a box like appearance and visually dominates the rear roof area. There is a poor juxtaposition between the dormer extension and the roof of the two storey rear extension. The flat roof of the dormer extension is visible from the street scene projecting above the sloping roof of the two storey extension. Furthermore, whilst the extent and full form of the

- dormer extension is not visible from the street it is seen from the rear of surrounding properties and their gardens.
12. The Council has produced and adopted Supplementary Planning Guidance No 5 entitled *Altering and Extending Your Home* (SPG). The massing, proportions and size of the rear dormer extension as constructed fail to comply with this guidance. Furthermore, hip to gable extensions are resisted, except in certain identified circumstances, as they would significantly change the character and appearance of a house and the street scene. The appeal development does not comply with the exceptions given and therefore is contrary to the guidance contained in the SPG.
 13. The general size, shape and height of the side extension complies with the advice in the SPG. However, the gable roof of the side extension fails to comply with the SPG which states that the roof should match the pitch and angle on the main roof. If the existing unauthorised hip to gable roof extension is removed from the main roof of the dwelling the gable roof extension would fail to complement the design of the dwelling would be contrary to the SPG. The retention of the gable roof on the side extension would fail to complement the design of the dwelling.
 14. PPS1¹ seeks the achievement of high quality and inclusive design. The development for the reasons given above fails to achieve this.
 15. The development as a whole fails to complement the design of the original property or make a positive contribution to the character of the area. This is contrary to PPS1, SPG and saved Policies BE2 and BE9 of the London Borough of Brent Unitary Development Plan 2004 which require development to be designed with regard to their local context, to make a positive contribution to the character of the area, relate satisfactorily to the characteristics of adjoining development and have attractive front elevations.
 16. For the reasons stated above the appeal under ground (a) fails.

Ground (f)

17. Section 173 of the Act indicates that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first (s173(4)(a)) is to remedy the breach of planning control which has occurred. The second (s173(4)(b)) is to remedy any injury to amenity which has been caused by the breach. In the notice the subject of this appeal the Council has not, unfortunately, specifically indicated which of those two purposes it seeks to achieve.
18. The reasons for issuing the notice concern the effect of the extensions on the character and appearance of the dwelling house and concerns that it would create an undesirable precedent. The purpose of the notice must, therefore be to remedy the breach of planning control that has occurred by making the development comply with the terms of a planning permission or restoring the land to its condition before the breach took place (s173(4)(a)).
19. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity (s174(2)(f)).

¹ Planning Policy Statement 1: Delivering Sustainable Development

20. The requirements are in the alternative and allow the appellant to choose whether to demolish the extensions or demolish the unauthorised extensions and reconstruct the extensions permitted in 2008². Given that the purpose of the notice is to remedy the breach of planning control that has occurred the first part of the requirements would achieve this by restoring the land to its condition before the breach took place. Furthermore, it would not exceed what is necessary to remedy the breach of planning control.
21. However, on the available information, I consider it would be excessive for the extensions as constructed to be demolished and then reconstructed in order to comply with the 2008 planning permission. The requirement as drafted, to my mind, goes beyond what is necessary to remedy the breach of planning control. I will therefore vary the second part of the requirements to refer to the alteration of the unauthorised development to comply with the approved plan 12/08D of planning permission 08/2470 which was attached to the notice. To this limited extent the appeal under ground (f) succeeds.

Ground (g)

22. The ground of appeal is that the time given to comply with the notice is too short. The Council has given five months for compliance with the notice. The appellant is seeking a period of compliance of one year.
23. I am mindful that the requirements of the notice, whether demolition of the whole unauthorised development or alteration of the extensions to comply with the 2008 planning permission, would necessitate significant works. I therefore consider it would be reasonable to grant an extension of time to allow the appellant to look for a builder to carry out the works and for those works to be carried out. In my view, a period of eight months would be a reasonable period and would not be excessive. To this limited extent the appeal on ground (g) succeeds.

Decision

Hilda Higenbottam

Inspector

² Council Reference 08/2470.



Appeal Decision

Site visit made on 20 December 2010

by R J Perrins MA MCMi ND Arbor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 January 2011

Appeal Ref: APP/T5150/C/10/2132100
30 Second Way, Wembley HA9 0YJ.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Y Cohen against an enforcement notice issued by the Council of the London Borough of Brent.
 - The Council's reference is E/09/0051.
 - The notice was issued on 2 June 2010.
 - The breach of planning control as alleged in the notice is without planning permission, the change of use of the premises to a vehicle parking area.
 - The requirements of the notice are to cease the use of the premises as a vehicle parking area and remove all the fixtures and chattels associated with unauthorised development from the premises.
 - The period for compliance with the requirements is 2 weeks.
 - The appeal is proceeding on the grounds set out in section 174(2) (c) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
-

Decision

1. I allow the appeal and direct that the enforcement notice be quashed.

The appeal on ground (c)

2. An appeal under this ground is brought on the basis that the matters alleged do not constitute a breach of planning control. To that end the appellant argues that the use of the land is temporary and does not take place on more than 28 days per calendar year and therefore is permitted development as set out in Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)¹ (GPDO).
3. The Council opine that the relevant section of the GPDO carries the heading "Temporary Buildings and Uses" and the use cannot be a temporary one as no other use occurs on the site. The material use of the land is for a vehicle parking area therefore Part 4 of the GPDO cannot apply in this instance. The Council submit that a number of judgements substantiate that view; *Ramsay*² which sets out that the GPDO is to enable land owners to use their land for

¹ The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes referred to in paragraph B.2, and the provision on the land of any moveable structure for the purposes of the permitted use.

² *Ramsay v Secretary of State for the Environment Transport and the Regions & Suffolk District Council* [2001] EWHC Admin 277

occasional or temporary purposes other than its normal use; *South Bucks*³ which found that a temporary use as permitted is an exceptional use, as distinct from the normal use, of the land and; *Webber*⁴ which states that to determine whether there has been any material change in the use of the land the starting-point must, of course, be the ascertainment of its normal user.

4. It is undisputed that the use does not take place for more than 28 days per year as borne out by the evidence submitted by the appellant. The GPDO is clear on its face and refers to "any land for any purpose" save for those matters set out in paragraphs B.1, B.2 and B.3 of Class B. I accept the Council's view that no other use occurs on the site and has not done so for a number of years. It is undisputed that the previous use as an oil manufacturer was abandoned.
5. However, I do not accept that confers that the material use of the site is as a vehicle parking area because that is the only use that has occurred. The use of the land, once the previous use had ceased, was a nil use. It is agreed that the duration and type of use, for car parking, is a temporary one which is above and beyond that nil use. Therefore it does comply with Part 4, Class B of the GPDO. For the car parking to become the material use of the land, it would have to exceed the parameters set out in Part 4, Class B.
6. I come to that view having taken into account the judgments cited above. In *Ramsay* the normal use of the land was an agricultural one, in this instance I have found the normal use to be a nil one. Also, the parking is exceptional to the nil use as set out in *South Bucks*. The judgment in *Webber* concerned a combined use of grazing and camping on agricultural land so is not relevant to this case although given the nil use of the land there is no requirement to establish the normal user.
7. For these reasons and having considered all matters raised I find, as a matter of fact and degree, that the use of the land for a vehicle parking area is a temporary one as set out in Part 4, Class B of the GPDO and does not therefore constitute a breach of planning control.
8. I conclude that the appeal should succeed on ground (c). Accordingly the enforcement notice will be quashed.

Richard Perrins

Inspector

³ *South Bucks District Council v Secretary of State for the Environment* [1989] 1PLR 69

⁴ *Webber v Minister for Housing and Local Government* [1967] 3All ER 981



Appeal Decision

Site visit made on 6 January 2011

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 January 2011

Appeal Ref: APP/T5150/C/10/2137285

2 Sherrick Green Road, London NW10 1LD

- The appeal is made by Mr M Arif under section 174 of the Town and Country Planning Act 1990 against an enforcement notice issued by the Council of the London Borough of Brent on 16 August 2010 (ref: E/10/0066).
- The breach of planning control alleged in the notice is "the erection of two-storey side and rear extensions, a part single-storey rear extension to the premises, the formation of a hard surface to the front garden of the premises for the parking of vehicles, the erection of a front canopy/porch structure and front boundary wall to the premises".
- The requirements of the notice are as follows: -
 - "STEP 1 Demolish the part single, two-storey side and rear extensions and the front canopy/porch structure to the premises, remove all items and debris arising from that demolition and remove all materials associated with the unauthorised development from the premises.
 - STEP 2 Remove the unauthorised hard surface from, dig/rip the land, cross-hatched black on the attached plan, to a depth of 300mm and remove all arisings to ensure that the surface material comprises only topsoil. Then turf over that land and replace any turf which is dead or dying within 5 years after this notice takes effect.
 - STEP 3 Demolish the front boundary wall and erect a 800mm high brick wall along the line marked "X" on the attached plan, using bricks that match the original construction of the premises (house)."
- The period for compliance with these requirements is 6 months.
- The appeal is proceeding on the ground set out in section 174(2)(a).

Decision

1. I direct that the enforcement notice be corrected by deleting "two-storey side and rear extensions," in Schedule 2.
 2. I dismiss the appeal insofar as it relates to the erection of a part single-storey rear extension, the formation of a hard surface to the front garden for the parking of vehicles and the erection of a front boundary wall at 2 Sherrick Green Road, London NW10 1LD and refuse to grant planning permission for these operations on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990.
 3. I allow the appeal insofar as it relates to the front canopy/porch structure and grant planning permission on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990 for the erection of a front canopy/porch structure at 2 Sherrick Green Road, London NW10 1LD.
 4. I direct that the enforcement notice be varied by replacing Schedule 4 with: -
-

"SCHEDULE 4

WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH

- STEP 1 Alter the roof of the single-storey rear extension so that it complies with the plans approved by planning permission ref: 08/2003 dated 8 September 2008.
- STEP 2 Remove the hard surface of the front garden and lay out and plant the front garden so that it complies with the terms and conditions of planning permission ref: 08/2003 dated 8 September 2008 and the landscaping details approved by permission ref: 09/1213 dated 13 July 2009.
- STEP 3 Build front boundary walls of a height of between 0.8 metre and 1.0 metre in the positions shown on the plans approved by planning permission ref: 08/2003 dated 8 September 2008, closing off all vehicular access to the front garden, providing pedestrian access as approved and using materials for the external surfaces of the walls that match those used for the house."

5. I uphold the enforcement notice as corrected and varied.

Reasons for the decision

The notice

6. I have deleted the part of the allegation relating to the two-storey side and rear extensions, since the notice ceased to have effect in respect of them when they were allowed on appeal last September (ref: APP/T5150/D/10/2133501). The notice now relates to four matters – the single-storey rear extension, the front canopy/porch, the hard surface at the front and the front boundary wall. I have dealt with these individually because they were separate operations. I have varied the requirements of the notice for the reasons given below.

Ground (a) – the single-storey rear extension

7. The main issue here is the effect of the extension on the outlook from the nearest ground-floor window of No 4. The extension was built with a pitched roof instead of the flat roof authorised by permission 08/2003. The inspector dealing with the earlier appeal found that the increase in height unacceptably affected the outlook from No 4's window, contrary to Policy BE9 of the Brent Unitary Development Plan (UDP), and I have no reason to disagree.
8. The appeal on ground (a) therefore fails in this respect. The requirement in Step 1 of the notice to demolish the extension is, however, excessive when it can be altered to comply with the permission (the pitched roof has in fact already been removed). I have therefore varied the notice so that, as respects the single-storey rear extension, it only requires alterations to the roof.

Ground (a) – the front canopy/porch

9. The main issue here is the effect of the canopy/porch on the appearance of the house and the street scene. It is larger than the one approved by permission 08/2003 and has a different design. I appreciate that the curved canopy and pseudo-classical pillars will not be to everyone's taste and that to some they

will look rather grandiose on a house of this type and size. However, there are no planning constraints requiring canopies and porches to be uniform in size or appearance in this locality and there is scope for householders to express some unconventionality in the choice of design.

10. The canopy/porch complies sufficiently with the standards called for by UDP Policies BE2 and BE9 and the advice about porches in the Council's guidance. It does not harm the appearance of the house or the street scene to an extent that justifies refusing permission. The appeal therefore succeeds on ground (a) in this respect and I have granted planning permission for the canopy/porch. No conditions have been put forward in this event and none are required. Attention is drawn to the provisions of section 180(1) as to the effect on the notice of this permission.

Ground (a) – the hard surface at the front

11. The main issues here are the effect of the hard surface on the appearance of the frontage and the effect of its use on highway conditions.
12. The front garden has not been laid out in accordance with permission 08/2003 or the landscaping details approved by permission 09/1213. These permissions show lawns, planting and pedestrian access only. Instead, the area has been hard surfaced and a vehicular access has been created, using a longstanding dropped kerb, which appears to have been provided for pedestrians only and is needed to facilitate pedestrian movements at the road junction.
13. As a result, vehicles are being driven over the footway at a point where they inconvenience and endanger pedestrians and the frontage has a bare and austere appearance compared to its previous layout as a garden and to what it would have looked like if the works had been carried out as approved. The criteria in UDP Policies BE7 and TRN15 have not been met and the Council's guidance about parking in front gardens and forming vehicular accesses has not been observed. The appeal under ground (a) therefore fails in respect of hard surface at the front.
14. The requirements in Step 2 of the notice appear to have been drafted without taking into account permissions 08/2003 and 09/1213. The appropriate step to remedy the breach relating to the hard surface is to require the development to comply with these permissions and I have varied the notice accordingly.

Ground (a) – the front boundary wall

15. The main issues here are the effect that the wall has on the appearance of the frontage and the fact that it has been constructed with a gap that facilitates vehicular access to the hard surface.
16. The drawings approved by permission 08/2003 indicate that a wall would be built, which would curve around the boundary where the vehicular access has been created and continue in a straight line along the Sherrick Green Road frontage, leaving a gap for the path to the front door. The landscaping details approved by permission 09/1213 indicate hedging would be planted along the line of the approved wall. It is not clear whether the hedging would be in addition to or in place of the wall.

17. The plan attached to the notice shows a different line, which I assume was not intended, but it is clear from Step 3 of the notice that the Council do not object to a wall being built here that would have a similar height to the existing wall. The requirement to build it in brick is not appropriate, however, since the wall, the house and its extensions and the wall on the Cullingworth Road frontage have all been rendered and coloured off-white and this treatment is in keeping with the street scene.
18. The appeal does not succeed under ground (a) as respects the wall, however, since it is necessary to ensure in the interest of pedestrian safety and visual amenity that vehicular access to the front garden does not occur. This appears to have been the intention when permission 08/2003 was granted and the appropriate way of achieving it is to build the wall so that it complies with this permission. I have therefore varied the notice to require this to be done.

D.A.Hainsworth

INSPECTOR



Appeal Decision

Site visit made on 5 January 2011

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 January 2011

Appeal Ref: APP/T5150/C/10/2130431

329 Church Lane, Page Street, London, NW9 8JD.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Dr D Imran against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/10/0215.
- The notice was issued on 7 May 2010.
- The breach of planning control as alleged in the notice is, without planning permission, the erection of a building in the rear garden of the premises.
- The requirements of the notice are (STEP 1) to demolish the building in the rear garden of the premises, remove all materials arising from that demolition and remove all materials, debris, and items associated with the unauthorised development from the premises.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (b), (c), (e) and (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

Summary of Decision: The appeal is allowed to a limited extent, and the requirements of the notice varied, prior to being upheld.

The appeal on ground (b)

1. The reasons given under this ground are more related to ground (c) in that it is disputed that planning permission is required for the building. However, the reference to the floor area of the building is a criterion under the Building Regulations rather than being relevant to the Planning Acts. Further, the reference to other similar buildings in the vicinity of the site relates to the planning merits of the case and does not establish that the erection of the building as specified in the notice has not taken place. The building exists; I examined it internally and externally at the time of my visit. The appeal on this ground therefore fails.

The appeal on ground (c)

2. The appeal under this ground (and partly made under ground (b)) is that the erection of the building was 'permitted development' erected for a purpose incidental to the enjoyment of the dwellinghouse (no. 329) and that the use of the building, together with its physical form, supports this and does not constitute a breach of planning control.

3. At my site visit, I noted that the height of the single storey building was about 2.7m high measured from the original ground level. Further, the building is sited almost adjacent to, and within 2m of, the western and northern boundaries of the site. On this basis, the building is not permitted by Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995, as amended, as it would not meet the limitations set out in E.1 (d) (ii) which define development not permitted as that exceeding 2.5m high within 2m of a curtilage boundary.
4. In terms of the use of the building, it appears that since the notice was issued, various kitchen fittings, including a sink as shown in the photograph in Appendix 2 of the Council's statement, and cooking equipment, have been removed. What remains internally, is a small area, partitioned off from the rest of the space to house a toilet and wash hand basin. The remainder of the building was occupied by a small piece of gym equipment, storage of a few household items and children's toys.
5. These changes may well ensure that the use of the building does not now comprise all of the facilities for day to day living and therefore independent residential use, however, I have to deal with the alleged unauthorised use at the time that the notice was issued rather than at present following the changes to the fittings made in the intervening period. From the information available, I have no reason to doubt the Council's allegation about the building being capable of being used as a self contained unit at that relevant time.
6. This ground of appeal therefore fails in respect of both the physical operation of the erection of the building and its alleged use.

The appeal on ground (e)

7. The appellant states that the notice was sent incorrectly to the site address when the appellant had previously notified the Council that he does not live there and had not sent notice to the appellant at his notified address. However, the Planning Act requires the Council to serve notice on the owner and on the occupier of the land in question. It was therefore not unreasonable for the Council to post the notice to the appeal site property. In any event, the appellant was able to lodge his appeal within the period specified in the notice and he has therefore not been prejudiced by the delay involved in him receiving the notification at his current address. This ground of appeal therefore fails.

The appeal on ground (f)

8. The requirement of the notice is to demolish the building and remove the resultant materials and debris from the site. However, I agree with the appellant that such complete demolition is excessive given that the building is only marginally higher than the 2.5m height specified in the General Permitted Development Order, and in the light of the general circumstances of the site. Further, the kitchen facility has now been removed and the remaining small toilet and hand-basin is a reasonable facility in a garden outbuilding gym/playroom and would be incidental to the enjoyment of the overall property by its occupiers.
9. I will therefore allow the appeal on this basis and revise the notice so as to require alterations to the building comprising the removal of the roof and the lowering of all of the walls to ensure that when the roof is replaced, the total

height of the building is no more than 2.5m high above the previously existing ground level. The raising of the ground level around the building to reduce the apparent height of the building would not accord with the regulations and would not be an acceptable solution. In respect of the use, it is necessary to make it explicit that the kitchen facilities have to be removed on a permanent basis.

10. The appeal on this ground therefore succeeds on a limited basis and I will revise the notice accordingly.

Conclusion

11. For the reasons given above I conclude that while there has been a breach of planning control, and that the notice was properly served, the requirements are excessive and I am varying the enforcement notice accordingly, prior to upholding it. The appeal under ground (f) succeeds to that extent.

Formal Decision

12. I allow the appeal on ground (f), and direct that the enforcement notice be varied by the deletion of all of the requirements set out in STEP 1 and the substitution of the following requirements:

STEP 1 - Remove the roof of the building and reduce the height of the walls to ensure that when the roof is replaced no part of the building including the roof is more than 2.5m high above the natural ground levels existing at the time before the building was constructed.

STEP 2 – Permanently remove the sink and kitchen fittings and appliances from within the building.

STEP3 – Remove all materials, debris and items arising from STEPS 1 and 2 from the premises.

13. Subject to these variations I uphold the enforcement notice.

David Murray

INSPECTOR