



Planning Committee

Wednesday, 24 November 2010 at 7.00 pm

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

Membership:

Members

Councillors:

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

First alternates

Councillors:

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

Second alternates

Councillors:

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

For further information contact: Joe Kwateng, Democratic Services Officer

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

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 - 2 November 2010		1 - 10
Extract of Planning Code of Practice		
APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING		
3. Alleyway rear of 12-30, Princes Avenue, London NW9 9JB (Ref 10/1979)	Queensbury;	15 - 20
NORTHERN AREA		
4. 1-3 The Mall, Harrow, HA3 (Ref 10/2365)	Barnhill;	21 - 34
5. 163 Melrose Avenue, London NW2 4NA (Ref 10/2511)	Dudden Hill;	35 - 40
6. 1-21 inc and garages at rear, Oman Court, Oman Avenue, London NW2 (Ref 10/2012)	Mapesbury;	41 - 56
7. 55 The Paddocks, Wembley HA9 9HG (Ref 10/2300)	Barnhill;	57 - 62
8. Melrose House, 201 Melrose Avenue, London NW2 4NA	Dudden Hill;	63 - 70
9. 39 Summit Avenue, London NW9 0TH (Ref 10/2349)	Fryent;	71 - 78
10. Thames Water Utilities, St Michael's London NW2 6XD (Ref 10/2247)	Mapesbury;	79 - 96
SOUTHERN AREA		
11. 1-20 inc Garfield Court, Willesden Lane, London NW6 7SZ (Ref 10/2594)	Brondesbury Park;	97 - 100
12. 71, 71a, 73, 73a, 75 and 75a Chevening Road, London NW6 (Ref 10/2665)	Queens Park;	101 - 112
13. 95 Chatsworth Road, London NW2 4BH (Ref 10/1639)	Brondesbury Park;	113 - 118
14. 99b Brondesbury Road, London NW6 6RY (Ref 10/1797)	Queens Park;	119 - 124
15. 101a and 101b Chatsworth Road, London NW2 4BH (Ref 10/2527)	Brondesbury Park;	125 - 130
16. 17 Heathfield Park, London NW2 5JE (Ref 10/2445)	Brondesbury Park;	131 - 136

WESTERN AREA

17. 75 St Augustine's Avenue, Wembley HA9 7NU (Ref Preston; 10/2267) 137 - 142

SPECIAL ITEM

18. Land Adjacent to South Way, Wembley Tokyngton; 143 - 162

PLANNING APPEALS

165 - 202

19. 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 Visit Details - 20 November 2010

SATURDAY 20 NOVEMBER 2010

Members reminded that the coach leaves Brent House at 9.30am

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
	Presentation by Quintain on their proposals for the Wembley Northwest Lands Wembley Plaza Hotel, Empire Way	18	Tokyngton	9:35	
10/2012	Oman Court, Oman Avenue, London NW2	6	Mapesbury	10.25	51 - 66
10/2247	Thames Water Pumping Station, St Michaels Rd, NW2	10	Mapesbury	10:40	89 - 106

Date of the next meeting: Wednesday, 8 December 2010

As that 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

This page is intentionally left blank



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Tuesday, 2 November 2010 at 7.00 pm

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

ALSO PRESENT: Councillor Krupesh Hirani and Councillor Roxanne Mashari

Apologies for absence were received from Baker

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

Councillor Cummins declared a prejudicial interest in respect of items 9 and 10 on the agenda (see below) as a member of the Board of Paddington Churches Housing Association Limited, the applicant for both applications. Councillor Cummins left the meeting room and did not take part during the discussions and voting on both items.

9. 40A-D inc. St Julians Road NW6 7LB (Ref. 10/2304)

10. 42A-D & 43A-C inc. St Julians Road NW6 7LB (Ref. 10/2289)

2. **Minutes of the previous meeting 13 October 2010**

RESOLVED:-

that the minutes of the previous meeting held on 13 October 2010 be approved as an accurate record of the meeting subject to the correct spelling of Councillor "Sheth" in the recorded votes for 14 Heber Road..

3. **15 Eversley Avenue, Wembley, HA9 9JZ (Ref. 10/1942)**

PROPOSAL: Erection of two storey side extension, single storey rear extension, raised terrace and steps to garden and erection of rear dormer window to dwellinghouse (as amended by plans received 22/10/2010)

OFFICER RECOMMENDATION: Grant planning permission subject to conditions as amended in conditions 3 and 4.

The Area Planning Manager amended conditions 3 and 4 as set out in the tabled supplementary, following advice from the Council's Legal Services.

DECISION: Planning permission granted subject to conditions as amended in conditions 3 and 4.

4. 55 Dollis Hill Lane London NW2 6JH (Ref. 10/2241)

PROPOSAL: Erection of a single-storey rear extension to the dwellinghouse (revised description as per plans received on 13/10/2010)

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

In response to objections raised, the Area Planning Manager Rachel McConnell informed the Committee that given the size of the extension and relationship with neighbouring properties, it was not considered that there would be a significant impact on the outlook of adjoining residents. The additional objection on grounds of loss of view was not a material planning consideration. She referred to the issues that Councillor Hirani asked to be considered: loss of privacy; whether or not the property would be occupied by the applicant; loss of view. In responding, she stated that the issue of loss of privacy had been adequately addressed in the main report and that disruption to the view of Gladstone Park and whether or not the property would be occupied by the applicant were not a material planning consideration. Rachel McConnell added that the overriding factor was whether the property would be used as a single family dwellinghouse (which was stated as the proposal) or a house in multiple occupation.

DECISION: Planning permission granted subject to conditions.

5. Fryent Primary School, Church Lane, London, NW9 8JD (Ref. 10/2026)

PROPOSAL: Erection of an all-weather games area with 3m high perimeter fence and 4 floodlighting columns

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the tabled supplementary report, the Area Planning Manager informed the Committee that as the all-weather multi use games area (MUGA) would be in use during school hours it would not adversely affect the security, privacy and amenities of residents.

DECISION: Planning permission granted subject to conditions.

6. Former Blarney Stone, Blackbird Hill, London, NW9 8RR (Ref. 10/2053)

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.

OFFICER 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.

In introducing the report, the Area Planning Manager Rachel McConnell drew the Committee's attention to additional letters which raised objections on grounds of harm to the adjoining conservation area and possible uses of the site adding that those issues had been addressed in the main report. Members noted that a number of issues raised including impact/scale from residential gardens to the north; use and prominence of the retail unit; play facilities; access for cars and servicing; and mix of units proposed on site had also been addressed in the report. She then compared the existing and proposed parking and servicing arrangements on the site and concluded that the proposed parking would not significantly exceed the previous provision. Rachel McConnell added that as the proposed building would be set further away from the boundary with No. 1 Old Church Lane with trees proposed along the boundary the proposed development was not considered to impact on the amenities of No. 1 Old Church Lane.

In terms of transportation, the Area Planning Manager stated that officers in transportation had not raised objections in term of any impact upon the local highway network. She added that the northern side of the car park access had been amended to include a 10m radius kerb as requested by your officers in transportation, amending condition 2 accordingly. She drew members' attention to an amendment in the Heads of Terms for affordable housing agreed with the applicant for 28% of the development and a further financial contribution of £50,000 towards off-site provision within the Borough.

Ms Amy Zubin objected to the proposal on the following grounds;

- By having access to the site, delivery and refuse collection from Old Church Lane only, the proposed development would lead to an increase in noise and dust pollution on an already congested quiet country road within a conservation area.
- The use of Old Church Lane for access and delivery purposes would make it extremely difficult for residents to get in and out of Old Church Lane.
- The parking provision of 37 car parking spaces for the proposal which was for 34 flats and a ground floor retail element would be inadequate and consequently was likely to cause problems for residents and their visitors.
- Although planning permission had not been obtained, the applicant had already carried out a considerable amount of work including advertisement.
- The residents had not been fully consulted on the proposals which would affect them in their daily lives.

Patricia Gray also an objector raised concerns on behalf of the residents on grounds of safety, noise nuisance, pollution within a conservation area and an undue pressure on the local sewerage system. Ms Gray requested a deferral to enable further consultation and to review the implications of the proposed development. In response to members' question Ms Gray stated that although

she was not opposed to some form of residential development on the site, she felt that full consultation with residents had not been carried out.

In accordance with the provisions of the Planning Code of Practice, Councillor Mashari, ward member stated that she had been approached by the applicant and the local residents. Councillor Mashari expressed concerns about the lack of satisfactory consultation with the residents. She also expressed concerns about the proposed single access and delivery point via Old Church Lane which would adversely impact upon residential amenities and create parking and congestion problems.

Mrs Theresa Neary who had given notice to speak was not present due to ill health. With the permission of the Committee, the applicant's agent Mr Pender read out a statement on her behalf reiterating her support for the proposal.

Mr Mark Pender, the applicant's agent speaking in support stated that the proposed development for a mixed use would fit in with the streetscape and the local environment. He drew members' attention to the 28% affordable housing that would be offered and the substantial financial contribution towards off-site provision. Mr Pender noted that transport and access issues had been adequately addressed in the report and added that it would be unsafe to use Blackbird Hill for access and deliveries to the site. He continued that the site was not within a conservation area.

In response to members' questions, Mr Pender stated although consultation with interested parties and residents was a matter for the Local Planning Authority, but as a form of good practice his client had also carried out additional consultation including an exhibition and distributing information leaflets. He added that as the proposal complied with the Supplementary Planning Guidance 17 (SPG17) it was not considered to be an over-development of the site. He did not anticipate problems with parking as he expected most of the shoppers to be local who would walk rather than drive. He confirmed that he felt that the development would not result in overlooking to neighbouring properties.

In clarifying issues raised about consultation, the Area Planning Manager stated that 276 neighbours were consulted in addition to site and press notices. In respect of access and deliveries to the site, she considered that Old Church Lane rather than Blackbird Hill was more appropriate in the interest of vehicular and pedestrian safety. She added that the proposal which complied with SPG 17 and in design terms was considered to be satisfactory would not constitute an over-development of the site.

In the ensuing discussion, Councillor Cummins asked whether it was possible to add an informative for "sensitive let" for the retail element to indicate that the shops would not be suitable for bulky goods. Councillor Daly raised concerns about pollution and possible overlooking. Councillor Long felt that there ought to be a condition on shared access to the site. Councillor Adeyeye felt that the convenience of future users and residents of the proposed development had not been adequately explored. Councillors Kataria and McLennan also felt that transport issues, delivery vehicles and times had not been adequately addressed. Councillor Hashmi however expressed views that he would welcome the application.

The Head of Area Planning Steve weeks in response stated that traffic to the site would not be significantly higher than at present and that expected traffic increase and scale were not sufficient reasons to warrant a recommendation for refusal. He continued that the Council's environmental Health Services had not raised the issue of pollution. He added that a relatively small retail unit was less likely to attract bulky goods and that no retail parking was proposed. Steve Weeks clarified that the site adjoined but was not within a conservation area and that, although higher the development set further away from No. 1 Old Church Lane and there was provision for landscaping along the joint boundary. On balance, he reiterated the recommendation for approval.

Having heard the responses by the Head of Area Planning and the Area Planning Manager members were minded to refuse the application for the following statement of reasons;

- Unacceptable increase in traffic using Old Church Lane due to the high density of development on site and servicing for the retail unit, resulting in further congestion;
- Overspill residential and retail parking onto Old Church Lane;
- Inadequate pedestrian/vehicular separation and control for the servicing area

In accordance with the Planning Code of Practice, and on the advice of the Head of Area Planning, the application was deferred to a later meeting for a further report.

DECISION: Minded to refuse the application for the following reasons and deferred for a further report;

Unacceptable increase in traffic using Old Church Lane due to the high density of development on site and servicing for the retail unit, resulting in further congestion;

Overspill residential and retail parking onto Old Church Lane;

Inadequate pedestrian/vehicular separation and control for the servicing area

7. Flats 1-4 INC, 142A High Road, London, NW10 (Ref. 10/2106)

PROPOSAL: Erection of second-floor extension and conversion of first and second floors to three self-contained flats (1x two-bedroom, 1x one-bedroom and 1 x studio) (car-free)

OFFICER 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.

In response to a member's question, the Area Planning Manager stated that opportunity for large family size accommodation within a property in a busy High Road was significantly limited.

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.

8. 26A Chevening Road, London, NW6 6DD (Ref. 10/1476)

PROPOSAL: Installation of replacement white UPVC-framed sash windows and a "oak leaf" UPVC/GRP door to front elevation of basement flat.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

9. 40A-D INC, St Julians Road, London, NW6 7LB (Ref. 10/2304)

PROPOSAL: Erection of front and rear mansard roof, with 2 dormer windows at front and 2 at rear, to create 1 two-bedroom flat at third-floor level, with associated refuse-storage area to front of flats.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions, an amended condition on refuse storage and the completion of a satisfactory Section 106 or other legal agreement with an amended Heads of Terms to £6,000 and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

DECISION: Planning permission granted subject to conditions, an amended condition on refuse storage and the completion of a satisfactory Section 106 or other legal agreement with an amended Heads of Terms to £6,000 and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

Note: Councillor Cummins declared a prejudicial interest in the above item as a member of the Board of Paddington Churches Housing Association Limited. Councillor Cummins left the meeting room and did not take part during the discussions and voting on the application.

10. 42A-D INC & 43 A-C INC, St Julians Road, London, NW6 7LB (Ref. 10/2289)

PROPOSAL: Erection of front and rear mansard roof, with 2 dormer windows at front and 2 at rear, to create 1 two-bedroom flat at third-floor level, with associated refuse-storage area to front of flats.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions, an amended condition on refuse storage 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.

DECISION: Planning permission granted subject to conditions, an amended condition on refuse storage 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.

Note: Councillor Cummins declared a prejudicial interest in the above item as a member of the Board of Paddington Churches Housing Association Limited. Councillor Cummins left the meeting room and did not take part during the discussions and voting on the application.

11. Land Surrounding Wembley Stadium, Royal Route, Wembley, HA9 (Ref. 10/2202)

PROPOSAL: Erection of a 7-storey building comprising 7,544m² of designer-outlet retail (Use Class A1), 306m² of sports retail (Use Class A1), 6,176m² of food & drink (Use Class A3, A4 or A5), 9,430m² of leisure (9-screen multiplex cinema, Use Class D2) and associated infrastructure, including partially covered pedestrian "retail walk", relating to plot "W07" of the Quintain outline planning consent reference 03/3200.

This application is submitted as the Reserved Matters pursuant to condition 2 (i) (ii) (iii) (iv) (v) (siting, design, appearance, means of access and landscaping), and details pursuant to conditions 6 (iii) (iv) (v) (scheme parameters), 60 (disabled access), 63 (sunlight/daylight studies) and 64 (wind-tunnel testing) for Plot W07 only of outline planning permission reference 03/3200, dated 29 September 2004.

OFFICER RECOMMENDATION: Grant approval of reserved matters relating to Plot W07.

In response to query from Councillor Daly, the Head of Area Planning recommended a further condition requiring the submission of details on toilet provision within the development.

DECISION: Granted approval of reserved matters relating to Plot W07 with a further condition requiring the submission of details on toilet provision within the development.

12. Land next to Central Middlesex Hospital, Acton Lane, London, NW10 (Ref. 10/2073)

PROPOSAL: Application for the approval of reserved matters relating to appearance, landscaping, scale and access, pursuant to condition 1 of planning permission reference 10/0140, granted 25/02/2010, which varied condition 10 of outline planning consent reference 08/1043, relating to the scale of the development.

OFFICER RECOMMENDATION: That the Reserved Matters pursuant to condition 1 of planning permission reference 10/0140 be approved.

DECISION: Granted approval of the reserved matters pursuant to condition 1 of planning permission reference 10/0140.

13. Land next to Central Middlesex Hospital, Acton Lane, London, NW10 (Ref. 10/2164)

PROPOSAL: Erection of 3 linked buildings for mixed-use development on land next to Central Middlesex Hospital, to provide 891m² of retail/food & drink (Use Class A1 or A3) and 17,842m² of care & treatment or secure hospital floorspace (Use Class C2/C2A – residential institutions or secure residential institutions), with formation of refuse storage, loading bay, cycle storage, car-parking and associated landscaping.

OFFICER RECOMMENDATION: To grant planning permission subject to conditions and an additional condition 13, referral to the Mayor of London under the Town and Country Planning (Mayor of London) Order 2008 and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning, or other duly authorised person, to agree the exact terms thereof on advice from the Director of Legal and Procurement.

DECISION: Planning permission granted subject to conditions and an additional condition 13, referral to the Mayor of London under the Town and Country Planning (Mayor of London) Order 2008 and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning, or other duly authorised person, to agree the exact terms thereof on advice from the Director of Legal and Procurement.

14. Appeals September 2010

Following an introduction by the Head of Area Planning which highlighted the issues raised in allowed appeals, the outcome of overturned recommendations, the implications of costs and overall appeal performance, the Committee;

RESOLVED:-

That the appeals for September 2010 be noted.

15. Any Other Urgent Business

None

The meeting ended at 8.45pm

RS PATEL
Chair

This page is intentionally left blank

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.

This page is intentionally left blank

Committee Report

Planning Committee on 24 November, 2010

Item No.

3

Case No.

10/1979

RECEIVED: 27 July, 2010

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Alleyway rear of 12-30, Princes Avenue, London, NW9 9JB

PROPOSAL: Installation of alleygate running behind land r/o 12-30 Princes Avenue NW9 and r/o 1 Tennyson Avenue & 2 Milton Avenue (Revised plans received on 18/10/10)

APPLICANT: Environmental Health

CONTACT:

PLAN NO'S:

See condition 2

Introduction

This case was deferred from the agenda of the planning sub-committee on 13 October so officers of the Planning and Environmental Health departments could attend the site with the contractors who would undertake the work and mark exactly where the gates would be positioned.

Discussion

Your officers visited the site on 13 October and the position of both gates was marked. Neighbours were reconsulted on 18 October for 14 days and a more accurate plan (Rev C) has been produced to ensure members have sufficient accurate information on which to base their decision.

Highways officers confirmed their support for the scheme as proposed.

The two objectors wrote to the case officer following the re-consultation and your officers visited the site again on 9 November and met with them and two members of the residents committee. The objectors reiterated their concerns that the rear of their properties would not be protected from fly-tipping or anti-social behaviour. The resident of No. 14 also strongly objected to any proposal which would make it more difficult for him to access his garage.

Your officers explained that the gate cannot be located forward of the front elevation of No. 1 Tennyson Avenue due to the low wall between No. 1 and the alleyway. If the gate is forward of this wall it serves no purpose in preventing unauthorised pedestrian access. This point was understood by the two objectors and the two members of the residents committee and your officers explained that they needed to establish between themselves what purpose the gates need to serve: (a) control vehicular access to prevent fly-tipping and block unauthorised pedestrian access or (b) just control vehicular access.

If it is the former then the gates could be positioned at the back edge of the footpath; the Council's Highway department normally seek a 6m set-back to avoid vehicles blocking the highway while the

gates are being opened, but as Tennyson Avenue is a short cul-de-sac this requirement could be waived. The resident's committee would need to reach agreement with No. 1 Tennyson Avenue to erect a higher fence along their boundary with the alleyway, find the funds to carry out the works and make a planning application for that fence and the gate. Your officers are not convinced that this would resolve the problem, however, as the low wall along the boundary of No. 1 Tennyson Avenue's forecourt would make vaulting the fence particularly easy.

If the residents reach agreement that it is control of vehicular access that they particular need, they could install a low gate or other means of enclosure without planning permission, subject to it being less than 1m in height, under The Town & Country Planning (General Permitted Development) Order 1995 (as amended), Schedule 2, Part 2, Class A.

Conclusion

Your officers explained that there are no planning reasons to refuse this application--as set out in the original report, below--and advised that it should run its course so that, in the event of members granting planning permission, the work to install the uncontested gates by Milton Avenue could commence. Your officers remain of the opinion that if the residents of the properites which back onto this alleyway are keen to prevent unauthorised pedestrian access then the proposal before members is the best solution.

The recommendation remains approval, with a restrictive condition to ensure the gate to the rear of No. 16 Princes Avenue would open against the wall of No. 1 Tennyson Avenue.

RECOMMENDATION

Approve

EXISTING

The application site is the alleyway rear of the houses Nos.12 to 30, Princes Avenue, Queensbury. The areas affected are the access points at Milton Avenue and Tennyson Avenue where it is proposed to install the gates.

Tennyson Avenue and Milton Avenue are local access roads. Onstreet parking on these roads is unrestricted. The night time parking on these roads is low.

PROPOSAL

Planning permission is sought for the erection of two sets of alley gates across existing accesses between Nos.12 to 30, Princes Avenue, Queensbury, to restrict pedestrian access to the accessway; this is to control environmental crime which includes fly tipping, trespass and often drug abuse. The Council has installed such as gates at several alleyways around the Borough

The gates are single leaf units with support posts. They are manufactured from 50x50x5mm iron frame with 20x20x3mm internal vertical bars at 100mm centres. The alleygate posts and panels are to be made of Mild Steel with a galvanised and black powder coated finish.

HISTORY

None

POLICY CONSIDERATIONS

Brent UDP 2004

BE2- Townscape: Local Context & Character

BE7 - Public Realm: Streetscape

CONSULTATION

Local consultees

Local residents were consulted on 16/08/10 and site notices were posted at each end of the alley on 26/08/10.

Two residents, Nos 12 and 14 Princes Avenue, located at the Tennyson Avenue end of the alley, have objected on the grounds that the gates would serve no benefit to their properties if positioned in a way which would not affect access to rear garages. No 12 does not have rear access from this alleyway.

Your officers wrote to the two objectors on 08/09/10 to explain that the precise position of the alley gate could be determined onsite to ensure it would not hinder vehicular access to No. 14.

The applicant is the Council's Environmental Health department and a Council officer visited the residents of Nos 12 and 14 and explained the benefits of the alley gate but they maintained their objection that they would not benefit from the gate.

It is not possible to position the gates any further forward than the front wall of No. 1 Tennyson Avenue, which would intersect with the rear boundary of No. 14 near its mid-point, as No. 1 has a low wall which would render the gates useless in terms of preventing unauthorized access. The gate would need to open against the flank wall of No 1 to ensure access to No 14 is maintained; it will be possible to position the post against which the gate would close in a manner to ensure access is maintained to any existing garages which use the alley.

Internal consultees

Transportation

The application can be supported on the transportation grounds subject to above requirements being met

REMARKS

The application is for the installation of alley gates, which control access to a service road rear of Nos.12 to 30, Princes Avenue, Queensbury. The gates will be installed by Environmental Health as part of their alley-gating program, to address a severe fly-tipping problem. Consultation with local residents was undertaken by EH prior to installation.

The gates have vertical metal palings two metres high, with a standard black powder coated steel appearance. Visibility through the gates is good. The appearance of the gates would not harm the character of the locality, and will serve to improve this character by preventing fly-tipping.

Transportation officers have no objection to the proposal. They have requested that the gate from Milton Avenue should be installed close to the building line for the No. 2 Milton Avenue. This will leave sufficient parking for a car to stand freely off the pavement when the driver alights to open or shut the gate. It should be open on the side of the dwellinghouse as there is access required into the garages which are close to the site of the gate. They go on to say that the gate by from Tennyson Avenue would need to be installed close to the side extension of No. 1 Tennyson Avenue to secure the alleyway as there is a low perimeter wall of the dwellinghouse close to the site of the installation. There will be sufficient parking area for the car to stand freely off the pavement when the driver alights to open or shut the gate. The gate should open on the side of the extension as there is an access into a garage opposite.

It is obviously unfortunate that the rear of No. 14 Princes Avenue may not benefit from the gate, however it would provide protection for most of the alley; it would not be logical to refuse planning permission if one property does not fully benefit.

The development is considered to comply with policies BE2 and BE7 of Brent's Unitary Development Plan, and approval is accordingly 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

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

Location of gate R/O 30 Princes Avenue NW9 Rev C; Location of gate R/O 16 Princes Avenue NW9 Rev C; Location of gate, scale 1:500; Scale drawing of gate located at r/o 12-30 Princes Avenue

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

- (3) The gate to the rear of 16 Princes Avenue will be hung so that it opens against the boundary with No. 1 Tennyson Avenue.

Reasons: To prevent obstruction of adjoining vehicular accesses.

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: Alleyway rear of 12-30, Princes Avenue, London, NW9 9JB

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



This map is indicative only.

This page is intentionally left blank

Committee Report
Planning Committee on 24 November, 2010

Item No. 4
Case No. 10/2365

RECEIVED: 31 August, 2010

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 1-3, The Mall, Harrow, HA3

PROPOSAL: Variation of condition 2 (development to be carried out in accordance with plans) of full planning permission 09/2650 dated 18th March 2010 for demolition of existing buildings and erection of two 3-, 4- & 5-storey blocks totalling 143 dwellings, comprising 21 x one-bedroom flats, 23 x two-bedroom flats, 31 x three-bedroom flats, 11 x four-bedroom maisonettes, 2 x five-bedroom maisonettes (affordable) and 12 x one-bedroom flats & 43 x two-bedroom flats (private housing), with 26 surface and 80 basement car-parking spaces, amenity space, children's play area and bin stores (as amended by plans received 04/03/2010 and 15/03/2010) to allow minor material amendments to:

- (i) take account of ground levels, including raised windows and lowered central block;
- (ii) increase height of arch over the northern service access road; and
- (iii) alter window and door widths and arrangement of mullions

as amended by plans received 11/11/10.

APPLICANT: Bouygues (UK) Ltd

CONTACT: Shephard Epstein Hunter

PLAN NO'S:
See revised condition 2

RECOMMENDATION

That condition 2 be varied as proposed and a new permission issued.

EXISTING

Planning permission 09/2650 was granted on 18 March 2010 with the following description:

Demolition of existing buildings and erection of two 3-, 4- & 5-storey blocks totalling 143 dwellings, comprising 21 x one-bedroom flats, 23 x two-bedroom flats, 31 x three-bedroom flats, 11 x four-bedroom maisonettes, 2 x five-bedroom maisonettes (affordable) and 12 x one-bedroom flats & 43 x two-bedroom flats (private housing), with 26 surface and 80 basement car-parking spaces, amenity space, children's play area and bin stores (as amended by plans received 04/03/2010 and 15/03/2010) and subject to a Deed of Agreement dated 18 March 2010 under Section 106 of the Town and Country Planning Act 1990, as amended.

A number of details pursuant applications have been made to satisfy various pre-commencement conditions; some have been granted and others are pending a decision.

PROPOSAL

The approved plans of planning application 09/2650 show the site as being entirely level. The topographical survey shows that there is a fall across the site from the rear to The Mall frontage of approximately 2m. In order to accommodate variations in ground level, the elevations will have to be changed.

The proposed amendments set the existing ground level at the midpoint of the northern crescent; as a result the ground level at the corner of the crescent by The Mall would be 750mm lower than shown on the approved drawings, whilst the ground level at the end of the crescent farthest from The Mall would be approximately 750mm higher.

The relationship between the corner of the crescent by The Mall and the central block would remain the same as that shown on the approved drawings, with the central block approximately 5m lower than the crescent.

In addition the servicing plan for the affordable housing part of the building now requires refuse vehicles to access the northern service road, which runs beneath the projecting five-storey element of the crescent. The height between the service access road and the underside of the front five-storey element needs to be increased to 4.5m. The proposed amendments removes the 700mm difference in floor levels between the crescent and the 'towers' which was shown on the approved drawings to accommodate the increase in height over the service access road. Slight adjustments to windows within the scheme will be required but no overall increase in height will occur as the height of the parapet can be reduced.

The windows require amendments to accommodate the Velfac product range and comply with building regulations.

HISTORY

10/2673 Details pursuant to condition 8 (details of fencing, walls, gates, means of enclosure), condition 9 (details of bin stores), condition 10 (details of cycle parking), condition 11 (details of play spaces), condition 12 (details of landscaping), condition 13 (details of hard-landscaping including tree protection), condition 14 (landscape management plan), condition 16 (details of vehicular access) and condition 17 (details of lighting) of full planning permission reference 09/2650 **Under consideration**

10/1918 Details pursuant to condition 7 (materials) of full planning permission reference 09/2650 **Granted** 01/11/2010

10/2233 Discharge of condition 15 (Tree Protection) and condition 18 (Construction Method Statement) of full planning permission reference 09/2650 **Granted** 19/10/2010

10/2382 Details pursuant to condition 6 (air-quality impact assessment) of full planning permission reference 09/2650 **Granted** 26/10/2010

10/1917 Details pursuant to condition 8 (means of enclosure), 9 (refuse storage), 10 (cycle storage), 11 (playspace), 12 (soft landscaping) and 13 (hard landscaping) of full planning permission reference 09/2650 **Under consideration**

10/1682 Details pursuant to condition 6 (air-quality impact assessment) of full planning permission reference 09/2650 **Withdrawn** 23/08/2010

10/1692 Details pursuant to Conditions 14 (Landscape Management Plan) and 16 (Details of three proposed vehicular accesses) of Full Planning Permission Ref: 09/2650 **Withdrawn** 23/08/2010

09/2650 Demolition of existing buildings and erection of two 3-, 4- & 5-storey blocks totalling 143 dwellings, comprising 21 x one-bedroom flats, 23 x two-bedroom flats, 31 x three-bedroom flats, 11 x four-bedroom maisonettes, 2 x five-bedroom maisonettes (affordable) and 12 x one-bedroom flats & 43 x two-bedroom flats (private housing), with 26 surface and 80 basement car-parking spaces, amenity space, children's play area and bin stores (as amended by plans received 04/03/2010 and 15/03/2010) and subject to a Deed of Agreement dated 18 March 2010 under Section 106 of the Town and Country Planning Act 1990, as amended. **Granted** 18/03/2010

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies are considered to be the most pertinent to the application.

Built Environment

- BE2 on townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- 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.
- 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.

Housing

- H13 notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 the appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.

Transport

- TRN14-New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN34-The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.

Brent Supplementary Planning Guidance

SPG 17 "Design Guide for New Development" Adopted October 2001

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

National

Greater flexibility for planning permissions Guidance, Department for Communities and Local Government, November 2009.

CONSULTATION

Local consultees

Neighbouring residents were consulted on 16 September 2010. No objections have been received.

External consultees

Environment Agency

The Environment Agency was consulted as the site is over 1ha; no objection was raised

Internal consultees

Transportation

No objection

Streetcare

No response to date (15/11/10)

REMARKS

Key considerations

Your officers consider the following to be the key planning issues:

- (a) whether the proposed alterations would cause harm to the amenity of neighbouring residents
- (b) whether the proposed alterations would harm the visual amenities of the area
- (c) whether the proposed alterations would affect the standard of accommodation of future occupants
- (d) whether the proposed alterations would affect vehicular access and servicing

Background

This application is for some minor material amendments. Recent changes to Government policy recognises that some things matter more than others; since 2009 applicants have been able to submit applications for amendments "whose scale and nature results in a development which is not substantially different from the one which has been approved." (CLG, 2009).

Amenity of neighbouring residents

The changes to accommodate the levels differences neither increase the bulk of the crescent nor bring it closer to the boundary; no part of the crescents, their five storey elements and the central block would be higher above ground level than approved. Only a small part of the scheme, the northern-most part, would be 400mm higher. This is a relatively minor increase in height and the northern crescent would remain within the normal guidelines of SPG17 in respect of bulk and scale in relation to neighbouring occupants and would not affect residential amenity of residents of Moot Court or of No. 37 Moot Court, the closest property. Generally the crescents and their five storey elements would be approximately 400mm lower to the ground level, relative to the approved plans.

The change to accommodate the increased height over the service access road would not result in any further increase in height and your officers do not believe there would be any harmful impact on neighbouring occupants as a result.

In this respect the proposed changes are considered acceptable.

Visual amenities of the area

As discussed above, the change in the levels means part of the frontage would appear marginally

higher above ground than shown on the approved drawings. Your officers do not consider that this would weaken the design approach in any way and the visual amenities of the area would not, therefore, be affected.

In this respect the proposed changes are considered acceptable.

Standard of accommodation

No change is proposed to the size of any of the flats, nor to the amenity space. Due to the change in levels the ground floor units of the end of the crescent farthest from The Mall are set approximately 750mm into the ground. It is likely, therefore, that outlook will be affected as the ground level would be closer to the window sills than before. Any change is likely to be minimal, however, and the standard of accommodation would not be materially harmed.

Similarly, changes to the internal layout are minor and do not affect the size or position of the principal rooms of the flats.

Changes to the windows would affect the amount of daylight and sunlight to habitable rooms in comparison to the approved plans, but this would not materially affect the living environment for future occupants.

In this respect the proposed changes are considered acceptable.

Access and servicing

The amendments to address the ground level differences across the site do not affect the approved quantum of development, parking provision, servicing or access arrangements and so transportation officers raise no objection in principle.

The raising of the headroom beneath the archway into the affordable housing site to 4.5m is welcomed by transportation officers and will help to ensure good access for service and emergency vehicles (the previous height of 4.1m was reliant upon no major services or equipment (lighting, ventilation etc.) being mounted on the underside of the ceiling).

Pedestrian ramps into the building have been confirmed as remaining at 5% or less, which is acceptable in terms of providing access for disabled persons. The upper level of the basement car park will remain 1.5m below the carriageway level of The Mall, so no alterations to the access ramp gradient are required.

In this respect the proposed changes are considered acceptable.

Conditions and s106

The conditions attached to original decision notice are repeated, although the standard time condition is amended to reflect the original decision date and where further details have been approved, these are included in the conditions; details have been submitted for all conditions with the exception of Condition 19 (Sustainable Drainage Systems) and those details pursuant applications which are under consideration should be determined before committee. If this is the case the conditions will be amended to reflect this in a supplementary report to members.

The original section 106 legal agreement contains provision for 'Varied Planning Permissions' to include any planning permission issued pursuant to an application to vary or further vary any of the conditions in the 'Planning Permission' (in this instance the 'Planning Permission' refers to 09/2650 dated 18/03/2010).

Conclusion

The changes proposed are not considered to significantly change the approved scheme, but are necessary to overcome site conditions and changed circumstances in terms of service access. Your officers recommend the minor material amendment be approved.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Central Government Guidance
London Plan consolidated 2008
Council's Supplementary Planning Guidance Nos 17 and 19
Council's Supplementary Planning Document Section 106 planning obligations

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on 18 March 2010.

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):

MAL/M+P/GA/000001;	MAL/M+P/GA/000002;
MAL/M+P/GA/000003;	MAL/M+P/GA/000004;
MAL/M+P/GA/000005 Rev F;	MAL/M+P/GA/000006 Rev G;
MAL/M+P/GA/000007 Rev G;	MAL/M+P/GA/000008 Rev G;
MAL/M+P/GA/000009 Rev G;	MAL/M+P/GA/000010 Rev G;
MAL/M+P/GA/000011 Rev E;	MAL/M+P/GA/000012 Rev C;
MAL/M+P/GA/000013 Rev B;	MAL/M+P/GA/000014 Rev C;
MAL/M+P/GA/000015 Rev C;	MAL/M+P/GA/000016 Rev C;
MAL/M+P/GA/000017 Rev C;	MAL/M+P/GA/000018 Rev C;
MAL/M+P/GA/000019;	MAL/M+P/GA/000020;
MAL/M+P/GA/000021;	MAL/M+P/GA/000022;
MAL/M+P/GA/000023;	

Design & Access Statement	Statement of Community Involvement
Affordable Housing Statement	Sustainability Statement
Transport Statement	Site Area Clarification (letter 29/12/2009)
Flood Statement	Tree Survey

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

- (3) Any redundant vehicular crossover from the site onto The Mall shall be reinstated to footway/verge at the applicant's expense prior to occupation of any flats hereby approved.

Reason: In the interests of pedestrian safety

- (4) All parking spaces, including those in the basement car park, and footways shall be constructed and permanently marked out prior to first occupation of any of the units approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure a satisfactory development which contributes to the visual amenity of the locality and which allows the free and safe movement of traffic and pedestrians throughout the site and to provide and retain adequate cycle and car parking and access in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (5) The development is within an Air Quality Management Area and is therefore likely to contribute to background air pollution levels. The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by the construction operation. This must include:

- (i) damping down materials during demolition and construction, particularly in dry weather conditions,
- (ii) minimising the drop height of materials by using chutes to discharge material and damping down the skips/ spoil tips as material is discharged,
- (iii) sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
- (iv) ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
- (v) utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
- (vi) install and operate a wheel washing facility to ensure dust/debris are not carried onto the road by vehicles exiting the site.
- (vii) the use of demolition equipment that minimises the creation of dust.

Reason: To minimise dust arising from the operation.

- (6) The development shall be undertaken in accordance with the following approved details:

- (i) Air Quality Assessment by ACCON UK (dated 04/06/2010)
- (ii) Planning Condition Supplementary

as approved by details pursuant application 10/2382

Reason: To safeguard future and current residents from poor air quality

- (7) The work shall be carried out in the following materials and accordance with the approved details:
- (i) Brick: SR12-03 Slate Smooth Blue Brindle, supplied by ECL Contracts Ltd, Eleven Arches House, Leicester Road, Rugby, Warks
 - (ii) Roof tile: Eternit Hawkins Staffordshire Blue
 - (iii) Render: Alsecco 2225 (cool white), 3254 (cool grey) and 1311 (orange/earth)
 - (iv) Windows: Velfac powder-coated aluminium in Slate Grey (RAL 7015)
 - (v) Grilles: Orsogrill Dione

as approved by details pursuant application 10/1918

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

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

The details submitted pursuant to this condition should reflect the details relating to associated matters such as hard and soft landscape works, play space, refuse and cycle stores pursuant to other conditions of this approval.

Reason(s): in the interests of the privacy and amenity of the occupants of the application site and neighbouring properties and in the interests of the visual amenity and character of the locality.

- (9) Details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved. Such details shall include a location of each storage area and details of its means of construction, including materials.

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

- (10) Details of the provision of a minimum of 143 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained. Such details shall include the means of construction including materials if deemed necessary.

Reason: To ensure satisfactory facilities for cyclists.

- (11) No development shall commence unless details of all (appropriately aged) play

spaces are submitted to and approved in writing by the Local Planning Authority. Such landscape works shall be completed prior to occupation of the building(s) and thereafter the approved details shall be retained.

Such scheme shall indicate but not be limited to:

- (i) Details of types of equipment to be installed.
- (ii) Surfaces including details of materials and finishes.
- (iii) The location of any proposed signage linked to the play areas

The details submitted pursuant to this condition should reflect the details relating to associated matters such as hard and soft landscape works, means of enclosure submitted, refuse and cycle stores pursuant to other conditions of this approval.

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

- (12) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (i) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (ii) screen planting along the site boundaries;
- (iii) adequate physical separation, such as protective walls and fencing, between landscaped and paved areas;
- (iv) existing contours and any proposed alteration to ground levels such as earth mounding;
- (v) provision for the satisfactory screening of habitable room windows with defensive planting and screening of facilities such as refuse and cycle stores;
- (vi) all planting including location, species, size, density and number;
- (vii) areas of hard landscape works and proposed materials;
- (viii) a detailed section of the construction of the basement car park roof, associated membranes and drainage and top soil depth at a suitable scale (1:50)

The details submitted pursuant to this condition should reflect the details relating to associated matters such as means of enclosure, retention of existing landscape features, play space, refuse and cycle stores pursuant to other conditions of this approval.

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

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

- (13) Details of a scheme showing those areas to be treated by means of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority

prior to the commencement of development. Such details shall include:

- (i) detailed drawing(s) of those areas to be so treated including identification of root-protection zones;
- (ii) details of a no-dig solution for areas within root-protection zones to include a method statement for such works;
- (iii) a schedule of materials and samples if appropriate.

The details submitted pursuant to this condition should reflect the details relating to associated matters such as means of enclosure, retention of existing landscape features, play space, refuse and cycle stores pursuant to other conditions of this approval.

The approved scheme shall be implemented in full prior to first occupation of the development.

Reason: To ensure a satisfactory standard of development in the interests of local visual amenity.

- (14) No development shall commence unless a Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the Local Planning Authority. This should comprise a maintenance schedule and any specific management duties and may include any of the following:-
- (i) Regular watering of trees/shrubs, especially during dry periods in the first 2 years of establishment.
 - (ii) Spot weeding and application of appropriate herbicides or fungicides if necessary.
 - (iii) Inspection and checking of all plants and for health and/or damage to plants.
 - (iv) Mowing/grass-cutting regimes to amenity lawns, sports turf, rough grass or wildflower grass.
 - (v) Loosening of tree ties, mulching, necessary removal of tree stakes and pruning if necessary.
 - (vi) Necessary pruning, dead heading, trimming, mulching of shrubs.
 - (vii) Removal of litter, debris or any other detrimental material from all hard and soft landscape.
 - (viii) Digging over, aerating, composting, mulching application of fertilizer as appropriate to soils.
 - (ix) Care not to damage any trees or shrubs by strimming and adding protection as required.
 - (x) Necessary cleaning and repair of all hard materials and elements including permeable paving.

The approved management plan shall be fully implemented.

Reason: To ensure the survival and ongoing vitality and of all plants and soft landscape. To ensure that the environment for the local community and residents continues to remain pleasant and attractive indefinitely. To prevent any financial loss due to neglect, sickness and/or damage to any plants.

- (15) The development shall be carried out strictly in accordance with the following agreed details:
- (i) Tree Survey & Tree Protection Method Statement, MAL-BYG-REP-000020 Rev A, dated 02/09/10.

as approved by details pursuant application 10/2233

Provision shall also be made for supervision of tree protection by a suitably qualified and experience arboricultural consultant and details shall be included within the tree protection statement.

Reason: To ensure retention and protection of trees on the site in the interests of amenity.

- (16) No development shall commence until details of the three proposed vehicular accesses have been submitted to and approved in writing by the Local Planning Authority. The southern-most access shall have 4m kerb radii and the northern-most access shall have 6m kerb radii with all accesses having entry treatments and tactile paving. Thereafter the development shall not be occupied until the vehicular accesses have been laid out in full accordance with the details as approved and these facilities shall be retained.

Reason: In the interests of the general amenities of the locality and the free flow of traffic and general conditions of the highway safety on the neighbouring highway.

- (17) No development shall commence until details of all external lighting including the lux level and a lighting contour map are submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation unless otherwise agreed in writing with the Local Planning Authority.

The details submitted pursuant to this condition should reflect the details relating to associated matters such as means of enclosure, hard and soft landscape works, play space, refuse and cycle stores pursuant to other conditions of this approval.

Reason: In the interests of safety and the amenities of the area.

- (18) The development shall be undertaken in accordance with the following approved details:

- (i) Construction Phase Safety, Health and Environmental Plan, MAL-BYG-MP-000001 Rev A, dated 01/09/10

as approved by details pursuant application 10/2233

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

- (19) Prior to commencement of the development hereby approved, further details which demonstrate a Sustainable Drainage Systems (SUDS) is to be used to attenuated surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in full accordance with the approved details and retained in perpetuity.

The details submitted pursuant to this condition should reflect the details relating to associated matters such as means of enclosure, retention of existing landscape features, hard and soft landscape works, refuse and cycle stores pursuant to other conditions of this approval.

Reason: In the interests of preventing localised surface water flooding.

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: 1-3, The Mall, Harrow, HA3

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.

This page is intentionally left blank

Committee Report
Planning Committee on 24 November, 2010

Item No. 5
Case No. 10/2511

RECEIVED: 22 September, 2010

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: 163 Melrose Avenue, London, NW2 4NA

PROPOSAL: Erection of single storey side and rear extension to dwellinghouse.

APPLICANT: Mr Mughal

CONTACT: Canopy Planning Services Ltd

PLAN NO'S:
Refer to condition 2

RECOMMENDATION

Approval

EXISTING

The application site comprises a semi detached dwellinghouse located on Melrose Avenue. The site is not located within a conservation area nor is it a listed building. The surrounding uses are predominantly residential.

PROPOSAL

Erection of single storey side and rear extension to dwellinghouse.

HISTORY

09/1316: Certificate of Lawfulness sought for proposed hip to gable end roof conversion, rear dormer window, side dormer window to rear projection and two front roof lights - Lawful, 18/08/2009.

09/1317: Full Planning Permission sought for erection of single storey rear extension, part single part two storey infill extension and insertion of window to flank wall at first floor level to dwellinghouse - Refused, 31/07/2009.

89/1182: Full Planning Permission sought for insertion of mansard roof and conversion to 3 flats - Refused, 01/02/1990.

POLICY CONSIDERATIONS

Brent's Unitary Development Plan 2004

BE2: Townscape: Local Context & Character
BE9: Architectural Quality .

Supplementary Planning Guidance

SPG5 – Altering and extending your home.

CONSULTATION

Consultation Period: 08/10/2010 - 29/10/2010

Public Consultation

4 neighbours consulted - two letters of objection received on the following grounds:

- Loss of light and outlook to the kitchen/living room of No. 161 Melrose Avenue as a result of both the side and rear extensions
- Side extension will block off the side access making it difficult for the rear garden to be maintained.
- No storage area provided for bicycles
- Soft landscaping should be reprovided in the front garden to soften the extension for the neighbours and improve the visual amenity of the area

The above objections are addressed within the remarks section of this report.

REMARKS

Site and Surroundings

The application site comprises a semi detached dwellinghouse located on Melrose Avenue. It has an existing single storey side infill extension along the length of the original two storey outrigger. It does not project beyond the side wall of the main house. There is no planning record for this extension but the aerial photographs indicate that it has been there over four years and hence would be immune from enforcement action, if planning permission had been required for this extension.

The other pair of the semi, No. 165 Melrose Avenue, has not been extended to the rear, but has a single storey side infill extension similar to the application property. There is no planning record for this extension but the aerial photographs indicate that it has existed for over four years. This property is in use as a hostel (LPA Ref: M9435 810932).

The other neighbouring property, No. 161 Melrose Avenue, is a single family dwellinghouse. This property has a conservatory attached to the rear but set in away from the boundary with the application property. The property has a flank wall window facing the application property but it was observed from the site visit that this window is to the living/dining room area which also has a window on the rear elevation. There is no planning record for the conservatory but there is a building control record (BC Ref: BN/07/06797).

Relevant Planning History

An application for a two storey side extension between the original two storey outrigger and the boundary with No. 161 Melrose Avenue and single storey rear extension across the both the original house and side extension was refused on 31/07/2009. The reasons for refusal is set out below:

The first-floor flank extension on the boundary, by virtue of its depth, bulk, position and roof form is an incongruous addition that is harmful to the character and appearance of the property and would impact on the amenity of neighbours at no. 161 Melrose Avenue, and is contrary to policy BE9 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 5: "Altering and Extending Your Home".

The proposed relocation of the first-floor habitable room window to the flank wall would impact on the neighbour's privacy due to its proximity to the existing flank wall window to No.161 Melrose Avenue and is contrary to policy BE9 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 5: "Altering and Extending Your Home".

The proposed ground floor extension, by virtue of its depth and location on the boundary with No. 161 Melrose Avenue, would result in an overbearing relationship due both to its proximity to the neighbouring ground floor flank window (to habitable room) and to the garden. As such the proposal does not comply with the Council's adopted policies and standards for conversion as set out in the policies BE9 of the Adopted Unitary Development Plan 2004 and policy guidance Supplementary Planning Guidance 5, Altering and Extending Your Home.

Current Proposal

This application seeks planning permission for a single storey side and rear extension to the dwellinghouse. The side extension is proposed between the original two storey outrigger and the boundary with No. 161 Melrose Avenue. It does not project beyond the rear wall of the outrigger. However, due to the difference in building lines between the application property and No. 161 Melrose Avenue, it projects beyond the rear wall of No. 161 Melrose Avenue by 2.3m. The rear extension is proposed at 3m in depth across the main house and part of the proposed side extension. It is set in from the boundary with No. 161 Melrose Avenue by 1.9m at its closest point. It is proposed to be 2.85m high to parapet wall level. A similar extension was recently approved at No. 167 Melrose Avenue (LPA Ref: 09/1821).

In terms of the impact upon the amenities of neighbouring properties, it is not considered that the extension will adversely impact upon the amenities of No. 165 Melrose Avenue. The depth of the rear extension complies with the guidance as outlined in SPG5. With regards to the impact upon No. 161 Melrose Avenue, whilst the extension is proposed to be built up to the boundary with this property, it is considered that the window on the flank wall of No. 161 Melrose Avenue is a secondary window to the kitchen/living room area. There are full length patio doors on the rear elevation to provide light and outlook and light and outlook is also provided from the conservatory. The impact is further reduced by the total height of the extension being 2.85m which is less than the maximum height of 3.0m as outlined in SPG5. It should also be noted that the application property is located to the north west of No. 161 Melrose Avenue, and thus sunlight to the rear of the No. 161 Melrose Avenue will not be adversely affected by the extension. Whilst the rear extension projects a total depth of 5.3m from the rear wall of No. 161 Melrose Avenue, the rear extension is set in from the boundary by 1.9m to 2.1m. This set in from the boundary is considered sufficient to minimise any adverse impacts of the rear extension upon the amenities of No. 161 Melrose Avenue and when viewed from the rear garden. As such the proposal is considered to comply with policy BE9 of Brent's UDP 2004.

It is considered that the current proposal has overcome the previous reasons for refusal as set out in planning application ref: 09/1317.

Response to objections raised

- *Loss of light and outlook to the kitchen/living room of No. 161 Melrose Avenue as a result of both the side and rear extensions*

The impact upon light and outlook to No. 161 Melrose Avenue has been discussed above.

- *Side extension will block off the side access making it difficult for the rear garden to be maintained*

Whilst it is noted that the side extension will block off the side access, there are no policy requirements set out in SPG5 or the UDP that require a side access way to be retained.

- *No storage area provided for bicycles*

This application does not result in the need for bicycle parking to be provided in a secure storage area. As the property is a house, the bicycles can be stored within the house.

- *Soft landscaping should be reprovided in the front garden to soften the extension for the neighbours and improve the visual amenity of the area*

There are no policy grounds to request soft landscaping within the front garden for this particular application. It does not result in the conversion/loss of a garage or increase the number of bedrooms within the house.

Conclusions

The proposal is considered to be in keeping with the character and appearance of the dwellinghouse and is considered to not adversely impact upon neighbouring properties. As such the proposal complies with policies BE2 and BE9, and the guidance as outlined in SPG5 "Altering and Extending Your Home".

Approval is accordingly 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 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):

10199/01
10199/02
10199/03 Rev A
10199/04 Rev A

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

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

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

- (4) No windows or glazed doors shall be constructed in the flank wall of the building as extended without the prior written consent of the Local Planning Authority.

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's UDP 2004

SPG5 "Altering and Extending Your Home"

Two letters of objection

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



Planning Committee Map

Site address: 163 Melrose Avenue, London, NW2 4NA

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.

**Committee Report
Planning Committee on 24 November, 2010**

Item No. 6
Case No. 10/2012

RECEIVED: 28 July, 2010

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 1-21 Inc & Garages At Rear, Oman Court, Oman Avenue, London, NW2

PROPOSAL: Erection of single-storey roof extension to form five-storey building to provide 4 additional self-contained flats (1x 3-bedroom and 3 x 2-bedroom), enlarged refuse-storage area, alterations to parking layout, cycle-storage area to front and associated landscaping to site (revised plans received on 26th October 2010)

APPLICANT: Hornsey Estates Ltd.

CONTACT: Tal Arc Ltd.

PLAN NO'S:

See Condition 2

RECOMMENDATION

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

SECTION 106 DETAILS

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

- (a) Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.
- (b) A contribution £27,000 (£3,000 per additional bedroom), due on material start and index-linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports in the local area.

And, to authorise the Head of 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

Oman Court is a four-storey block built in the Art-Deco style with curved Crittal windows and decorated entrance façade features. It is an L-shaped building with its main frontage to Oman Avenue and secondary frontage to Olive Road. Currently, there are 23 flats comprising a dwelling mix of 16 x three-bed flats and seven x one-bed flats.

PROPOSAL

The proposed works involve the addition of a fifth floor to Oman Court to provide four additional flats (one x three bed, three x two-bed) and alterations to the rear courtyard to provide a permanent binstore for the whole block of flats, some secure cycle storage and re-arrangement of the car parking and landscaping.

The three-bed flat is Flat 28 on the proposed plan. Although only two rooms are marked as bedrooms, there are two reception rooms and one could easily be used as a bedroom.

HISTORY

Oman Court was subject to an application for a similar application for a fifth floor in 1985, which was refused for three reasons: design, density and lack of parking. The design of current application is substantially better than the design proposed in 1985 and policy changes mean an increase in density is not necessarily a problem, subject to detailed design. The lack of parking provision cited as a reason for refusal is also less of a concern due to policy changes in the intervening 25 years.

The most recent development was the 2004 approval (which has been completed) for a side extension comprising three additional flats. This and the earlier 2002 approval (for a similar application) attracted a large number of objections from a wide range of local residents but was approved subject to a number of conditions, including further details of the binstore.

Nearby two applications, in 2007 and 2008, for the redevelopment of the neighbouring detached house (No. 27 Oman Avenue) as two detached houses were approved and the works have been completed.

10/1142 FULL Erection of part one-, part two-storey mansard roof to four storey building to form part four-, five- and six-storey building to provide three 2-bed and one 3-bed self-contained maisonnettes, provision of 27 off-street parking spaces to rear, refuse storage area to side, cycle storage area to front and associated landscaping to site **WITHDRAWN** 19/07/2010

05/2910 DETAILS PURSUANT Details pursuant to condition 2 (materials), 4 (landscape), 5 (fenestration), 6 (sound insulation), 7 (bin enclosure), 10 (parking layout), 11 (ventilation for bin store) and 12 (crossover) of Full Planning Permission reference 04/0475, dated 3 June 2004, for erection of a four-storey side extension to eastern end of existing building to accommodate an additional 3 x 1-bedroom self-contained flats and demolition of existing garages to provide 23 car-parking spaces and associated landscaping (as accompanied by Marshmoor Bricks Ltd's brick sample numbers 18572 for the rear elevation and 18573 for front face bricks; and manufacturer's brochure of Crittall Windows' product range) **GRANTED** 15/12/2005

04/0475 FULL Erection of a four-storey side extension to eastern end of existing building to accommodate an additional 3 x 1-bedroom self-contained flats and demolition of existing garages to provide 23 car-parking spaces and associated landscaping **GRANTED** 03/06/2004

02/2449 FULL Erection of a four-storey side extension at the eastern end of the building over the existing access road to provide two self-contained flats and demolition of existing lock-up garages and re-organisation of rear parking area to provide 23 spaces and associated landscaping **GRANTED** 31/07/2003

01/0005 FULL Erection of 5 no. new one-bedroom houses **WITHDRAWN** 11/06/2001

85/1136 FULL O/A - erec of mansard roof & 5 flats **REFUSED** 16/10/1985 for three reasons:

1. Lack of parking

2. Density
3. Bulk and out of character

POLICY CONSIDERATIONS

Local

Brent Unitary Development Plan 2004

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

Strategic

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

Built Environment

- BE2 On townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE3 Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.
- BE4 States that developments shall include suitable access for people with disabilities.
- BE5 On urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 Discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.
- BE7 Public Realm: Streetscene
- BE9 Seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 States that proposals should embody sustainable design principles commensurate with the scale and type of development.

Housing

- H12 States that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective residents.

- H13 Notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 The appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.
- H29 On accessible housing proposes that new and converted housing should be fully accessible for elderly and disabled residents.

Transport

- TRN23 On parking standards for residential developments requires that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- PS14 Residential car parking standards
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

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 2 Population and housing growth
also none
Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought
- CP 6 Design & density in place shaping
also none
Sets out the requirements for appropriate design and density levels for development
- CP 17 Protecting and enhancing the suburban character of Brent
also STR11, STR16, STR17
Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.
- CP 19 Brent strategic climate mitigation and adaptation measures
also none
Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas
- CP 21 A balanced housing stock

also STR19, STR21, H7, H8, H9, H10, H18, H23, H25, H27

Seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent households by: ensuring appropriate range of dwellings and mix; defining family accommodation as units capable of providing three or more bedrooms; requiring new dwellings be 100% Lifetime Homes and 10% wheelchair accessible; contributes to non-self contained accommodation and care & support housing where needed.

Brent Supplementary Planning Guidance

SPG 17 "Design Guide for New Development" Adopted October 2001

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

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

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

SPD "Section 106 planning obligations"

CONSULTATION

Local consultees

Neighbours and ward councillors were consulted on 18/08/10.

A total of 17 objections and two letters in general or qualified support/lack of objection to the principle of development (from Flats 6 & 10, Oman Court) have been received. The objections are summarised as follows:

- Eight flats (Nos 1, 2, 11, 16, 17, 18, 21 & 24) within Oman Court
- One from the freeholder of flats 22, 23 and 24
- One house on Oman Avenue, to the side.
- Five houses/flats on Olive Road to the rear
- One other

and on the following grounds:

Principle of development, including density

- Not in a walkable neighbourhood (not close to a town centre)

Design

- Out of character with the area

Impact on neighbouring amenity

- Loss of privacy
- Loss of outlook
- Loss of light
- Noise transmission from new top floor
- Impact on amenity of existing flats adjacent to Cricklewood Library of extended binstore

Standard of accommodation

- Details of parapet to ensure provision of 1100mm barrier

Parking and servicing

- Traffic impact and congestion
- New residents should not be allowed to use the existing car parking
- Existing binstore is not acceptable and causes serious problems for residents including encouraging anti-social behaviour
- Details of cycle storage

Landscape

- Loss of landscaping to rear of flats 22-24

Other

- Problems arising from the 2004 application
- Loss of value of existing flats
- Increase in service charge costs
- Structural problems with existing building
- Problems with existing drainage and sewage
- Application in 1985 was refused, this should be also
- Details of gates
- Working hours
- Public consultation carried out by applicant was inadequate
- Plans show the height of Nos 29 & 27 Oman Avenue incorrectly
- Impact on emergency vehicle access

The objections listed under 'other' are generally not material planning considerations and therefore not something which can influence the application. In terms of the plans and the height of Nos 29 & 27 Oman Avenue, there does not appear to be any discrepancy when checked against the approved plans for those houses (2007 & 2008). Details of the gates can be secured by condition, see below.

Internal consultees

Landscape

No objection in principal to the extension, subject to conditions providing further details of landscaping and tree protection.

Transportation

No Transportation objections subject to a S106 Legal Agreement confirming contribution improving highway safety, better non-car access and new parking controls. In addition the following conditions would be recommended:

- (1) The proposed bicycle storage facility shall provide 27 no. spaces, one per dwelling, in order to comply with Policy TRN11 and PS16 of the UDP-2004.
- (2) The existing redundant vehicular crossover for the rear access on Olive Road shall be reinstated to kerb-and-channel, subject to leaving a small dropped-kerb for the wheeling of Eurobins.
- (3) The widening of the access between Oman Avenue and the building line shall be undertaken to a width of 4.1m, in order to allow vehicles entering/exiting the site to pass in safety, in the interests of highway safety.

RE-CONSULTATION

Local residents and internal consultees were re-consulted on 21 October for 14 days to allow comments on a revised layout of the rear courtyard, including a re-positioned binstore and parking space.

Local consultees

A further three unique objections were received, two from houses on Oman Avenue: No. 29, which shares a boundary with the rear courtyard, and one some distance away, No. 8, which may be a

result of confusion over where the application site is. The third was from a flat on Olive Road, to the north.

These residents objected on grounds of loss of privacy, light and views. No. 29 Oman Avenue did not object to the revised rear courtyard layout.

Four comments were received from residents of Oman Court (representing Flats 1, 11, 16, 17, 18-21) who had commented before. All reiterated their objection to the scheme on the grounds they originally objected on, though one supports the change in the position of the binstore. None object specifically to the changed layout of the rear courtyard.

No. 27 Oman Avenue, which does not share a boundary with Oman Court, also commented again, objecting to the additional parking space on the boundary on grounds of noise and increased risk of crime.

In respect of this, your officers note that there is a parking space parallel to this boundary at present, and a number of others close by; as such any change is unlikely to be materially harmful different to the existing situation. With regards increased risk of crime, no change is proposed to the height or type of boundary fence and a condition will be imposed which will require a landscaping scheme which includes defensive planting along this boundary.

A further three objections were received from people who had already objected. None of these addressed the change to the rear courtyard.

In summary, the additional consultation suggests that the revised parking layout has not addressed the fundamental concerns of local residents to the scheme, which remain as reported above.

External consultees

Transportation

Raise no objection, subject to conditions

Landscape

No objection subject to conditions

Streetcare

Pending comments

REMARKS

Key considerations

Your officers believe the following are the main planning issues arising from this proposal:

- (1) Principle of development, including density
- (2) Design
- (3) Impact on neighbouring amenity
- (4) Standard of accommodation
- (5) Parking and servicing
- (6) Landscape
- (7) Other

1. Principle of development

The principle of development

Density

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

The area for calculating density includes the frontage to the midpoint of the highway (p104, Appendix 3, UDP 2004). On this basis, the site area for calculating density is 0.232ha. The existing site has 78 habitable rooms, giving a density of 336 habitable rooms per hectare (hrh). The addition of 13 habitable rooms takes the site total to 91, giving a density of 392hrh.

In light of the low public transport accessibility level (PTAL) of 1, the scheme exceeds the top level of the density range set out in the London Plan and SPG17 (150-250hrh). However, it is noted that the proposed scheme accords with policy CP6, which states that in order for such a high density scheme to be acceptable, the application should provide design of the highest quality, amongst other criteria more geared towards developments in growth zones. Whilst design is a subjective matter, the proposed scheme is supported by your design officers and is considered an appropriate response to the site specific circumstances. This is discussed in greater detail below, section 2. Furthermore characteristics often associated with overdevelopment are not apparent, for example, the scheme provides a good standard of accommodation and does not harm the amenity of neighbouring residents (see below, section 3(a)-(c)).

2. Design

The proposed extensions would mean this building, already unique to the immediate area in terms of its height, would become higher still. This is not in itself a reason for refusal; a well-designed building can be higher than its neighbours without causing harm to the character or appearance of the area. In this instance the applicant proposes a sympathetically designed extension which follows closely the attractive aesthetic of the original building. The arrangement and scale of the fenestration follows the existing building and as the 2004 extension demonstrates, it is possible to match the details and materials of the existing building with new additions. The set-back of the fifth floor, combined with the reduced depth of the uppermost parapet and its slight set-back above the lintel and soldier course, mean the proposed extension would complement the existing building and not overwhelm it.

The extension would also be set-in from both the northern and eastern boundaries, where the building has a close relationship with adjoining buildings. Although two- and three-storey buildings are predominant in the area, this set-in provides a sufficient break from the prevailing building heights and allows the site's potential as a corner site with prominent views to Gladstone Park to be maximised.

A resident of Oman Court has noted that the parapet to the existing building may not be sufficiently high to provide the necessary 1100mm high barrier to comply with Building Regulations, particularly once works to the roof have been completed. The applicant proposes to increase the existing parapet by approximately 500mm to achieve the 1100mm required, using materials which match the existing. Your officers have requested further details to demonstrate that this will be achieved; the applicant has confirmed 1100mm will be achieved, and will provide a drawing before the date of committee. Your officers will provide comments on any further details in a supplementary report to members.

Whilst the raising of the parapet would have an effect on the character and appearance of the property, your officers do not believe the effect would be significant, particularly when considering the effect of adding a further storey. On balance, therefore, raising the parapet in matching materials would be acceptable.

On the basis of the above, the proposed application is considered acceptable in design terms.

3. Impact on neighbouring amenity

The neighbours can be summarised as (a) those within Oman Court; (b) those on Olive Road; and (c) those on Oman Avenue.

(a) Impact on Oman Court

Your officers are of the view that privacy, outlook and daylight and sunlight would not be affected by the proposed extension. Any impact on amenity would be limited to noise and disturbance from additional flats atop the building in terms of vertical noise transmission and residents using their roof terraces. The layout of the proposed flats avoids vertical stacking of incompatible uses: e.g. kitchens above or below bedrooms and the development would be subject to current building regulations regarding noise insulation. Whilst some additional noise may be experienced as a result of new residents using their roof terraces, this is not likely to exceed levels which would cause material harm to the amenity of occupants elsewhere in the block; such arrangements are common-place in apartment blocks throughout the borough.

As such, your officers do not believe the proposed extension would have a materially harmful impact on the amenity of existing occupants.

(b) Impact on Olive Road

Residents on Olive Road have objected on the basis of loss of outlook, loss of privacy and loss of daylight and sunlight.

In terms of privacy, the distances between the proposed extension and the site boundary (approximately 23m), and thence to the rear of properties on Olive Road (approximately 43m), are comfortably greater than the normally acceptable minimums set out in SPG17, which are 10m and 20m respectively.

Similarly the proposed roof extension would comfortably meet the requirements of SPG17 in terms of bulk and scale, which is set by lines taken at 30 degrees and 45 degrees from the rear windows and rear boundary respectively.

Although the block lies to the south of the properties on Olive Road, no materially harmful change to daylight or sunlight will occur, due to the distances involved and the resulting height of the proposed extension.

There is no objection, therefore, to the proposed scheme in respect of the impact on residents on Olive Road.

(c) Impact on Oman Avenue

The impact on residents of Oman Avenue is generally visual; this is discussed above. The adjoining property, No. 29, would not be affected by the development in terms of outlook as the proposed roof extension would be set in from the boundary and would comply with the aforementioned SPG17 checks for bulk and scale; likewise no loss of sunlight or daylight would occur to merit refusal. No loss of privacy would occur within the house itself, nor would it be materially harmed in the garden since there are flats on four floors and closer to the boundary already.

The main consideration must be the impact of the alteration to the rear courtyard which positions a second parking bay parallel with the boundary with No. 29. The existing parking bay is set off the

boundary by 1m, falling to 0.5m. This does not allow for meaningful landscaping and the bay itself is awkward to manoeuvre into. The proposed scheme can accommodate an additional space, both of which would be easier to manoeuvre into and which would be set off the boundary by 1.1m, allowing for meaningful landscape planting to soften the boundary. An existing tree would be lost but this is itself a replacement tree for ones lost in the erection of the side extension; it is a particularly poor specimen and, due to its position, would not offer much in the way of screening even when full-grown. Your officers will seek to replace it with a more mature tree in a tree pit by the boundary with No. 29, which would give better screening.

Any harm caused by the inclusion of an additional parking bay along the boundary must be viewed in the context of the existing situation, where vehicles already manoeuvre close to the garden of No. 29. Whilst this may make the situation marginally worse, improvements to the landscape scheme would enable planting along this boundary to provide visual and some aural mitigation. On balance your officers consider the planning merits of providing the additional bay—to offset the loss of the bay where the binstores are located—outweigh the harm to No. 29.

4. Standard of accommodation

Each flat meets the minimum space standard set out in SPG17 and the principal rooms are of a good size, well-proportioned with good outlook.

SPG17 normally requires a minimum of 20sqm per flat; although the plans show 22sqm of roof terrace, these are mostly just narrow spaces which do not provide 20sqm of usable space. A larger area, similar in size to a balcony, is provided for each of the two-bed flats, and the three bed has a larger and more usable space, and Gladstone Park is opposite the site; on this basis, the scheme is considered acceptable.

5. Parking and servicing

Parking

Oman Avenue is a local access road which is not defined as being heavily parked. Heavily parked streets are those streets which, at the time of the Council's regular overnight parking surveys, have more than 80% of the safe and legal maximum level of parking occupied (Brent UDP 2004, para 5.14.10: p96).

The site lies within a controlled parking zone which operates between 10:00–21:00 Monday to Saturday, but has low accessibility with a PTAL rating of level 1. There are no Tube or Rail services within walking distance of the site, and only a single bus route is locally available.

The maximum parking standard for two-bed and three-bed flats is 1.2 and 1.6 spaces respectively; therefore the maximum parking allowance for the proposal is 5.2 spaces.

A total of 23 car parking spaces are proposed within the retained parking court, as existing, and these are unallocated with the exception of three for Flats 22-24 which were in the 2004 side extension. However, six local residents, of which three are residents of Oman Court, have objected to the lack of additional parking and the impact of overspill parking on the street. In respect of the impact of any overspill parking on traffic flow and road safety in the area, Oman Avenue is not defined as being heavily parked, so an additional provision of around eight car spaces along the wide site frontage could also be factored in. Overall this is acceptable as it meets the standards required by the UDP.

Your officers have asked the applicant to confirm whether they intend to allocate the parking spaces in the courtyard; they do not have any plans to allocated spaces but would be willing to consider it.

Servicing

The existing refuse arrangements do not utilise the approved binstore which was part of the 2004 permission for the side extension. This was proposed to be located on the narrow side access from Olive Road and the approved enclosure was built but is not currently used. The Planning Service records show the binstore has been the subject of opposition from existing residents and Cricklewood Library and attention from the local MP. At present the bins are stored in an ad-hoc arrangement taking up on parking space in the courtyard. Judging by the comments received from a number of existing residents, there are a number of people in this building who are keen to see this arrangement made permanent although it may result in the loss of a parking space.

The applicant has provided a revised layout for the rear courtyard which shows the existing ad-hoc arrangement formalised to show a covered binstore providing the correct volume of bins to meet the Council's Streetcare requirements. Whilst this arrangement does not comply with the usual distances required by Transportation and Streetcare officers, there are significant benefits to formalising the ad-hoc arrangement for the entire site as part of this application for four new units. Transportation officers have confirmed they are satisfied with the proposal. Your officers have requested similar confirmation from Streetcare. In the meantime, a condition will be imposed to ensure further details of the binstore are provided to ensure it is adequately designed.

The binstore from the 2004 permission would be removed and soft landscaping be put in its place. The parking bay which is lost due to the existing and proposed binstore would be re-provided along the eastern boundary. As discussed above, in section 3(c), on balance this is considered an acceptable solution.

A cycle store has been shown within the rear courtyard, to cater for ten bicycles. Strictly the application is for only four new units, so it is not necessary to provide more than four spaces, though of course provision of secure cycle storage for existing residents is welcomed by your officers. A condition will be imposed to ensure an acceptable cover is provided to protect the bicycles from the elements.

Transportation officers have no objection to the proposed gates. A condition will be imposed to secure further details of the design and operation of the gates and to ensure that the question of how refuse collection will be maintained is considered as part of the gate design.

Conditions

Transportation officers have asked for conditions requiring (a) that the cycle store be covered; (b) reinstatement of the redundant vehicular crossover on Olive Road; and (c) the widening of the vehicular access.

6. Landscape

Landscaping

The proposed development would not result in significant changes to the existing landscape provision but there is scope to improve the quality of the planting, particularly along the eastern boundary and also around the binstore. This will be secured by condition.

Trees

It is unlikely that the works would have any direct effect on existing trees as the works are limited to extensions on the roof; however standard tree conditions are required due to the fact the frontage trees are subject to tree protection orders (TPOs) and the frontage is well-planted with established hedges and shrubs and this area will be affected by scaffolding during the construction period. As the TPO trees are close to the area where the scaffolding would go it may be that their crowns

would need work to fit the scaffold in. Therefore your officers will require, by condition, a tree protection plan, an arboricultural method statement and a restrictive part to the condition to ensure materials and plant are not stored in any root protection zone. Any planting which is lost as a result will need to be replaced as agreed with the planning service.

7. Other

Response to objectors

The majority of objections are addressed in the bulk of the report, above.

Whilst officers recognise that during the construction process there may be some disruption to existing and neighbouring residents, this is not a matter which can be considered by the Planning Service. Similarly, any loss of property values, increases in service charges, structural problems and problems of maintenance or services are not planning considerations.

Conclusion

The proposal involves the efficient use of the site with additional accommodation of a good standard, without material harm to the amenities of existing occupants of Oman Court and neighbouring properties or to the character and appearance of the building or the visual amenities of the area. Parking and servicing issues are considered to be acceptable on balance, with benefits to the existing residents in terms of formalising the existing binstore arrangements. Your officers consider that, on balance, the proposal complies with the relevant policies in Brent's UDP 2004 and Core Strategy 2010 and the consolidated London Plan 2008 and national guidance PPS3. 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
Brent Core Strategy 2010
Council's Supplementary Planning Guidance Nos 17 and 19
Council's Supplementary Planning Document "S106 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 drawing(s) and/or document(s):

OC-PP2-01 Rev A; OC-PP2-04; OC-PP2-03 Rev C; OC-PP2-04

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

- (3) All alterations to the rear courtyard, including the laying out of the parking spaces, shall be constructed and permanently marked out prior to occupation of any part of the approved development. Such works shall be carried out in accordance with the approved plans and retained thereafter.

Reason: In the interests of the amenity of existing and future occupants.

- (4) The vehicular access from Oman Avenue which is shown as 3.3m wide on drawing OC-PP2-03 Rev C but widens to 4.1m on site, shall be retained as such unless otherwise agreed in writing with the Local Planning Authority.

Reason : To maintain highway and pedestrian safety.

- (5) Prior to the occupation of any part of the development, the existing redundant vehicular crossover for the rear access on Olive Road is to be reinstated to kerb-and-channel at the applicant's expense.

Reason: In the interests of highway and pedestrian safety.

- (6) Details of materials for all external work, including samples of bricks, window colour samples and coping stones, 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) Prior to commencement of any works, detailed drawings shall be submitted to and approved in writing by the Local Planning Authority to indicate the detailed design and materials of the proposed fenestration. The development shall be carried out and completed in accordance with the details so approved.

Reason: To ensure a design of development which is in keeping with the character of the existing building.

- (8) Prior to commencement of works, further details of the proposed binstore shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the details so approved prior to occupation, and thereafter retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection.

- (9) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of

the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (i) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (ii) screen planting and a replacement semi-mature tree along the eastern boundary, including:
 - all planting including location, species, size, density and number
 - specification of any Nursery Stock trees and shrubs in accordance with BS 3936 (parts 1, 1992, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).
- (iii) areas of hard landscape works and proposed materials;
- (iv) details of the proposed arrangements for the maintenance of the landscape works.

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

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

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

The AMS can be incorporated within the TPP and should show the following:

- (i) Positions of protective fencing in accordance with BS5837:2005;
- (ii) Protective fencing should be positioned immediately adjacent to the scaffold if erected against the front of the building;
- (iii) Positions of ground protection where scaffolding is erected within root protection areas (RPAs);
- (iv) An assurance that no materials, skips, tools, fuels portable toilets etc shall be stored between the front of the building and the boundary.

These measures shall be carried out as described and approved.

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

- (11) Further details of the proposed entrance gates 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 any part of the development is occupied. Such details shall include:-

- (i) the physical appearance of the gates, including their colour
- (ii) the means of controlling access;
- (iii) the means by which refuse would be collected from the site

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

- (12) Notwithstanding the details on the submitted plans, further details of the bicycle storage facilities indicated on the submitted drawings shall be provided to ensure each space is sufficiently sheltered and the development shall be carried out in accordance with the approved details. The bicycle-parking facilities shall be available for use prior to the first occupation of any part of the development and thereafter these parking spaces shall not be obstructed, removed or used for any other purpose, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason : To ensure adequate bicycle parking is provided and retained in conjunction with the development and in pursuance of the Transportation policies in the adopted Unitary Development Plan which seek to encourage the use of this mode of transport.

INFORMATIVES:

- (1) Where existing point(s) of access or dropped kerb required for refuse collection are redundant, any reinstatement of the crossings proposed or which are deemed necessary by the Local Planning Authority shall be carried out by the Council at the applicant's expense. You are therefore advised to contact the Council's Streetcare Section, Brent House, 349 High Road, Wembley HA9 6BZ Tel 020 8937 5050 for further details as soon as possible.

REFERENCE DOCUMENTS:

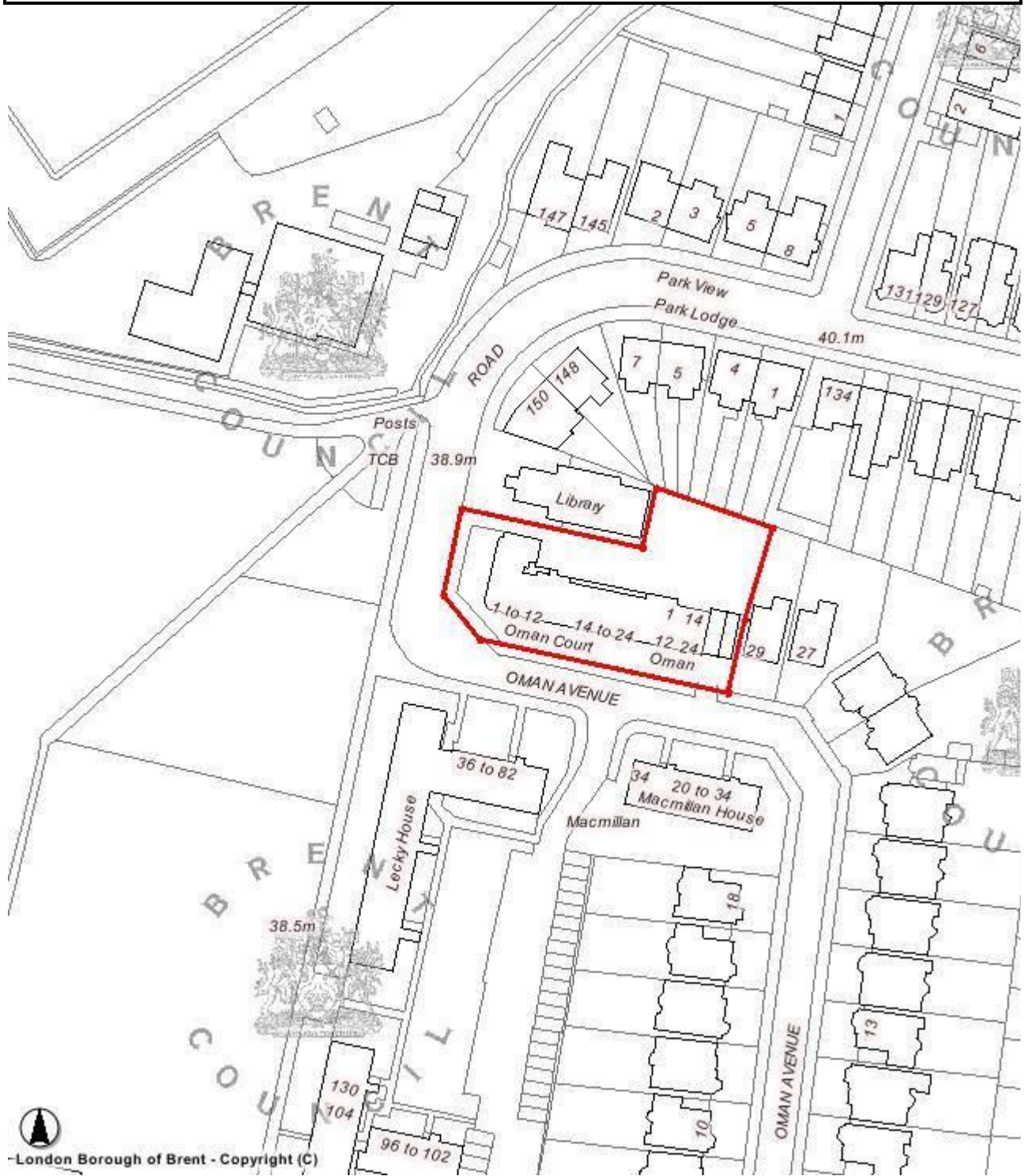
Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: 1-21 Inc & Garages At Rear, Oman Court, Oman Avenue, London, NW2

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



-London Borough of Brent - Copyright (C)

This map is indicative only.

Committee Report
Planning Committee on 24 November, 2010

Item No. 7
Case No. 10/2300

RECEIVED: 6 September, 2010

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 55 The Paddocks, Wembley, HA9 9HG

PROPOSAL: Demolition of side garage, erection of a two storey side to rear extension and rear dormer window to dwellinghouse as revised by plans received 28/10/2010.

APPLICANT: Mrs J Sher

CONTACT: Mr V J McAndrew

PLAN NO'S:
See condition 2.

RECOMMENDATION

Approval

EXISTING

The application relates to a two storey semi-detached dwellinghouse located on the east side of The Paddocks. The surrounding uses are residential and comprise a mix of detached and semi-detached properties.

The site does not contain a listed building and is not located within a conservation area.

PROPOSAL

Full planning permission is sought for demolition of side garage, erection of a part single/ part two storey side extension, two storey rear extension and rear dormer window to dwellinghouse.

Amended plans were requested to increase the set-back of the 1st floor element to 1.5 metres from the main front wall, to increase the set-down of the extension from the ridge, ensure that the rear dormer was Supplementary Planning Guidance 5 (SPG5) compliant and submit a soft landscaping plan for the front garden. Revised plans were received on 28/10/2010.

HISTORY

No relevant planning history.

POLICY CONSIDERATIONS

Adopted Brent Unitary Development Plan 2004

BE2: Townscape

BE6: Landscaping

BE7: Streetscape

BE9: Architectural Quality

Supplementary Planning Guidance 5 - "Altering & Extending Your Home."

CONSULTATION

Neighbouring Properties

Public consultation undertaken between 24/09/2010 - 15/10/2010. 11 neighbouring properties were notified.

2 letters of objection were received which outlined the following concerns:

- 1) Impact on amenity - in particular loss of light, outlook and privacy;
- 2) Increase in occupancy will result in further requirement for parking
- 3) Extension will impact upon character of area and increase in noise.
- 4) Increase opportunities for crime - loss of views.

Points 1-3 are considered in the Remarks section of this report.

With regard to increased opportunities for crime, concerns have been raised by a resident of a property in Adams Close (to the rear of the site) that the side extension will block views between the property and, as a result, increase opportunities for crime. There is no evidence to support this view as such it is not considered that significant weight can be afforded to this issue.

External Consultation

Transportation - The application can be supported on transportation grounds subject to widening of the existing crossover to allow access for 2 off-street parking spaces.

REMARKS

Design

The single storey part of the proposed side extension is set forward of the main building line, to the same projection as the existing porch to which it is linked. This extension would replace the existing garage which has a similar forward projection. The proposed mono pitch roof would project over the single storey part of the side extension and existing porch and connect with the side of the bay window. The eaves of the side extension would be 2.65 metres height with a mono pitch element reaching 3.75 metre height, approximately 3.44 metres at mid-point of its mono pitch.

Whilst it is noted that SPG5 is not supportive of proposals for side extensions which project forward of the building line, given that the proposal is to replace an existing garage which has a similar forward projection, the extension can be supported. The proposed roof will increase the prominence of the porch and will be linked to the existing bay. This is not generally supported as it would detract from the bay window as the main feature. However, there are a number of properties within the street that have similar additions, albeit generally to detached properties, which have become characteristic of the area. As such, it is not considered that objection could be raised to this element of the proposal.

The proposed first floor side extension as revised is set-down 1 metre from the ridge of the roof and set-back 1.5 metres from the main front wall of the dwellinghouse, with a 1 metre set-in from the side boundary shared with No. 53. It carries the same pitch as the original roof. The side extension is 3.2 metres in width which is less than 3.6 metre width of the main front room. As such, the extension complies with SPG5.

The rear dormer as revised has been reduced to 2.2 metres width which is half the width of the original roof at the mid-point of its pitch. It is set-up 1.1 metres from the eaves and set-down 1.8 metres from the eaves. The dormer is SPG 5 compliant.

Overall the design of the extensions are considered acceptable and of an appropriate scale in relation to the original house.

Impact on neighbouring amenity

The two storey side/rear extension projects 1.25 metres beyond the main rear elevation of the house. This would not exceed the depth permitted by the 1:2 guideline as it would project approximately 0.2 metres beyond the rear wall of neighbouring No. 53 and the mid-point of the nearest habitable window would be approximately 2.2 metres away. As such, it is not considered that the proposed extension will significantly impact on the amenities of the adjoining residents.

A side door is proposed to allow access into the newly created utility room which would be immediately adjacent to the side boundary shared with No. 53 The Paddocks. As the door serves a non-habitable room and there are no windows or doors in the side wall of No. 53 facing the extension, the inclusion of the door is not considered to compromise neighbouring privacy.

The rear dormer window as revised has had the recessed balcony element removed which ensures that no undue impact on the privacy of neighbouring occupants is created. The application is to extend an existing residential property and as such, it is not considered that there is any justification relating to an unacceptable increase in noise as a result of the development.

Landscaping & transportation

The proposal will result in the loss of 1 off-street parking space through the removal of the garage. The residential parking standards set out in the UDP (PS14) state that a maximum of 2 parking spaces should be provided for a dwelling with 4+ bedrooms. The revised plans indicate that the existing front garden would be altered to allow 2 off-street parking spaces which would involve the removal of some of the existing planting. However, a sufficient proportion of the front garden would still remain soft landscaped to provide a satisfactory appearance when viewed from the street scene. Further details of the landscaping will be required by condition.

Conclusion

The proposed extensions are considered to be in general accordance with the relevant design guidance and policies. Accordingly, the proposal is recommended for approval subject to the conditions set out below.

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):

OS Site Map
10/JS-1A
10/JS-2B

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

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

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

- (4) Notwithstanding the plans otherwise hereby approved, the front garden area 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.

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

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



Planning Committee Map

Site address: 55 The Paddocks, Wembley, HA9 9HG

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.

This page is intentionally left blank

Committee Report

Planning Committee on 24 November, 2010

Item No.

8

Case No.

10/2142

RECEIVED: 7 September, 2010

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: Melrose House, 201 Melrose Avenue, London, NW2 4NA

PROPOSAL: Variation of condition 3 (development to be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted) to allow minor material amendments, comprising:

- Alterations to elevations including resizing, repositioning and removal of windows at all floors (ground to fifth)
- Replacement of boundary wall alongside 199 Melrose Avenue with Armco Barrier with Escallonia "Red Hedge" in front, extending rear garden of 199 Melrose Avenue and omitting some planting.

of full planning permission reference 07/2019, dated 04/10/2007, for demolition of 3-storey care home and outbuilding to rear of site and erection of three-, four- and part five-storey building comprising 21 flats (9 three-bedroom, 9 two-bedroom and 3 one-bedroom with accessible units), new vehicular and pedestrian access onto Melrose Avenue NW2, provision of 17 car-parking spaces, bin store, bicycle store and associated landscaping

APPLICANT: Bouygues (UK) Ltd

CONTACT:

PLAN NO'S:

Refer to Condition 2

RECOMMENDATION

Approval

EXISTING

The application site comprised a former care home located on Melrose Avenue. Planning permission was granted on 04/10/2007 for the demolition of the care home and erection of three, four and part five storey building comprising 21 flats.

The site is not located within a conservation area nor is it a listed building. The surrounding uses are predominantly residential.

PROPOSAL

Minor material amendments to full planning permission reference 07/2019, comprising the following:

- Alterations to elevations including resizing, repositioning and removal of windows at all floors (ground to fifth)
- Replacement of boundary wall alongside 199 Melrose Avenue with Armco Barrier with Escallonia "Red Hedge" in front, extending rear garden of 199 Melrose Avenue and omitting some planting.

HISTORY

08/2586: Details Pursuant to condition 2 (external materials) of full planning permission ref: 07/2019 - Granted, 17/10/2008.

08/1722: Details Pursuant to condition 2 (external materials) of full planning permission ref: 07/2019 - Withdrawn, 06/08/2008.

08/0787: Details Pursuant to condition 4 (landscaping) of full planning permission ref: 07/2019 - Granted, 09/09/2008.

07/2019: Full Planning Permission sought for demolition of 3-storey care home and outbuilding to rear of site and erection of three-, four- and part five-storey building comprising 21 flats (9 three-bedroom, 9 two-bedroom and 3 one-bedroom with accessible units), new vehicular and pedestrian access onto Melrose Avenue NW2, provision of 17 car-parking spaces, bin store, bicycle store and associated landscaping, subject to a Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 - Granted, 04/10/2007.

POLICY CONSIDERATIONS

Brent's UDP 2004

BE6: Public Realm - Landscape Design

BE9: Architectural Quality

Supplementary Planning Guidance

SPG17 "Design Guide for New Development"

CONSULTATION

Consultation Period: 22/09/2010 - 13/10/2010

Site Notice Displayed: 23/09/2010 - 14/10/2010

Re-consultation on revised plan: 01/11/2010 - 15/11/2010

Public Consultation

91 neighbours consulted - 6 letters of objection and one petition representing 12 property owners objection to the proposal on the following grounds:

- Increased noise, dust, traffic congestion on surrounding streets as a result of the development
- Loss of light and privacy for existing residents on Park Avenue North
- Loss of existing trees and vegetation
- Loss of a care home
- Increased opportunities for crime
- Design of building out of character with area
- Impact of building upon the setting of Gladstone Court which could be listed in the future
- Increased rubbish collections and rubbish thrown onto the street
- Responsibilities of the owners to serve notices under the Party Wall Act

Internal Consultation

Landscape Team - Advised that the Escallonia 'Red Hedge' is preferable to the Armco barrier.

REMARKS

Introduction

Planning permission was granted at this site on 04/10/2007 for the demolition of the existing care home and its replacement with a three, four and part five storey building containing 21 flats, with new vehicular and pedestrian access onto Melrose Avenue, provision of 17 car-parking spaces, bin store, bicycle store and associated landscaping. The application was presented to the Planning Committee meeting on 25/09/2007 and was approved by members of the Planning Committee, subject to the completion of a satisfactory Section 106 Agreement.

The Section 106 Agreement proposed as part of this application secured a number of benefits including the provision of 100% affordable housing; financial contribution of £112,800, due on Material Start and index-linked from the date of committee, to be used for improvements to the education, sustainable transports, sports and open space in the local area; implement sustainability measures to achieve a "Very Good" BREAM rating; join and adhere to the Considerate Contractors scheme; and provide no less than 15 units for Adults with Learning Difficulties, including physical and sensory impairments and mental health needs in the Borough.

Work has commenced on implementing the 2007 planning permission.

Current application

This application is for minor material amendments. Recent changes to Government policy recognises that some things matter more than others; since 2009 applicants have been able to submit applications for amendments "whose scale and nature results in a development which is not substantially different from the one which as been approved." (CLG, 2009).

Proposed changes

The first of the proposed changes involve alterations to the elevations of the building including resizing, repositioning and removal of windows at all floors (ground to fifth floors). The main alteration includes lowering the cills of a number of the windows and widening some of the windows. The alterations to the elevations came about as a result in updating internal layouts to meet the requirements of wheelchair compliance units and lifetime home standards; and enabling the more functional use of the internal space.

It is considered that the proposed alterations to the elevations are acceptable in visual terms and do not substantially differ from the approved plans. Similarly, the alterations will not have an adverse impact upon neighbouring occupiers as a result of overlooking or a loss of privacy.

The second of the proposed changes relates to the removal of a boundary wall alongside No. 199 Melrose Avenue and its replacement with an Armco Barrier with Escallonia "Red Hedge" in front of the barrier. The rear garden of No. 199 Melrose Avenue will also be extended, resulting in the loss of some of the planting next to the car park area of the approved development, including a new Amerlanchier lamardi tree. The Armco Barrier was requested by the applicants to allow the owners of No. 199 Melrose Avenue to access their external pipe work for maintenance purposes, which would otherwise be inaccessible with 3m high boundary wall. The Armco barrier also provides a protection barrier between the vehicular access and the flank wall of No. 199 Melrose Avenue. An Escallonia "Red Hedge" is proposed to be planted in front of the Armco barrier to assist in screening from inside the development. From the street, the barrier will be screened by a fixed panel. It is considered that the replacement of the boundary wall with the Armco Barrier and hedgerow is acceptable and constitutes a minor amendment to the approved scheme.

As referred to above, the rear garden of No. 199 Melrose Avenue will also be extended. This pocket of land previously formed part of the landscaping for the approved development between the car parking spaces and the boundary with No. 199 Melrose Avenue. It will result in the loss of one of the proposed trees approved as part of the landscape condition for the development but given that this area will form part of an enlarged garden area of the occupants of No. 199 Melrose Avenue, it is considered that the loss of the tree is acceptable and will not substantially alter the nature of the approved development.

Conditions and s106

The conditions attached to original decision notice are repeated, although the standard time condition is amended to reflect the original decision date. Details of the external materials that have already been approved are included in the conditions.

The scale and nature of the amendments proposed as part of this application do not result in the Heads of Terms for the Section 106 Agreement to be varied. The Section 106 Agreement remains as per the approved application.

Response to objectors

A number of objections have been received. These primarily relate to the principle of the development rather than specifically to the minor amendments that are being considered as part of this application. Objections relating to increased noise, dust and traffic congestion; loss of light and privacy to neighbouring properties; loss of existing trees and vegetation; design of the building out of character with the area; and increased opportunities for crime have already been considered as part of the 2007 planning application. Additional issues have already been raised and are addressed below:

- *Loss of a care home*

The loss of the care home was discussed in the committee report that went to the Planning Committee in 2007. The occupiers of the care home are to be relocated elsewhere in the Borough in purpose built accommodation. This is secured as part of the Section 106 Agreement.

- *Impact of building upon the setting of Gladstone Court which could be listed in the future*

The design, scale and massing of the building and its context within the streetscene was discussed in the committee report that went to the Planning Committee in 2007, whereby it was considered that the development sat comfortably in the streetscene. This application only considers the variations to the elevations, which are considered to be minor alterations to the external appearance of the building.

- *Increased rubbish collections and rubbish thrown onto the street*

The rubbish collections and details of the refuse storage were considered as part of the approved planning application. The approved refuse storage areas are required to be constructed prior to the occupation of any of the units approved as part of the development.

- *Responsibilities of the owners to serve notices under the Party Wall Act*

This is a civil matter that falls outside of the control of the planning legislation, and thus cannot be considered as part of this application.

Conclusion

The application complies with the relevant UDP policies and supplementary planning guidance; approval is recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent's Unitary Development Plan 2004
Council's Supplementary Planning Guidance 3
Council's Supplementary Planning Guidance 17

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
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 with the date of permission 07/2019, dated 4th October 2007.

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):

ALL-SL-A3 MELFLUELV 000140 Rev G
ALL-SL-A3 MELFLUELV ---141 Rev C
ALL-SL-A3 MELFLUELV ---142 Rev C
ALL-SL-A3 MELFLUELV ---143 Rev D
ALL-GND-A1 MELFLUGA ---050 Rev C
ALL-GND-A1 MELFLUGA ---060 Rev B
ALL-SL-A1 MELFLU-GA 000070 Rev H
ALLGND-A1 MELFLUGA 000105 Rev H
ALLFIR-A1 MELFLUGA 000110 Rev H
ALLSEC-A1 MELFLUGA 00115 Rev H
ALLTHR-A1 MELFLUGA 000120 Rev H
ALLFOR-A1 MELFLUGA 000125 Rev H

Please refer to 07/2019 for the following:

AHB-MELA SK (9) 4012E - refer to planning 07/201
AHB-MELA SK (9) 4013C
S07-219-100

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

- (3) The existing cross over shall be made redundant and the kerb reinstated prior to any occupation of the units hereby approved.

Reason: To ensure satisfactory highway safety

- (4) The proposed bin enclosure and cycle storage shall be constructed prior to occupation of the premises as self-contained flats.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection.

- (5) All parking spaces, turning areas, and footways shall be constructed and permanently marked out prior to commencement of use of any part of the approved development, or upon further application within such longer period as may be approved by the Local Planning Authority. Such works shall be carried out in accordance with the approved plan(s) and the non-disabled parking spaces shall be constructed with minimum dimensions 2.4m x 4.8m

Reason: To ensure that the proposed development does not prejudice the free flow of traffic, or the conditions of general safety within the site and along the neighbouring highway.

- (6) All external work, shall be carried out in accordance with the details approved as part of application ref: 08/2586 dated 17th October 2008. A list of the approved materials is listed below:

- Off-white render sample;
- Terca Aldbury Red Multi Stock brick sample;
- Aldus window sample.

Unless otherwise agreed in writing by the Local Planning Authority.

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

- (7) Notwithstanding the details of the hard and soft landscaping as set out in submitted Plan Ref: ALL-GND-A1 MELFLUGA ---060 Rev B, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved writing by the Local Planning Authority within three months of the date of this approval. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed, in writing, with the Local Planning Authority. Such a scheme shall include:-
- (a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained
 - (b) proposed walls and fences indicating materials and heights
 - (c) screen planting along the site boundaries
 - (d) adequate physical separation, such as protective walls and fencing between landscaped and paved areas
 - (e) areas of hard landscape works and proposed materials
 - (f) details of the proposed arrangements for the maintenance of the landscape works.

(g) any installation of lighting

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 to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's UDP 2004
SPG17 "Design Guide for New Development"
Letters of objection

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



Planning Committee Map

Site address: Melrose House, 201 Melrose Avenue, London, NW2 4NA

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.

Committee Report
Planning Committee on 24 November, 2010

Item No. 1/06
Case No. 10/2439

RECEIVED: 14 September, 2010

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 39 Summit Avenue, London, NW9 0TH

PROPOSAL: Erection of part single part two storey rear extension to dwellinghouse, new vehicular access fronting Summit Avenue and erection of an end of garden home office (revised description).

APPLICANT: c/o Forte Group

CONTACT: Michael Ginn Ltd

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

Approval

EXISTING

The application site comprises a semi detached dwellinghouse located on Summit Avenue. The site is not located within a conservation area nor is it a listed building.

The surrounding uses are predominantly residential.

PROPOSAL

Erection of part single part two storey rear extension to dwellinghouse, new vehicular access fronting Summit Avenue and erection of an end of garden home office.

HISTORY

H5109 3596M: Full Planning Permission sought for the erection of part single storey part two storey rear extension and conversion of the property into two self contained flats - Allowed on Appeal, 14/03/1978.

POLICY CONSIDERATIONS

Brent's Core Strategy 2010

CP17: Protecting and Enhancing the Suburban Character of Brent

Brent's Unitary Development Plan 2004

BE2: Townscape: Local Context & Character
BE7: Public Realm: Streetscape
BE9: Architectural Quality .
TRN15: Forming an access onto a road
EMP22: Home-Working

Supplementary Planning Guidance

SPG5 – Altering and extending your home.

Other Council Guidance

Brent's Domestic Vehicle Footway Crossover Policy

CONSULTATION

Consultation Period: 30/09/2010 - 21/10/2010

Public Consultation

5 neighbours consulted - two letters of objection received on the following grounds:

- Property is being rented out and it is unclear how many people are living there
- The occupants have a large number of cars and a proposal to increase the number of bedrooms will make the parking situation worse on Summit Avenue
- Garden building will not be used as a home office but as additional living accommodation

Internal Consultation

Transportation Unit - Proposal should not compromise highway and pedestrian safety as a result of additional demand for on street parking.

REMARKS

Site and Surroundings

The application site comprises a semi detached dwellinghouse located on Summit Avenue.

Neither of the neighbouring properties have been extended. The building line of No. 41 Summit Avenue is positioned further away from the street frontage than the application property.

The land levels gradually fall from north to south (from No. 37 Summit Avenue to No. 41 Summit Avenue) and from west to east (from the street frontage into the rear garden).

Proposal

This application originally proposed a hip to gable roof extension and rear dormer window. These elements have been removed from the scheme and the proposal has now been amended to include a part single part two storey rear extension, home office at the end of the garden and vehicular access fronting Summit Avenue. Each element is discussed in detail below:

Part single part two storey rear extension

The plans originally proposed a single storey rear extension at 4.0m deep and a first floor rear extension at 1.5m deep, both across the width of the main house. The plans have been amended to include a single storey rear extension at 3.0m deep across the width of the main house. A flat roof is proposed measuring 3.0m high at its highest point. The single storey rear extension is fully compliant with SPG5 and is not considered to have an adverse impact upon the amenities of neighbouring occupiers.

The first floor rear extension has been amended to a depth of 1.9m measured from the main rear wall of the dwellinghouse. It has been amended in width to 3.5m and is set in from the boundary with No. 37 Summit Avenue by 2.2m. It is proposed with a hipped roof matching the pitch angle of the main roof to the house.

In terms of assessing the impact of the first floor rear extension upon the amenities of neighbouring occupiers, SPG5 "Altering and Extending Your Home" states that the depth of the first floor rear extension is restricted to half the distance between its side wall and the middle of the neighbours nearest habitable room window (this includes kitchens but excludes bathrooms, storage cupboards etc). This guidance ensures that the loss of amenity and light to the neighbouring properties is kept within reasonable limits. In this particular case, the nearest habitable room window at No. 37 Summit Avenue is 3.8m away from the flank wall of the first floor rear extension. This permits the depth of the first floor rear extension to be a maximum of 1.9m, measured from this window. The nearest habitable room window at No. 41 Summit Avenue is 3.5m away from the flank wall of the first floor rear extension. This permits the depth of the first floor rear extension to be a maximum of 1.75m, measured from this window. The first floor rear extension complies with the guidance and is therefore not considered to have an adverse impact upon the amenities of neighbouring occupiers.

Outbuilding in rear garden of dwellinghouse

A home office is proposed within the rear garden. Amendments have been sought to reduce the size of the outbuilding and to remove the toilet within the building.

The outbuilding has been amended in size to a width of 4.9m and a depth of 3.8m. The footprint of the outbuilding measures 18.6sqm. It is proposed with a flat roof measuring 2.6m high along the rear boundary and 2.5m at the front of the outbuilding. This takes into account the difference in levels across the site. Whilst the height along the rear boundary exceeds the height allowed under permitted development, given that it abuts an accessway behind the houses and the properties to the rear on Hill View Gardens contain garden sheds close to the rear boundary, it is not considered that the additional 0.1m will have a harmful impact upon the amenities of surrounding residential properties.

The outbuilding will be set in from the side boundaries with Nos. 37 and 41 Summit Avenue by 1.0m. This will allow for landscaping to be provided along these boundaries to assist in screening the outbuilding from the neighbouring gardens. Landscaping is also proposed to the front of the outbuilding. The outbuilding is to be rendered in white and a green sedum roof is proposed. The design and size of the outbuilding is considered to be in keeping with the rear garden setting, and complies with policy CP17 of Brent's Core Strategy and policy BE9 of Brent's UDP 2004.

The garden building is to be used as a home office. Policy EMP22 of Brent's UDP 2004 permits the use of a home office subject to it not having a detrimental impact upon the residential character of the area. The agent has confirmed that the home office will only be used by the owners of the property for administrative purposes. No clients will visit the office and no employees that live outside the house will work at the property. As such, it is considered that the home office will not have an adverse impact upon the residential character of the area or lead to increased parking and traffic generation. It is however recommended that restrictions on the use of the outbuilding are conditioned as part of any planning consent, to ensure the use is incidental to the enjoyment of the dwellinghouse.

New vehicular access fronting Summit Avenue

It was observed from the site visit that the property currently does not have a crossover but vehicles are parking within the front forecourt by overriding the pavement. On both sides of the application property are vehicular accesses and crossovers (one to No. 37 Summit Avenue and one across the shared accessway and front garden of No. 41 Summit Avenue). Between the existing crossovers is provision for one on street parking space outside the application property.

The original plans proposed a loft conversion to accommodate an additional two bedrooms within the property. This loft conversion has now be amended from the plans, and three bedrooms are

now proposed within the house. This is no greater than the current number of bedrooms, and the demand for parking has not increased.

The proposed vehicular access and crossover is located in the centre of the site. Whilst it is preferable to have the crossover located at the side of a property to minimise the loss of on street parking, given the existing crossovers on either side of the application property, the new crossover whether located in the centre or to the side would result in the loss of an on street parking space. Overall there is no loss in the parking provision for the site. The appearance of the front forecourt will be improved by the introduction of soft landscaping and a front boundary wall.

On balance, whilst the proposal does result in the loss of an on street parking space, this will be re-provided off street. The proposal has also taken the opportunity to regularise the access arrangements for the application property, improving the safety of pedestrian and adjoining highway users as a result of vehicles no longer overriding the pavement. The streetscene will also be enhanced by the introduction of a boundary wall and soft landscaping.

Response to objections raised

- *Property is being rented out and it is unclear how many people are living there*

Your officers have visited the application property and it was not evident from the site visit that the property was in use for purposes other than a single family dwellinghouse. The layout of the floor plans do not suggest that the property will be converted into flats or a hostel, and planning permission would be required to permit the change of use from a single family dwellinghouse into flats or a hostel.

- *The occupants have a large number of cars and a proposal to increase the number of bedrooms will make the parking situation worse on Summit Avenue*

The property as extended with the amendments will provide three bedrooms rather than five bedrooms. This is no greater than the current number of bedrooms provided. The demand for parking will therefore not be increased. As discussed above, a new vehicular access is proposed which seeks to regularise the parking arrangements within the front forecourt.

- *Garden building will not be used as a home office but as additional living accommodation*

The agent has confirmed by email that the garden building will be used as a home office. There are no facilities within the building such as a kitchen, toilet or bathroom to support the use of the garden building for separate living accommodation. A condition is also recommended to restrict the use of the garden building to ensure the use is incidental to the enjoyment of the dwellinghouse.

Conclusions

The proposal is considered to be in keeping with the character and appearance of the dwellinghouse and is considered to not adversely impact upon neighbouring properties or upon highway and pedestrian safety. As such the proposal complies with policy CP17 of Brent's Core Strategy 2010 and policies BE2, BE7, BE9 and TRN15 of Brent's UDP 2004, and the guidance as outlined in SPG5 "Altering and Extending Your Home" and Brent's Domestic Vehicle Footway Crossover Policy.

Approval is accordingly 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 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):

OS

01

02

03

10 Rev C

11 Rev D

12 Rev D

13 Rev D

14 Rev C

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

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

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

- (4) The proposed vehicular crossover on Summit Avenue as shown on the approved plans shall be carried out at the applicants expense, in compliance with a scheme to be submitted to and approved in writing by the Highway Authority, with the works carried out and completed in accordance with these approved details, prior to the occupation of the development hereby approved.

Reason: In the interests of highway conditions within the vicinity of the site.

- (5) The outbuilding hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwellinghouse and for no other purpose, including use as any form of residential accommodation or in conjunction with any business (other than as a home office used by the occupiers of the dwellinghouse with no external employees, signage advertising the business or business clients visiting the premises), without the prior permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: In the interests of the amenities of neighbouring occupiers.

- (6) Notwithstanding any details of the rear garden landscaping in the submitted application, a scheme of landscape works in the rear garden to the front and side boundaries of the garden building (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction works on the site. Any trees or shrubs planted in accordance with the approved landscaping scheme which, within five years of planting, are removed, die, or become seriously damaged or diseased, shall be replaced by trees and shrubs of a similar species and size as those originally planted, unless the Local Planning Authority agrees otherwise.

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

- (7) Notwithstanding the submitted plans otherwise approved, further details of the front forecourt layout shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site and thereafter fully implemented in accordance with the approved details. The hard landscape works shall be completed within six weeks of the completion of the development hereby approved and the soft landscape works shall be completed within six months of the completion of the development hereby approved.

Such details shall include:-

- (i) Hard surfaces including details of materials and finishes. These should have a permeable construction.
- (ii) Proposed boundary treatments including walls and fencing, indicating materials and heights.
- (iii) All planting including location, species, size, density and number.

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.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's Core Strategy 2010
Brent's UDP 2004
SPG5 "Altering and Extending Your Home"
Brent's Domestic Vehicle Footway Crossover Policy

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



Planning Committee Map

Site address: 39 Summit Avenue, London, NW9 0TH

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.

This page is intentionally left blank

Committee Report
Planning Committee on 24 November, 2010

Item No. 10
Case No. 10/2247

RECEIVED: 9 September, 2010

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: THAMES WATER UTILITIES, St Michaels Road, London, NW2 6XD

PROPOSAL: Development to provide 25 dwellings, comprising a three-storey building fronting St Michaels Road (11 x 1-bedroom, 7 x 2-bedroom, 1 x 3-bedroom flats), a two-storey terrace to the rear (2 x 2-bedroom, 4 x 4-bedroom houses), with 16 car-parking spaces, 25 bicycle spaces, associated hard and soft landscaping and provision of a vehicular crossover on land adjacent to the pumping station and Thames Water utilities site

APPLICANT: Octavia Housing

CONTACT: Studio Aitken

PLAN NO'S:
Please 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 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) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Provision of 100% Affordable Housing,
- (c) A contribution £115,200 (£2,400 per AH bedroom), due on material start an, index-linked from the date of committee for Sustainable Transportation, Education , Open Space and Sport in the local area.
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 3, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (e) Provision of 20% 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) A contribution of £10,000 towards street trees, due on material start an, index-linked from the date of committee.

And, to authorise the Head of 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 was formerly part of Thames Water's Cricklewood Treatment Works but is now surplus to operational requirements. It has an area of 0.32ha. The site has boundaries with the St Michaels Road to the south, the Dudden Hill Loop railway line to the north, the Thames Water Utility Land and Pump House to the west and the rear gardens of 2 Water Board Cottages and the flank garden of 51 Wooton Road to the east.

The site has no public access and is currently a grass scrubland with a number of trees ranging in maturity and quality. The site is located within a Victorian/Edwardian Residential Area characterised by two-storey terraced dwellings although there are some prominent neighbouring non-residential buildings of architectural merit, namely the Grade 2 Listed St Michaels Church and the Locally Listed Pumping House. The site was formally used as a railway sidings associated with the pump house.

PROPOSAL

Full planning permission is sought for proposed development to provide 25 dwellings, comprising a three-storey building fronting St Michaels Road (11 x 1-bedroom, 7 x 2-bedroom, 1 x 3-bedroom flats), a two-storey terrace to the rear (2 x 2-bedroom, 4 x 4-bedroom houses), with 16 car-parking spaces, 25 bicycle spaces, associated hard and soft landscaping and provision of a vehicular crossover on land adjacent to the pumping station and Thames Water utilities site.

HISTORY

No relevant planning history for this site.

POLICY CONSIDERATIONS

National Planning Policy

Planning Policy Statement 1 – Creating Sustainable Communities

Planning Policy Statement 3 – Housing

Planning Policy Guidance 24 - Planning and Noise

Regional Planning Policy

The London Plan - Consolidated with Alterations since 2004

3A.3: Maximising the potential of sites

3A.5: Housing Choice

3A.9: Affordable housing targets

3A.10: Negotiating affordable housing in individual private residential and mixed-use schemes

3A.11: Affordable housing thresholds

3D.13: Children and young people's play and informal recreation strategies

4A.1: Tackling climate change

4A.3: Sustainable design and construction

4A.4: Energy Assessment

4A.6: Decentralised Energy - Heating, Cooling and Power

4A.7: Renewable Energy

4A.9: Adaption to Climate Change

4A.14: Sustainable Drainage

4A.19: Improving Air Quality

4A.20: Reducing noise and enhancing soundscapes

4B.1: Design principles for a compact city

4B.5: Creating an inclusive environment

Relevant Core Strategy Policies

CP 1 - Spatial Development
CP5 - Place Making
CP6 - Design and Density in Place Shaping
CP15 - Infrastructure to support Development
CP17 - Protecting and Enhancing the Local Character of Brent
CP18 - Protecting and Enhancement of Open Space, Sports and Biodiversity
CP19 - Brent Strategic Climate Mitigation Measures

Relevant UDP Policies

BE2 – Townscape
BE3 – Urban structure
BE4 – Access for Disabled people
BE5 – Urban clarity and safety
BE6 – Public Realm: Landscape Design
BE7 – Public Realm: Streetscape
BE8 – Lighting and light pollution
BE9 – Architectural Quality
BE12 – Sustainable Design Principles
EP2 – Noise and vibration
EP6 – Contaminated Land
H9 – Dwelling Mix
H12 – Residential Quality – Layout considerations
H13 – Residential Density
H14 – Minimum residential density
TRN1 – Transport Assessment
TRN 3 – Environmental Impact of Traffic
TRN4 – Measures to make transport impact acceptable
TRN10 – Walkable environments
TRN11 – The London cycle network
TRN12 – Road safety and traffic management
TRN 13 – Traffic Calming
TRN14 – Highway Design
TRN23 – Parking Standards – residential developments
OS5 – Green Chains
OS12 – Development will not be permitted on or adjacent to Grade 1 nature conservation areas unless it is demonstrated that there will be no adverse effect on nature conservation.
OS14 – Wildlife corridors
OS17 – New Wildlife habitats
OS18 – Childrens play area

Supplementary Planning Guidance

Supplementary Planning Document: "S106: Planning Obligations"
Supplementary Planning Guidance 2 - "Commenting on a Planning Application"
Supplementary Planning Guidance 17 – "Design guide for new development"

SUSTAINABILITY ASSESSMENT

A sustainability checklist with a self assessed score of 52% has been submitted along with an Energy Assessment and a Sustainability Report.

Code for Sustainable Homes

A Code for Sustainable Homes (CSH) pre-assessment has been submitted to demonstrate that on a worst case scenario the proposed development would achieve a Code Level 3.

Sustainable Energy

The Renewable Energy Feasibility Report concludes that a mixture of Solar Hot Water and Photovoltaics are the only viable option to offset 20% of the CO2 emissions from the development through on-site provision. The applicants are proposing a mix of these to meet this target. To off-set the loss of trees on the site a ring-fenced contribution towards the provision of street trees in the local area has been sought. These matters will be secured via section 106.

CONSULTATION

External Consultees

135 neighbouring residents were sent letters and site notices were installed on St Michaels Road and Wotton Road.

9 objections from local residents have been received. The objections are from neighbouring residents at the Waterboard Cottages and residents on Wotton Road, Ivy Road, Langton Road, Mora Road and Ellesmere Road. A petition with over 100 signatures has been submitted by local residents.

These have raised the following concerns:

- Overdevelopment of the site
- Detrimental impact on parking
- Detrimental impact on highway safety at road junction
- Loss of trees and open space that could be used for additional amenity space.
- Overlooking of neighbouring residents
- Impact of building on appearance of Grade 2 Listed Church
- Impact on Local Infrastructure
- Overlooking of nursery
- Noise and disturbance for existing and prospective residents
- Security concerns for neighbouring residents.

A number of the concerns raised by local residents are addressed in the main remarks section of the report in the paragraphs relating to the specific issues Those that are unrelated to these paragraphs are addressed in the *Response to Objections* paragraph

Local Ward Councillors, Sarah Teather MP, Thames Water, Environment Agency, NW2 Residents Association and Network Rail consulted.

Thames Water have no objection to the proposed development

Network Rail have no objections to the proposed development but request that conditions are used to control matters relating to Construction, excavation, drainage, fencing and noise and vibration.

Environment Agency have no objection.

Internal Consultees

Transportation - No objections to the proposal subject to section 106 amendments and minor alterations to improve highway safety at the access and in the site.

- In response to this the applicants have amended the scheme and agreed to the provision of speed table outside the site.

Environmental Health - No objections to the proposal provided subject to conditions being attached to an approval.

Urban Design - No objections to the proposed development

Landscape Design - Originally objected to the proposal on the grounds of impact on trees and excessive area of hard-landscaping. Amendments have now been submitted increasing the areas of soft landscaping, increasing the provision of more trees and ensuring that adequate protection is provided for trees to be retained. These amendments have overcome the original objections.

REMARKS

Principle

The proposal is for the provision of four x four-bed dwellinghouses, two x two-bed dwellinghouses, one x three-bed flat, seven x two-bed flats and 11 x one-bed flats. The flats are all shared ownership and the dwellinghouses are for social rent; as such the proposed development provides 100% affordable housing. It is considered that the site will make a valuable contribution towards the provision of affordable family housing within the Borough.

The site was previously owned by Thames Water though it has not been used for operational purposes; these are concentrated on the land to the west of the site. In the past, the site has been used for storage associated with the adjacent railway though there has been no activity in recent years.

PPS3 (3rd edition) was published 9 June 2010 and defines previously developed land as follows:

‘Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.’

Given that there has been no previous development on the site, the site does not fall within the definition of ‘previously developed land’. This is not to say that development on the site can not be supported. Paragraph 49 of PPS3 relates to efficient use of land and intensification, stating that “careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate.” (CLG, 2010). In the case of Brent, the recently adopted Core Strategy sets out the chosen local strategy as one of directing new housing to the identified growth areas (policy CP1, CP2) and to protect and enhance the suburban character of Brent (policy CP17).

Whilst the site is not within a designated growth area, Council policy does not preclude development subject to compliance with relevant policy considerations, in particular to the protection of suburban character. As such, the principle of development of the site for residential purposes can be supported subject to compliance with policy.

Design, Scale and Density

Density

The site has an area of 0.32 while the development is providing a total of 79 habitable rooms. The proposed development therefore has a density of 246 hrh. This is at the upper end of but in keeping with acceptable densities for suburban areas the Councils and the London Plan Density Matrix (150-250hrh) . However the Council have design led approach to density which seeks to ensure that development fit within their context. The applicants have demonstrated that the proposed development is appropriate within the context of the site and surrounding area.

Layout

The site layout is arranged to provide a three storey block of flats fronting onto St Michael's Road and a row of six two-storey terraced dwellinghouses located to the rear, running parallel with the railway line. Between the two residential blocks there is a parking area with 16 off-street parking spaces and a childrens play area. The access road is from Mora Road adjacent to No. 1 Waterboard Cottages. There is a landscaped area next to the access which is required to ensure

the retention of the large silver maple tree. Behind the row of terraced houses there is private amenity space for each dwellinghouse. A wildlife corridor is proposed to link with the existing wildlife corridor which runs alongside the railway line. It is considered that the layout makes an efficient use of the land while retaining important landscape and ecological features.

There is a significant buffer zone with the neighbouring residential gardens along the side of No. 1 Waterboard Cottages and to the rear of Nos. 1 and 2 and the flank garden of No 51 Wotton Road. This buffer zone will be planted up with appropriate landscaping to replace landscaping that is to be lost and to ensure there is a secure boundary with the neighbouring residential properties.

Massing

The 3-storey block of flats fronting onto St Michaels Road has a maximum height of 12.4m at the ridgeline and an eaves height of 8m. It has a pitched roof with gable-ends of a depth of 10m. There is a set in 4m from the gable facing Mora Road where the proposed block projects out a further 7m. The flat block is orientated so that it faces towards the proposed terrace housing at the rear of the site. The ridgeline of the proposed block is below the height of the Grade II listed church and the parapet wall of the locally listed Pumping Station. The proposed building is considered to fit comfortably within the streetscene and appears suitably subservient to the neighbouring notable buildings. In relation to the neighbouring residential gardens the proposed building is in accordance with the relevant design guidelines set out in SPG 17.

The row of terraced dwellings to the rear of the site are of a size and scale that are subservient to the frontage development and again in line with the relevant policy and guidance. It is considered that the massing of the proposed buildings is appropriate to the site.

Design

The blocks are designed in a manner to reflect the traditional residential terraces in the local area. The flat block fronting Olive Road has a pitched roof with gable-ends. The main frontage is articulated by a series of projecting bays and tall front dormer windows which gives the building a vertical emphasis in keeping with the character of the residential properties in the surrounding area. The pitched roofs with slate tiles and the red brick finish, are all features that define the properties as residential in contrast to the stone finished St Michael's Church and the London Stock Brick Pumping Station. It is considered that the properties are of a domestic scale and will appear subservient to the more prominent neighbouring buildings.

The two-storey terrace dwellinghouses at the rear of the site have front and rear dormer windows with a hipped roof. Located within the backland part the building is subservient to the frontage buildings on St Michael's Road and Mora Road. The ground level rises towards the rear of the site next to the railway embankment. The proposed buildings will not detract from the setting of the listed building. The dwellinghouses will be located in excavated land but the rear amenity space will be on slightly raised ground.

The hard surfacing for the road and parking area is to be predominantly brick pavements with the parking areas to be tarmac. The road will be gated to ensure that the site is secure for prospective and neighbouring residents. Conditions for all external materials, hard-surfacing, landscaping and boundary treatment will be attached to any planning approval.

Impact on Neighbouring Residents

The nearest residential properties to the site are Nos. 1 and 2 Waterboard Cottages on Mora Road and the flank garden of No. 51 Wotton Road. The applicants have submitted a daylight and sunlight study that demonstrates that there will not be a significant impact on the daylight, sunlight or significant overshadowing of neighbouring buildings. It is noted that there will be some overshadowing of the neighbouring Water Board Cottages and the Church it was found that these would only be for short periods of time

The proposal is compliant with Council guidelines with regards to the height of the building in relation to neighbouring rear gardens. As there is significant existing and proposed buffer landscaping and the buildings are at obtuse angles from the neighbouring rear gardens it is considered that the visual impact of the proposed development will be acceptable and in accordance with Council guidelines. There are balconies proposed on the front and rear elevations of the block of flats. As a result of the layout, the proposed balconies are orientated so that they face away from the neighbouring gardens. However to ensure that the privacy of residents is retained further details of the balconies will be sought to ensure that there is adequate side screening to restrict any overlooking.

The access road is suitably landscaped with a buffer zone that is 1-2.5m along the side boundary with No. 1 and 4-7m along the rear boundary with No. 1 and No. 2 Waterboard Cottages. The side buffer will be planted with 5 maple trees and a pyracantha hedge while the rear landscape buffer will have 3 oak trees with mixed shrubs. This planting will complement existing soft landscaping in the rear gardens of neighbouring dwellings to ensure the amenity and enjoyment of rear gardens is retained for neighbouring residents.

Quality of accommodation

The Block of Flats:

The block of flats will contain 11 one-bed flats, six x two-bed flats and one x three-bed flat. Each flat has a floor area above the minimum recommended floor area for flats of their size as set out in SPG 17. The flats are predominantly dual aspect although there are 7 single aspect units of which 5 face east and 2 face west. There are no single aspect north facing units. All the upper floor flats have balconies. The layout is such that bedrooms are above bedrooms and living areas above living areas so there will be no stacking. Two wheel chair units are proposed on the groundfloor.

The groundfloor units fronting onto St Michaels Road are setback 3m from the front boundary. The front boundary treatment includes a front wall and railings with a hedge behind. It is considered that this will provide sufficient privacy for the groundfloor residential units.

Terraced Dwellinghouses:

There are four four-bed units each with a floor area of 122.4 sqm and two two-bed dwellinghouses with a floor area of 84 sqm. The dwellinghouses all have adequate private amenity space with access to the rear wildlife corridor. Each dwelling will have a secure cycle storage spot within the front forecourt of the dwelling. All the dwellinghouses are dual aspect.

Noise

A noise and vibration assessment has been submitted. The site is within Noise Exposure Category B therefore in line with PPG24 noise should be considered when determining a planning application and if required appropriate conditions should be attached to ensure an adequate level of protection against noise. The assessment recommends that any noise disturbance can be attenuated by the use of suitable glazing and ventilation products. A condition will be attached requiring the submission of confirmation that the completed development is adequately insulated against noise disturbance from the railway. The Council's Environmental Health Officer has assessed this report and states that from the information submitted the probability of disturbance from noise and vibration is low. There are no plans to increase the use of the railway line in the future.

Landscaping

The applicants have submitted an ecological report and a tree survey in support of the landscaping proposals for the site.

Amenity Space

As there are 6 dwellinghouses and 19 flats the proposed development should provide approximately 710sqm of amenity space to comply with SPG 17. Each of the dwellinghouses have private amenity space with areas of approximately 40 sqm. This is supplemented by access for these residents to the rear wildlife corridor and side buffer zones. The rear wildlife corridor has an area of 120 sqm while the buffer areas include 75 sqm next to the garden of No. 51 Wotton Road and 60.18sqm adjacent to the pumping station. It is considered that the 6 dwellinghouses have adequate access to amenity space.

With regard to the flat block all the groundfloor units have access to adequate areas of private amenity space. The upper floor flats do not have any external amenity space however they all have balconies and the shortfall of amenity space is made up by the provision of the play space. The communal childrens play space is to be located adjacent to the pumping station outhouse. This has an area of 275 sqm. Full details of the playspace will be sought by condition.

There are also landscaped areas within the development site that do not provide accessible amenity space but will contribute to the visual amenity of the area. These include the area around the protected tree at the entrance (100sqm) and the buffer zone with the neighbouring rear gardens (150sqm). Amenity space provision is in accordance with SPG 17 guidelines and the childrens play space accords with London Plan requirements for play space provision. As such it is considered that the proposed development will provide adequate

Trees

The tree survey that has been submitted provides an assessment of the quality of the existing trees and landscaping on site. There are 20 trees on the site at present. Trees are categorised in the following way:

Category A: High Quality and Value

Category B: Moderate Quality and Value

Category C: Low Quality and Value.

Category R: Poor quality and should be removed

There is one category A tree on the corner of Mora Road with St Michaels Road this is to be retained with adequate root protection. There are 5 category B trees on site. One of these adjacent to the play space is to be retained. The others will be removed. There are also 2 groups of category B trees that will be removed. One set falls within the area with Japanese Knotweed and therefore, notwithstanding the development, would need to be removed during remediation works to remove the Knotweed. There are seven category C and five category R trees of which one category C tree will be retained and improved while all others will be removed.

The proposed scheme involves the retention of 3 trees and is supplemented by the planting of 9 additional trees including 3 oak trees in the buffer zone with the neighbouring rear gardens. Following a recent order all the trees on site are protected by a TPO. The Council's Tree Officer has confirmed that the removal is acceptable provided they are suitably replaced in accordance with the approved plans and that the replacement trees are also protected.

The provision of the replacements trees followed discussions with applicants and neighbouring residents. Other landscaping include the provision of a wild flower meadow on a strip of land adjacent to the pumping station. Thames Water have insisted that this area is retained as a buffer zone and no trees can be planted in this area. Overall it is considered that the proposed landscaping arrangements are acceptable. Additional conditions will be attached to ensure that adequate arrangements are made for the maintenance of landscaping and details of the proposed boundary treatments for the site. Section 106 funding will be ring-fenced for the provision of additional on-street trees within the local area.

Nature Conservation

The area of land adjacent to the railway track is a Grade One Nature Conservation Area and also a wildlife corridor. As the part of the site directly next to this is overgrown with shrubs and trees and ecological study has been conducted to find out whether this site is of particular significance for nature conservation. The study found that there is a small population of Slow Worm on the northern part of the site adjacent to the railway and that the site does provide some local nature conservation interest.

The proposed development now includes a 4m wide, 31m long wildlife corridor at the northern most boundary of the site. This will be retained as existing and will complement the existing wildlife corridor along the railway. The proposal also includes the provision of bird boxes on the block of flats. It is considered that there will be a minimal impact on nature conservation as a result of the proposed development, however these proposed measures will assist mitigation.

Highways

Parking

A transport statement has been submitted by the applicants. The site has a public transport accessibility level 2 (low) and is within 640m of 7 bus routes. The nearest underground station is Willesden Green which is a 20 minute walk. 16 parking spaces are provided within the site with one of these allocated for disabled parking. When considering likely car ownership, shared ownership units are assumed to generate parking at about 75% of maximum levels and social housing units at 50%. Applied to this proposal, future car ownership is estimated at about 19 vehicles. This would leave a likely over spill of three cars from the site, which could be readily accommodated on-street in front of the site. The Council's Highways Engineer considers the onsite provision acceptable.

A parking survey was completed by the applicant's transport consultants. This was undertaken on Wednesday 30th April at 6pm and again at 12am. This indicated that while there was close to capacity parking on Wotton Road, Newton Road, Temple Road and Ivy Road there was significant capacity available on St Michaels Road and Mora Road that would be able to accommodate additional parking from the proposed development. Of particular note is that the streets with the greatest capacity for additional on-street parking are those closest to the site. It is therefore considered that the proposed development will not have an unacceptable impact on-street parking.

There is a ground floor disabled access unit within the block of flats with a proposed parking space under the silver maple tree on the corner Mora Road. This parking space has now been removed as no hard landscaping can be installed under this tree, without causing additional stress and damage that could detrimentally affect the tree. Given the prominence of the tree and it's contribution to the streetscene it is considered that an effective compromise would be to allow for the provision of a disabled parking bay on-street should this unit be occupied by a disabled person. This has been agreed with the Council's Highways Engineer who has recommended that an informative be added to the permission to state that this will be done at the applicants expense.

Highway Safety and Servicing

The sole access to the site is from Mora Road opposite Mora Road Primary School. The new access will require the removal of the existing residents' parking bay on the south side of Mora Road. The transport assessment has demonstrated that there will be adequate visibility and sightlines for vehicles entering and exiting the site. Refuse storage is provided within the site and will also be collected from this point. Swept path drawings have demonstrated that there will be adequate access and egress for refuse vehicles. The Council's Highways Engineer has advised that a speed table be installed next to the access point on Mora Road. The applicants have accepted this and a condition requiring further details of this to be submitted before development commences. Within the site the proposed hard-surfacing will be a shared surface and constructed with brick pavers. It is considered that the proposed development is acceptable in terms of highway safety and servicing.

Environmental Health

The site as stated previously forms part of the Thames Water operational land and the top-end of the site was previously used as a railway siding. As such an environmental report has been submitted to assess the quality of the land and whether it is suitable for residential development. The study has found that there is widespread contamination in the soil, although this is expected given the historical use of the site for coal and ash storage. Therefore suitable remediation will need to be made to the site to make it acceptable for residential accommodation. Conditions will be attached to ensure that a remediation strategy is submitted to the Local Planning Authority and complied with prior to development works commencing.

In relation to air quality the Council's Environmental Health Officer is satisfied that the proposed development during and post construction shall have minimal impacts on air quality. A condition to secure the provision of a construction management strategy prior to commencement of the development should also ensure that potential for nuisance during the construction phase is kept to a minimum.

Response to Objections

Overlooking - Due to obtuse angle of the development in relation to neighbouring residential properties it is considered that there will be no significantly detrimental impact in terms of overlooking these dwellings. Views of their rear amenity space of the Waterboard Cottages will be further limited by the additional boundary treatment to supplement the existing dense boundary planting. The overlooking of the nursery building on the opposite side of St Michaels Road is not considered to be a significant planning issue. As it is on the opposite side of the road the distance between the proposed development and the nursery is no less than what would normally be expected for such developments within an urban context.

Impact on Local Infrastructure - The Council recognises that development of any scale can have an impact on local infrastructure as new population enters an area; this impact is particularly keenly felt on local schools, local amenity space and the road network. In recognition of this fact the Council can enter into a S106 legal agreement to secure financial contributions to enable the Council (as the education and highway authority) to provide improvements and enhancements of local facilities to accommodate the new population. This application secures a total of £176 000, to provide improvements to local infrastructure; in line with the standard charge set out in the Council's SPD on S106 contributions.

Noise and disturbance - It is recognised that noise and disruption may occur during the construction period of an approved development. To ensure that noisy works are undertaken at appropriate times a condition will be attached ensure that works are undertaken between 0800-1800 Monday to Friday and 0800-1300 on Saturdays and at no time on Sundays or Bank Holidays.

Security Concerns - The proposed development will be gated to ensure that access to the site is controlled. There is also additional planting along the boundaries with the neighbouring development. This is considered to provide adequate security for the neighbouring residential dwellings. The proposal will also provide informal surveillance over a section of St Michaels Road that at present is not particularly well overlooked.

Conclusion

The proposed redevelopment of the former Thames Utilities Land for residential development is considered to be acceptable in principle and in keeping with the relevant policies and guidelines for the developments within residential areas. On balance the proposed redevelopment will provide affordable residential accommodation while retaining and protecting important landscaping and ecological features. Accordingly the proposal is recommended for approval subject to the conditions set out below.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

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

Planning Statement
Design and Access Statement
Transport Statement by Campbell Reith
Air Quality Statement by Campbell Reith
Environmental Noise and Vibration Assessment by Bickerdike Allen Partners
Daylight and sunlight study by Atelier Ten
Ecological Assessment by Catherine Bickmore Associates
Tree Survey by RGS Tree Services
Trimetals Bicycle Store Details

PL(00)001
PL(00)002
PL(00)003
PL(00)004 Rev A
PL(00)005 Rev A
PL(00)006 Rev A
PL(00)007 Rev A
PL(00)008 Rev A
PL(00)009 Rev A
PL(00)010 Rev A

PL(00)011 Rev A
PL(00)012 Rev A
PL(00)013
PL(00)014
PL(00)015
PL(00)016
PL(00)017
PL(00)018
PL(00)019
103636 D01 Rev B
103636 L01 Rev E
103636 L02 Rev B
103636 L03 Rev B

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

- (3) Construction and demolition works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of :

Monday to Friday	0800 to 1800hrs
Saturday	0800 to 1300hrs
At no time on Sundays or Bank Holidays	

Reason: To safeguard the amenity of the neighbour by minimising impacts of development that would otherwise give rise to nuisance from noise, dust and odours during construction.

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

Reason:

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

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

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

- (6) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

(a) proposed walls and fences indicating materials and heights;

- (b) areas of hard landscape works and proposed materials, including samples;
- (c) details of the proposed arrangements for the maintenance of the landscape works.
- (d) additional and revised landscaping scheme for the ground under trees T6 and T8 as identified in the Tree Survey Report

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

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

- (7) Before building works commence on the site, a scheme providing for the insulation of the proposed dwelling units against the transmission of external noise (and vibration) from Dudden Hill Loop Rail line shall be submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme shall be completed in accordance with the approved details before any of the permitted dwelling units are occupied.

Reason: To safeguard the amenities of the occupiers.

- (8) Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

- (9) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

- (10) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

- (11) Notwithstanding the approved plans full details of these balconies, including side screening to restrict overlooking of neighbouring gardens, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.

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

- (12) Development shall not commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved by the local planning authority in consultation with the railway undertakers. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. No water or effluent should be discharged from the site or operations on the site into the railway undertaker's culverts or drains

The works shall be carried out in accordance with the approved details.

Reason; To ensure that sufficient capacity is made available to cope with the new development.

- (13) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any works on site and the approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of safety and the amenities of the area.

- (14) A Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. This should comprise a maintenance schedule and any specific management duties.

Such details may include:

- (i) Watering, weeding and application of appropriate herbicides or fungicides if necessary.
- (iii) Inspection and checking of all plants and for health and/or damage and pruning, dead heading trimming etc. Loosening of tree ties, mulching, removal of tree stakes and pruning
- (iv) Mowing/grass-cutting regimes.

- (vii) Removal of litter, debris or any other detrimental material.
- (viii) Digging over, aerating, composting, mulching application of fertilizer as appropriate to soils.
- (ix) Necessary cleaning and repair of all hard materials, furniture, lighting etc and elements including permeable paving.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the survival and ongoing vitality of, all plants and soft landscape. To ensure the environment for the local community and residents continues to remain pleasant and attractive indefinitely. To prevent any financial loss due to neglect, sickness and/or damage to any plants.

- (15) Details of the play space shown on the approved plans are to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any construction work on the site. Such works shall be completed in accordance with the approved scheme prior to occupation of the building(s).

Such scheme shall also indicate:-

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

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

- (16) Details (drawings as necessary) of a scheme showing those areas of trees/shrubs to be influenced by construction of a development; drawings, reports and accompanying method statements shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site.

Such details shall include:-

- (i) A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area of every retained tree on site and on neighbouring or nearby ground to the site and all positions of trees to be removed.
- (ii) A schedule showing the details of each tree and any proposed tree works.
- (iii) Plan/s indicating the location and details of, Ground Protection Zones, Construction Exclusion Zones, underground service runs and details of any changes in levels or the position of any proposed excavations
- (iv) The details and positions of the Tree Protection Barriers, identified separately where required for different phases of construction work.
- (v) The details of any special engineering required to accommodate the protection of retained trees, including the installation of drives and paths and hard landscape within the RPAs of retained trees in accordance with "No-Dig" construction principles.
- (vi) The details of the working methods to be employed with the demolition of buildings, structures and surfacing, access for and use of heavy, large, difficult to manoeuvre plant and site logistics and storage, site cabins, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity within or adjacent to the RPAs of retained trees.

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

INFORMATIVES:

- (1) The applicant is advised that prior to commencement of any works on site, developers must contact Network Rail to inform them of their intention to commence works. This must be undertaken a minimum of 6 weeks prior to the proposed date of commencement.
- (2) If the development is carried out it will be necessary for a crossing to be formed over the public highway and a raised entrance to be installed by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Application for such works should be made to the Council's Streetcare Section, Brent House, 349 High Road Wembley Middx. HA9 6BZ Tel 0181 937 5050.
- (3) If the groundfloor residential flat on the north east corner of the flat block is occupied by a disabled person the applicant is advised that it will be necessary to provide and on-street disabled parking space. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Application for such works should be made to the Council's Streetcare Section, Brent House, 349 High Road Wembley Middx. HA9 6BZ Tel 0181 937 5050.

REFERENCE DOCUMENTS:

PPS1
PPS3
London Plan
Core Strategy
UDP 2004
SPG 17

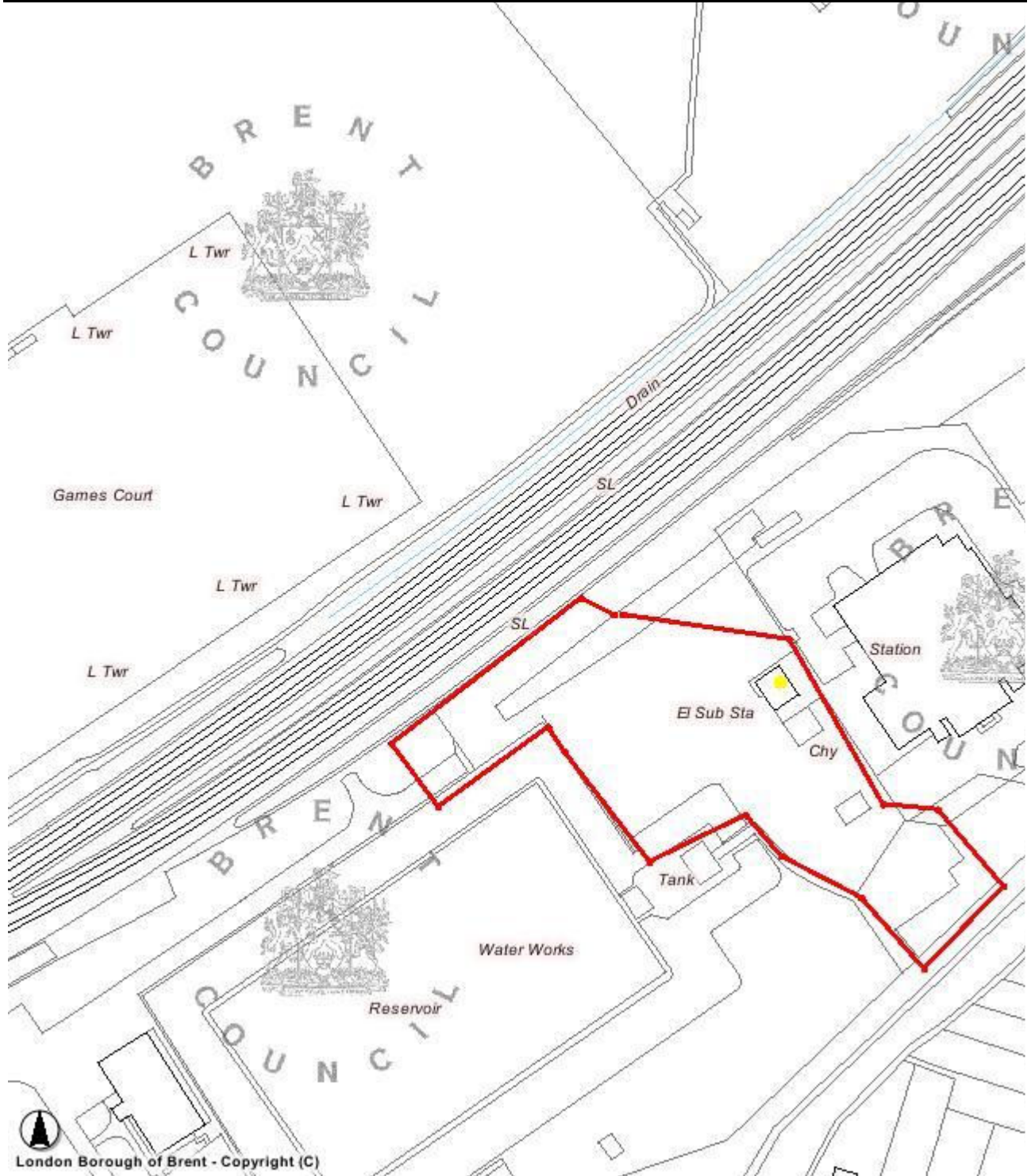
Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: THAMES WATER UTILITIES, St Michaels Road, London, NW2 6XD

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Officer © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.

Committee Report
Planning Committee on 24 November, 2010

Item No. 11
Case No. 10/2594

RECEIVED: 30 September, 2010

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 1-20 INC, Garfield Court, Willesden Lane, Kilburn, London, NW6 7SZ

PROPOSAL: Installation of replacement white-powder-coated-aluminium-framed, double-glazed windows to 20 flats

APPLICANT: Brent Housing Partnership

CONTACT: Baily Garner LLP

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The subject site is a 3-storey block of flats located on the southern side of Willesden Lane, at the junction with Coverdale Road, NW6. The surrounding uses are predominantly residential. The site is not within a conservation area and does not contain a listed building.

PROPOSAL

See Above

HISTORY

Permission was granted 19/10/2009 planning ref (09/1862) for the replacement of all the windows in Garfield court with double glazed, grey powder coated aluminium frames

POLICY CONSIDERATIONS

Unitary Development Plan 2004

BE2: Townscape

BE7: Streetscape

BE9: Architectural Quality

CONSULTATION

Neighbours representees

Consultation letter dated 20/10/2010 to all 20 occupiers of Garfield Court.

4 objections received to date. Main issues raised were,

- Windows to consultees flat were in good condition and did not need replacing

- leaseholder does not wish to pay for replacement windows as can not afford paying for them.
- Resident did not consider the white colour to be an improvement on the previously approved grey colour window.
- One objector expressed a desire to retain existing secondary glazing behind the new double glazed units if they are installed.

2 letters in support of application from leaseholders for the installation of double glazed new window units.

REMARKS

The application seeks to replace windows in the side and front elevations of Garfield Court, fronting the Willesden Lane and Coverdale Road street scene.

Discussion

Permission was granted 19/10/2009 (planning ref 09/1862) for the replacement of all the windows in Garfield court with double glazed, grey powder coated aluminium frames. This colour was specifically requested by officers at the time in order to match a colour precedent set by Avonhurst and Peascroft House which are located opposite to Garfield Court across Willesden Lane.

To be more specific, applications for window replacement were submitted for Peascroft House and Garfield Court at the same time in 2009. A grey colour was considered appropriate for Peascroft House as windows in Avonhurst House, which is part of the same development, had already been replaced using this colour. Simultaneously, because of the grey colour being adopted in Peascroft House, officers considered that colour to be appropriate for Garfield Court which is located opposite Peascroft House across Willesden lane in order to ensure a degree of visual uniformity between the adjacent blocks. The applicant agreed to this at the time.

This application is essentially a resubmission of the same window type approved under ref 09/1862, only in this submission all the windows are proposed as white as opposed to the previously approved grey. Whilst a grey colour would match the blocks referred to above, it is not considered that it can be insisted upon given that Garfield House is separated from Avonhurst and Peascroft House by Willesden Lane. Furthermore, given this separation, your officers consider that grey windows would not cause any harm to the townscape and local character - satisfying UDP policy BE2. In relation to the Garfield Court specifically, the style of window proposed is considered to be commensurate with the architecture, not causing any harm to the building itself nor the surrounding area - satisfying UDP policy BE9. It is on this basis that an alternative colour is agreed here.

Representations

Representations received have been concerned about the cost to leaseholders incurred from window replacements and an absence of need in some instances for these replacements to go ahead. Although these are issues of concern to those making representations, they are non planning considerations as the determination of this application is based on the suitability of the windows in terms of design, quality and suitability within the context.

Two representations commented to this end. One objecting specifically on the white colour proposed in the windows, stating it is not appropriate for the building given the colour of the surrounding windows and the brick work in the building itself. The other also disliked the colour in terms of maintenance and asked that the existing secondary glazing be kept on installation of the new double glazed units. In response to these representations your officers consider, as explained above, Garfield Court to be sufficiently separate and non connected to the blocks across the road to warrant a different colour from them. Also the site is not in a conservation area granting applicants an amount to freedom to propose whatever windows they like within reason. In light of this, officers consider the choice of window and colour to be in keeping with the existing building.

With regard to the request to keep existing secondary glazing officers note that as it is an internal issue it is not within the remit of planning and should be taken up with the contractors.

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

P03 elevations as existing
P07 elevations as proposed
P40 Proposed window section

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

- (2) 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.

INFORMATIVES:

None Specified

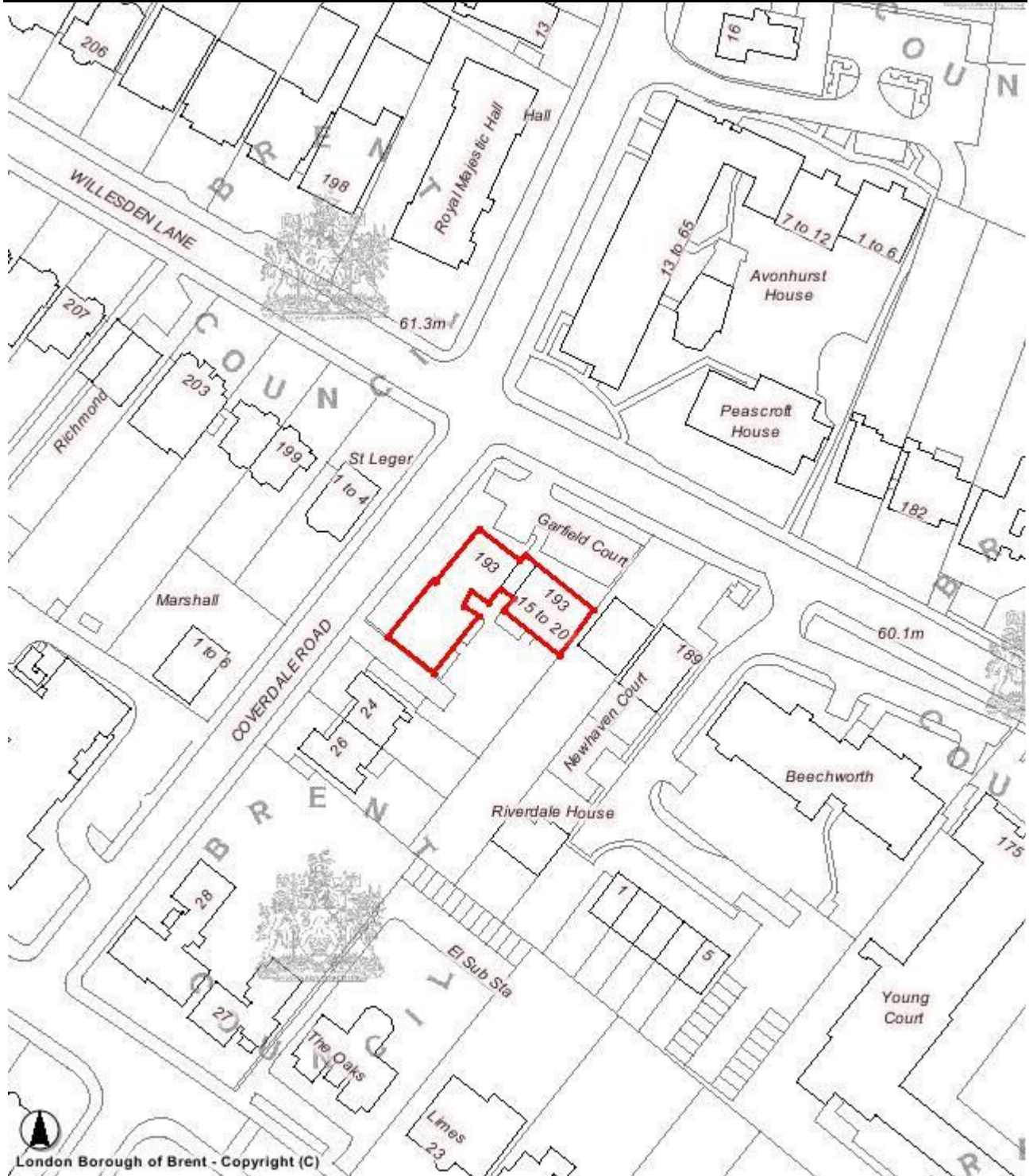
Any person wishing to inspect the above papers should contact Samuel Gerstein, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5368



Planning Committee Map

Site address: 1-20 INC, Garfield Court, Willesden Lane, Kilburn, London, NW6 7SZ

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



This map is indicative only.

Committee Report

Planning Committee on 24 November, 2010

Item No.

12

Case No.

10/2665

RECEIVED: 12 October, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 71,71A,73,73A,75 & 75A, Chevening Road, London, NW6

PROPOSAL: Extension to time limit of planning consent nos. 07/2086 and 07/2090, granted on 14/02/2008 and 17/10/2007 respectively, for demolition of existing building, erection of single-storey and 3-storey building comprising 12 self-contained flats consisting of 6 x one-bedroom flats, 5 x two-bedroom flats and 1 x three-bedroom flats, formation of new pedestrian access, provision of landscaping (private and communal gardens), cycle store and refuse/recycling store (as accompanied by Design & Access Statement, Planning Statement, Sustainability Checklist, Noise & Vibration Report), subject to a Deed of Agreement dated 24/01/2008 under Section 106 of the Town and Country Planning Act 1990 (as amended)

APPLICANT: Crossier Properties Ltd

CONTACT: PAD Consultancy Ltd

PLAN NO'S:

Please 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) 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) A contribution of £57,000 (£3,000 per bedroom), due on Material Start, index-linked from the date of committee for Education, Sustainable Transportation, Air Quality and Open Space & Sports in the local area.
- (c) Sustainability - Prior to commencement submission of a detailed Sustainability Implementation Strategy for approval - demonstrating compliance with the Sustainability checklist, ensuring a minimum of 50% score is achieved, and Code for Sustainable Homes Level 3, in addition to adhering to the ICE Demolition Protocol - with compensation should these not be delivered.
- (d) 20% onsite renewable Energy.
- (e) Car-Free -the residents cannot apply for parking permits.
- (f) Joining and adhering to the Considerate Contractors scheme.

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

EXISTING

The site is situated in the Queens Park Conservation Area on the north side of Chevening Road, opposite the junction with Peploe Road. The site occupies a break in the established pattern of development on this side of Chevening Road. To the east of the site, the properties are semi-detached in format, whilst to the west, they form short terraces, varying from 3 to 4 to 6 in number. The character of the area is typified by 2-storey semi-detached and terraced houses, the majority of which are approximately 100 years old and display a design typical of that era, with contrasting brickwork, decorative bays and gables above and a regularity of scale and layout with, generally, modest gaps between buildings.

The site occupies a gap in this pattern of development as a result of bomb damage. This current use of the site is residential, and it accommodates a 3-storey building constructed in the 1950s, employing a utilitarian form of design, containing 6 flats with associated vehicular access to the side of the building to dilapidated rear parking.

The site is 1246m² (0.13ha) in size and rises from front to rear, where it abuts the Stratford-Richmond London Overground railway line. The rear of the site has a number of trees, which benefit from the protection afforded by the Conservation Area designation.

PROPOSAL

Planning permission was granted in 2008 which is due to expire in February 2011. This application aims to extend the time limit. No changes are proposed to the approved plans or documents.

HISTORY

Conservation Area Consent for demolition of existing building approved on 17 October 2007

Planning permission for demolition of an existing building and erection of a 3-storey building comprising 12 (7 x 1-bedroom and 5 x 2-bedroom) self-contained flats, communal refuse room, car-parking and associated landscaping, was refused on 13 December 2006 by reason of:

- Poor External appearance
- Loss of or damage to trees
- Loss of neighbouring amenity
- Inadequate width of access

Planning Permission for the erection of a side extension to the first and second floor, a roof extension to create a third floor, and a two-storey rear extension, providing 4 new flats refused November 2005 (Reference 05/0268). This application was dismissed at appeal on 13 December 2006 on the grounds of the effect of proposal on the character and appearance of the conservation area, including the effect on trees, and the effects of proposal on living conditions of residents of the property and of neighbours.

POLICY CONSIDERATIONS

London Borough of Brent Adopted Unitary Development Plan 2004

BE1 requires urban design statements to be submitted for all new development proposals on sites of over 0.3 hectares and on sites likely to have significant impact upon the public realm in conservation areas, and/or within the setting of listed buildings.

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: Streetscape which requires a high quality of design and materials for the street environment.

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 Encourages adherence to sustainable design principles in terms of design, construction and pollution control.

BE24 on development in conservation areas discusses the need for new development to preserve or enhance the character and appearance of the area.

BE25 seeks to ensure that alterations and extensions to buildings within conservation areas retain original design and materials, or are sympathetic to the original design in terms of dimensions, texture and appearance.

BE26 discusses demolition in conservation areas and states that a full planning application is required to accompany an application for Conservation Area Consent, showing details of what is to be substituted.

BE27 on open space within conservation areas resists the loss of landscaped areas, trees, hedges and boundary treatments.

EP2 Seeks to prevent proposed uses either harming existing noise and vibration sensitive development or being harmed by noise and vibration from existing development.

TRN23 on parking standards for residential developments requires that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.

PS16 Cycle parking standards

Supplementary Planning Guidance Note 17 - Design Guide for New Development

Provides comprehensive and detailed design guidance for new development and seeks to raise the design quality of buildings, and to protect the character of properties and streets.

Supplementary Planning Guidance Note 19 – Sustainable Design, Construction & Pollution Control

Provides design and planning guidance on complying with Policy BE12 of the adopted UDP which requires developments to embody sustainable design principles. The guidance covers measures to ensure energy and water conservation, selection of sustainable materials, environmentally friendly landscape design, sustainable demolition and construction practices and reduction of pollution in the operation of developments.

National Planning Policy Guidance

Planning Policy Statement 1 – Creating Sustainable Communities

PPS1 sets out the Government's vision for planning and the key policies and principles which should underpin the planning system. These are built around three themes – sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

Planning Policy Statement 3 – Housing

PPS3 establishes the Government's objectives for housing and reinforces the commitment to more sustainable patterns of development. PPS3 sets broad guidelines for the provision of affordable housing, placing emphasis on the importance of high quality design and creating mixed, balanced and integrated communities with wider opportunities for home ownership and improved affordability through an increase in supply of housing. The guidance also requires Local Authorities to deliver sustainable development objectives.

PPS15 supersedes PPG15. PPS15 sets out guidance relating to the protection of the historic environment and the planning system's role in this. Special regard should be taken in protecting the special architectural or historic interest of listed buildings. The guidance also sets out criteria for development within conservation areas.

Planning Policy Guidance Note 24 – Planning & Noise

PPG24 sets out that the planning system should ensure that, wherever practicable, noise-sensitive developments are separated from major sources of noise (such as road, rail and air transport and certain types of industrial development) and that development involving noisy activities should, if possible, be sited away from noise-sensitive land uses. Where it is not possible to achieve such a separation of land uses, local planning authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations.

SUSTAINABILITY ASSESSMENT

Whilst Sustainability and energy sources are considered policy areas that have changed since the application was determined, the original application did include a 'Sustainability Checklist'. An assessment revealed the impact on sustainability in Brent would vary between 'Fairly Positive' to 'Very Positive'. Details of which will be secured by the S106 legal agreement.

CONSULTATION

43 Neighbouring occupiers on Chevening Road, Ward Councillors and Queens Park Residents' Association were consulted on 22 October 2010

The application was also advertised in accordance with Conservation Area legislation by means of 2 site notices on 29 October 2010 and press notice on 28 October 2010

External

2 letters of objection have been received including 1 from Queens Park Residents Association, objecting to the proposal on the following grounds:

- Out of character with the character of the Conservation Area, particularly the front façade and front private gardens.
- Potential for further development to rear of property.
- Extensions contrary to Design Guide.
- Little sign the proposed development will in fact be undertaken
- The Council should seek to retain the existing property.

Internal Transportation

Site is considered appropriate for "car-free" development as a result of its PTAL score of 4 (good) and benefits from a CPZ. The cycle parking is sufficient, but the location of binstores, 18m from the highway, is too far and should be reduced to a maximum of 9m. Conditions requiring the reinstatement of the redundant crossover and extension of existing parking bays along the site frontage should be imposed, in addition to moving the refuse closer to the highway. Contributions, secured by a S106 agreement and provided for in the Standard Charge, should be made towards non-car access, highway safety improvements and/or parking controls in the area.

Landscape

There are a number of high-quality trees to the rear of site, and the scheme proposes to retain them. No objections, subject to a condition requiring a programme of tree-protection works to be approved and implemented prior to commencement. Also, a condition regarding landscaping works should be added.

Thames Water

The developer is to contact Thames Water regarding connections to the public sewer.

Environmental Health

Conditions should include the attenuation of internal transmission of noise to achieve BS8233 and Part E of the Building Regulations. A condition is required for general control over works.

REMARKS

Introduction

This application is for extension of the time limit on the original permissions granted on 14 February 2008 and 17 October 2007 been judged to be acceptable in principle by members. The original committee report and supplementary report can be found as Appendix 1 and 2 respectively. The following is a summary of the issues relating to the approved applications:

You officers did not object in principle to the demolition of the existing building. However the impact of a larger building on the amenity of adjoining occupiers and the character and appearance of the Conservation Area had to be assessed. The accepted design can be viewed in two parts, i.e. 'Framework', which considers the character of the area and 'Detail', which involves appropriate materials and features such as the bay windows.

All approved units had access to either private or communal amenity space. All bar three units are dual aspect and satisfy the space requirements of SPG17. These excluded flats are north west facing with good outlook, therefore the slight shortfall is not considered sufficient reason for refusal.

Loss of amenity to neighbouring properties are mitigated by low roofs and the maintenance of separation between the proposed and existing buildings.

Background

The recession has had a significant impact on the development industry over the past two years.

The ability for developers to raise finance to purchase and construct schemes has been restricted as bank lending has contracted. Demand for new properties has declined in the face of reduced household income and the ability of potential homeowners to secure mortgage finance has been severely limited, although house prices have remained surprisingly resilient.

As a result a number of consented schemes are at risk of not being commenced within three years of the permission being issued. The need for homes remains, however, and it is expected that the construction sector, which makes a significant contribution to the economy, will recover when the recession eases and liquidity returns to the credit markets.

Government response

In 2009 the Government recognised the difficulties facing the industry and introduced legislation to help maintain the delivery of sustainable development in the face of the UK recession. As of October 2009 applicants have been able to apply to their Local Planning Authority (LPA) for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development. This has been introduced in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve.

Procedural matters

The process is referred to as extension for convenience. More formally, a new permission will be granted, with a new reference number, for the development granted permission by the original decision. This new permission will be subject to a new standard timescale condition and all original conditions and S106 obligations will be retained. There is scope to impose additional conditions and obligations if necessary, to overcome minor policy changes.

The Department of Communities and Local Government stresses that, although this is not a 'rubber-stamp' exercise, "development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date"

Brents Approach

Guidance titled 'Greater Flexibility for Planning Permissions: Guidance' has been published by the Government and this document informs how LPAs are to approach these types of applications (Communities and Local Government, 2009). LPAs are instructed to take a "positive and constructive approach" towards those applications which improve the prospect of sustainable development being taken forward quickly. The focus of attention in determining the application should be on those development plan policies and other material considerations (including national or regional policies) "which may have changed significantly since the original grant of permission"

Policy changes since 17 October 2007

Below is a table of the main policy changes to have occurred since planning permission was granted. Not all policy changes affect the scheme and of those that do, not all would make the scheme unacceptable. If any policy is now at odds with the scheme, its significance should be balanced against the guidance from the Government that LPAs take a positive and constructive approach to deciding these applications, which should be given substantial weight.

National policy changes

In terms of national policy statements, none of the changes are considered relevant to this application.

Regional policy changes

Draft London Plan 2009

The Mayor has just concluded (October 2010) consultation on the Draft London Plan. The draft plan includes policy 3.5 relating to the quality and design of housing developments. This states:

"The design of all new dwellings should take account of factors relating to 'arrival at the building

and the 'home as a place of retreat, meet the dwelling space standards set out in Table 3.3, have adequately sized rooms and convenient and efficient room layouts, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives and should be conceived and developed through an effective design process"

As this is a draft policy and has not yet been adopted, limited weight is given when assessing the extension of time limit to this application. However an assessment of the proposed accommodation has been made in relation to the draft dwelling space standards set out in Table 3.3 of the Mayor's draft London Plan. Given that not all the units are all in compliance with Council guidelines for minimum floor areas and the number that are marginally below the GLA draft standards is small, the proposal is considered to be acceptable. It should be noted that the policy is only at draft stage it is not considered to have sufficient weight to warrant refusing permission for the extension of time.

Local policy changes

Brent Core Strategy

The process to replace Brent's Unitary Development Plan (2004) with a Local Development Framework (LDF) had begun prior to the decision to grant planning permission in 2007. The Core Strategy DPD was submitted to the Secretary of State on 30 September 2009. The Core Strategy has now been examined and the Council received the Inspector's report on 16 April 2010. This concludes that the Strategy is sound subject to a number of recommended changes. These are discussed in the sustainability section of this report

Substantial physical changes to the area since 17 October 2007

No changes have occurred along the boundaries of the site and no applications to make changes in the future have been received.

Supplementary Planning Document - s106

The adopted SPD requires 50% affordable housing and 20% on site renewables affordable housing where 10 or more residential units are proposed.

However given the situation on site, the net increase is 6, as such no affordable housing will be sought.

20% on site renewables will be sought as the London Plan does not make any distinction between the net increase of units only that 10 units or more will need to meet the renewable requirement.

Changes to the scheme

No changes to the scheme approved by members at committee in October 2007 are proposed.

Changes to the planning permission

To reflect the changes in policy described above, the following changes are made to the decision notice:

1. Update 'Summary reasons for approval
2. Add condition listing approved plans
3. Remove condition 1 from Planning Permission 07/2086
 - Condition 1 has been phased out of formal decision notices
4. Remove Condition 2 from Planning Permission 07/2090
 - Condition 2 aimed to prevent empty gaps caused by premature demolition. However as this permission includes the grant of permission for a new development, this condition is considered ineffective.

Objections

As discussed in the *Consultation* section, above, most of the objections raised have been addressed in the original committee report and supplementary report (Appendix 1 and 2) and given due weight and consideration by members before planning permission was granted. In the

circumstances set out it would be difficult for points now made to justify the refusal of 'Extension of time'

Conclusion

The Government, when introducing this legislation, expected LPAs to assist the wider economy and the delivery of sustainable development by keeping alive those planning applications which would otherwise lapse during the UK recession. Some policy changes were anticipated in the legislation and although the guidance made it clear that applications to extend planning permissions should not be considered a rubber stamp exercise, it also made clear that LPAs should be positive and constructive in their approach to determining them.

Your officers are of the opinion that there are no planning policy changes which mean permission should not be given to extend the planning permission. In reaching this decision, your officers have attached substantial weight to the Government's guidance on how to approach these applications.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Central Government Guidance - PPG15
Council's Supplementary Planning Guidance No. 17
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
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
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 and documents:

Demolition Drawing
CP21/00 Version 7.4; CP21/01 Version 7.4; CP21/02 Version 7.4; CP21/03 Version 7.4; CP21/04 Version 7.4; CP21/05 Version 7.4; CP21/06 Version 7.4; CP21/07 Version 7.4; CP/08 Version 7.4, CP21/09 Version 7.4: 3D Image

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

- (3) Notwithstanding the details shown on the plans hereby approved, 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. These details shall include:
- (a) proposed windows
 - (b) cills and headers
 - (c) balconies
 - (d) bricks
 - (e) render
 - (f) finishes to the bay windows
 - (g) parapet
 - (h) trellis.

The development shall be carried out in accordance with the approved details.

Reason: To ensure the appearance of the building is of sufficient quality.

- (4) During demolition and construction on site:-

- The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site;
- The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays;
- Vehicular access to adjoining premises shall not be impeded;
- All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only;
- No waste or other material shall be burnt on the application site;
- A barrier shall be constructed around the site, to be erected prior to work commencing.
- A suitable and sufficient means of suppressing dust must be provided and maintained.

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

- (5) Notwithstanding the details hereby approved, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any demolition/construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed, in writing, with the Local Planning Authority. Such a scheme shall include:-

- (a) proposed walls, fences and gates indicating materials and heights, with particular attention to a front boundary treatment suitable for the Queen's Park Conservation Area;
- (b) screen planting along the boundary;
- (c) existing and proposed levels identifying any proposed alteration to ensure the protection of existing trees to be retained;
- (d) details of the front garden to be landscaped for communal use and not subdivided for private amenity;
- (e) areas of hard landscape works and proposed materials, including samples; and

(f) details of the proposed arrangements for the maintenance of the landscape works.

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

- (6) Prior to the commencement of demolition/construction works, the trees to be retained on the site shall be protected by a fencing installed in accordance with a scheme submitted to, and approved in writing by, the Local Planning Authority. The fencing shall be removed only when the development (including pipelines and other underground works) has been completed. The enclosed areas shall at all times be kept clear of excavated soil, materials, contractors' plant and machinery. Such a programme shall include a method statement for the removal of the existing hardstanding within the tree-protection zone. Unless otherwise approved in writing by the Local Planning Authority, the existing soil levels under tree canopies shall not be altered at any time.

Such trees as have been retained, shall not be lopped, topped, felled, pruned, have their roots severed or be uprooted without the prior written consent of the Local Planning Authority. Any such tree which subsequently dies, becomes seriously diseased or has to be removed as a result of carrying out this development, shall be replaced with a tree of a species and size and in such position, as the Local Planning Authority may require, in conjunction with the general landscaping required herein.

Reason: To ensure that the trees are not damaged during the period of construction, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained and kept in good condition.

- (7) Any tree or shrub required to be retained or to be planted as part of a landscape scheme approved either as part of this decision, or arising from a condition imposed as part of this decision, that is found to be dead, dying severely damaged or diseased within five years of the completion of the building, or within two years of completion of the landscape scheme (whichever is the later), shall be replaced by specimens of a similar nature in the next available planting season.

Reason: In the interests of the visual amenity of the area.

- (8) Notwithstanding the plans hereby approved, further details of adequate arrangements for the storage and disposal of refuse and recycling, in accordance with Brent Streetcare's Draft Waste Planning Policy, shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.

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

- (9) Notwithstanding the plans hereby approved, details of adequate arrangements for the secure storage of at least 10 cycles shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.

Reason: In the interests of the amenity of future occupiers.

- (10) Prior to occupation of the development, the redundant crossover shall be reinstated and the existing parking bays shall be extended along the site frontage at the applicant's expense.

Reason: In the interests of highway and pedestrian safety.

(11) All residential premises shall be designed in accordance with BS8233 1999 "Sound Insulation and Noise Reduction for Buildings - Code of Practice" to attain the following internal noise levels:

- Reasonable resting conditions in living rooms, design range LAeq, T 30-40dB (day: T = 16 hours 0700-2300)
- Reasonable sleeping conditions in bedrooms, design range LAeq, T 30-35dB (night: T = 8 hours 2300-0700) LAmax 45dB (night 2300-0700)

In addition, dwellinghouses, flats and rooms for residential purposes shall be designed and constructed in accordance with Approved Document E – Resistance to the Passage of Sound, 1st July 2003.

Reason: To ensure that the amenity of future residents is not diminished by inadequate soundproofing and to mitigate the potential disturbance from external noise sources.

(12) Notwithstanding the plans hereby approved, further details of the means of enclosure and screening of rear balconies shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. These approved details shall be fully implemented prior to occupation of the building.

Reason: To ensure the privacy of neighbours is not compromised and that the visual amenity of the area is not harmed.

(13) Details of the means by which existing trees on the site are to be protected from damage by vehicles, stored or stacked building materials, and building plant or other equipment shall be submitted to and approved in writing by the Local Planning Authority before any demolition work commences on site, and such protection shall be installed, and retained, as approved, throughout the period of the work.

Reason: To ensure that trees which are to be retained as part of the development are not damaged by demolition works, in the interests of the local environment and the visual amenity of the area

(14) Prior to demolition, a Demolition Statement implementing the ICE Protocol method & setting recovery targets should be submitted to, and approved in writing by, the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure sustainable development through resource efficiency, reducing waste going to landfill

INFORMATIVES:

- (1) The applicant is advised to contact Thames Water on 0845 850 2777 for prior approval to discharge to a public sewer to ensure that the surface-water discharge from the site will not be detrimental to the existing sewerage system. Storm flows should be attenuated or regulated prior to entering the public network through on- or off-site storage.

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: 71,71A,73,73A,75 & 75A, Chevening Road, London, NW6

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Officer © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.

Committee Report
Planning Committee on 24 November, 2010

Item No. 13
Case No. 10/1639

RECEIVED: 31 August, 2010

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 95 Chatsworth Road, London, NW2 4BH

PROPOSAL: Erection of a ground and first floor side extension to dwellinghouse

APPLICANT: Mr Shahrestani

CONTACT: Mrs Samii

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The application site is a semi-detached dwelling on the northern side of Chatsworth Road, NW2.

PROPOSAL

See above

HISTORY

84/0512 Granted 3rd July 1984
Erection of single storey side extension and extension to front porch

91/1664 Granted 1st December 1991
Erection of first floor side extension (as revised by plans received on the 28th November 1991)

92/0157 Refused 1st March 1992
Erection of first floor side and rear extension and extension of roof

92/1602 Granted 1st April 1993
Part use of ground floors of both 95 and 101 Chatsworth Road, NW2, for religious/education and prayers (revised by plans amended on 5th February 1993)

09/3384 Granted
Demolition of attached garage and erection of a single and two storey side extension to dwellinghouse
- This application was decided at planning committee on 16th December 2009.

The current application is very similar to this approval, the difference being an increase in the height of the roof of the 2-storey extension of about 0.9m.

Other

A report relating to extensions to the adjoining building at No's 101 & 101A Chatsworth Road can be found elsewhere on this agenda (10/2527). For the avoidance of doubt, there is no Number 97 or 99 in this road.

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

Neighbouring occupiers were consulted on 6th September 2010, 3 objections have been received with the following comments:

- The building/plot would be overdeveloped and lend itself to conversion into 3 flats with multiple occupancy in each.
- The building has and still could be used for large gatherings of people.
- Consequences for parking, water availability, refusal disposal etc. where large numbers of people are located.
- To build between 95 and 101 and make a terrace would make the streetscene disjointed.
- There have been problems with foundations because of the clay ground.
- There should be a pathway between 95 and 101 and no first floor or loft extension.

The proposal seems to be only to vary the height of the pitched roof extension which the Council has already approved - this would add to the overall mass of the building and will be out of character in this area of detached and semi-detached houses.

REMARKS

The proposal is for the demolition of attached garage and erection of a single and two storey side extension to dwellinghouse. As indicated above a very similar proposal was approved at Committee in December 2009 and this resubmission is made because of a relatively small increase in the height of the two-storey element. However, for the information of Members all issues relating to the application are set out below.

Side extension

The existing garage is flush with the front elevation of the dwelling, the proposed single storey part of the side extension would be rebuilt on the same front elevation line and would also have a garage door as its opening to the front. The extension is 2.7m in width between the flank wall of the dwelling and the boundary of the site. A single roof light is proposed in the pitched single storey roof.

SPG5 recommends that the first floor of side extensions be set 2.5m back from the main front elevation of the building. In this instance the property has a two-storey front bay projection of 2.5m in depth, this is not considered to be the main front elevation but this does have a significant impact on the character of the property. The first floor will be set back by approximately 1m from the front elevation with the result that its front roof plane is set back from the front roof plane of the main roof. This set back is necessary to prevent the character of the semi-detached buildings changing to become a row of terraced houses and because of the specific form of the building the 1m set back is sufficient.

The roof of the side extension is approximately 1.4m lower than the ridge of the main roof and is very similar in height to the ridge of the front gable. While the ridge height is higher than previously approved by about 0.8m it remains significantly below that of the original building resulting in a minimal visual impact. The positioning and design of the proposed first floor window matches those existing in the front elevation, the eaves levels align and in terms of the front elevation the extension is designed to be sympathetic to the original building.

In the previous application a large scaled section of the roof and flank wall junction demonstrated that the guttering will be contained within the site boundary. An informative is recommend for this application advising that this is again necessary.

The non-attached neighbouring property (which somewhat confusingly is numbered 101 given that the application property is no. 95), has an extended garage structure at ground floor between its flank wall and the boundary, at first floor there are 3 windows which are all obscure glazed. As such there are no flank wall windows which will be affected in terms of outlook.

To the rear this building and its neighbours have an original staggered building line. The proposed 2 storey side extension projects 1m less than the furthest most rear building line and as such does not project beyond the closest rear elevation of the non-attached neighbour. As such there is no impact on outlook to neighbours at the rear.

At ground floor the extended space is labelled as a games room though this could also still be used as a garage. At first floor a bedroom and a WC are created. In the loft space the extension allows for a small extension to a shower room but also for a lift to run up to this floor.

Existing use and extensions

In the previous application a neighbour referred to the use of the building including the holding of religious prayer meetings as well as being residential. In the planning history between 1992-1995 there was reference to religious education/prayer meetings at the site. The history includes an approved application for the part use of the ground floor, a refused application for the same and an application for a certificate of lawfulness for the same which was withdrawn for unknown reasons. There is no enforcement record relating to the use either at the time of these older applications or currently.

An internal site visit confirmed the layout of rooms at ground floor as shown on the existing floor plan. An email has been received from the agent stating that the above religious use was carried out by the late father of the current resident but has not been continued since 1999. Legal advice received indicates that a use may be considered to be abandoned and therefore not lawful if not undertaken for 10 years, and this considered alongside the email referred to above means that this application should be considered as a proposal for an extension to a domestic property. Anything else would mean that it would fall outside the extent of this application.

The building has fairly considerable extensions currently, at the rear the living room is extended and the kitchen is an extension, the planning history refers to rear extensions in 1984. There is also a large outbuilding used for storage. This is established in its appearance and is likely to be lawful.

The design and scale of the 2-storey side extension is considered to result in a subsidiary extension and its size and set back at first floor complement rather than dominate the house, as such it is not considered that the appearance would be detrimental to the appearance of this semi-detached building. The proposal complies with Policies contained in Brent's UDP 2004 and SPG5: altering and extending your house.

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):

s-09-01	s-09-02	s-09-03
s-09-04	s-09-05	s-09-06
s-10-07 A	s-10-08 C	s-10-09 C
s-10-10 C	s-10-11 D	s-10-12 D

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

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

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

INFORMATIVES:

- (1) The application has been determined upon the premise that the building is and will be in use only as a single family dwellinghouse.
- (2) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

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: 95 Chatsworth Road, London, NW2 4BH

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.

This page is intentionally left blank

Committee Report
Planning Committee on 24 November, 2010

Item No. 14
Case No. 10/1797

RECEIVED: 21 September, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 99B Brondesbury Road, London, NW6 6RY

PROPOSAL: Change of use of ground-floor property (D1 use) to 1 self-contained flat and erection of a single-storey rear extension

APPLICANT: Mr S M Talbot-Williams & J Royston

CONTACT: Mr John Allsopp

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 £6000 due on material start for Education, Sustainable Transportation and Open Space & Sports in the local area.
- 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 application site is 99 Brondesbury Road which is a two-storey and double fronted mid-terrace property on the northern side of Brondesbury Road, NW6.

The subject site consists of 3 rooms at ground floor within the curtilage of no. 99 Brondesbury Road, the lawful use of the space is D1 which is a community use, but it is currently vacant. The rooms cannot be accessed through the front entrance of no. 99 but are linked via a doorway from no. 97, the ground floor of which remains in a D1 use as a psychoanalyst.

Number 99 Brondesbury Road otherwise consists of 5 self contained flats, 1 at ground floor and 2 each at first and second floors where there is a roof extension.

The property is within Kilburn Conservation Area but is not a listed building.

PROPOSAL

See above

HISTORY

821766 Granted

Change of use of 2 ground floor flats to enlarge doctor's surgery (part 95 & 99)

The above granted permission for a similar amount of space in numbers 95 and 99 Brondesbury Road to be joined to the existing surgery at number 97 Brondesbury Road in order for it to expand.

Other

No. 95 Brondesbury Road:

97/2028 Granted

Change of use of part ground floor from doctor's surgery (Use Class D1) to residential (Use Class C3)

This application granted permission for the change of use of the D1 space at number 95 Brondesbury Road back into residential use as a self-contained flat. It is clear from the description that this proposal is very similar to that currently being considered for number 99. The information within 97/2028 states that the doctor's surgery moved in whole to a new premises on Lonsdale Road which was itself granted planning permission in 1994.

POLICY CONSIDERATIONS

Unitary Development Plan 2004

BE2 Townscape; Local Context & Character

BE9 Architectural Quality

H17 Flat Conversions

H18 The Quality of Flat Conversions

H19 Flat Conversions – Access & Parking

CF3 Protection of community of facilities

Supplementary Planning Guidance Note 5: Altering and Extending Your Home
Supplementary Planning Guidance Note 17: Design Guide for New Development
Supplementary Planning Document: S106 Planning Obligations

CONSULTATION

Neighbouring occupiers were consulted on 7th October 2010, a site notice was posted at the site on 20th October and a press notice was published on 7th October. 2 objections have been received raising the issues below:

- Strain on further street parking by increase in occupants.
- Noise increase by further occupants.
- Strain on facilities within communal areas including foot traffic at unsocial hours, recycling and rubbish volume etc.
- Unsightly extension to rear, permanently altering the character of the conservation area and building and encroachment into green space.

The extension will impact on outlook at the back of the building.

REMARKS

The proposal envisages the change of use of the ground-floor D1 floor space to a self-contained flat and the erection of a single-storey rear extension

Use

Policy CF3 states that exceptionally a reduction in the size of a community facility may be permitted where the facility is too large for modern needs and the development is essential to secure community use on the remainder of the site. If the full history of the D1 use is considered, involving the original doctor's surgery moving to new purpose built premises while the Brondesbury Road unit was partially taken over by another D1 use, this overall resulted in a gain in the quantity of D1 floor space.

The rooms within number 95 Brondesbury Road were granted permission in 1998 for conversion to a self-contained flat as they were surplus to requirements, the surgery having vacated the premises.

The applicant has provided information about the property and its history, indicating that the space was impractical and did not meet DDA (Disability and Discrimination Act) standards. The current occupants have also found the space too large for their practice, therefore they intend to continue in the ground floor of number 97 only.

Given the history of the site and practicality of its use as D1 it is considered, on balance, that the proposal does not represent a significant or unacceptable loss of D1 floor space. The unit is larger than necessary for the current occupiers and the conversion of the space to residential results in number 99 building being in residential use only.

Access to the unit will be provided through the main front entrance of number 99, currently shared by the other 5 flats within the building. The applicant has advised that due to the expiry of the lease enabling the linkage between number 97 and 99 the access between the properties no longer has permission, while this is not necessarily an issue relevant to the determination of this application, access to number 99 is now only from an alley way to the rear. It would not be appropriate to have any other use sharing the residential entrance.

Quality of accommodation

The floor space, including the rear extension, is 88m². The original room sizes within the building are large and therefore while the area is large enough for a 3-bed flat the layout lends itself to a generous 2-bed flat with an open plan kitchen/living room.

It is not known for certain if the layout of uses at first floor flat stacks well with the proposed layout at ground floor, however as a change of use the conversion will have to comply with Part E of Building Regulations which should provide a reasonable level of noise insulation.

The flat has access to the large rear garden and should provide a good standard of amenity in general.

Other

The property has a large and extensively soft landscaped front garden. The introduction of a 2-bed flat will increase the capacity requirement for refuse and recycling storage but it is expected that this can be accommodated within the existing designated areas.

As a large ground floor unit it is not considered that a cycle store is required as there is ample space for a bike either inside or in the garden storage space.

In order to mitigate the impact of the increased number of residents in areas such as open space, education and sports a standard contribution of £6000 is sought (£3000 per new bedroom). The applicant has been advised of this and an agreement will be undertaken either as a s106 legal agreement or as a Unilateral Undertaking.

Transportation

In terms of parking, for the proposed 2-bed unit the lowest parking standard of 0.7 spaces can be

applied being in an area with good access to public transport. D1 uses attract a parking standard of 1 space per 5 staff plus 20% visitor parking, while it is apparent that the existing occupants have been under using this part of their premises if a new D1 use was to occupy the part within number 99 there could be a significant increase in demand for parking.

The road is identified as being "Heavily Parked" in Brent's UDP and there is a scarcity of on-street parking in the locality. It is however the case that the unit exceeds 75sqm, which means that it is in accordance with Policy H19 of Brent's UDP which states that where on street parking is problematic "the number of units permitted in the resultant scheme will be limited to a maximum of one unit per 75m of the original floor area".

Based on Policy H19 and the potential impact of the intensive use of the subject space as a separate D1 use, the proposal is considered to be acceptable.

Extension

A single storey rear extension is proposed from the furthest rear elevation of the building. There is no specific design guide for this area but SPG5 is applicable and the proposed depth of 2.5m and height of 3m is generally considered to be acceptable in terms of any impact on residential neighbours.

The outrigger is quite wide at almost 6m and the extension is proposed with a set in of 0.45m from either side, this would have a positive impact in limiting any impact on outlook to neighbours but also results in a more subsidiary appearance.

To the rear elevation metal sliding glazed doors are proposed to open onto the garden, one is also proposed to either side elevation, these will be obscure glazed, and the rest of the side elevation is proposed as brick to match the existing building. While there is no objection to the appearance of the roof of the extension in plan form insufficient details of its proposed material have been provided to ensure this will result in a good quality appearance when constructed, as such further details are sought by condition.

The garden is generous in size and would remain so with the extension in place.

Although objectors have made reference to the detrimental impact that the extension would have on both character of the conservation area and also on outlook from neighbouring properties officers consider for the reasons set out above that the proposal complies with policies contained in Brent's UDP 2004, as well as SPG17 and approval is recommended.

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):

D-01-08 A
D-01-09 A
D-01-10 A
D-01-11
D-05-01 A
D-05-02 A
D-05-03 A
D-05-04

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

- (3) The glazing to either side elevation of the extension shall be obscure glazed.

Reason: In the interest of neighbouring amenity.

- (4) Details of the material proposed for the roof of the extension 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

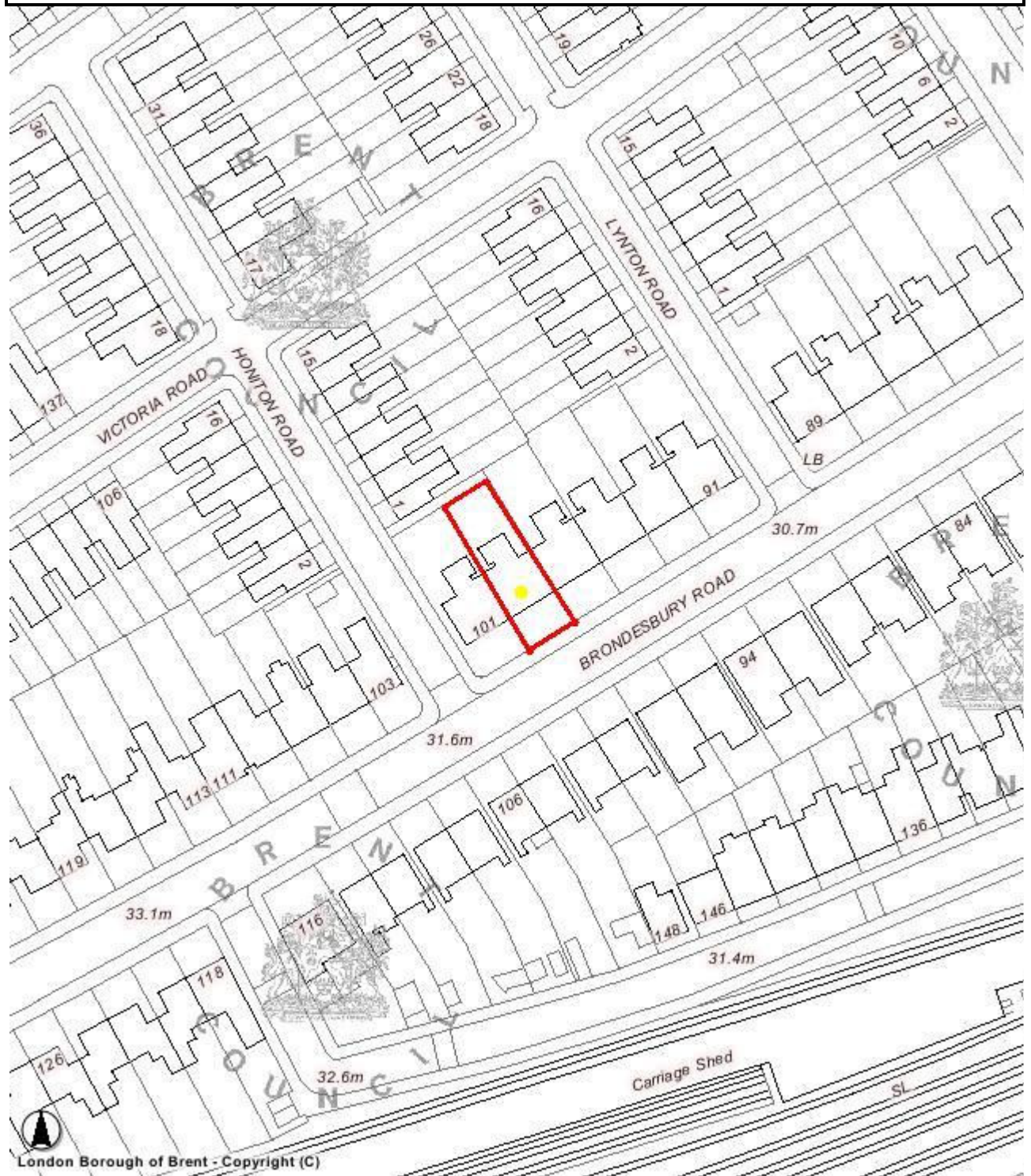
Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



Planning Committee Map

Site address: 99B Brondesbury Road, London, NW6 6RY

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.

Committee Report
Planning Committee on 24 November, 2010

Item No. 15
Case No. 10/2527

RECEIVED: 23 September, 2010

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 101A & 101B Chatsworth Road, London, NW2 4BH

PROPOSAL: Demolition of an attached garage and erection of proposed two-storey side and single storey rear extension to the ground-floor and first-floor flats

APPLICANT: Goodies Properties Ltd

CONTACT: Exactness Design

PLAN NO'S:
Please See condition 2

RECOMMENDATION

Grant Consent

EXISTING

The subject site is a two storey semi detached building located on Chatsworth Road. The surrounding uses are predominantly residential with similar type dwellings. The property is not within a Conservation Area, nor is it a listed building but is within an Area of Distinctive Residential Character.

PROPOSAL

See Above

HISTORY

Of particular relevance to this application is the Enforcement Appeal (Ref No: E/04/0029) of 2004 for the material change of use into seven self contained flats. This appeal succeeded in part and the enforcement notice was upheld as varied in the Inspectors formal decision notice. In particular a first floor flat was found to be older than 4 years and therefore immune to enforcement action. This resulted in the lawful use being two flats.

Full Planning Permission (Ref No: 04/3610) for the conversion into 3 self contained flats was refused in 2005 for the following two reasons.

The proposed development results in the over intensification of the site by reason of the increased activity and comings and goings of occupants which would be detrimental to the character and amenity of the area, contrary to Policies H12 and H18 of the Brent Unitary Development Plan 2004.

The proposed development fails to provide safe and convenient access to the frontage and fails to make satisfactory on-site car-parking provision that would comply with the Council's adopted

standards and as such, would prejudice conditions of general safety and the free flow of traffic on the adjoining highway, contrary to Policies H18, H19 and TRN23 of the Brent Unitary Development Plan 2004.

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 – Townscape: Local Context & Character

BE9 – Architectural Quality

SPG

SPG 5 – Altering and extending your home

CONSULTATION

31 Neighbouring properties were consulted on the 7 October 2010. To date the Local Authority has received 9 objection. The principle objections are outlined below:

- The proposed extension is not sympathetically designed
- The loft has been unlawfully converted
- The proposed development constitutes a 'change of use'
- The existing floor plans are incorrect
- Inadequate soft landscaping
- No allocated space for refuse and recycling
- First floor family unit will not have access to the garden
- Front garden has inadequate space for two cars
- The repositioning of the staircase could cause structural instability to neighbouring properties
- The extension will allow the property to be converted into a house of multiple occupancy
- The conversion will result in a substandard form of accommodation
- Some parts of the property will experience poor levels of daylight
- The property will not be appropriately accessed
- The upper floor kitchen and reception are too small
- The conversion is out of character with the area.
- The upper floor flat will be converted into a family unit of sub-standard size
- The development appears to be an over development of the property

REMARKS

Context

The property was built as a single family dwellinghouse. In December 2003, the property was unlawfully converted into 7 self contained flats. The Council served an Enforcement Notice on 30 January 2004. This notice was partially allowed at appeal. For the avoidance of doubt, the Inspector found the lawful use to be two flats. The single storey side and rear extensions insitu appear to be older than 4 years and therefore immune to enforcement action.

A site visit confirmed the layout of rooms as shown on the existing floor plans (Some rooms have work tops but these are not considered to be kitchens as they do not contain kitchen equipment eg hobs). The existing internal arrangement is not considered to be practical. The entrance to both flats are located far into the existing structure causing the front room to be unusable by either flat. Further as a part of unauthorised works carried out in the past, a number of the bedrooms appear to have the potential to be self contained.

The proposal aims to internally reconfigure the existing flats, so all parts of the existing structure are useable. At ground floor the extended space will be used as a bedroom, dining room and an extension to the existing kitchen. At first floor a bedroom and an extension to the kitchen will be created. In the loft space the extension provides additional space to the existing bedroom

For the avoidance of doubt, the proposed internal alterations do not constitute a change of use as the property will remain as two self contained flats. The only matters therefore requiring consideration are those relating to extensions.

Extensions

Whilst the Council does not object in principle to the extension of any building, there remains a need to ensure that the extension is appropriate and that would not result in a significant adverse impact on the amenities of any neighbouring property. Similarly the Local Authority require proposals to be designed with regard to their local context, making a positive contribution to the character of the area. This is specified in Policy BE9 and BE2 of Brent's UDP 2004. SPG5 recommends that the first floor of side extensions be set 2.5m back from the main front elevation of the building and requires the ground floor element to be flush with the main front wall.

In this instance the property has a two storey front bay projection of 5m in depth, with the front entrance door set back from this projection. The proposed single storey element of the side extension would be rebuilt in line with the two storey bay feature and would also have a window as its opening to the front. The proposed side extension will be 2.7m in width between the flank wall of the building and the common boundary. A single roof light is proposed in the pitched single storey roof. Officers do not object with the single storey side element of the extension.

The first floor will be set back by approximately 1m from the main front elevation with the proposed roof 1.5m lower than the ridge of the original roof. The proposed low, set back roof is similar in height and design to the ridge of the front gable. Owing to the depth of the bay and the proposed set back low roof which prevents any threat of a terracing affect and results in a subservient feature to the original property, on balance officers find the proposed extension to be appropriate to the context of the area.

The non-attached neighbouring property (which somewhat confusingly is numbered 95 given that the application property is no. 101), has a garage structure at ground floor between its flank wall and the boundary, at first floor there are 4 windows which serve a landing, bathroom and W/C, with the second floor having one window to the landing. As such there are no flank wall windows which will be affected in terms of outlook.

SPG 5 requires single storey rear extensions to semi detached properties to be a maximum 3m deep and 3m high. The proposed single storey extension is approximately 3.5m deep and 3m high so to replicate the existing lean to structure. Neighbouring property No 95 has a number of similar extensions insitu. These extensions do not benefit from express planning permission but are older than 4 years and therefore immune from enforcement action. Owing to its location, the proposed single extension will not be visible from the street or neighbouring properties. Whilst this is larger than usually permitted, on balance officers are not of the view that the extension will cause detrimental harm to neighbouring properties or the character of the area, particularly as No 95 has larger extensions. Details of materials have not been provided therefore these will be secured by condition

The building has a single storey side and rear extension insitu. These structures do not benefit from planning permission, but are considered to be older than four years and are therefore immune from enforcement action. In addition, the loftspace has been converted to habitable space but Members will be aware internal works of this kind do not, in themselves, require planning permission. A number of comments have been made about the extent of additions to this building and, indeed, Officers do acknowledge that the alterations and extensions result in two self-contained flats that are unusually large, in terms of the total amount of floorspace that they provide. In these circumstances, the concerns about an unacceptable over-intensification are understood, but the fact remains that this application clearly indicates that it proposes extensions to (lawful) flats and it needs to be considered on this basis. For the avoidance of doubt, it is unlikely that the Council will grant permission for any future scheme that does result in a further intensification in the use of the site, certainly in terms of an increase in unit numbers.

Response to objections

Whilst officers understand concerns relating to the quality of accommodation, including access to the rear garden and treatment of the forecourt, unfortunately these can not be considered in the life of this application as the proposal does not seek permission for a change of use but rather for extensions only (As detailed above)

The requirements for structural safety and the conversion of loft space are not covered by the Town and Country Planning Act and therefore can not form a reason for refusal. However the development will be required to provide such facilities under Building Regulations. The applicant will be reminded of his responsibilities by way of an informative

Owing to the site history including unlawful development that were considered to cause harm to neighbouring amenity, as expressed in the strength of objection, your officers suggest an informative stating that this consent is only granted on the basis that the building is in use as 2 flats any further intensification of the property would require planning permission

All other matters have been addressed in the body of the application

Conclusion

The design and scale of the 2-storey side and single storey rear extension is considered to be a subsidiary extension and its size and set back at first floor complements the house, as such it is not considered that the appearance would be detrimental to the appearance of this semi-detached building. The proposal complies with Policies contained in Brent's UDP 2004 and SPG5: altering and extending your house.

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

7-10-001
7-10-002

7-10-003
7-10-004
7-10-005 REV E
7-10-006 REV E
7-10-007 REV E
7-10-008 REV E

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

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

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

INFORMATIVES:

- (1) The applicant is advised any further intensification (Including the increase in bedrooms) of the property will require planning permission which is unlikely to be granted

Reason: To safe guard the amenity of future occupiers and neighbouring properties

- (2) The applicant is advised to contact Brent Building Control regarding structural safety of all alterations and the loft conversion on 020 8937 5499.

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: 101A & 101B Chatsworth Road, London, NW2 4BH

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



This map is indicative only.

Committee Report
Planning Committee on 24 November, 2010

Item No. 16
Case No. 10/2445

RECEIVED: 16 September, 2010

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 17 Heathfield Park, London, NW2 5JE

PROPOSAL: External alterations including replacement of cast iron central window and 2 feature windows to front elevation, bricking up of 6 windows to western elevation, rendering of building and installation of ramp to front access.

APPLICANT: The incorporated trustees of the uckg heritage

CONTACT: UCKO Helpcentre

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The application site consists of part of the Locally Listed building, called the Willesden Green United Synagogue in Brent's UDP 2004. The building runs between Heathfield Park and Brondesbury Park, the part of the building fronting Brondesbury Park remains in use as a Synagogue while the part fronting Heathfield Park is used by UCKG (Universal Church of the Kingdom of God) and is the subject of this application.

The application site is within Willesden Green Conservation Area.

PROPOSAL

See above

HISTORY

There is no relevant planning history

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

BE9 Architectural quality
BE24 Locally Listed Buildings
BE25 Development in Conservation Areas
BE26 Alterations and Extensions to Properties in Conservation Areas

Supplementary Planning Guidance 17: Design Guide for New Development

CONSULTATION

Neighbouring occupiers were consulted on 4th October, a site notice was put up at the site on 20th October and a press notice was published on 14th October. 2 objections have been received, one made no comments the other made the following points:

- Work has been proceeding for 3 days without planning permission.
- Object to the removal of the heritage wrought iron synagogue windows.

There is no evidence that it is intended to replace the windows, so neighbours would be presented with a blank featureless wall.

REMARKS

The original building had a fairly simple elevation fronting Heathfield Park with entrance doors and a canopy, one large central and decorative window at first floor and a couple of much smaller windows to either side. The elevation had a brick course pattern running horizontally across the elevation and was painted red.

Front elevation

The original proposal involved replacing the large central window with a 'feature window' and another slightly smaller 'feature window' to either side. Clarification was sought from the agent as to what exactly it was envisaged that 'feature windows' would involve. It was explained that these are simply frames on the wall with no actual window. The loss of the large central window was not considered to be acceptable and a revised plan has been received which proposes reinstating a cast iron window of the same size. A large scaled plan of this window is sought by condition to ensure that the detail is acceptable.

The introduction of a 'feature window' to either side of this is not objected to, as without them there would otherwise be a large expanse of blank wall.

The appearance of the front elevation has been changed quite considerably with the application of 'sand texture render' over the red paint. Feature stone work has course pattern across the elevation has been lost below the render.

The character of the residential environment of Heathfield Park is largely characterised by red brick and decorative tiles, while the building is positioned between 2 residential properties it is set back from the public highway by over 10m. The brick and red colour of the front elevation before these works took place paid some respect to the surrounding character but it has clearly always been an individual building in its own right rather than blending in with the character of the residential properties. The changes to it are not considered to be so unacceptable so as to justify refusing consent on design or appearance grounds.

Side elevation

On the western elevation the proposal involves the removal of 6 windows (3 at ground floor and 3 at first floor), this part of the elevation will be treated with render and feature stonework to match the front elevation. This part of the building is not visible from the public highway and is directly adjacent to the neighbouring residential property. There is no objection to the removal of these windows. On the next part of this elevation along there are much more detailed windows which are not to be altered.

Access ramp

A wheelchair ramp is proposed to the eastern side of the front elevation as the doors are accessed by steps. There is no objection to this, it is clearly necessary to make the building fully accessible. The elevational detail provided demonstrates a simple ramp which is acceptable in appearance but there is no detail of materials so further information is sought by condition. A floor plan to accurately correspond with the elevation plan is also required to demonstrate how the disabled ramp actually leads to the entrance of the building and how far it projects from the front elevation.

Following the revision involving the proposal to reinstate the central window, and subject to the submission of further details required by condition, the application is considered to be acceptable and in compliance with policies contained in Brent's UDP 2004 as such 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
Central Government 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.

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.01 REVISED
TP.01 A REVISED
TP.02 REVISED

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

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

- (a) proposed floor plan and materials of wheelchair ramp
- (b) elevational and cross-sectional drawings of the cast iron window
- (c) drawings of finished detail of feature windows to front elevation

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

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

INFORMATIVES:

- (1) Prior consent is required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection of any signage to the canopy.

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: 17 Heathfield Park, London, NW2 5JE

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.

This page is intentionally left blank

Committee Report
Planning Committee on 24 November, 2010

Item No. 17
Case No. 10/2267

RECEIVED: 31 August, 2010

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 75 St Augustines Avenue, Wembley, HA9 7NU

PROPOSAL: Erection of a single-storey side and rear extension to dwellinghouse

APPLICANT: Mr Bharat Patel

CONTACT:

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval, subject to conditions

EXISTING

The subject site contains a semi-detached, two storey dwellinghouse situated on the western side of St Augustine's Avenue. The property is not situated in a conservation area nor is it a listed building. Surrounding uses are predominantly residential.

PROPOSAL

Erection of a single-storey side and rear extension to dwellinghouse

HISTORY

09/2373 - Demolition of single storey side extension and first floor rear extension and erection of a new single and two storey side extension and first floor rear extension, and proposed rear dormer extension and hip-to-gable roof extension to dwellinghouse.

Refused - 08/01/2010

09/2370 - Certificate of lawfulness for proposed hip to gable end roof extension, installation of a rear dormer window and two front rooflights to dwellinghouse

Certificate refused - 12/01/2010

10/2326 - Certificate of lawfulness for proposed hip-to-gable roof extension, rear dormer window and 2 front rooflights to single family dwellinghouse (Use Class C3)

Certificate granted - 19/10/2010

C3616 286 - Alterations and Extensions to conservatory

Certificate granted - 17/02/1971

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 – Townscape: Local Context & Character

BE7 – Public Realm: Street scene

BE9 – Architectural Quality

TRN23 - Parking Standards - Residential Development

SPG

SPG 5 – Altering and extending your home

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Standard three week consultation period carried out between 22 September 2010 and 13 October 2010 in which 5 properties were notified. Three objections have been received regarding the application although one is from a solicitor on behalf of the owner of number 77 St Augustine's Avenue who has also objected to the scheme. The following concerns are raised:

- Loss of privacy to neighbouring properties
- Extension will restrict the use of the garage at 77 St Augustine's Avenue
- The proposed structure will restrict the flow of light to neighbouring homes
- The proposed structure will be imposing and dominating and represents an overdevelopment of the site
- Trees and shrubs will need to be lost/pruned as part of the proposal
- The location map is inaccurate of the current site (*Officer's Note: The applicant has verified that the location map provided identifies the correct property*)
- Existing garage is shown as a study however original site plans and council records do not reflect this (*Officer Note: The conversion of the garage is likely to have been undertaken using permitted development rights*)

REMARKS

The main considerations relating to the proposal are:

- The impact on neighbouring residential amenity
- The scale and design of the proposal and the impact on the street scene
- Transportation implications and the impact on existing parking provision for the site

Impact on neighbouring residential amenity

The original application proposed a part-single, part-two storey side and rear extension to the dwellinghouse. However the layout of the neighbouring property at 77 St Augustine's Avenue has two original windows to a breakfast room in the side wall facing the proposed extension. As these are the sole windows to a habitable room your officers requested a significant reduction in the scale of the first floor extension in order to preserve light and outlook for the occupants of this property. Following discussions with the applicant the first floor element has been removed from the proposal. As an alternative is understood that the applicant is intending to implement an earlier lawful development certificate for a hip to gable and rear dormer extension (Ref: 10/2326). This is considered preferable to the proposed two storey extension as its has far less impact on neighbouring amenity.

The proposal is now therefore single storey only. The extension is proposed to the rear of the existing side extension (no longer used as a garage although the garage door is retained) and extends to match the projection of the existing outrigger which is an original feature.

The only neighbour to potentially be affected by the proposal is therefore number 77. It should be noted that as the proposal is now single storey only and just extends to the side of the original dwellinghouse, the proposal could constitute permitted development subject to compliance with all the conditions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 as amended in 2008. Your officers consider these conditions to be met as the extension does not exceed a height of 3m and is not more than half the width of the original dwellinghouse. Accordingly, your officers consider the extension to have an acceptable relationship with number 77 St Augustine's Avenue avoiding any unduly detrimental impact to the amenities currently enjoyed by this neighbour in terms of light and outlook. As such the amended proposal is considered to have addressed objectors concerns regarding loss of light and privacy and is therefore in accordance with policy BE9 of Brent's Unitary Development Plan 2004.

Scale and Design of the Proposal

The scale of the proposed extension is considered to respect the character of the original dwellinghouse and, being single storey only, is not considered imposing or an overdevelopment of the site. It is noted that the side extension proposed would reach a greater height than the existing side extension which it adjoins and would therefore create a slightly awkward appearance however given the setback from the front elevation, this is not considered to be significantly prominent or harmful in a way which would warrant a refusal of the scheme.

It should also be noted that as the proposal will formalise the loss of the property's garage by replacing the existing garage door with a window. As a result improvements to the existing frontage through the reintroduction of soft landscaping have been secured which will significantly improve the setting of the dwellinghouse. This will positively contribute to the street scene outweighing the slightly awkward appearance resulting from the height of the new extension. As such, the proposal is considered to be in accordance with policies BE2, BE7 and BE9 of Brent's Unitary Development Plan adopted in 2004.

Transportation Implications

This application formalises the loss of a garage which will reduce the amount of off-street parking for the property to one space. The property is a 3 bedroom dwelling which would attract a maximum parking standard of 1.6 spaces. As such the off-street parking provision is considered suitable for the size of dwellinghouse. Although it is noted that a certificate of lawfulness has been granted for a loft conversion which will provide additional bedrooms, additional parking can be easily accommodated on street given the width of the plot and as such, the loss of the garage is not considered to raise any significant planning issues.

Other issues

Objectors have also raised concerns regarding the impact of the proposal on use of the garage belonging to number 77 which adjoins the former garage at number 75. The application does not propose to alter the existing side extension other than to replace the existing garage door with a window. Accordingly your officers do not consider that the proposal will have any significant impact on the neighbouring garage and its existing access.

Summary

With reference to council policies, the amended scheme is not considered to unduly harm the amenities of neighbouring properties or the character of the area and is considered to comply with policies BE2, BE7, BE9 and TRN23 of Brent's Unitary Development Plan adopted in 2004 and associated Supplementary Planning Guidance Note 5 "*Altering and Extending your Home*". Accordingly it is recommended that planning permission be **granted, subject to conditions**.

REASONS FOR CONDITIONS

n/a

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

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):

gpp/02323

dt/0923a

ep/0915

Location Plan

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

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

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

- (4) The area(s) 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.

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 access shall be provided to the roof of the extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan 2004
SPG5 *"Altering and Extending your Home"*

Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



Planning Committee Map


Site address: 75 St Augustines Avenue, Wembley, HA9 7NU

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.

	<p style="text-align: center;">Planning Committee 24th November, 2010</p> <p style="text-align: center;">Report from the Assistant Director, Planning and Development</p>
<p>Wards Affected: Toykngton</p>	
<p>Certificate of Appropriate Alternative Development Applications for Land adjacent to South Way. Reference Numbers: 10/1368, 10/1369 & 10/1454</p>	

Introduction

This report deals with three applications submitted on behalf of Network Rail and RE International (UK) Ltd for Certificates of Appropriate Alternative Development in relation to land they once owned adjacent to South Way. This land was compulsorily purchased by the London Development Agency five years ago in order to facilitate the construction of the White Horse Bridge and the South Way marshalling area.

Landowners can, when their land is being compulsorily purchased for development, apply for compensation. They can apply for compensation equal to the value of their land had they been able to sell it on the open market.

To help with the valuation process the landowner can under section 17 of the 1961 Land Compensation Act apply to the Local Planning Authority for a Certificate of Appropriate Alternative Development (CAAD). This certificate states what, in the LPA's opinion, would have been granted planning permission if the land was not being compulsorily acquired. Either the acquiring authority or the landowner can appeal to the Secretary of State for the Department of Communities and Local Government if they are unhappy with the certificate (or the LPA fail to issue one within the deadline).

CAAD applications are akin to outline planning applications, they seek to gain approval for a mix and quantum of use. They can include a number of options or development scenarios. In determining the applications the Council can not simply reject the proposals put forward. If it considers the options put forward to be an inappropriate form of development the Council must issue a decision setting out an alternative form of development that it does consider appropriate.

While the proposed schemes submitted with the CAAD applications are not planning applications and will never be built, the Council's decisions will set a quantum and mix of development that the Council might consider appropriate on the undeveloped parts of the site and so will have a relevance beyond merely determining the level of compensation to be paid by the LDA to the two landowners.

Recommendation

Agree with the officer's conclusion that the submitted Certificates of Appropriate Alternative Development would not have been granted planning permission and agree the alternative form of certificate recommended by officers.

The Site

The application site has an area of 2.23 hectares and includes all the land between the Chiltern Railway Line, Wembley Hill Road and South Way. Approximately 0.41 hectares of this site is now taken up by part of the White Horse Bridge the new access route to Wembley Stadium Station from Wembley Hill Road and the marshalling area. The rest of the site remains undeveloped. Prior to acquisition the site was largely overgrown except for a narrow pedestrian match day route from the Station to South Way and the old station ticket hall and car-park in the north western corner of site.

For the benefit of these CAAD applications the site has been divided into three plots:

- Plot 1 – The bulk of the site occupying an area of approximately 1.69 hectares formerly owned by RE International (UK) Ltd.
- Plot 2 – An area of approximately 0.43 hectares formerly owned by Network Rail and located at the western end of the site.
- Plot 4 – An area of approximately 0.11 hectares also formerly owned by Network Rail and located at the eastern end of the site (location of the old station ticket hall).

Rather confusingly there is no Plot 3.

The Proposal

The applicants have put forward two options for the development of the land in question and have submitted three parallel applications, one for each of the three plots described above. The two development options are described by the applicant as the 'Perpendicular Scheme' and the 'Parallel Scheme'.

Perpendicular Scheme: In this scenario, the three plots would have been brought forward at the same as part of a single development. It proposes a linear arrangement of parallel blocks rising from around 8 to 24 storeys with the taller buildings to the western end of the site. The total gross floor space proposed in this scenario is 94,949 m², all but 220 m² of which is residential which equates to 1016 units. A level of basement parking and three levels of podium parking are proposed facing the railway line.

Parallel Scheme: In this scenario, the three plots would be brought forward separately, but as part of a comprehensive masterplan covering all three plots. This scenario proposes a linear arrangement as a single block fronting South Way rising from around 9 - 15 storeys with a separate twenty storey tower at the west end of the site. A third block is located to the south parallel to the railway tracks. The total gross floor space proposed in this scenario is 95,135 m², all but 679 m² of which is residential which equates to 1089 units. Two to three storeys of basement parking are proposed.

Relevant Policies

The relevant date for assessing when planning permission would have been granted is 25th February 2004, the date when the notice confirming an intention to compulsorily purchase the land was published. The Certificates have to be considered against the relevant policies that were in force at that time. Any changes to policy whether local or national have to be disregarded.

Disregarding the acquisition and the underlying scheme (the "no scheme world"):

Section 17(4) of the 1961 Act requires the decision maker to certify the alternative development (if any) for which planning permission would have been granted "in respect of the land in question, if it were not proposed to be acquired by an authority possessing compulsory purchase powers". For this reason, the purpose for which land is being acquired must always be disregarded, as must any other purpose involving public acquisition. It is not sufficient to ignore the fact of acquisition-the underlying public purpose of the scheme must also be disregarded.

Section 17(7) of the 1961 Act provides that a certificate may not be refused for a particular class of development solely on the grounds that it would be contrary to the relevant development plan. The purpose of this provision is to avoid the whole purpose of the certificate system being defeated, where

Meeting
Date

Version no.
Date

land is allocated in the development plan for the use for which it is being acquired. It follows that the decision maker must ignore development plan policies with no function beyond the acquisition scheme- for example, policies that earmark land for a road or school. But they may take account of broader policies- for example, Green Belts and countryside protection policies- if the classes of alternative development suggested by the applicant or appellant would have been objectionable in the "no scheme world".

Brent Unitary Development Plan 2004

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies are considered to be the most pertinent to the application.

- STR10 Seeks the investment and improvements towards public transport facilities, and links with national and international connections for the proposed National Stadium and associated developments.
- STR 11 Seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.
- STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment.
- STR15 Major development should enhance the public realm, by creating or contributing to attractive and successful outdoor areas,
- BE1 Requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.
- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area or have an unacceptable visual impact on Conservation Areas.
- BE3 Proposals should have regard to the existing urban grain, development patterns and density in the layout of the development sites, and should be designed to ensure that spaces are satisfactorily enclosed by the built form; its layout is defined by pedestrian circulation; emphasis is placed upon prominent corner sites, entrance points etc; it respects the form of the street of which it is part by building to established frontages unless there is a clear urban design justification; connections are established where appropriate to open space.
- BE4 Access for disabled people.
- BE5 Development shall be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 High standards of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE8 Seeks sensitively designed proposals which create and improve lighting where it contributes to the overall spectacle and image of major areas such as Wembley.
- BE9 Creative and high-quality design solutions 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.

- BE10 Seeks to ensure that tall buildings (over 25m) are appropriately located. Preferred locations include the Wembley Regeneration Area and should be of outstanding architectural quality, be carefully related to their surroundings and avoid marring the skyline.
- BE11 Encourages proposals for intensive and mixed use developments in town centre locations and transport interchanges.
- BE12 Expects proposals to embody sustainable design principles, commensurate with the scale and type of development, including taking account of sustainable design, sustainable construction and pollution control criteria, etc. Regard will be had to the SPG in assessing the sustainability of schemes.
- BE13 Seeks particular regard to be given to the design and attractiveness of all development proposals in Areas of Low Townscape or Public Realm Quality (See Map BE1).
- BE15 Seeks particular regard to be given to the design and attractiveness of all development proposals in the vicinity of and visible from Transport Corridors and Gateways. A number of road and rail corridors (See Map BE2) including Harrow Road and the Chiltern Line (between Sudbury and Willesden Green Stations, are priorities for enhancement during the Plan period, and where opportunities arise, attractive views and important local landmarks should be opened up from these corridors.
- H1 Seeks the provision of affordable housing on residential sites capable of providing 15 or more units, or 0.3ha or more in size.
- H2 Seeks a proportion of 30%-50% affordable housing of sites above the threshold.
- H8 Requires a mix of family and non-family units on sites capable of accommodating 10 units or more, having regard to local circumstances and site characteristics.
- H12 Seeks to ensure that all residential development has a high quality layout, has an appropriate level of car parking and features housing facing onto streets.
- H14 The density of development is design-led, where higher density developments are more appropriate in areas where there is very good public transport accessibility. Surrounding densities should be at least matched unless this would harm residential amenity.
- TRN1 Developments having a potentially significant impact on the transport network should submit a Transport Assessment.
- TRN2 Ensures that development should benefit and not harm the operation of public transport network, and should be located where the public transport accessibility is sufficient to service the scale and intensity of the use.
- TRN4 Where transport impact is unacceptable, measures will be considered, which could acceptably mitigate this and enable the development to go ahead – and where necessary secured at the developers expense public transport improvements and other transport measures.
- TRN6 Intensive development is supported on appropriate sites at/adjoining transport interchanges (e.g. Wembley Stadium Station)

TRN8	Relates to the design considerations of new and upgraded rail stations. Where practical, they should have a visual impact which is a community focal point and landmark, interchange with other facilities, disabled access facilities, adequate secure cycle parking facilities and good lighting and community
TRN25	Relates to parking in town centres
SH3A	In the Major Town Centres and District Centres proposals for retailing and other key town centre uses which attract a lot of people will be determined in accordance with the sequential approach: Proposals should be consistent with the scale and function of the centre within which they are located. Proposals for sites on the edge of Major Town Centres and District Centres, will be required to comply with the above and they should also demonstrate: i) a need for the development; ii) that no sequentially preferable site is available (see Policy STR2); iii) no unacceptable impact on the vitality, and viability of other town or district centres, and iv) the development would be accessible by a choice of means of transport.
SH11	A3 uses are acceptable in town centres and provided they do not result in the creation of traffic congestion, car parking problems or a reduction in highway safety in surrounding areas and not adversely affect the amenity of residential occupiers
WEM1	Supports the regeneration of the Wembley Area as a regional sport, entertainment, leisure and shopping destination.
WEM2	Seeks a pedestrian route to the north and west of the Stadium linking Olympic Way to Wembley Town Centre. Development along the route should, where possible, have an active frontage and public spaces will be sought adjacent to the route.
WEM3	National Stadium Policy Area – large scale leisure, entertainment and retail uses will be directed to the National Stadium Policy Area.
WEM4	Higher density residential development is encouraged within the Wembley Regeneration Area.
WEM7	National Stadium Policy Area – development in this area should be designed principally for access by public transport rather than by private car.
WEM9	National Stadium Policy Area – the area to the north and west of the Stadium should be developed comprehensively in accordance with adopted guidance. On other sites should include good links to adjoining sites.
WEM10	Requirement for a masterplan approach to the National Stadium Policy Area (which extends southward to the Chiltern Railway).
WEM11	An upgrading of all three rail stations in Wembley will be secured, including improved interchange facilities and pedestrian links to them, and, if necessary, an increase in the capacity of the rail networks serving them.
WEM17	Seeks to ensure that development within the Wembley Regeneration Area contributes towards the creation of a world class environment. Development should help produce a distinctive and identifiable place, with a vital urban mixed use character, where the pedestrian has priority.
WEM18	Seeks to ensure that development within the Wembley Regeneration Area contributes towards the creation of a pedestrian friendly and distinctive public realm around and between buildings including, where appropriate, the provision of public art and new structural landscaping.
WEM23	A comprehensive programme of environmental improvements will be undertaken in Wembley town centre between Wembley Central Station and the wider Wembley Complex

to improve the pedestrian environment and encourage greater usage of Wembley Central Station for major events at Wembley stadium.

- WEM30 Wembley Stadium/South Way Major Opportunity Site – the site should be developed comprehensively with other adjacent sites. Development should not prejudice the provision of a new station. Development should not prevent the continued closure of South Way on event days. Development should be appropriate to site's prominent location near the Stadium and the proposed pedestrian promenade to Wembley Town centre.
- WEM32 The site should be developed comprehensively with other adjacent sites, pedestrian links from the station concourse to the stadium and Wembley Hill Road/Town centre should be provided, with bus and taxi interchange facilities, etc.
- OS12 Development on sites of Nature Conservation Importance (this applies only to plot 1 and 2 and not plot 4) – development will not be permitted on or adjacent to these sites unless it can be demonstrated that there will be no adverse impact on nature conservation.
- OS14 Wildlife corridors, as shown on the proposals map from developments which sever or otherwise unacceptably harm their importance for conservation or visual amenity unless appropriate compensatory provision can be made.

Brent Supplementary Planning Guidance

A Framework for Development – Destination Wembley: Adopted September 2003

This document describes the main policies and principles of the Local Planning Authority and the Mayor of London for the future redevelopment of the Wembley Stadium area. The principal aim of the Framework is to provide clear planning guidance to those responsible for redeveloping the area surrounding the Stadium and improving linkage to the High Road. The document also draws upon the need for Wembley's 3 stations to be upgraded in response to the opening of the new national stadium. In particular, the Framework supports the redevelopment of Wembley Stadium Station to increase the capacity in order to adequately cater with event crowds at peak times. The guidance also seeks to promote facilities for pedestrians and bus users to enhance the interchange with tube services, taxis and improved pedestrian facilities outside the station.

Wembley Stadium Hub Feasibility Study 2003

This document sought to explore options that would maximise the regeneration benefits of Wembley by integrating Wembley Town Centre and the Stadium area through development of the site, development over the railway line and land adjacent to the 'Triangle'. The document identified a preferred option which would provide a visual link between the Stadium and town centre by way of a single pedestrian link from Wembley High Road to South Way, diagonally across Plot1. The study include

Wembley Masterplan – Adopted March 2004

This was document was not adopted until after the relevant date for considering the application (25th February 2004), but was at advanced stage of development and officers would have had regard to it when assessing the application.

Following the Inspectors report into objections to the Replacement UDP, the requirement for a comprehensive approach to development in the area surrounding the stadium was changed from a single planning application to an agreed masterplan, thereby allowing a number of applications to be submitted for various parts of the masterplan area and judged in the context of how they conformed to the principles of the agreed masterplan. The agreed Wembley Masterplan identified four main districts of which the South Western District/Town Centre Link, related to the application site. The centre piece for the district was a broad pedestrian route linking the High road to a new square (Station Square), that in turn provided access to the stadium and the new Boulevard link to Olympic Way, and doubled up as a crowd marshalling area for Wembley Stadium Station and a route through to Wembley central Station on major event days. The Quantum of development considered appropriate for this district was 66,700 to 81,000 sq. m. with retail community and commercial uses on the ground floor, and residential and commercial uses above.

SPG4 "Design Statements" Draft Consultation document (2003)

Meeting
Date

Version no.
Date

Provides guidance on the preparation and content of coherent and comprehensive design statements as required by Policy BE1.

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

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

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

Provides design and planning guidance on complying with Policy BE12, of the adopted UDP, which requires developments to embody sustainable design principles. The guidance covers measures to ensure energy and water conservation, selection of sustainable materials, environmentally-friendly landscape design, sustainable demolition and construction practices, and reduction of pollution in the operation of developments

Tree Preservation Order – A woodland preservation order covers the eastern end of the application site north of the railway and south of South Way. The order covers the wooded rail embankment to the south of the Stadium.

The London Plan

The London Plan, which was adopted in February 2004, 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: Making the most sustainable and efficient use of space in London; encouraging intensification and growth in areas of need and opportunity;

Objective 2: Making London a better City for people to live in;

Objective 3: Making London a more prosperous city with strong and diverse economic growth;

Objective 4: Promoting social inclusion and tackling deprivation and discrimination;

Objective 5: Improving London’s transport;

Objective 6: Making London a more attractive, well designed and green city.

The Plan recognises Wembley as a nationally important Opportunity Area for leisure related development and that it should take account of the key role of public transport in sustaining such generators of heavy demand for mass movement, including upgrading the three stations (Central, Stadium and Park). The plan supports the regeneration of Wembley Town Centre including the addition of new homes.

National Planning Policy Guidance

Planning Policy Guidance Note 1 – General Policy and Principles (February 1997)

Which sets out the government’s approach to planning. Emphasises the importance of sustainable development, good design and the need to demonstrate how it has been taken into account in the development process and the importance of a plan-led approach. Annex A provides detailed comment on the handling of design issues and encourages the preparation of clear design policies in development plans, the preparation of supplementary planning guidance and early consultation with the Planning Authority.

Planning Policy Guidance Note 3 – Housing (March 2000)

PPG3 establishes the Government’s objectives for housing and reinforces the commitment to more sustainable patterns of development. PPG3 sets broad guidelines for the provision of affordable housing, placing emphasis on the importance of creating mixed, balanced and integrated communities. The guidance also encourages local authorities to revise their parking standards to allow significantly lower levels of parking provision in all housing developments and to increase the density of development at, and immediately around places with good accessibility.

Meeting
Date

Version no.
Date

Planning Policy Guidance Note 6 – Town Centres and Retail Developments (June 1996)

PPG6 sets out a sequential approach to locating retail development, and encourages local authorities to define a retail hierarchy. The guidance reiterates the need to create mixed use development within town centres in order to enhance vitality and to reduce the need to travel. In terms of local centres, PPG6 indicates that a wide range of facilities should be encouraged that are consistent with the scale and function of the centre. The facilities should meet people's day-to-day needs and therefore reduce the need to travel.

Planning Policy Guidance Note 13 – Transport (March 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. PPG3 also requires local authorities, when assessing planning applications, to intensify housing and other uses at locations that are highly accessible by public transport, walking and cycling.

History

With such a large land area associated with this application there is a significant amount of planning history relating to individual sites. Of particular significance are planning proposals relating to the REI site (1.7 ha) immediately to the south of South Way. In 1988 consent was granted for 200,000 sq. ft of offices. Consent was agreed for a hotel development in 1992 subject to a section 106 Agreement and again for a similar development in 1996. A mixed commercial scheme was received in 1999 and withdrawn in 2001 following advice on the need for a more comprehensive approach to new development. An outline application for a mixed-use development was registered on 31st July 2003 but was withdrawn before it was determined.

The most recent planning approval affecting the site was a hybrid (part full/part outline) permission granted in November 2004 to the LDA for this site and land to the south of the station (Ref: 04/0379). The LDA scheme sought outline planning permission for a comprehensive mixed-use redevelopment together with detailed planning permission for the provision of the White Horse Bridge and Station Square. The bridge and public square elements have been implemented however the outline elements of the scheme have not and time limit for submitting reserved matters applications has now lapsed.

Also of relevance to the application site is the permission granted in September 2004 to Quintain for the outline masterplan for the redevelopment of land around the Stadium (Ref: 03/3200).

Consultation

The only statutory consultation required for CAAD applications is the notification of the purchasing authority, in this case the London Development Agency. The LDA's consultants Driver Jonas Deloitte have provided detailed representations on the CAAD schemes. In summary they consider both scenarios to be inappropriate forms of development for the following reasons: the indicative heights of the proposed buildings; impact on views of the Stadium; failure to create an appropriate gateway; daylight and sunlight and the insufficient size of the crowd marshalling area.

Assessment of the two development scenarios

Scenario 1 (Perpendicular Scheme)

Residential Quality

1016 units in 94,949 m² (GEA) of floor space. Assuming 85% efficiency this results in approximately 80,457 m² of residential floor space. Applying the proposed mix this gives:

- 132 (13%) 1 bed units occupying approximately 7244 m² of floor space resulting in an average flats size of 54 m².
- 630 (62%) 2 bed units occupying approximately 47464 m² of floor space resulting in an average flats size of 75 m².
- 254 (25%) 3 bed units occupying approximately 25749 m² of floor space resulting in a average flats size of 101 m².

Meeting
Date

Version no.
Date

The above is a rough approximation but demonstrates that the mix and quantum of residential floor space proposed could exceed the Council's SPG17 minimum floor space guidelines by an average of 10 sqm per unit type.

The proposed mix and number of units would result in a density of 1268 hab rooms per hectare. For the purpose of calculating the density the site area has been estimated as 2.5 hectares. The PTAL for the site runs from 3 to 4 and so therefore straddles the middle and upper density bands of the Mayor's matrix. Given the matrix upper range is 650-1100 hrh the density proposed in scheme 1 appears to be a little excessive.

External amenity space provision is very low. Even accepting that the 13,350 m² of amenity space described in para 3.4 of the parameter document could be delivered this would still fail to meet the SPG17 guideline of 20 m² of useable external amenity space per flat. However much of the external amenity space indicated in scheme 1 includes pedestrian and vehicular circulation and access ways, ramps to the basement/podium car parking, marshalling areas, railway embankment etc. When the requirement for private amenity space in front of ground floor flats is taken account (including the SPG17 guideline that a ground floor family flat (defined as having 2 or more bedrooms in the 2004 UDP) should have a minimum 50 m² of private amenity space, the amount of actual useable communal amenity space appears to be as low as 3100 m². In development where the site constraints are such that adequate external amenity space cannot be provided the Council may accept the provision of balcony space as mitigation. Given the degree of shortfall much larger balconies would need to be provided than the average 4 sqm suggested in the parameter document.

The majority of units appear to be single aspect which is undesirable.

The separation between blocks ranges from 20-26 metres which meet the SPG17 minimum guidelines for window to window separation. However this is a minimum and given the height and mass of the blocks proposed the Council would expect a greater separation. The requirement for much larger balconies than indicated in the parameter document is likely to reduce the separation between blocks. Given the scale of the blocks and in order for the open space between the blocks to be a pleasant and useable space and to increase the amount of useable open space the Council would expect a greater separation between blocks, something in the order of 30 metres.

Other Uses

Without the White Horse bridge the eastward extension of Wembley Town Centre could not occur so the Council agrees that significant retail development on the site would not be appropriate. However it would still be a valid policy requirement that Major Opportunity Sites to the east of the Town Centre contribute towards improved pedestrian links to the town centre with continuous active frontages. In the absence of the new bridge the Council would seek an improved pedestrian route along the sites Wembley Hill Road, South Way frontage with active uses at ground floor.

In large developments such as this one the Council would normally seek a greater mix of uses. B1, D1 etc. There are a number of policies in the UDP that would encourage this approach (BE11, WEM3).

Height and Design

In terms of design and appearance the Council has little to go on. As the CAAD's are akin to an outline permission these would be reserved matters. The UDP encourages high buildings within the Wembley Stadium Policy Area. The principle of matching the heights of the buildings that formed part of the 2004 LDA consent is acceptable.

Views

Policy WEM19 seeks to protect a number of views on the Stadium. None of these views are affected by either of the development scenarios. The closest of these views to the site is the one from the junction of South Way and Wembley Hill Road. However in both scenarios a view of the stadium is maintained from this point.

Ecology

Both scenarios encroach on a part of the site designated as a site of Nature Conservation Importance and the entire site is identified as a wildlife corridor. However ecological surveys submitted in support of

the 2003 LDA application revealed the site to have little or no ecological or nature conservation importance. Furthermore the site was revealed in the survey to be infested with Japanese Knotweed, the removal of which would have required the removal of any other flora or fauna that may have been of ecological interest. However the LDA application did include a 'green corridor' running parallel to the Chiltern Line. Given the Council already has concerns regarding the lack of amenity space in this development scenario the provision of some land to compensate for the loss of open space is likely to have been sought.

Marshalling Area

The suggested routes through the site proposed in the parameter document would benefit from the increased separation between buildings suggested above. Allowing for the provision of a more generous public space and reducing conflict with the proposed residential uses.

Parking

The parking standards set out in the UDP are a maximum with parking levels significantly below the maximum considered appropriate for affordable housing and on sites with good public transport accessibility. In areas with good public transport and on street parking controls car free schemes may be possible. It is therefore considered that the level of parking proposed in the parameter documents is acceptable and could in fact be lower.

Comparison to other relevant schemes

The LDA scheme granted consent for two development scenarios a 'commercial' scenario and a 'residential' scenario. The residential scenario provided for up to 494 residential units occupying up to and up to 43,160 m² of floor space and up to 32,223 m² of other floor space comprising retail, food, drink, community, cultural and leisure uses and up to 11,787 m² of class B1. This gives a quantum of development of up to 75,383 m² of floor space compared to 94,949 m² in Scenario 1 of the CAAD application. The residential density of the 2004 LDA scheme 112 units per hectare compared to 406 units per hectare proposed in Scenario 1 of the CAAD application. Even given the additional land that could be developed if the White Horse Bridge and Station Square aren't provided this still seems an extremely high density.

The 2004 Quintain Masterplan (03/3200) proposed 3727 residential units within a 17 hectare area giving a density of 219 units per hectare. The Quintain Masterplan also proposed 222,500 m² of other uses giving a total quantum of development of 479,500 m².

Conclusion

It is considered that Scenario 1 or the 'Perpendicular' scheme as proposed by the Applicants would not have been granted planning permission for the reasons set out above. However, since the Local Planning Authority is required by S.17 not only to consider the application proposals but also to consider what development would have regarded as appropriate, the following text explains how in your officers mind Scenario 1 could have been modified to remedy the deficiencies that we have identified.

Introduce a 30 metre separation between each of the parallel blocks in order. This would have the dual impact of increasing the amount of amenity space, improving the quality of amenity space, reduce the impact of the proposed marshalling area on residential amenity and result in an overall improvement in the quality of residential environment being created. This suggested modification would require the removal of one of the larger central blocks resulting in a reduction in floor area of approximately 15,000 m².

The Council would also seek active uses along all frontages facing South Way in order to create the continuous active frontage along the pedestrian route to the Stadium sought by policy. This would increase the amount of non-residential floor space to 820 m².

The maximum quantum of development that the Council would have considered granting permission for is therefore is 79,129 m² of residential floor space (849 residential units) and 820 m² of non-residential use (A1, A2 and A3), subject to the conditions and heads of terms set out at the end of this report.

Scenario 2 (Parallel Scheme)

Residential Quality

1089 units in 95,135 m² (GEA) of floor space. Assuming 85% efficiency this results in approximately 80,864 m² of residential floor space. Applying the proposed mix this gives:

- 142 (13%) 1 bed units occupying approximately 7668 m² of floor space resulting in an average flats size of 54 m².
- 675 (62%) 2 bed units occupying approximately 50625 m² of floor space resulting in an average flats size of 75 m².
- 272 (25%) 3 bed units occupying approximately 27472 m² of floor space resulting in a average flats size of 101 m².

The above is a rough approximation but demonstrates that the mix and quantum of residential floor space proposed could exceed the Council's SPG17 minimum floor space guidelines by an average of 10 sqm per unit type.

The proposed mix and number of units would result in a density of 1359 hab rooms per hectare. For the purpose of calculating the density the site area has been estimated as 2.5 hectares. The PTAL for the site runs from 3 to 4 and so therefore straddles the middle and upper density bands of the Mayor's matrix. Given the matrix upper range is 650-1100 hrh the density proposed in scheme 1 appears to be a little excessive.

External amenity space provision is even lower than in Scenario 1 despite being a denser scheme. Even accepting that the 9,890 m² of amenity space described in para 3.4 of the parameter document could be delivered this would still fail to meet the SPG17 guideline of 20 m² of useable external amenity space per flat. However much of the external amenity space indicated in this scenario includes pedestrian and vehicular circulation and access ways, ramps to the basement/podium car parking, marshalling areas, railway embankment etc. A significant proportion of the area described as amenity space is actually undercroft area beneath part of the building. When the requirement for private amenity space in front of ground floor flats is taken account (including the SPG17 guideline that a ground floor family flat (defined as having 2 or more bedrooms in the 2004 UDP) should have a minimum 50 m² of private amenity space, the amount of actual useable communal amenity space appears to be as low as 3100 m². In development where the site constraints are such that adequate external amenity space cannot be provided the Council may accept the provision of balcony space as mitigation. Given the degree of shortfall much larger balconies would need to be provided than the average 4 sqm suggested in the parameter document.

The majority of units appear to be single aspect which is undesirable, particularly the block adjacent to the railway on plot. Half these units would have a single aspect facing across the railway which raises concerns about noise and residential amenity.

The separation between blocks is less of an issue with this scheme given its configuration although the three wings attached to the southern side of the main block may have to be moved further apart to achieve an appropriate level of separation.

Other Uses

Without the White Horse bridge the eastward extension of Wembley Town Centre could not occur so the Council agrees that significant retail development on the site would not be appropriate. However it would still be a valid policy requirement that Major Opportunity Sites to the east of the Town Centre contribute towards improved pedestrian links to the town centre with continuous active frontages. In the absence of the new bridge the Council would seek an improved pedestrian route along the sites Wembley Hill Road, South Way frontage with active uses at ground floor.

In large developments such as this one the Council would normally seek a greater mix of uses. B1, D1 etc. There are a number of policies in the UDP that would encourage this approach (BE11, WEM3).

Height and Design

In terms of design and appearance the Council has little to go on. As the CAAD's are akin to an outline permission these would be reserved matters. The UDP encourages high buildings within the Wembley Stadium Policy Area. The principle of matching the heights of the buildings that formed part of the 2004 LDA consent is acceptable. However the indicative block form shown creates a continuous wall of development along the most of the sites South Way frontage. This is considered an overbearing form of development and the Council would expect a significant break somewhere in the centre of this block.

Views

Policy WEM19 seeks to protect a number of views on the Stadium. None of these views are affected by either of the development scenarios. The closest of these views to the site is the one from the junction of South Way and Wembley Hill Road. However in both scenarios a view of the stadium is maintained from this point.

Ecology

Both scenarios encroach on a part of the site designated as a site of Nature Conservation Importance and the entire site is identified as a wildlife corridor. However ecological surveys submitted in support of the 2003 LDA application revealed the site to have little or no ecological or nature conservation importance. Furthermore the site was revealed in the survey to be infested with Japanese Knotweed, the removal of which would have required the removal of any other flora or fauna that may have been of ecological interest. However the LDA application did include a 'green corridor' running parallel to the Chiltern Line. Given the Council already has concerns regarding the lack of amenity space in this development scenario the provision of some land to compensate for the loss of open space is likely to have been sought.

Parking

The parking standards set out in the UDP are a maximum with parking levels significantly below the maximum considered appropriate for affordable housing and on sites with good public transport accessibility. In areas with good public transport and on street parking controls car free schemes may be possible. It is therefore considered that the level of parking proposed in the parameter documents is acceptable and could in fact be lower.

Comparison to other relevant schemes

The LDA scheme granted consent for two development scenarios a 'commercial' scenario and a 'residential' scenario. The residential scenario provided for up to 494 residential units occupying up to and up to 43,160 m² of floor space and up to 32,223 m² of other floor space comprising retail, food, drink, community, cultural and leisure uses and up to 11,787 m² of class B1. This gives a quantum of development of up to 75,383 m² of floor space compared to 95,135 m² in Scenario 2 of the CAAD application. The residential density of the 2004 LDA scheme 112 units per hectare compared to 436 units per hectare proposed in Scenario 1 of the CAAD application. Even given the additional land that could be developed if the White Horse Bridge and Station Square aren't provided this still seems an extremely high density.

The 2004 Quintain Masterplan (03/3200) proposed 3727 residential units within a 17 hectare area giving a density of 219 units per hectare. The Quintain Masterplan also proposed 222,500 m² of other uses giving a total quantum of development of 479,500 m².

Conclusion

It is considered that Scenario 2 or the 'Parallel' scheme as proposed by the Applicants would not have been granted planning permission for the reasons set out above. However, since the Local Planning Authority is required by S.17 not only to consider the application proposals but also to consider what development would have regarded as appropriate, the following text explains how in your officers mind Scenario 1 could have been modified to remedy the deficiencies that we have identified.

Introduce a 30 metre wide break in roughly the centre of the main block. Remove the larger of the three wings attached to the southern side of the main block, this would increase the ration of external amenity space to residential units. This would also improve the quality of amenity space, and result in an overall

improvement in the quality of residential environment being created. This suggested modification would require the removal of one of the larger central blocks resulting in a reduction in floor area of approximately 20,000 m².

The building on plot 2 would need to be made dual aspect.

The Council would also seek active uses along all frontages facing South Way in order to create the continuous active frontage along the pedestrian route to the Stadium sought by policy.

The maximum quantum of development that the Council would have considered granting permission for is therefore is 74,456 m² of residential floor space (852 residential units) and 679 m² of non-residential use (A1, A2 and A3), subject to the conditions and heads of terms set out at the end of this report.

S106 Heads of Terms

Before the adoption of its S106 SPD the Council calculated contribution based on individual formula. It is estimated that the Council would be seeking the following contributions:

- Education: £5,669,700
- Transportation: £1,500,000
- Public Art: £50,000
- Local Training: £50,000
- Nature Conservation: £25,000
- Street Tress: £35,000
- Extension to car-parking controls and/or setting up car-share scheme: £100,000
- That at least 350 square metres and up to 1,000 square metres of the community, cultural and leisure component be built on the ground floor on site or (if agreed by the Council) off-site and set aside in building shell form and offered to the local PCT to accommodate local health facilities.
- Designation of the development as “car-free” so that residents will not be entitled to parking permits and a requirement for the residents to be informed of this.
- A Travel Plan for both residential and non-residential elements of the development.
- An agreement under Section 38/278 of the Highways Act 1980 to include the scope of highway works associated with the development.
- Submission to the Council of a Sustainable Development Strategy to ensure sustainability measures meeting the required BREEAM/EcoHomes standards, and commitments striving to achieve no less than a "Very Good" rating on Brent's SPG19 Checklist, are incorporated into the development The approved Strategy shall be fully implemented.”
- Following completion of each plot, a BRE 'Post-Construction Review' to be submitted to the Council on the scheme as built, to verify the standards achieved on site.”
- An independent site-wide Energy Assessment to be commissioned and submitted to the Council for approval, or a strategy demonstrating how the plots would contribute towards and access any energy infrastructure (such as site-wide CHP) provided as part of the QED Stage 1 scheme.”
- Submission to the Council of a Waste Management Strategy for approval and implementation of the agreed strategy.

Conditions

- 1 The development to which this permission relates shall begin not later than whichever is the later of the following dates:- a) the expiration of 5 years from the date of this outline planning permission or b) the expiration of two years from the date of approval for the final approval of reserved matters, or in the case of different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 2 No phase or part of the development shall commence other than the bridge, public square and approaches to the bridge, any ancillary preparatory works and associated demolition works until details of the;

- i) siting of the buildings;
- ii) design of the buildings, including floor areas, height and massing;
- iii) external appearance;
- iv) means of access including car parking and servicing arrangements;
and
- v) samples of materials and finishes to be used for all external surfaces (including but not limited to roofs, elevations treatment and glazing.
- vi) landscaping (trees to be removed and new landscaping proposed);

(hereinafter called "the reserved matters") in relation to that phase or part of the development have been submitted to and approved in writing by the Local Planning Authority. The relevant phase or part of the development shall in all aspects be carried out in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order that the Local Authority is satisfied with the details of the proposed development.

- 3 No part of the development shall commence until a phasing plan has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt, such phasing plan may, inter alia, require that development on certain parts of the land only be carried out in conjunction with development of other parts. Any variations to the phasing plan must be submitted to and approved in writing by the local planning authority prior to the determination of subsequent relevant reserved matter applications. Development shall take place in accordance with the approved phasing plan.

Reason: To secure the comprehensive and co-ordinated development of each part of the site, to clearly identify each part of the site to be developed and to ensure comprehensive regeneration of the area.

- 4 Unless otherwise agreed by the Local Planning Authority, no phase or part of the development shall commence until details of :

- i) infrastructure, including roads, plant and equipment
- ii) foul and surface water drainage, including the introduction of on site and off site improvements/connections
- iii) onsite vehicle parking including the number and the location of such vehicle parking
- iv) internal landscaping and planting
- v) internal highway footpath and cycle way layout, connections and traffic management measures including all surface treatments
- vi) provision of internal boundary treatments

Meeting
Date

Version no.
Date

in relation to that phase or part of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with those details.

Reason: In order that the Local Authority is satisfied with the details of the proposed development.

- 5 Unless otherwise agreed in writing with the Local Planning Authority, no phase or part of the development shall commence until the applicant has secured in relation to that phase or part of the development the implementation of a programme of archaeological work in accordance with a written scheme of investigation (including any work necessary to preserve remains in situ and/or by record) or watching brief, as appropriate, which has been submitted to and approved in writing by the Local Planning Authority for that part or phase of the development. The relevant works shall only take place in accordance with the approved scheme.

Reason: To ensure that potential archaeological remains are recorded

- 6 Residential development shall be constructed so as to provide sound insulation against externally generated noise such that resultant internal noise levels between the hours of 7:00am and 11.00pm shall not exceed 38dB L Aeq 15 min (based on a worst case external noise environment of 80 dB L Aeq 15 min 1 metre from the facade of any residential building provided unless otherwise agreed in writing by the Local Planning Authority. This limit applies with windows shut and with an appropriate ventilation system that does not give rise to a noise level greater than 38 dB(A) or a sound level in any 1/3 octave band in the range 50 Hz to 8kHz that is more than 5 dB above immediate adjacent 1/3 octave bands.

Reason: To safeguard the amenities of residents and other occupiers around the site.

- 7 Residential development shall be constructed so as to provide sound insulation against externally generated noise such that the resultant internal noise levels between the hours of 11.00 pm and 7.00 am shall not exceed 33dB L Aeq 15 min (based on an external noise environment of 63 dB L Aeq 15 min 1 metre from the closest residential façade), unless otherwise agreed in writing by the local planning authority. This criterion applies with windows shut and with an appropriate ventilation system that does not give rise to a noise level greater than 33 dB(A) or a sound level in any 1/3 octave band in the range 50 Hz to 8kHz that is more than 5 dB above immediate adjacent 1/3 octave bands.

Reason: To safeguard the amenities of residents and other occupiers around the site.

- 8 No phase or part of the development shall commence until details of attenuation measures for protecting from noise and vibration to any proposed residential units within that phase or part of the development have been submitted to and approved by the local planning authority in writing. No residential unit within that phase or part of the development shall be occupied until the noise attenuation measures relevant to protecting that residential unit have been completed in accordance with the approved scheme.

Reason: To safeguard the amenities of residents and other occupiers within the site.

- 9 Full details of lighting and external illumination for each phase or part of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of that phase or part of the development, unless otherwise agreed in writing by the Local Planning Authority. Lighting design will comply with CIBSE LG6, code for lighting and B55489 and the lighting and external illumination shall be implemented in accordance with the approved details.

Reason: In order to safeguard the general amenities of the local area.

- 10 Prior to the commencement of the relevant part of the development hereby permitted,
- (a) A site investigation shall be carried out by an appropriate person to determine the nature and extent of any contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain, treat or remove any contamination found and
 - (b) a completion report and certification of completion shall be provided to the LPA by an appropriate person stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use.

The investigation and report shall include measures for the removal and eradication of Japanese Knotweed within the site.

Reason: To ensure the safe development and secure occupancy of the site proposed for use.

- 11 No phase or part of the development as hereby permitted shall commence until details of the use, handling or storage of any hazardous substances included in the Schedule to the Planning "Hazardous Substances" Regulations 1992, as they relate to the relevant part of the development other than the bridge, public square and approaches to the bridge, improvements to the Wembley Triangle Junction, any ancillary preparatory works and associated demolition works, have been submitted to an approved in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment.

- 12 Surface water and drainage works for the development of the site shall be carried out in accordance with the strategy details which shall have been submitted to and approved in writing by the Local Planning Authority before the development of the site commences.

Reason: To prevent the increased risk of flooding and prevent pollution of the water environment.

- 13 Unless otherwise agreed in writing by the local planning authority, no construction works shall take place before 8:00am on weekdays and Saturdays or after 6:00pm on weekdays and 1:00pm on Saturdays or at any time on Sundays or bank holidays.

Reason: To safeguard the amenities of the adjoining occupiers and in accordance with Policy EP2 of the Revised Brent Unitary Development Plan.

- 14 No phase or part of the development as hereby permitted, shall commence until the configuration and extent of the provision of communal and/or private residential open space within that part of the development are submitted and agreed in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority. This should be in accordance with Parameter Plan 05. The open space shall be provided as approved.

Reason: In order to ensure the appropriate provision of communal and/or private residential open space.

- 15 No phase or part of the development shall be occupied until details of any plant at roof level and telecommunications equipment for that phase or part of the development have been

submitted to and approved in writing by the local planning authority. The approved plant and telecommunications equipment shall then be provided prior to the occupation of the development and be retained thereafter.

Reason: To safeguard the visual amenity of the area and the amenity of occupiers and residents.

- 16 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscape scheme(s) which are removed, die, become severely damaged or diseased within five years of the completion of that phase or part of the development shall be replaced with trees or shrubs of similar size and species in the next planting season.

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

- 17 Details of bicycle parking facilities for each building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that building and thereafter shall not be removed or used for any other purpose except with the prior written permission of the Local Planning Authority.

Reason: To ensure adequate cycle parking is provided to meet the Council's standards in the Unitary Development Plan and retained in pursuance of the objectives of the Plan.

- 18 The car-parking spaces provided in conjunction with the development hereby permitted shall not be made available for commercial parking to Stadium visitors on Wembley Stadium event days, unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the Council's transportation strategy for events at the redeveloped Stadium and control the extent of traffic within the local area on event days.

- 19 Station facilities up to a maximum of 400 square metres, to shell finish, shall be provided before occupation of any part of the development in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate facilities are provided for users of the railway and staff and in the interests of the visual amenity and character of the area.

- 20 Details of all signing and way marking for vehicles and pedestrians entering, leaving and within the application site, including the public-transport facilities provided within the site, for each phase or part thereof shall be submitted to and approved in writing by the Local Planning Authority and shall be installed in accordance with the approved details prior to the first use of that phase or part of the development.

Reason: To ensure appropriate directional signage is provided to allow access to and from sites within and around the application site and in the interests of the visual amenity of the locality.

- 21 Details of the street furniture, lighting, CCTV and other associated works shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and be implemented and retained thereafter.

Reason: In the interests of the visual amenity and character of the area and in the interests of the safety of those using this area.

- 22 No retail unit with a floorspace in excess of 2,000 square metres (gross external floorspace)

within the development hereby permitted shall be used for food retailing.

Reason: In order that such a unit does not undermine the shopping policies and proposals contained within the adopted Unitary Development Plan 2004, particularly policy WEM3, regarding the provision of such units within the existing Town Centre.

- 23 Details of the laying out and planting of the communal garden, roof terraces, roof-top garden on the car-parking area and vertical green screen of each phase or part of the development, other than the bridge, public square and approaches to the bridge, any ancillary preparatory works and associated demolition works, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the hard-landscaped works of each phase or part thereof or such other time as may be agreed in writing by the Local Planning Authority, and the details so approved shall be carried out and completed within 3 years of the commencement of each phase or part thereof hereby approved, or such other time as may be agreed in writing with the Local Planning Authority.

Reason: To provide suitable soft landscaping in accordance with the terms of the application and in the interests of the visual amenity and character of the locality.

- 24 No phase or part of the development as hereby permitted, shall commence until details of refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the buildings or commencement of the use on that part of the site and the approved facilities shall be provided prior to the first occupation of any part of the accommodation it serves.

Reason: To ensure adequate and suitably located waste-storage facilities are provided for occupants of the accommodation on site and in the interests of the visual amenities and character of the locality.

- 25 The reserved-matters applications shall be accompanied by a BREEAM Independent Sustainability Assessment, on an individual plot or land-use basis. The scheme(s) should strive to achieve an indicative "Excellent" rating and not less than a "Very Good" rating.

Reason: To provide an independent assessment of the standards of sustainable development to be achieved by the scheme.

- 26 No phase or part of the development shall commence until details of a Construction Management System and Code of Construction Practice has been submitted to, and approved in writing by the Local Planning Authority for that phase or part of the development. The Management Scheme and Code of Practice shall oblige the applicant, or developer and its contractor to use all reasonable endeavours to minimise disturbances including noise, but not limited to vibration, dust and smoke emanating from the site and will include the following information for agreement:

- (i) A detailed specification of demolition and construction works at each phase of development including consideration of environmental impacts and the required remedial measures. The specification shall include details of the method of piling;
- (ii) details of a scheme for the environmental monitoring of noise, dust and vibration;
- (iii) identification of the most sensitive receptors, both residential and commercial where continuous assessment and monitoring of impacts will be undertaken as work progresses;
- (iv) agreement on, and continuous assessment of permitted noise levels emanating from the site at the boundary and at noise sensitive façades;
- (v) engineering measures, acoustic screening and the provision of sound insulation required to mitigate or eliminate specific environmental impacts;
- (vi) unless otherwise agreed as part of the Construction Management Strategy and Code of Practice, the operation of site equipment and / or plant and machinery

generating noise that is audible at the façade of residential or noise sensitive premises shall only be carried out between the hours of 0800 to 1800 Mondays to Fridays, 0800 to 1300 on Saturdays and at no time on Sundays and Bank Holidays.

- (vii) details of hours during which demolition/construction will occur.
- (viii) details of recycling of demolished material.
- (ix) details of how, when and where deliveries to the site(s) will take place and routes that will be taken by construction and demolition traffic.
- (x) measures to adopt and implement the ICE Demolition Protocol, and Considerate Contractor Scheme registration and operation.

All demolition and construction work shall be undertaken in strict accordance with the approved management scheme and code of practice unless otherwise agreed in writing by the Local Planning Authority.

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

- 27 Details of the design of the underground car-parking areas shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works. Such details shall include ventilation of the areas and measures to attenuate noise and limit other airborne pollution to nearby sensitive receptors, particularly residents, to acceptable levels. The approved details shall thereafter be implemented.

Reason: To safeguard the amenities of occupiers of properties within the vicinity of the car-park area.

- 28 Unless otherwise agreed by the Local Planning Authority, no phase or part of the development as hereby permitted shall not commence until details of a demolition and construction method statement in respect of an Air Quality Management scheme for each period of enabling works within the demolition and construction process has been approved in writing by the Local Planning Authority. The statement shall include the following:

- (a) an assessment of the presence or absence of asbestos and suitable mitigation measures as appropriate;
- (b) the inclusion of suitable measures for the containment of dust, such as the use of debris screens and sheets, suitable and sufficient water sprays, enclosed chutes for dropping demolition materials to ground level;
- (c) the use of enclosures or shields when mixing large quantities of concrete or bentonite slurries;
- (d) details of the provision for the temporary storage of materials on site with preference to the storage of fine dry materials inside buildings or enclosures, or the use of sheeting as far as practicable with water sprays as appropriate;
- (e) consideration to the use of pre-mixed plasters and masonry compounds.

The Air Quality Management scheme shall be implemented in strict accordance with the details which have been approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To meet the Local Planning Authority's Air Quality Objectives.

- 29 No phase or part of the development shall commence until details of a car parking strategy for that phase or part of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved car parking strategy.

Reason: In order to provide a co-ordinated car parking strategy in the interests of highway and pedestrian safety and the free flow of traffic.

- 30 No phase or part of the development shall commence until details of a servicing strategy for each phase or part of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved servicing strategy.

Reason: In order to provide a co-ordinated servicing strategy in the interests of highway and pedestrian safety and the free flow of traffic.

- 31 Sunlight/daylight studies will be undertaken at the detailed design stage for the relevant part of the development (excluding the bridge, public square and approaches to the bridge, any ancillary preparatory works and associated demolition works), and at that time any necessary mitigation will be assessed and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure a suitable environment for visitors and residents.

- 32 Boundary layer wind tunnel testing will be undertaken at the detailed design stage for the relevant part of the development and at that time any necessary mitigation will be assessed and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority. Such mitigation measures shall be constructed in accordance with the approved plans.

Reason: In order to ensure a suitable environment for visitors and residents.

- 33 No phase or part of the development shall commence until a Parcel Ecological Management Strategy, including long term objectives, management responsibilities and maintenance schedules for the relevant part of the development has been submitted to and approved in writing by the Local Planning Authority. The Parcel Ecological Management Strategy shall be carried out as approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to establish an ecological strategy for the area.

- 34 The reserved matters applications for the scheme should where appropriate include:

- (a) Details of how plots implement agreed "development commitments" on energy, including renewable energy technologies.
- (b) Safeguard routes for any future site-wide CHP scheme.

Reason: To ensure commitments made within the Environmental Statement and other submitted material are implemented.

Contact Officers

Any person wishing to inspect the above papers should contact Neil McClellan,
Manager West Area Planning Team, Tel: 020 8937 5243 Email:
neil.mcclellan@brent.gov.uk

PLANNING & ENFORCEMENT APPEALS

October 2010

Received	4/01
Decided	4/02
Selected Decisions	4/03
Copies of selected Decisions	4/04

SPECIAL ITEMS

Land adjacent to South Way, Wembley (referenced 10/1368, 10/1369 and 10/1454)	5/01
--	------

This page is intentionally left blank

Received PLANNING Appeals between 1-Oct-2010 and 31-Oct-2010

Planning Committee: 24 November, 2010

Application Number: 10/0132 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 26/10/2010 **Appeal Against:** Refusal of planning permission
Location: Flats 1-4, 31 Manor Drive, Wembley, HA9 8EB
Proposal:

Demolition of existing side garage and extension and erection of a part single/part two storey side extension, single storey rear extension, and installation of rear dormer window and change of use from 4 self contained flats to 1x 2-bed flat and House of Multiple Occupation comprising 2x non self-contained 1-bed flats, and 1x non self-contained 3-bed flat.

Application Number: 10/0489 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 26/10/2010 **Appeal Against:** Refusal of planning permission
Location: 5 Manor House Drive, London, NW6 7DE
Proposal:

First-floor side extension to dwellinghouse

Application Number: 10/0677 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 18/10/2010 **Appeal Against:** Refusal of planning permission
Location: Storage Land next to 75, St Pauls Avenue, London, NW2 5TG
Proposal:

Redevelopment of the site to provide part 2, 3, 4 and part 6 storey building comprising 20 (5 one, 10 two and 5 three bed) affordable units and associated access, landscaping, car parking and cycle parking provision

Application Number: 10/0915 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 27/10/2010 **Appeal Against:** Refusal of planning permission
Location: 42A & 42B Okehampton Road, London, NW10 3ER
Proposal:

Rear dormer window, new timber fence to subdivide existing rear garden and erection of a two storey side extension to rear projection facilitating self containment of two existing flats

Application Number: 10/1011 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 13/10/2010 **Appeal Against:** Refusal of planning permission
Location: 6 Mayfields, Wembley, HA9 9PS
Proposal:

Erection of single-storey and part first-floor rear extensions to dwellinghouse

Application Number: 10/1082 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 04/10/2010 **Appeal Against:** Refusal of planning permission
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)

Application Number: 10/1197 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 13/10/2010 **Appeal Against:** Refusal of planning permission
Location: 282 Princes Avenue, London, NW9 9QU
Proposal:

Erection of single-storey detached outbuilding to provide garage and storage in rear garden of dwellinghouse

Received PLANNING Appeals between 1-Oct-2010 and 31-Oct-2010

Planning Committee: 24 November, 2010

Application Number: 10/1445 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 06/10/2010 **Appeal Against:** Refusal of planning permission
Location: 178 Salmon Street, London, NW9 8NX
Proposal:

Retention and alteration of single storey detached outbuilding in rear garden of dwellinghouse

Application Number: 10/1511 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 07/10/2010 **Appeal Against:** Refusal of planning permission
Location: 4 Tintern Avenue, London, NW9 0RJ
Proposal:

Erection of an open sided canopy to the front of the existing outbuilding in rear garden of dwellinghouse facing Tintern Avenue (revised description)

Application Number: 10/1589 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 11/10/2010 **Appeal Against:** Refusal of planning permission
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 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 12/10/2010 **Appeal Against:** Refusal of planning permission
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: 10/1668 **Team:** Northern Team **Application Type** S78 CON
Appeal Received: 08/10/2010 **Appeal Against:** Refusal of planning permission
Location: 32 Evelyn Avenue, London, NW9 0JH
Proposal:

Details pursuant to condition 6 (landscaping) of full planning permission 07/0149, dated 31/07/2007, for erection of a single-storey rear extension and formation of a new basement to the dwellinghouse

Application Number: 10/1794 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 11/10/2010 **Appeal Against:** Refusal of planning permission
Location: 100 Brampton Road, London, NW9 9DD
Proposal:

Retrospective application for erection of a single-storey outbuilding in the rear garden of the dwellinghouse

Application Number: 10/1819 **Team:** Southern Team **Application Type** Other ADV
Appeal Received: 19/10/2010 **Appeal Against:** Refusal of planning permission
Location: 2 Scrubs Lane, London, NW10 6RB
Proposal:

Continued display of free-standing, internally illuminated sign on site of church on south side of Harrow Road, adjacent to existing petrol station

Received ENFORCEMENT Appeals between 1-Oct-2010 and 31-Oct-2010

Planning Committee: 24 November, 2010

Application Number: E/10/0066 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 19/10/2010

Location: 2 Sherrick Green Road, London, NW10 1LD

Description:

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/10/0430 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 14/10/2010

Location: 32 Evelyn Avenue, London, NW9 0JH

Description:

Without planning permission, the erection of a basement at the premises (but not including the basement underneath the existing house which has been granted planning permission under reference 07/0149)

Application Number: E/10/0731 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 14/10/2010

Location: 32 Evelyn Avenue, London, NW9 0JH

Description:

The breach of condition 6 of planning permission 07/0149 dated 31/07/2007 for the erection of a single-storey rear extension and formation of a new basement to the dwellinghouse.

Condition 6 states "Notwithstanding the approved plans, details of landscaping in the forecourt specifying species to be planted is to be submitted and approved in writing by the Local Planning Authority prior to the commencement of works. The Landscape works to be completed during the first available planting season following occupation of the development hereby approved and shall be maintained thereafter."

No such details have been submitted and approved in writing by the Local Planning Authority prior to the commencement of works.

This page is intentionally left blank

Decisions on PLANNING Appeals between 1-Oct-2010 and 31-Oct-2010

Planning Committee: 24-Nov-2010

Application Number: 09/1999 **PINSRefNo** A/10/2122247/NWF **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 21/10/2010

Location: 954 & 954A, Harrow Road, Wembley, HA0 2PY

Proposal:

Demolition of existing side garage and erection of single and two-storey side and rear extension to a property comprising 2 x 1-bedroom self-contained flats, to create an additional 1 x 3-bedroom flat on the ground floor and 1 x 2-bedroom flat on the first floor, formation of new vehicular and pedestrian access onto Church Gardens, provision for 4 off-street car parking spaces and amenity space in the rear garden and associated landscaped area.

Application Number: 09/2158 **PINSRefNo** A/10/2123257/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 04/10/2010

Location: LEES TRAVEL, 2C Dyne Road, London, NW6 7XB

Proposal:

Erection of second floor front extension with roof terrace to create self contained flat to existing building, new ground floor entrance to provide access to first floor self contained flat and refurbishment of existing ground floor A1 unit (car free development)

Application Number: 09/2418 **PINSRefNo** A/10/2130308/NWF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 19/10/2010

Location: Hanover House, 385 Edgware Road, Cricklewood, London, NW2 6BA

Proposal:

Erection of four-storey front extension including mezzanine floor at third floor, pedestrian entrance from Edgware Road frontage; new windows to existing side elevations, 28 parking spaces, 40 cycle spaces and servicing areas to lower ground-floor, installation of photovoltaic panels, air-handling system, water tank and pumps on roof, as well as associated landscaping to Edgware Road elevation, and the use of the extended building for the purposes of bulky-goods showroom (Sui Generis Use) at ground-floor level, and offices (Use Class B1), data storage and archiving at first-, second- and third-floor levels (Use Class B8)

Application Number: 09/2699 **PINSRefNo** A/10/2129591 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 15/10/2010

Location: Woodfield School, Wood Lane, London, NW9 7LY

Proposal:

Details pursuant to condition 9 (relating to proposed out-of-hours use of premises by external organisations) of full planning permission reference 06/0143, granted on 02/03/2006, for erection of 2-storey extension to school with associated car-parking and landscaping.

Application Number: 09/3012 **PINSRefNo** A/10/2130230/NWF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 19/10/2010

Location: 60 Neasden Lane, London, NW10 2UW

Proposal:

Change of use of part of building from part office, part car showroom use to Educational Use (Use Class D1)

Application Number: 09/3077 **PINSRefNo** A/10/2128451/NWF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 15/10/2010

Location: 1A Dorchester Way, Harrow, HA3 9RF

Proposal:

Erection of a 2 storey building comprising 3 terraced dwellinghouses, installation of hardstanding, 3 parking spaces and refuse storage to front, garden space to rear and associated landscaping to site

Decisions on PLANNING Appeals between 1-Oct-2010 and 31-Oct-2010

Planning Committee: 24-Nov-2010

Application Number: 09/3273 **PINSRefNo** A/10/2127405/NWF **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 15/10/2010

Location: NEW HORIZONS DEVELOPMENT OFFICE, Saxon Road, Wembley, HA9 9TP

Proposal:

Erection of a terrace of 2 two-storey, three-bedroom dwellinghouses and a two-bedroom bungalow with garden space and refuse-storage area to front and garden space to rear of proposed dwellings (as accompanied by Design & Access Statement prepared by Katherine Hughes Associates).

Application Number: 10/0290 **PINSRefNo** D/10/2135110 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 27/10/2010

Location: 30 Hopefield Avenue, London, NW6 6LH

Proposal:

Demolition of existing rear conservatory and erection of single-storey side infill extension to dwellinghouse

Application Number: 10/0577 **PINSRefNo** A/10/2130326/WF **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 19/10/2010

Location: 15A Regency Mews, London, NW10 2SA

Proposal:

Erection of two-bedroom dwellinghouse, with front dormer window onto Regency Mews, including provision of associated landscaping, refuse storage and cycle parking

Application Number: 10/0679 **PINSRefNo** A/10/2129945/NWF **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 15/10/2010

Location: 100A Ealing Road, Wembley, HA0 4TH

Proposal:

Demolition of detached house and erection of a 2 storey building comprising of 4 self contained flats, with fourth flat in loft

Application Number: 10/0753 **PINSRefNo** D/10/2134404 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 04/10/2010

Location: 10 Buck Lane, London, NW9 0AR

Proposal:

Installation of a side dormer window, a rear dormer window and a front rooflight to dwellinghouse

Application Number: 10/0942 **PINSRefNo** D/10/2135117 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 19/10/2010

Location: 1 Corringham Road, Wembley, HA9 9PX

Proposal:

Erection of new front boundary wall, provision for off-street parking, hardstandings, formation of vehicular crossover, associated landscaping. Amendments to previously approved scheme 06/0039 to include gates and extend area of hardstanding.

Application Number: 10/1005 **PINSRefNo** D/10/2136123 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 27/10/2010

Location: 135 Harrowdene Road, Wembley, HA0 2JH

Proposal:

Erection of a first floor side and two storey side and rear extension to dwellinghouse

Decisions on PLANNING Appeals between 1-Oct-2010 and 31-Oct-2010

Planning Committee: 24-Nov-2010

Application Number: 10/1065 **PINSRefNo** D/10/2134792 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 15/10/2010

Location: 1 Brooksville Avenue, London, NW6 6TH

Proposal:

Erection of rear dormer window including frameless glass to sides of chimney and installation of one front and one rear rooflights to roof of dwellinghouse. Installation of new sliding doors and glass corner at rear/side of ground floor, installation of replacement double-glazed timber sash windows to ground and first-floor bay windows, erection of new dwarf wall, installation of new terrazzo tiles to entrance path and formation of landscaping in front garden area, formation of new first-floor side window opening, blocking up of 3 ground-floor side windows and formation of two new ground floor window openings at side of dwellinghouse.

This page is intentionally left blank

Decisions on ENFORCEMENT Appeals between 1-Oct-2010 and 31-Oct-2010

Planning Committee: 24 November, 2010

Application Number: E/08/0642 **PINSRefNo** C/10/2124822

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 19/10/2010

Location: 42 Barn Way, Wembley, HA9 9NW

Proposal:

The erection of a rear dormer window to the premises.
("The unauthorised development")

Application Number: E/09/0707 **PINSRefNo** C/10/2123231

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 19/10/2010

Location: 31 Meadow Way, Wembley, HA9 7LB

Proposal:

The erection of a building used as living accommodation to the rear of the premises.

This page is intentionally left blank

**PLANNING SELECTED appeal DECISIONS between
1-Oct-2010 and 31-Oct-2010
Planning Committee: 24 November, 2010**

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: 09/2699	Appeal Decision: Appeal Allowed	Appeal Decision Date: 15/10/2010
Team:	Northern Team	
Location:	Woodfield School, Wood Lane, London, NW9 7LY	
Proposal:	Details pursuant to condition 9 (relating to proposed out-of-hours use of premises by external organisations) of full planning permission reference 06/0143, granted on 02/03/2006, for erection of 2-storey extension to school with associated car-parking and landscaping.	
Our reference: 09/3273	Appeal Decision: Appeal Allowed	Appeal Decision Date: 15/10/2010
Team:	Northern Team	
Location:	NEW HORIZONS DEVELOPMENT OFFICE, Saxon Road, Wembley, HA9 9TP	
Proposal:	Erection of a terrace of 2 two-storey, three-bedroom dwellinghouses and a two-bedroom bungalow with garden space and refuse-storage area to front and garden space to rear of proposed dwellings (as accompanied by Design & Access Statement prepared by Katherine Hughes Associates).	
Our reference: 10/0290	Appeal Decision: Appeal Allowed	Appeal Decision Date: 27/10/2010
Team:	Southern Team	
Location:	30 Hopefield Avenue, London, NW6 6LH	
Proposal:	Demolition of existing rear conservatory and erection of single-storey side infill extension to dwellinghouse	
Our reference: 10/0577	Appeal Decision: Appeal Allowed	Appeal Decision Date: 19/10/2010
Team:	Southern Team	
Location:	15A Regency Mews, London, NW10 2SA	
Proposal:	Erection of two-bedroom dwellinghouse, with front dormer window onto Regency Mews, including provision of associated landscaping, refuse storage and cycle parking	
Our reference: 10/0942	Appeal Decision: Appeal Allowed	Appeal Decision Date: 19/10/2010
Team:	Northern Team	
Location:	1 Corringham Road, Wembley, HA9 9PX	
Proposal:	Erection of new front boundary wall, provision for off-street parking, hardstandings, formation of vehicular crossover, associated landscaping. Amendments to previously approved scheme 06/0039 to include gates and extend area of hardstanding.	

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

This page is intentionally left blank



Appeal Decision

Site visit made on 30 September 2010

by **Sue Glover BA (Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

**Decision date:
15 October 2010**

Appeal Ref: APP/T5150/A/10/2129591

Woodfield Special School, Wood Lane, Kingsbury, Middlesex NW9 7LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by The Governing Body against the decision of the Council of the London Borough of Brent.
- The application Ref 09/2699, dated 21 December 2009, sought approval of details pursuant to condition No 9 of a planning permission Ref 06/0143, granted on 2 March 2006.
- The application was refused by notice dated 25 February 2010.
- The development is a new 2-storey extension to the school comprising a ground floor 6th form unit and first floor mental health resource accommodation, the relocation of existing car parking provision and a new landscaped buffer zone to the adjoining properties.
- The details for which approval is sought are: the use of the premises by any external organisations that are not part of the school including details of parking and hours of operation.

Decision

1. I allow the appeal, and approve the reserved matters, namely the use of the premises by any external organisations that are not part of the school, details submitted in pursuance of condition No 9 attached to planning permission Ref 06/0143 dated 2 March 2006.

Main issue

2. The main issue is the effect of the proposal on the living conditions of nearby residents in Glenwood Avenue in respect of noise and light.

Reasons

3. Permission for the newly constructed 6th form block was granted in 2006 on land previously used as a staff car park. The staff car park was relocated so that there are now more parking spaces near to the boundary with the rear gardens of bungalows fronting Glenwood Avenue. Condition 9 was imposed to require details of any proposed out of hours use by external organisations of the 6th form centre and the staff car park in order to safeguard the amenities of neighbouring residents.
4. The application to the Council for the approval of details sets out the school's requirements for use by external organisations. As well as use of rooms and the ICT suite in the 6th form building, the matter was confused by reference to

- the hours of use of the existing school facilities including private hire of the school hall and use of the sports facilities, upon which there are no planning restrictions imposed from any previous permission. There is also no planning control over the use of hard standing elsewhere in the school for parking.
5. The proposed use of the 6th form building has subsequently been clarified by the appellant. The use of the computer suite, some classrooms and the ICT suite would be available for external groups, such as the youth service, as part of the extended schools agenda. The appellant has suggested that a restriction would be acceptable, if necessary, for the use of the building no later than 2100 hours, but that it would be desirable for the use of the disabled access facility and lift to be available outside those hours.
 6. The 6th form building is located no closer to the boundary with the Glenwood Avenue dwellings than the existing school. The type of activities likely to take undertaken by external organisations in a building with these facilities would be similar to those already taking place in school-time. Such activities are unlikely in my view to generate an unacceptable level of noise and disturbance, or to create disorderly or unruly behaviour. There is no substantive evidence to indicate that the use of the facilities in this building by external groups would materially worsen nearby residents' living conditions in respect of either noise or light pollution. I therefore do not consider it necessary to restrict the hours of use of the building.
 7. The plan of the relocated staff car park indicates 20 parking spaces including 2 disabled spaces. Of these there are 6 spaces which originally existed as visitor spaces opposite the original school building and close to the boundary with the Glenwood Avenue dwellings. There are also a further 4 visitor spaces next to the original school building.
 8. The original staff car park contained 22 spaces for staff in addition to the 6 visitor spaces, with vehicular access to and from the car park between the school buildings and the residents' boundary. Although there are about 8 additional spaces and a turning area now closer to the boundary, the total number of spaces overall has been reduced and the vehicular access between the car park and the school entrance remains in a similar position close to the dwellings.
 9. The separation distance from the residents' boundary has been reduced by about 5m in respect of the 8 parking spaces and a turning area, but there is a high close boarded fence on the boundary and a dense landscaped strip on the school side extensively planted with shrubs and small trees. Furthermore, the rear gardens of these bungalows are not unduly short, so that there is a reasonable separation distance between the dwellings, the rear boundaries and the parking area.
 10. Taking into account all these matters, there is no persuasive evidence that the additional parking and turning area closer to some of the dwellings is of a sufficient scale likely to cause additional noise and disturbance for local residents. Although this is a peaceful area, it is not uncommon to find schools available for community use in residential areas. I conclude that there would be no harm to residents' living conditions in respect of noise disturbance by any additional use of the staff car park by external organisations.

11. I note that the lighting in the car park has been approved for school use and is of an appropriate scale and type to minimise any potential impact on adjoining residents. The use of the car park by external groups would not materially worsen any disturbance from lighting for nearby residents.
12. I conclude that the details in respect of condition 9 are in accordance with the provisions of Policies BE8 and H22 of the *London Borough of Brent Unitary Development Plan 2004*. The Council has provided no details about whether the *Design Guide for New Development, Supplementary Planning Guidance (SPG 17)* was subject to public consultation, so I am able to attach only limited weight to this document.
13. Some residents have raised details about the operation of the school in general, but these matters are not before me. The additional use of the 6th form building by external groups would not significantly increase the amount of traffic accessing the site or using the narrow roads. I am conscious that there is poor public transport accessibility, but mindful also that the facilities would serve local people who would be able to walk or cycle. I also do not consider that the additional activity would unduly harm wildlife or the security of local residents. In reaching my decision, I am also mindful that community use of school facilities is beneficial and actively encouraged by national and local policies.

Sue Glover

INSPECTOR



Appeal Decision

Hearing held on 21 September 2010

Site visit made on 21 September 2010

by **John Chase** MCD Dip Arch RIBA MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
15 October 2010

Appeal Ref: APP/T5150/A/10/2127405

1 Saxon Road, Wembley, Middlesex, HA9 9TP

- 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 Nicholas Weston against the decision of the Council of the London Borough of Brent.
- The application Ref 09/3273, dated 9 October 2009, was refused by notice dated 9 December 2009.
- The development proposed is the erection of two 3 bedroom (5 person) houses and one 2 bedroom (4 person) bungalow with associated landscaping.

Procedural Matters

1. At the Hearing an application for costs was made by Mr Nicholas Weston against the Council of the London Borough of Brent. This application is the subject of a separate Decision.
2. The elevations submitted with the planning application do not fully describe the scheme, and have some variations from the floor plans. However, there is sufficient information on the drawings to enable a decision to be taken, and subsequent corrections may be submitted for approval without fundamentally altering the proposal, or significantly affecting third party interests.
3. The description of the development shown in the planning application adequately indicates the scope of the proposal and this is the version used in this decision.
4. An agreement made under Section 106 of the Town and Country Planning Act 1990 has been formed between the main parties to provide for contributions towards education, highways and open space infrastructure, and to secure the use of the land for affordable housing. At the Hearing, representations were made on behalf of a third party who claimed to have rights over the appeal site. To the extent that any such rights may have a bearing on the agreement, there is insufficient evidence that they would amount to an interest as referred to in Section 106. In other respects, they are a private legal matter which is outside the scope of my determination.
5. Whilst the Local Development Framework Core Strategy has been adopted since the decision on the planning application, it was reported to the Hearing that the submitted Policies from the Unitary Development Plan (UDP), adopted in 2004, remain as part of the development plan and are relevant to the determination of the appeal.

Decision

6. The appeal is allowed, and planning permission granted for the erection of two 3 bedroom (5 person) houses and one 2 bedroom (4 person) bungalow with associated landscaping at 1 Saxon Road, Wembley, Middlesex, HA9 9TP in accordance with the terms of the application, Ref 09/3273, dated 9 October 2009, subject to the following conditions:
- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Such landscaping details shall include 1) soft landscaping in the front and rear garden areas and on the green roofs, 2) planting along the side and rear boundaries, 3) the positions, design, materials and type of boundary enclosure, external ground surfaces, and all other hard landscaping features, 4) arrangements for the maintenance of the landscaping works.
 - 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation. All other landscaping works shall be carried out in accordance with the approved details before first occupation of any of the dwellings.
 - 5) Notwithstanding the provisions of Classes A, D and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extensions or buildings shall be constructed except as hereby approved. No additional or modified first floor windows shall be constructed in the rear elevation of Unit B except as complying with condition A3(b)(i)&(ii) of the Order.
 - 6) Before the first occupation of Units B and C the first floor rear bathroom window of Unit B and the first floor side landing window of unit C shall be fitted with obscured glass and be non-opening below 1.7m above floor level, and shall be permanently retained in that condition.
 - 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall

be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding/fencing
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt.
- 8) Demolition or construction works shall not take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
- 9) Details of the sheds shown on the approved drawings shall be submitted to and approved in writing by the local planning authority before commencement of work on site, and implemented in accordance with the approved details.
- 10) Notwithstanding the details shown on the approved drawings, no development shall take place until amended drawings have been submitted to and approved in writing by the local planning authority, showing: 1) full elevations of all walls, 2) the full extent of all parapets, 3) the position and appearance of toilet windows in units B and C, 4) modified first floor clerestory windows to the rear of Unit B with a minimum glazing height of 1.7m above floor level. Development shall be carried out in accordance with the approved details.
- 11) The development hereby permitted shall be carried out in accordance with the approved plans numbered L3832/1, 161/1B, 161/60K, 161/61H, 161/62D and 161/SK1, except as modified by subsequent approvals required by these conditions.

Reasons

7. The main issue is the effect of the development on the living conditions of future occupiers and adjoining residents. The Council's decision notice sets out four specific areas of concern, which will be dealt with in order, having regard to the submitted policies in the UDP and, in particular, Policy BE9(e), referring to the need to promote the amenity of existing and proposed residents. Supplementary Planning Guidance (SPG) No 17: Design Guide for New Development, 2001, which has been consulted on and adopted by the Council, expands on this requirement with specific recommendations, and is a material consideration in the determination of the appeal.
8. The first point of concern is the proximity of the southern wall of Unit C to the rear boundary of the houses in Chalklands. The SPG recommends that a new building should be lower than a 45 degree line taken 2m above the garden edge, to avoid undue dominance or over-bearing, whereas the proposed parapet would be above this level. The scheme would comply with the other aspect of the SPG recommendation, being below the 30 degree line taken from the wall of the neighbouring house, and the adjoining gardens are more than a minimum length, so that it would be their more remote rear portions that would be most affected. The standards in the SPG are not binding, being

- subject to the circumstances of the case, and, in this instance the buildings would be sufficiently separated so as to maintain satisfactory living standards.
9. Attention was drawn to the garden of No 155 Chalklands. This house would not immediately abut the side wall of Unit C, and any effect of overbearing would be less than at the neighbouring properties. However, there is a concern about the potential for overlooking from the rear of the new development, especially as an enclosed garden area has been established at the back of No 155, and a family member has a special need for outside privacy. However, the rear windows on Unit C would be at an acute angle to the neighbour's garden, which would be outside a normal line of view, and any overlooking would be less than already arises from neighbouring houses.
 10. Turning to the second point on the Council's decision notice, the main window of the rear bedroom of the bungalow at Unit A would be close to the boundary, and the combination of high brick wall and planting would significantly restrict the outlook. To ameliorate the situation, the glazing would be extended around the northern projection of the back wall, to provide a view along the rear of the property, and it is noted that the requirement for outlook from a bedroom would be less than that of a living room, which would be occupied during the day. Having regard to the degree of outlook available in the other rooms in the house, the shortfall in one bedroom would not be so harmful as to unduly affect the living conditions of the future residents.
 11. Unit B would be closer to both the separating boundary and the rear of the houses in The Leadings than the dimensions recommended in the SPG. The recommendation occurs under a heading entitled 'Privacy', and there is no indication that this aspect of the layout would conflict with the SPG standards intended to diminish overbearing. To avoid overlooking, the appellant proposes that the windows in the rear wall should be either at a high level, or obscure glazed, it being noted that they are not the sole windows of any habitable rooms. The SPG recognises that privacy may be achieved through design, rather than adherence to standards, and such a solution would avoid both the actual loss of privacy and, having regard to the size and nature of the windows, a perceived loss of privacy, in adjoining properties. I noted during the Hearing that the minimum height of the clerestory windows, at about 1.5m above floor level, would be unlikely to entirely eliminate overlooking, but that a minor amendment to increase the height could be obtained by a suitable condition.
 12. The fourth area of concern refers to the distance between the rear windows of Unit C and the common boundary with the houses in The Leadings, being below the level recommended in the SPG to maintain privacy. The house to house distance would exceed the recommended level, and the adjoining gardens are more than a minimum length. This situation is comparable with that concerning overbearing of the houses in Chalklands, dealt with above, and, in common with the conclusions in that case, the relatively limited shortfall, which would affect only the rear portion of the neighbour's property, would not produce a significant reduction in living standards. The situation would be further mitigated by the proposed introduction of suitable trees at the rear of the new houses.

13. Account has been taken of other concerns, including the potential for an increase in noise and disturbance, but the residential use of the site would not be out of keeping with surrounding development. The orientation and distances are such that there would remain sufficient sunlight at adjoining properties. Overall, it is recognised that the neighbouring houses have abutted a site without permanent buildings for an extended period, enjoying an open aspect, and that the proposed development would lead to some changes in this respect. However, for the reasons given above, it is concluded that normal and adequate levels of residential amenity would be maintained, and the development would not cause undue harm to the living conditions of future occupiers and adjoining residents, in compliance with UDP Policy BE9(e).

Other Matters

14. It is suggested by third parties that the site would be better allocated to community uses, there being an indication that it had been earmarked for such purposes in an earlier estate plan, and account has been taken of the submitted extracts from the Core Strategy, including references to a need for community land and open space. However, neither the Core Strategy, nor any other part of the development plan brought to my attention, indicate that there would be a policy objection to the use of the site for housing, and it is suitably located in a sustainable residential area. The Council have not raised an objection to the residential development of the land in principle, and there are not adequate grounds for coming to a different view.
15. The submitted Section 106 Agreement has been assessed in relation to the advice in Circular 05/2005, and the statutory tests in the Community Infrastructure Levy Regulations, 2010. The need for contributions towards education, highways and open space infrastructure is established by UDP Policies CF6, TRN4 and OS18/OS7 respectively, with justification for a standard contribution charge in a Supplementary Planning Document entitled S106 Planning Obligations, adopted 2007. This information entitles due weight to be given to the need for the payment of contributions and, whilst it was confirmed at the Hearing that there is no policy requirement for affordable housing on this site, without a restriction to this use a higher infrastructure charge would have been payable. However, there is insufficient justification for the payment of a monitoring fee, or that the upper limit for the payment of the Council's legal charges has been set at a reasonable level, which prevents weight being allocated to these aspects of the agreement.
16. A number of other matters have been raised, including a concern about the effect of the development on the character and appearance of the area. Whilst the size and shape of the site have necessitated a specific design solution, there is sufficient variety in the area, in terms of design and siting, to accommodate the new development without it looking especially out of place. To some extent, the disused and open condition of the site, which appears to have been previously laid with hard standing, has a detrimental effect on the area, which would be improved by the construction of new, permanent buildings. With respect to the concern about the possible increase in parking and congestion that could arise out of the development, it is noted that the Council have not raised an objection on this basis, and the available evidence does not amount to a substantial case that highway safety would be compromised.

Conditions

17. The suggested conditions have been assessed in the light of the advice in Circular 11/95. They are necessary to control external materials, landscaping, and the proposed garden sheds, for the benefit of the appearance of the development and the amenity of residents. The outside amenity areas of Units B and C are sufficiently restricted in size to justify the removal of permitted development rights for extensions and ancillary buildings, and the prominent corner position of Unit A requires similar control to avoid harm to the appearance of the area. The same consideration applies to the removal of rights to construct porches on the front elevations. It is necessary to regulate any further windows in the rear of Unit B, and to provide for obscured glazing in the bathroom window of this unit and the side window of Unit C, to avoid loss of privacy for the adjoining houses. There is sufficient distance from the opposing houses to avoid the need for a similar provision at the rear of Unit C.
18. Having regard to the restricted size of the site, and the proximity of housing, conditions are necessary to control the construction process and hours of work, for highway safety and residential amenity. Conditions are included specifying the approved drawings, and identifying the amendments necessary to accurately describe the scheme, for the avoidance of doubt and in the interests of proper planning. This latter condition includes the requirement to show higher clerestory windows in Unit B to avoid overlooking of adjoining property. The drawings already contain adequate information about bin storage, it being confirmed at the Hearing that the Council would not require further information.

John Chase

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

C Hughes BA, MRUP, MRTPI	Catherine Hughes Associates, Planning Consultants
R Pearce	Metropolitan Housing Trust
N Weston	Metropolitan Housing Trust
P Keegan AA Dip, RIBA	Architect

FOR THE LOCAL PLANNING AUTHORITY:

V McDonagh MTCP, MRTPI	Planning Department, London Borough of Brent
------------------------	--

INTERESTED PERSONS:

R Dunwell HND MechEng	Chairman of QARA Group speaking on behalf of local residents
-----------------------	--

DOCUMENTS

- 1 Deed of Agreement made under Section 106 of the Town and Country Planning Act 1990
- 2 Extracts from London Borough of Brent Core Strategy, adopted July 2010
- 3 Appellant's application for costs
- 4 Extracts from the Unitary Development Plan concerning infrastructure contributions



Appeal Decision

Hearing held on 21 September 2010

Site visit made on 21 September 2010

by **John Chase** MCD Dip Arch RIBA MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
15 October 2010

Appeal Ref: APP/T5150/A/10/2127405

1 Saxon Road, Wembley, Middlesex, HA9 9TP

- 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 Nicholas Weston against the decision of the Council of the London Borough of Brent.
- The application Ref 09/3273, dated 9 October 2009, was refused by notice dated 9 December 2009.
- The development proposed is the erection of two 3 bedroom (5 person) houses and one 2 bedroom (4 person) bungalow with associated landscaping.

Procedural Matters

1. At the Hearing an application for costs was made by Mr Nicholas Weston against the Council of the London Borough of Brent. This application is the subject of a separate Decision.
2. The elevations submitted with the planning application do not fully describe the scheme, and have some variations from the floor plans. However, there is sufficient information on the drawings to enable a decision to be taken, and subsequent corrections may be submitted for approval without fundamentally altering the proposal, or significantly affecting third party interests.
3. The description of the development shown in the planning application adequately indicates the scope of the proposal and this is the version used in this decision.
4. An agreement made under Section 106 of the Town and Country Planning Act 1990 has been formed between the main parties to provide for contributions towards education, highways and open space infrastructure, and to secure the use of the land for affordable housing. At the Hearing, representations were made on behalf of a third party who claimed to have rights over the appeal site. To the extent that any such rights may have a bearing on the agreement, there is insufficient evidence that they would amount to an interest as referred to in Section 106. In other respects, they are a private legal matter which is outside the scope of my determination.
5. Whilst the Local Development Framework Core Strategy has been adopted since the decision on the planning application, it was reported to the Hearing that the submitted Policies from the Unitary Development Plan (UDP), adopted in 2004, remain as part of the development plan and are relevant to the determination of the appeal.

Decision

6. The appeal is allowed, and planning permission granted for the erection of two 3 bedroom (5 person) houses and one 2 bedroom (4 person) bungalow with associated landscaping at 1 Saxon Road, Wembley, Middlesex, HA9 9TP in accordance with the terms of the application, Ref 09/3273, dated 9 October 2009, subject to the following conditions:
- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Such landscaping details shall include 1) soft landscaping in the front and rear garden areas and on the green roofs, 2) planting along the side and rear boundaries, 3) the positions, design, materials and type of boundary enclosure, external ground surfaces, and all other hard landscaping features, 4) arrangements for the maintenance of the landscaping works.
 - 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation. All other landscaping works shall be carried out in accordance with the approved details before first occupation of any of the dwellings.
 - 5) Notwithstanding the provisions of Classes A, D and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extensions or buildings shall be constructed except as hereby approved. No additional or modified first floor windows shall be constructed in the rear elevation of Unit B except as complying with condition A3(b)(i)&(ii) of the Order.
 - 6) Before the first occupation of Units B and C the first floor rear bathroom window of Unit B and the first floor side landing window of unit C shall be fitted with obscured glass and be non-opening below 1.7m above floor level, and shall be permanently retained in that condition.
 - 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall

be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding/fencing
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt.
- 8) Demolition or construction works shall not take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
- 9) Details of the sheds shown on the approved drawings shall be submitted to and approved in writing by the local planning authority before commencement of work on site, and implemented in accordance with the approved details.
- 10) Notwithstanding the details shown on the approved drawings, no development shall take place until amended drawings have been submitted to and approved in writing by the local planning authority, showing: 1) full elevations of all walls, 2) the full extent of all parapets, 3) the position and appearance of toilet windows in units B and C, 4) modified first floor clerestory windows to the rear of Unit B with a minimum glazing height of 1.7m above floor level. Development shall be carried out in accordance with the approved details.
- 11) The development hereby permitted shall be carried out in accordance with the approved plans numbered L3832/1, 161/1B, 161/60K, 161/61H, 161/62D and 161/SK1, except as modified by subsequent approvals required by these conditions.

Reasons

7. The main issue is the effect of the development on the living conditions of future occupiers and adjoining residents. The Council's decision notice sets out four specific areas of concern, which will be dealt with in order, having regard to the submitted policies in the UDP and, in particular, Policy BE9(e), referring to the need to promote the amenity of existing and proposed residents. Supplementary Planning Guidance (SPG) No 17: Design Guide for New Development, 2001, which has been consulted on and adopted by the Council, expands on this requirement with specific recommendations, and is a material consideration in the determination of the appeal.
8. The first point of concern is the proximity of the southern wall of Unit C to the rear boundary of the houses in Chalklands. The SPG recommends that a new building should be lower than a 45 degree line taken 2m above the garden edge, to avoid undue dominance or over-bearing, whereas the proposed parapet would be above this level. The scheme would comply with the other aspect of the SPG recommendation, being below the 30 degree line taken from the wall of the neighbouring house, and the adjoining gardens are more than a minimum length, so that it would be their more remote rear portions that would be most affected. The standards in the SPG are not binding, being

- subject to the circumstances of the case, and, in this instance the buildings would be sufficiently separated so as to maintain satisfactory living standards.
9. Attention was drawn to the garden of No 155 Chalklands. This house would not immediately abut the side wall of Unit C, and any effect of overbearing would be less than at the neighbouring properties. However, there is a concern about the potential for overlooking from the rear of the new development, especially as an enclosed garden area has been established at the back of No 155, and a family member has a special need for outside privacy. However, the rear windows on Unit C would be at an acute angle to the neighbour's garden, which would be outside a normal line of view, and any overlooking would be less than already arises from neighbouring houses.
 10. Turning to the second point on the Council's decision notice, the main window of the rear bedroom of the bungalow at Unit A would be close to the boundary, and the combination of high brick wall and planting would significantly restrict the outlook. To ameliorate the situation, the glazing would be extended around the northern projection of the back wall, to provide a view along the rear of the property, and it is noted that the requirement for outlook from a bedroom would be less than that of a living room, which would be occupied during the day. Having regard to the degree of outlook available in the other rooms in the house, the shortfall in one bedroom would not be so harmful as to unduly affect the living conditions of the future residents.
 11. Unit B would be closer to both the separating boundary and the rear of the houses in The Leadings than the dimensions recommended in the SPG. The recommendation occurs under a heading entitled 'Privacy', and there is no indication that this aspect of the layout would conflict with the SPG standards intended to diminish overbearing. To avoid overlooking, the appellant proposes that the windows in the rear wall should be either at a high level, or obscure glazed, it being noted that they are not the sole windows of any habitable rooms. The SPG recognises that privacy may be achieved through design, rather than adherence to standards, and such a solution would avoid both the actual loss of privacy and, having regard to the size and nature of the windows, a perceived loss of privacy, in adjoining properties. I noted during the Hearing that the minimum height of the clerestory windows, at about 1.5m above floor level, would be unlikely to entirely eliminate overlooking, but that a minor amendment to increase the height could be obtained by a suitable condition.
 12. The fourth area of concern refers to the distance between the rear windows of Unit C and the common boundary with the houses in The Leadings, being below the level recommended in the SPG to maintain privacy. The house to house distance would exceed the recommended level, and the adjoining gardens are more than a minimum length. This situation is comparable with that concerning overbearing of the houses in Chalklands, dealt with above, and, in common with the conclusions in that case, the relatively limited shortfall, which would affect only the rear portion of the neighbour's property, would not produce a significant reduction in living standards. The situation would be further mitigated by the proposed introduction of suitable trees at the rear of the new houses.

13. Account has been taken of other concerns, including the potential for an increase in noise and disturbance, but the residential use of the site would not be out of keeping with surrounding development. The orientation and distances are such that there would remain sufficient sunlight at adjoining properties. Overall, it is recognised that the neighbouring houses have abutted a site without permanent buildings for an extended period, enjoying an open aspect, and that the proposed development would lead to some changes in this respect. However, for the reasons given above, it is concluded that normal and adequate levels of residential amenity would be maintained, and the development would not cause undue harm to the living conditions of future occupiers and adjoining residents, in compliance with UDP Policy BE9(e).

Other Matters

14. It is suggested by third parties that the site would be better allocated to community uses, there being an indication that it had been earmarked for such purposes in an earlier estate plan, and account has been taken of the submitted extracts from the Core Strategy, including references to a need for community land and open space. However, neither the Core Strategy, nor any other part of the development plan brought to my attention, indicate that there would be a policy objection to the use of the site for housing, and it is suitably located in a sustainable residential area. The Council have not raised an objection to the residential development of the land in principle, and there are not adequate grounds for coming to a different view.
15. The submitted Section 106 Agreement has been assessed in relation to the advice in Circular 05/2005, and the statutory tests in the Community Infrastructure Levy Regulations, 2010. The need for contributions towards education, highways and open space infrastructure is established by UDP Policies CF6, TRN4 and OS18/OS7 respectively, with justification for a standard contribution charge in a Supplementary Planning Document entitled S106 Planning Obligations, adopted 2007. This information entitles due weight to be given to the need for the payment of contributions and, whilst it was confirmed at the Hearing that there is no policy requirement for affordable housing on this site, without a restriction to this use a higher infrastructure charge would have been payable. However, there is insufficient justification for the payment of a monitoring fee, or that the upper limit for the payment of the Council's legal charges has been set at a reasonable level, which prevents weight being allocated to these aspects of the agreement.
16. A number of other matters have been raised, including a concern about the effect of the development on the character and appearance of the area. Whilst the size and shape of the site have necessitated a specific design solution, there is sufficient variety in the area, in terms of design and siting, to accommodate the new development without it looking especially out of place. To some extent, the disused and open condition of the site, which appears to have been previously laid with hard standing, has a detrimental effect on the area, which would be improved by the construction of new, permanent buildings. With respect to the concern about the possible increase in parking and congestion that could arise out of the development, it is noted that the Council have not raised an objection on this basis, and the available evidence does not amount to a substantial case that highway safety would be compromised.

Conditions

17. The suggested conditions have been assessed in the light of the advice in Circular 11/95. They are necessary to control external materials, landscaping, and the proposed garden sheds, for the benefit of the appearance of the development and the amenity of residents. The outside amenity areas of Units B and C are sufficiently restricted in size to justify the removal of permitted development rights for extensions and ancillary buildings, and the prominent corner position of Unit A requires similar control to avoid harm to the appearance of the area. The same consideration applies to the removal of rights to construct porches on the front elevations. It is necessary to regulate any further windows in the rear of Unit B, and to provide for obscured glazing in the bathroom window of this unit and the side window of Unit C, to avoid loss of privacy for the adjoining houses. There is sufficient distance from the opposing houses to avoid the need for a similar provision at the rear of Unit C.
18. Having regard to the restricted size of the site, and the proximity of housing, conditions are necessary to control the construction process and hours of work, for highway safety and residential amenity. Conditions are included specifying the approved drawings, and identifying the amendments necessary to accurately describe the scheme, for the avoidance of doubt and in the interests of proper planning. This latter condition includes the requirement to show higher clerestory windows in Unit B to avoid overlooking of adjoining property. The drawings already contain adequate information about bin storage, it being confirmed at the Hearing that the Council would not require further information.

John Chase

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

C Hughes BA, MRUP, MRTPI	Catherine Hughes Associates, Planning Consultants
R Pearce	Metropolitan Housing Trust
N Weston	Metropolitan Housing Trust
P Keegan AA Dip, RIBA	Architect

FOR THE LOCAL PLANNING AUTHORITY:

V McDonagh MTCP, MRTPI	Planning Department, London Borough of Brent
------------------------	--

INTERESTED PERSONS:

R Dunwell HND MechEng	Chairman of QARA Group speaking on behalf of local residents
-----------------------	--

DOCUMENTS

- 1 Deed of Agreement made under Section 106 of the Town and Country Planning Act 1990
- 2 Extracts from London Borough of Brent Core Strategy, adopted July 2010
- 3 Appellant's application for costs
- 4 Extracts from the Unitary Development Plan concerning infrastructure contributions



Appeal Decision

Site visit made on 5 October 2010

by **Christopher Gethin MA MTCP MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:
enquiries@pins.gsi.gov.uk

Decision date:
19 October 2010

Appeal Ref: APP/T5150/A/10/2130326

15a Regency Mews, Willesden, London NW10 2SA

- 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 brought by Mrs G Aslan against the decision of the Council of the London Borough of Brent.
- The application ref. 10/0577 dated 11 March 2010 was refused by notice dated 26 April 2010.
- The development proposed is a two-bedroom dwellinghouse with front dormer window onto Regency Mews and associated landscaping, refuse storage and cycle parking.

Decision

- 1 For the reasons given below, and in exercise of the powers transferred to me, I allow the appeal and grant planning permission for a two-bedroom dwellinghouse with front dormer window onto Regency Mews and associated landscaping, refuse storage and cycle parking at 15a Regency Mews, Willesden, London NW10 2SA in accordance with the terms of the application ref. 10/0577 dated 11 March 2010, subject to the conditions set out in the schedule.

Main Issue

- 2 The principal issue is the effect of the proposed development on the living conditions of the occupiers of dwellings in Strode Road.

Reasons

- 3 The subject property is a two-storey building in a mews to the rear of High Road, Willesden. It was last used for storage and is currently being converted into a dwelling following the grant of planning permission in 2009, this being for a two-bedroom dwelling with rooflights in the front roofplane. The subject application differs from the approved scheme only in respect of a dormer window which is proposed in place of the rooflights.
- 4 The dormer window would be sited centrally on the south-facing roofplane. The Council makes no objection to its appearance and I consider that it would be in keeping with the character and appearance of the building and of the area. I shall confine my reasoning in this appeal to the issue of residential amenity which arises from the proposed change.
- 5 The dwelling is situated about 7.5m from the boundary with the rear gardens of nos 27 and 29 Strode Road. The face of the dormer window would be about 7.9m from this boundary, at second-floor level. The Council's Supplementary

Planning Guidance: *Design Guide for New Development* (SPG17), adopted in 2001, gives a guideline minimum distance of 10m between a habitable room and a rear boundary. However, having regard to the proviso that mews development may involve a reduction in these standards (consistent with the character of the area or design measures to minimise negative impacts), the dwelling has been permitted. The issue before me is whether the proposed dormer window would materially increase overlooking (or the perception of being overlooked) by comparison with the approved rooflight.

- 6 I saw at my site visit that mature deciduous trees on the boundary provide substantial screening during the summer and early autumn, when most use is made of private amenity space. Indeed, I was unable to see any part of the rear gardens of nos 27 or 29 from any level within the subject development. Bearing in mind that the SPG guideline requires a separation distance of 10m, the 'disputed' territory comprises a strip of about two metres at the end of these rear gardens nearest to the appeal site. The appellant has proposed a condition requiring the dormer window to be obscurely glazed and non-opening to a height of 1.6m above floor level. The proposed measures would effectively prevent anyone standing at the window from being able to look downwards into the rear part of these gardens, whether or not the tree screen were to be retained in the future.
- 7 I consider, therefore, that these measures would protect the privacy of the occupiers of the adjoining dwellings in Strode Road, particularly nos 27 and 29, and that any increased perception of being overlooked would be minimal and acceptable.
- 8 The Council has expressed various concerns regarding the proposed condition. I consider that the restricted outlook arising from the provision of the obscured glazing would be compensated by the direct outlook towards the tree canopy which would be available from the clear-glazed upper section of the window (as compared with the outlook towards the sky which would be available from the approved high-level rooflights). Moreover, the dormer would provide significantly more space for the bedroom. I consider that the appearance of the obscure glazing would be acceptable in the context of the secluded mews. The provision of obscure glazing is a common requirement for residential schemes which is not normally inhibited by concerns over possible future enforcement difficulties.
- 9 I conclude that the proposed development incorporating a dormer window would be acceptable (subject to the proposed condition) by reference to 'saved' policy BE9 of the 2004 Brent Unitary Development Plan.

Conclusion

- 10 For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed. I consider the appellant's suggested condition to be necessary and justified in the interests of safeguarding the privacy of the occupiers of dwellings in Strode Road. The Council has suggested a number of conditions, which I take to be the same as those applying to the approved scheme: I have re-worded them where necessary in the interests of clarity and enforceability. They are justified in the interests of visual and residential amenity, and highway safety. While the application

refers to cycle parking, no details of such provision are evident on the submitted drawings, so I have added a condition requiring it. Otherwise than as set out in this decision and conditions, it is necessary that the development be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

- 11 The appellant has signed a Unilateral Undertaking pursuant to s106 of the Town and Country Planning Act 1990 which satisfies the Council's requirement for a contribution towards the cost of providing transport infrastructure and education and open space facilities, and also ensures that the dwelling will remain a 'car free' development.

Christopher Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: 10-0403-01, 02, 03, 04 and 05.
- 3) No development shall take place until details of the construction and finish of the external surfaces, doors and windows of the development hereby permitted, together with samples of the materials to be used in their construction, have been submitted to and approved in writing by the Local Planning Authority. These details shall include hanging details of openable windows. No part of the dormer windows hereby approved shall be clear glazed or openable below a height of 1.6m above the finished floor level of bedroom 2. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until samples of the obscure glazing to be used in the dormer windows have been submitted to and approved in writing by the Local Planning Authority. The approved glazing shall be thereafter retained unless written permission for alternative obscure glazing is first obtained from the Local Planning Authority.
- 5) No development shall take place before a detailed landscaping scheme for the site, including details of the materials to be used for hard surfaces, has been submitted to and approved in writing by the Local Planning Authority. All planting comprised in the approved details shall be carried out in the first planting season following the first occupation of the dwelling or the completion of the development, whichever is sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority first gives written consent for any variation.

- 6) No development shall take place until details of all screen and boundary walls, gates, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the dwelling hereby approved shall not be occupied until the details have been fully implemented.
- 7) Details of facilities for the storage and recycling of domestic refuse shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The dwelling hereby authorised shall not be occupied before the approved facilities have been provided and made available for use by the occupiers of the dwelling. The space designated for refuse and recycling storage shall not be used for any other purpose without the prior written approval of the Local Planning Authority.
- 8) No development shall take place until full details of the arrangements for the parking of bicycles (including covered storage where appropriate) have been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby authorised shall not be occupied before the cycle storage arrangements shown on the approved drawings have been provided and made available for use by the occupiers of the dwelling. The space designated for cycle storage shall not be used for any other purpose without the prior written approval of the Local Planning Authority.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within classes A, B, C, D or E of Class 1, Schedule 2 to the said Order shall be carried out without the prior written consent of the Local Planning Authority.



Appeal Decision

Site visit made on 12 October 2010

by **Peter Eggleton MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
27 October 2010

Appeal Ref: APP/T5150/D/10/2135110

30 Hopefield Avenue, Queens Park, London NW6 6LH.

- 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 Mrs Kathrine Malachi against the decision of the London Borough of Brent Council.
- The application Ref 10/0290, dated 5 February 2010, was refused by notice dated 9 June 2010.
- The development proposed is the demolition of the rear conservatory and the erection of a single-storey side infill extension.

Decision

1. I allow the appeal, and grant planning permission for the demolition of the rear conservatory and the erection of a single-storey side infill extension at 30 Hopefield Avenue, Queens Park, London in accordance with the terms of the application, Ref 10/0290, dated 5 February 2010, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, drawn by John Paul, dated 4 February 2010 and amended on 22 March 2010.

Main issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

3. The Council's concern relates to the impact of the proposal on the Queen's Park Conservation Area. This area is characterised by two and three storey Victorian houses and a central park. This proposal would infill the gap between the existing rear projection and the boundary. It would not be visible from any public place. Given that it would be similar to the height of the existing garden fence, only its roof would be apparent to the neighbouring residents. It may also be visible in very limited views from first and second floor windows of the terraced properties opposite.
4. *Planning Policy Statement 5: Planning for the Historic Environment* requires that I consider the relative significance of this particular part of the conservation area; identify and assess the particular significance of any

element of the historic environment that may be affected by the proposal; and take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment.

5. The Queen's Park Conservation Area Design Guide does not identify the rear two storey elements of these houses and the spaces around them as being of particular significance. Guidance is not provided in relation to additions such as this. I am unclear of the status of this document but I do not find that the proposal conflicts with its requirements. Overall, I do not find that the area of this proposed addition has any particular significance with regard to the conservation area and it would have no impact on its character or appearance.
6. The extension would be well designed. Its height would be such that it would have no greater visual impact on the neighbouring property than the existing fence. Its pitched roof together with the proposed materials would result in a complementary structure to the main house design. The Council suggest that the proposal would be contrary to Policies BE2, BE9, BE25 and BE26 of the London Borough of Brent Unitary Development Plan (UDP). These policies relate to townscape, architectural quality and the need to preserve and enhance conservation areas. Given my findings, I have found no conflict with these policies.
7. The Council's Supplementary Planning Guide (SPG): *Altering and Extending Your Home* was adopted in 2002. This suggests that single storey side extensions should not be allowed as they cause problems for neighbours who already suffer from restricted light in their homes. The structure would be close to the large rear facing window of the neighbouring dwelling. However, as the height of the eaves would be similar to the existing fence, I do not consider that outlook or light would be significantly altered. Although this proposal would conflict with the SPG, as this addition would have no material impact on the living conditions of the neighbouring residents, I do not find that it would be contrary to the objectives of the guidance.
8. I have considered all the matters put forward by the Council and the Queens Park Area Residents' Association but I find that the addition would be well designed and would provide improved accommodation within the house without harm to the neighbouring residents. It would preserve the character and appearance of the conservation area. I have not found any matters that weigh significantly against it. No objections have been raised with regard to the loss of the conservatory and I agree that its removal would not be a concern. I therefore allow the appeal. As the proposed materials have been specified on the plans, I have imposed only standard conditions relating to the time limit for commencement and the identification of the approved plans.

Peter Eggleton

INSPECTOR



Appeal Decision

Site visit made on 29 September 2010

by **Lynne Evans BA MA MRTPI MRICS**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
19 October 2010

Appeal Ref: APP/T5150/D/10/2135117

1 Corringham Road, Wembley HA9 9PX

- 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 E Fisher against the decision of the Council of the London Borough of Brent
- The application Ref: 10/0942 dated 9 April 2010, was refused by notice 4 June 2010.
- The development proposed is garden wall, gates and landscaping/hardstanding.

Application for Costs

1. An application for costs was made by the Appellant against the Council. This application will be the subject of a separate decision.

Decision

2. I allow the appeal, and grant planning permission for the erection of new front boundary wall; provision of off-street parking; hardstanding; formation of vehicular crossover and associated landscaping at 1 Corringham Road, Wembley, HA9 9PX in accordance with the terms of the application, Ref: 10/0942 dated 09 April 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Notwithstanding Condition 3, no development shall take place until further hard and soft landscaping details have been submitted to and approved in writing by the Local Planning Authority. These details shall include, together with a programme for implementation:
 - i) detailed planting proposals including hedges and shrubs to be retained and location, species, size, number and density of new planting;
 - ii) all hard landscape materials, including areas of hardstanding, paving and boundary walls, with samples, if requested.The landscape works shall be completed in accordance with the approved details and the approved programme of implementation.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1004 10/02, 1004 10/03 and 1004 10/04.

Preliminary Matters

3. The Council amended the description to refer to the individual elements of the proposal which I consider provides a more comprehensive description of the proposal. Although I recognise that there was an earlier similar scheme for which planning permission was granted, I do not consider that this needs to be specifically referenced in the description. I have therefore assessed the proposal on the basis of the following description: the erection of new front boundary wall; provision of off-street parking; hardstanding; formation of vehicular crossover and associated landscaping.

Main issue

4. I consider that the main issue raised in this appeal is the effect of the proposal on the Council's aims to reduce car ownership and use in the Borough.

Reasons

5. The appeal property is a large residential property on the west side of Corringham Road, within a predominantly residential area. The property lies within the Barn Hill Conservation Area, part of which, including the appeal property and other properties in Corringham Road, is covered by an Article 4 Direction. This Direction removes permitted development rights for, amongst other things, hardstandings, boundary wall treatments and the creation of dropped kerbs.
6. The existing property has a single garage and parking space in front of the garage. The proposal would create additional off-street parking spaces on the proposed hardstanding to the immediate south of the property. This would provide the property with more than the two off-street spaces which the Council indicates should be provided for dwellings with 4 or more bedrooms. However, on the basis of the limited information before me, I am not persuaded that Policy TRN23 of the London Borough of Brent Unitary Development Plan 2004 (UDP) and the relevant car parking standard PS14, which is cross referenced under that Policy, is intended to apply to existing dwellings. PS14, and its supporting text, specifies that the standard relates to new dwellings.
7. Furthermore, I noted from my site visit that there is no restriction to on-street parking except on event days. There is no evidence before me to indicate that in this location the restriction of off-street car parking would not simply transfer to an increase in on-street parking, given the lack of general parking restrictions. Whilst I respect and support the Council's aims, I do not consider that the proposal would, in the circumstances of this case and location, undermine the Council's objectives as set out in its UDP of reducing car ownership and use.
8. In reaching this view I have also taken into account that permission was granted in 2006 by the Council for a very similar proposal. Although it proposed a slightly smaller area of hardstanding, the permission still provided for the Appellant to park more than two cars within the curtilage of the dwelling.

9. I also note the Appellant's view that the principal reason for requiring planning permission for the proposed works was because of the Article 4 Direction. I have not been provided with a copy of the Article 4 Direction but reference to it is set out in the Council's Barn Hill Conservation Area Design Guide (Design Guide). The Council sets out that it has placed the Article 4 Direction on some of the Conservation Area 'because of its special character.' The Design Guide notes in Paragraph 3.1 that the original front gardens are a particularly attractive feature of the area. There is no reference in the Design Guide to suggest that the imposition of the Article 4 Direction was also for the purpose of reducing car ownership and use. I therefore have sympathy with the Appellant's view that the Council would appear to have sought to transfer the restriction imposed for the protection of the appearance and character of the Conservation Area for an unrelated purpose.
10. In respect of the Conservation Area, I am satisfied that the proposals would improve the appearance of the front garden area through the introduction of a more traditional layout and detailing. It would thus, in my view, preserve and enhance the appearance and character of the Conservation Area.
11. The Council has proposed a number of conditions in the event that planning permission is granted. I agree that details and samples of the materials for the hard surface areas and detailed landscaping proposals should be approved in order to protect the appearance and character of the Conservation Area. I also agree that a condition to list the approved plans should be imposed on the basis that, otherwise than as set out in this decision and in 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. The Council's decision notice and the condition proposed by the Council includes reference to Plan 1004 10/01 but as this appears to show the previous approved scheme I have not included it on the list of approved plans. I have amended the wording of some of the conditions to reflect the guidance in Circular 11/95.
12. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

L J Evans

INSPECTOR