



Planning Committee

Wednesday, 16 March 2011 at 7.00 pm

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

Membership:

Members

Councillors:

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

First alternates

Councillors:

Kabir
Mitchell Murray
Hossain
Kansagra
Cheese
Naheerathan
Castle
Oladapo
Thomas
J Moher
Lorber

Second alternates

Councillors:

Gladbaum
R Moher
Mashari
HB Patel
Allie
Ogunro
Beck
Powney
Van Kalwala
Moloney
Castle

For further information contact: Joe Kwateng, Democratic Services Officer
(0200 8937 1354, joe.kwateng@brent.gov.uk)

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 held on 23 February 2011		1 - 12
Extract of Planning Code of Practice		
APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING		
3. 3 Newfield Primary School & Newfield Nursery School, Longstone Avenue & Mission Dine Club, Fry Road, London, NW10 (Ref. 10/3052)	Harlesden;	17 - 32
NORTHERN AREA		
4. Woodcock Park, Shaftesbury Avenue, Harrow, HA3 0RD (Ref. 11/0208)	Kenton;	33 - 40
5. 20 Keyes Road, London, NW2 3XA (Ref. 11/0026)	Mapesbury;	41 - 46
6. 16 Bouverie Gardens, Harrow, HA3 0RQ (Ref. 10/3261)	Kenton;	47 - 56
7. 1A Dorchester Way, Harrow, HA3 9RF (Ref. 11/0082)	Kenton;	57 - 66
SOUTHERN AREA		
8. 325-327 Kilburn High Road, London, NW6 7PY (Ref. 10/2822)	Kilburn;	67 - 74
9. Cambridge Court, Cambridge Avenue, Ely Court, Chichester Road & Wells Court, Coventry Close, London, NW6 (Ref. 10/3247)	Kilburn;	75 - 98
10. 41 Kingswood Avenue, London, NW6 6LS (Ref. 11/0093)	Queens Park;	99 - 102
11. Storage Land next to 75, St Pauls Avenue, London, NW2 5TG (Ref. 11/0051)	Willesden Green;	103 - 114
WESTERN AREA		
12. 29, 30, 31 Brook Avenue, Wembley, HA9 (Ref. 10/2814)	Preston;	115 - 136
13. Land next to 10, Tillett Close, London, NW10 (Ref. 10/2075)	Stonebridge;	137 - 154
PLANNING APPEALS		
14. Planning Appeals & Enforcement February 2011		155 - 188
15. Any Other Urgent Business		

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

Site Visits - 12 March 2011

SITE VISITS – SATURDAY 12 MARCH 2010

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
10/2814	29, 30, 31 Brook Avenue, Wembley, HA9	12	Preston	9:40	115 -136
10/3247	Cambridge Court, Cambridge Avenue, Ely Court, Chichester Road & Wells Court, Coventry Close, London, NW6	9	Preston	10.20	75 - 98

Date of the next meeting: Wednesday, 6 April 2011

The site visits for that meeting will take place the preceding Saturday 2 April 2011 at 9.30am when the coach leaves Brent House.



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

This page is intentionally left blank



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday, 23 February 2011 at 7.00 pm

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

ALSO PRESENT: Councillor Muhammed Butt, Councillor Bhagwanji Chohan, Councillor Paul Lorber, Councillor Jayesh Mistry, Councillor Kana Naheerathan, Councillor Harshadbhai Patel and Councillor Carol Shaw

Apologies for absence were received from Councillor Long.

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

1-16 Greencrest Place NW2 6HF.

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

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

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

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 2 February 2011 be approved as an accurate record of the meeting.

3. **24 Briar Road, Harrow, Middlesex HA3 0DR (Ref 10/2678)**

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

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

4. **46 Ebrington Road, Harrow, Middlesex HA3 0LT (Ref 10/3141)**

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

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

5. 1-16 inc. Greencrest Place, London NW2 6HF (Ref 10/3093)

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

RECOMMENDATION: Refuse planning permission with an additional reason.

Stephen Weeks, Head of Area Planning drew members' attention to the supplementary report which set out the advice by the Director of Legal and Procurement for amendments to the reasons for refusal. In view of the advice he recommended amendments to reasons 1 and 7 and added a further reason (8) as set out in the tabled supplementary report

Mrs Truman, Chair of Board of Directors of Neville and Dollis Hill Court objected to the proposed development on grounds of its excessive height which she felt would be out of character with the properties in the area. She considered that an increase from 16 to 27 flats would constitute an over-development of the site which would give rise to parking problems and traffic congestion. Mrs Truman also expressed her concerns at the lack of consultation by the applicants with local residents.

Mr Leigh Scheindlinger also raised objections on the following grounds;

- (a) Over-development of site which would result in over-population.
- (b) Excessive height of the proposed development.
- (c) Lack of privacy.
- (d) Inadequate parking spaces.

Mr Scheindlinger noted that the development would include one disabled person's ground floor flat but added that in view of the distance and the slope it would not be feasible for a disabled person to access the property without an additional electrical support.

Ms Kerry Branford the applicant's agent started by saying that the proposed development which had been designed to a high standard to improve the area would assist in meeting the Borough's housing shortage. She added that the development which would be set well back from the school and about 50 metres away from Dollis Hill Court would not dominate the streetscene. Ms Branford continued that there would be no loss of parking to the residents of Neville Court. In conclusion, she urged members to grant consent to what she considered to be a high quality sustainable development that would provide affordable housing for local residents.

DECISION: Refused planning permission with additional and amended reasons 1 and 7.

Note: Councillor Cummins having declared a personal interest left the meeting room and took no part in the voting and discussion during consideration of this application.

6. Flats 1C-D & 2C, 9 The Avenue, London NW6 (Ref 10/2789)

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

RECOMMENDATION: Grant planning permission subject to conditions as amended in condition 2, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal & Procurement.

Andy Bates, Area Planning Manager submitted the following clarifications in response to queries raised at the site visit:

Tree Protection

An Arboricultural Method Statement (AMS) had been submitted with the application setting out full details of proposals to ensure that the Holm Oak would be protected during the development of the site. The Tree Protection Officer's assessment was that the AMS would be sufficient to ensure that the development could be carried out without causing unreasonable harm to the health of the tree. This had been strengthened by condition 9 to ensure that the development would be carried out in strict accordance with the proposals contained in the submitted AMS.

Drawings

The applicant had submitted revised plans to correct the discrepancy on drawing no. 09TA-101-E&P Rev A and in view of that he recommended that condition 2 be updated to refer to the revised plan (09TA-101-E&P Rev B).

Character of the Area

Officers had appraised the design of the proposed building on its own individual merits and considered that the design of the proposed building would provide an appropriate, albeit modern, response to the context of the surrounding area. He added that the relationship of the proposed development and the existing property at No. 11 The Avenue was considered acceptable in design terms.

Overdevelopment and impact on amenities

The planning permission would be subject to the applicant entering into a s106 agreement which would secure a contribution of £45,000 to be used towards mitigating the impact of the development on local amenities.

Sustainability

Having carried out an assessment it was the view of Officers that through other sustainability measures, such as recycling materials from the demolished building, the proposed development would comply with the Council's normal sustainability standards. Compliance with the Council's sustainability requirements would be secured through a s106 legal agreement

Mr David Spero objected to the proposed development on the grounds that it would be out of character with the properties in the area, contrary to the Council's Unitary Development plan policies and standards on Areas of Distinctive Residential Character (ADRC) and Conservation Areas. Mr Spero claimed that the applicant's design and access statement were factually incorrect and added that the proposed development was likely to set a precedent for similar undesirable developments in the area in future.

Mr Robin Mills also an objector started by informing members that there was a petition signed by 51 residents objecting to the proposed development on grounds of loss of wildlife, loss of heritage and out of character with neighbouring properties in the area. Mr Mills added that with an increase in the density of population and car usage, the existing parking problems would get worse.

In accordance with the provisions of the Planning Code of Practice Councillor Shaw, ward member stated that she had been approached by objectors to the application. Councillor Shaw raised objections on the following grounds;

- (a) Loss of wildlife and oak tree in The Avenue
- (b) Unsympathetic development incorporating a design which would be contrary to the Council's UDP policies and standards and out of character with the area.
- (c) The associated increase in population would put an unacceptable pressure on parking and residential amenities including school places.
- (d) Access problems and restriction to delivery vehicles to The Avenue.
- (d) Unacceptable increase in noise nuisance as well as loss of privacy.

Councillor Shaw requested deferral in order to allow the Council to seek the views of local residents on how the Section 106 financial contribution of £45,000 could be spent locally.

In responding to the issues raised, the Head of Area Planning stated that whilst condition 9 would address concerns on tree protection, he requested that delegated authority be granted to him to agree the wording on control of the car park. He continued that the Council could not insist on traditional form of development on the site adding that in his view, the proposal was acceptable.

DECISION: Planning permission granted subject to conditions to include control of the car park and as amended in condition 2, to add or amend conditions relating to tree protection measures and restricting the use of on-site parking to the occupants, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal & Procurement.

7. Land between 10 & 11 Chambers Lane, London NW10

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

RECOMMENDATION: Grant planning permission subject to conditions as amended in condition 5, the removal of condition 8 and an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or

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

With reference to the tabled supplementary report, the Area Planning Manager Andy Bates explained the reasons for the amendment to condition 5 and the removal of condition 8.

DECISION: Planning permission granted subject to conditions as amended in condition 5, the removal of condition 8 and an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or

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

8. Newfield Primary School & Newfield Nursery School, Longstone Avenue & Mission Dine Club, Fry Road NW10 (Ref 10/3052)

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

RECOMMENDATION: Defer consideration of the application to the next meeting to enable further consultation to take place and to allow the Mission Dine Club to formally comment on the application.

Stephen Weeks, Head of Area Planning, recommended that consideration of this application be deferred in order to allow the Mission Dine Club to formally comment on the planning application. He anticipated that the proposal would be considered at the Planning Committee meeting on 16 March 2011.

DECISION: Deferred consideration of the application to the next meeting to enable further consultation to take place and to allow the Mission Dine Club to formally comment on the application.

9. Flats 1-11, Belvedere Hall, The Avenue, London NW6 (Ref 10/3022)

PROPOSAL: Formation of vehicular crossover to existing forecourt area.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

10. 16 Kingswood Avenue, Kondon NW6 6LG (Ref 10/3187)

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

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

11. 66A Salusbury Road, London NW6 6NR (Ref 10/3155)

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

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

12. Garages rear of 55 Mount Pleasant Road & Henley Road, London NW10 (Ref 10/3131)

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

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

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

RECOMMENDATION: Grant planning permission subject to conditions and informatives regarding Party Wall Act.

Members noted that since the report was published there had been an additional letter of objection which did not raise any new objection. In order to allay objectors' concerns on future use Andy Bates, Area Planning Manager drew members' attention to condition 3 which restricted the use of the basement.

Mr Martin West in objecting to the application stated that the proposed dome rooflight would be obtrusive and affect the privacy of the neighbour's property through increased lighting. He added that there was no indication as to how the development could be carried out without trespassing the neighbouring properties and causing further damage. Mr West considered that the proposal was inconsiderate as it did not contain details of extraction, ventilation and adequate fire exits and unnecessary as there were several other gyms in the area.

Mr Maris Sillis an objector felt that the application for variation to enable the size of the basement to be increased was unnecessary as the original scheme was considered sufficient for the proposed development. He added that although the stated use of the basement would be for a gym and utility room, there was no certainty that it would not be used as a bedroom in the future resulting in a more cramped property. This prospect would give rise to safety concerns, traffic congestion and the whole development being out of character with its surroundings.

Mr Paul Baker, the applicant's agent stated that the application which complied with the Council's standards would provide an enlarged space for lobby and leisure activities but not for habitable use. He added that the outside form had not been altered and therefore the proposal would not have any impact on the streetscene. Mr Baker continued that details of ventilation, landscaping and tree report had been submitted to the Council's Building Control for permission. In response to a member's query, Mr Baker stated that the proposed

development would be nearer to the boundary than the original scheme that was granted. He added that the size of the basement had never been an issue with this or the application that was previously refused.

DECISION: Planning permission granted subject to conditions and informatives regarding Party Wall Act.

13. 93, 93A, 94, 94A, 95, 96, 96A & 97 Ealing Road, Wembley, Middlesex HA0 (Ref 10/2942)

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

RECOMMENDATION: Grant planning permission, subject to a s106 legal agreement as amended in the Heads of Terms (clause e), or

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

Neil McClellan, Area Planning Manager informed members that the applicant had submitted additional sustainability information, further improvements to which could be achieved through the Section 106 legal agreement. He added that the applicant had also submitted drawings detailing the amendments agreed which had been agreed previously with him. In reference to the supplementary report Neil McClellan drew members' attention to an additional condition on external satellite, following consultation with the design officer.

DECISION:

(a) Planning permission granted subject to conditions, an additional condition on communal satellite dish and a s106 legal agreement, as amended in the Heads of Terms (clause e),or

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

14. Preston Manor High School, Carlton Avenue East, Wembley HA9 8NA (Ref 10/3203)

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

RECOMMENDATION: (a) Grant Planning Permission, subject to conditions as amended in conditions 2, 4, 6, 7, 8, 9, 11, 12, 15, 16, 18, 20 and 21, an additional condition on details of construction and surface treatment and a s106 legal agreement, or

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

Neil McClellan, the Area Planning Manager clarified the following issues raised at the site visit. He started by saying that the applicant's pre-application consultation with residents had advised that the school was initially envisaged as single-storey but that the statutory consultation had described the building as proposed. He continued that the highway capacity study carried out by consultants and agreed by the Council's Highways Engineer had confirmed that Carlton Avenue East was more suitable than Ashley Gardens. In respect of the locked vehicle barrier to deter fly tipping, he informed members that once the school was established, the barrier would be removed and with increased pedestrian activity and enhanced security measures such as CCTV the likelihood of fly tipping would be reduced. The Area Planning Manager added that concerns raised by residents on traffic and parking would in part be addressed through the applicant's proposed Travel Plan. In reporting on land contamination he stated that the Council's Environmental Health Officer (EHO) had confirmed that further testing had confirmed that the site was not contaminated and as such conditions were no longer required to address that. He referred to amendments to a number of conditions and an additional condition as set in the tabled supplementary report.

Mrs Monica Patel objecting on behalf of Elmstead Avenue Residents' Association raised the following issues;

- (i) Lack of adequate consultation with the residents of Elmstead Avenue.
- (ii) Members' visit to the site was not properly conducted.
- (iii) The proposed Travel Plan was flawed and failed to take account of extra 97 cars that would access the site.

- (iv) There was no budget provision from Highways Unit to address the poor state of the pavements in the area.
- (v) Contrary to the views expressed by the EHO, the site was contaminated
- (vi) A covenant existed that prevented additional building on the site.
- (vii) All 3 local schools; Preston Manor High, Wembley High, Preston Park Primary, Wembley Primary objected to the new primary school being built on the site.
- (viii) With several primary schools in the immediate area including Ark-Academy, the claim about lack of school places in the area was unfounded.

In conclusion, Mrs Patel considered that the proposal to be ill-thought out with no other acceptable alternative plan put forward. She therefore urged members to refuse the application.

Mr Patel an objector stated that the proposed school building would generate increased traffic including commuter parking in an area that was already suffering from lack of parking. The situation would be worsened by the existence of a nursery and a church close by. Mr Patel added that the proposal which would be out of character with the neighbourhood would obstruct access to his home with consequent adverse impact on his residential amenities.

In accordance with the provisions of the Planning Code of Practice, Councillor HB Patel, ward member, stated that he had been approached by the residents/objectors. Councillor HB Patel started by echoing the allegation about lack of consultation with residents. He considered as unfounded the claim by officers that the school was required to meet the need for additional school places as there were several other schools nearby including Mount Stewart, Chalkhill, Preston Park and Ark Academy Primary Schools. Councillor HB Patel also considered that the proposed Travel Plan was flawed as it would not be able to address the consequent traffic and parking problems. He added that the proposal would lead to loss of open space as the site was not surplus to requirements as reported.

Aileen Thomas, the applicant's agent stated that the impact of the proposal on local traffic would be temporary whilst the backlog of children from all areas of the Borough seeking school places were being cleared and that once this exercise was over, admission would be locally based, thus resulting in reduced school traffic. In addition the Travel Plan which would include car sharing, cycling, staggered opening times across both schools, walking buses and the review of other potential drop-off areas would reduce the congestion that could result.

Ms Carmen Coffey Head of Communication And Support Services (CASS) in clarifying the demographic issues and the need for school places stated that the rising birth rates coupled with movements into the area had resulted in demand for places in local schools outstripping supply. She added that majority of schools in Brent were full in all year groups including Wembley Infants School which had recently been expanded from 3 to 4 form entry (90 to 120 children), Ark Academy and Preston Park Primary and that currently there were about 64 children without school places. She also confirmed that admission to Preston

Manor High was not based on feeder school system as there were other neighbouring schools (Kingsbury, Claremont and Wembley High Schools) which also considered applications from local pupils. In response to possible impact of the changes arising from housing assistance and housing benefits, Carmen Coffey stated that it would probably take about 12 to 18 months before the impact was felt and by then the pressure on school admission would have eased.

Stephen Weeks clarified the consultations undertaken which included letters to 320 residents, site and press notices, all of which complied with normal guidelines. In reiterating the recommendation the Head of Area Planning drew members' attention to the amended conditions as set out in the tabled supplementary report.

DECISION: (a) Planning permission granted subject to conditions as amended in conditions 2, 4, 6, 7, 8, 9, 11, 12, 15, 16, 18, 20 and 21, an additional condition regarding MUGA and on details of construction of access road and a s106 legal agreement, or

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

Note: Councillor Baker declared personal interest in this application withdrew from the meeting room and took no part in the discussion or voting.

15. Shree Saibaba Mandir, Union Road, Wembley, HA0 4AU (Ref 10/2041)

PROPOSAL: Retrospective application for change of use to a place of worship (Use Class D1), and proposed erection of a single-storey rear extension, a canopy to the side elevation and two front canopies of entrance doors.

RECOMMENDATION: Refuse planning permission.

Stephen Weeks informed the Committee that he had received a letter from the applicant's agents (ASK Planning) dated 20.02.2011 stating that the applicants had withdrawn the application. In view of the withdrawal he stated that members were no longer able to make a decision on the application.

DECISION: As application had been withdrawn no decision was taken.

16. Planning Appeals January 2011

Noted.

17. Any Other Urgent Business

None.

The meeting ended at 9:15pm

RS PATEL
Chair

EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

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

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

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

STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

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

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

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

This page is intentionally left blank

Committee Report Planning Committee on 16 March, 2011

Item No. 3
Case No. 10/3052

RECEIVED: 6 December, 2010

WARD: Harlesden

PLANNING AREA: Harlesden Consultative Forum

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

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

APPLICANT: London Borough of Brent

CONTACT: Mott MacDonald Ltd

PLAN NO'S:
Please see condition 2

This application was deferred from the Planning Committee meeting held on 23 February 2011 in order to allow additional consultation to take place, specifically with the Mission Dine Community Centre who indicated that they were not aware of the planning application.

RECOMMENDATION

To:

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

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

SECTION 106 DETAILS

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

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

- d. Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- e. Join and adhere to the Considerate Contractors scheme.

EXISTING

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

PROPOSAL

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

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

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

HISTORY

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

POLICY CONSIDERATIONS

Local

Brent Unitary Development Plan 2004

Built Environment

- BE2 on townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE3 relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.
- BE4 states that developments shall include suitable access for people with disabilities.
- BE5 on urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used

and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.

- BE7 Public Realm: Streetscene
BE9 seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
BE12 states that proposals should embody sustainable design principles commensurate with the scale and type of development.

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
TRN4 Measures to make transport impact acceptable, including management measures to reduce car usage to acceptable levels.
TRN22 Parking standards for non residential developments
TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
PS12 Non-residential car parking standards
PS15 Parking standards for disabled people.
PS16 Cycle parking standards

Open Space, Sport & Recreation

- OS8 Protection of sports grounds

Community facilities

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

Brent Core Strategy 2010

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

Supplementary Planning Guidance

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

Regional

London Plan Consolidated with Alterations 2008

National

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

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

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

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

SUSTAINABILITY ASSESSMENT

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

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

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

CONSULTATION

External

On 14 December 2010, neighbouring residents and Ward Councillors were consulted on the application. A site notice was posted outside the site on 21 December 2010 and a notice was posted in the local press on 16 December 2010. The Council has received 26 objections, 1 petition (signed by 17 objectors) and 1 comment.

The objections raised were:

- Consultation was flawed as a number of consultees including councillors and an MP were not consulted.
- Additional school places could be created elsewhere
- The school is not 'well performing'
- No support to provide alternative options which may be suitable for the purposes of the community centre
- The Council has breached confidentiality by revealing that the community centre is in arrears of ground rent

The one comment on the application stated no objection to the proposal.

As indicated in the "Header" section of this report the Mission Dine had previously claimed that they were not aware of this planning application. In order to remedy this situation, a number of consultation letters were sent out dated 22 February 2011. The Mission Dine building does not have a letter box, but Officers were able to hand a letter to an occupant of the building and, in addition, a consultation was delivered to the home address of the Chair of the organisation, as well as their planning consultant.

Internal

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

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

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

Sustainability officer: See Sustainability Assessment section, above

Statutory consultees

Sport England

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

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

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

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

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

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

Reason: to ensure the development is fit for purpose

(Proposed as condition 13 and 14)

REMARKS

Introduction

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

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

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

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

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

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

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

Principle of Development

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

a) MUGA on open space

Unitary Development Plan (UDP 2004) policy OS8 *Protection of Sports Grounds* now supported by

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

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

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

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

Further details of public access to one of the MUGA's will be controlled via condition and hours of operation will be imposed to ensure its use does not cause undue harm to neighbouring residential amenity (*Proposed condition 15*). No floodlighting is proposed so its use will be naturally limited when daylight ends; condition 16 is proposed to ensure no floodlighting is erected without planning approval

b) Replacement of Community Use

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

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

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

The Council recognises that the Mission Dine was set up in part to assist particular groups within the community. In order to consider the loss of the facility, the Council has undertaken an equalities assessment. The assessment concludes that the loss of the facility is acceptable in diversity terms and is, in any event, balanced by the provision of enlarged and enhanced school accommodation that would, in itself, be of benefit to all sections of the wider community.

Design

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

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

Highway Concerns

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

Parking standards require a maximum of 1 car space per 5 staff, which means an increase in the standard from 7 to 12 car spaces, a significant increase. Furthermore, visitor parking should be provided to a maximum of 20% of the staff parking, which will mean an increase from 1.4 to 2.4 spaces.

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

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

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

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

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

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

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

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

Landscape and Play Space

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

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

As explained above the School expansion claims (572m²) ground from the open space. To compensate for the loss of open space the proposed development is judged to provide (a) a better quality play space in the form of a 'Multi Use Games Area' (MUGA), which will be for public use after school hours (b) a high quality civic building which will be a positive asset to meet the shortage of spaces in the borough; and (c) high quality landscaping, including screen planting to the North and South boundaries, and improved paths to the school and open space. Discussion regarding the maintenance of the proposed improved paths to the school and open space to the South West of the school are ongoing, details of which will be secured by condition 8

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

A detailed landscaping scheme for the proposed development has not been submitted as part of the application therefore these will be secured by proposed condition 8. There may be some scope to simplify the treatment of the proposed entrance area off Fry Road to facilitate maintenance in the future and Members will be updated at the meeting.

Impact on neighbouring properties

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

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

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

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

Conclusion

The proposed extensions are required in order to meet a recognised need to provide education for primary school aged children within the Borough. The proposed extensions are considered acceptable. The applicants have demonstrated that subject to a legal agreement, the proposal will not harm the local highway network and will relate satisfactorily to local amenities. The loss of the Mission Dine building has been carefully considered both in planning terms, but also in terms of equalities impact, and the applicants have demonstrated that the proposal will comply with local and national planning policies. Accordingly approval is recommended.

RECOMMENDATION: Grant planning permission.

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

London Plan 2004 as consolidated with amendments

Brent's Unitary Development Plan 2004

Brent's Core Strategy 2010

SPG17 - Design Guide for New Development

SPG12 – Access for disabled people, designing for accessibility

CONDITIONS/REASONS:

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing

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

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

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

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

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

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

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

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

- (5) Within 12 months of occupation the applicants shall submit a review by a BRE approved independent body which verifies that the development has met or exceeded a BREEAM 'very good' rating is submitted to and approved in writing by the Local Planning Authority. If the review specifies that the development has failed to meet the above levels, compensatory measure shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the extension.

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

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

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

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

The approved details shall be implemented in accordance with the approved details

Reason: To ensure a satisfactory development which incorporates community access

- (8) All areas shown on the plan(s) and such other areas as may be shown on the approved plan(s) shall be suitably landscaped and a scheme is to be submitted to and approved in writing by the Local Planning Authority within 3 months of this decision notice. Such landscape works shall be completed within 12 months of commencement of the development hereby approved.

Such details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels.
- (ii) Hard surfaces details including locations, materials and finishes.
- (iii) The location of, details of materials and finishes of, all proposed street furniture, storage facilities, signage and lighting.
- (iv) Proposed boundary treatments including screening, walls and fencing, indicating materials and dimensions.
- (v) All planting including location, species, size, density and number.
- (vi) A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape.

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

- (9)
- a. Within 3 months of the date of this decision details of any plant/ extraction equipment to be installed together with any associated ducting and the expected noise levels to be generated, shall be submitted to and agreed in writing by the Local Planning Authority prior to installation and thereafter shall be installed in accordance with the approved details. Ducts should outlet at least 1m above eaves unless otherwise agreed in writing.
 - b. The noise level from any plant (e.g. refrigeration, air-conditioning, ventilation system, kitchen extraction equipment), together with any associated ducting, shall be maintained at a level 10 dB (A) or greater below the measured background-noise level at the nearest noise-sensitive premises. The method of assessment should be carried out in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas".
 - c. Should the predicted noise levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

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

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

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

- (11) The applicants will comply strictly in accordance with the measures set out within the submitted School Travel Plan, unless otherwise agreed in writing by the Local Planning Authority. The Travel Plan shall be monitored on an annual basis and the results of the ITrace-compliant monitoring incorporated into the submission requirements below:

- a. Within 3 months of occupation, the Travel Plan shall be audited, with a site and staff ITrace- compliant survey and these details shall be submitted to the Local Planning Authority and approved in writing within 6 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.
- b. A review of the Travel Plan measures over the first 12 months of operation shall be submitted to the Local Planning Authority within 15 months of the commencement of the use and the review shall be approved in writing within 18 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.
- c. A review of the Travel Plan measures over the first 3 years months of operation shall be submitted to the Local Planning Authority within 36 months of the

commencement of the use and the review shall be approved in writing within 39 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.

- d. A review of the Travel Plan measures over the first 5 years of operation shall be submitted to the Local Planning Authority within 60 months of the commencement of the use and the review shall be approved in writing within 63 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

Reason: to ensure the development is fit for purpose

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

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

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

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

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

INFORMATIVES:

None Specified

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



Planning Committee Map

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

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 16 March, 2011

Item No. 4
Case No. 11/0208

RECEIVED: 28 January, 2011

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Woodcock Park, Shaftesbury Avenue, Harrow, HA3 0RD

PROPOSAL: Installation of an artificial turf pitch with perimeter fencing on existing tarmac area of park

APPLICANT: Mr Shaun Faulkner

CONTACT: Mr Neil Martin

PLAN NO'S:
See Condition 2

RECOMMENDATION

Grant consent

EXISTING

The site comprises an existing hard surfaced play area within Woodcock Hill Open Space. The proposed area of development is located at the western side of the open space in between St. Gregory's School, Woodcock Hill (road) and the Wealdstone Brook which lie to the south, west and north of the site respectively. The closest access to the site is from Woodcock Hill where there are residential properties on there western side of this road. The site is not in a conservation area nor does it contain any listed buildings.

PROPOSAL

Installation of an artificial turf pitch with perimeter fencing (3m high) on existing tarmac area of park

HISTORY

88/0746 - *Granted*, 05/07/1988

Details Pursuant to Condition 2 of pp DTD 06 Oct 1987 ref:87/1337

87/1337 - *Granted*, 06/10/1987

Erection of temporart site office & contractors compound for use during river Brent flood alleviation scheme

20379 3281 - *Granted*, 07/07/1953

Hut

POLICY CONSIDERATIONS

National Policies

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

Local Policies

Brent Core Strategy 2010

- CP 18 Protection and enhancement of open space, sports and biodiversity**
 STR33, STR34, STR35, OS4, OS6, OS7, OS8, OS11, OS22
 Protects all open space from inappropriate development. Promotes enhancements to open space, sports and biodiversity, particularly in areas of deficiency and where additional pressure on open space will be created
- CP23 Protection of Community Facilities**
 CF2

Brent Unitary Development Plan 2004

Built Environment

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

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN22 Parking standards for non residential developments
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- PS16 Cycle parking standards

CONSULTATION

Consultation Start Date: 03 Feb - 24 Feb 2011

Public consultation

Residents along Woodgrange Close, Woodcock Hill, Donnington Road and Retreat Close were consulted. Two site notices were also displayed along Woodcock Hill.

Objections: 3 received. The main issues cited in the objections are:

- Visual amenity across the park from residential properties;
- Views across the park disrupted;
- Why the pitch was not placed closer to the school i.e. directly backing onto the school;
- Loud and noisy activities extended till 9pm with the installation of the pitch;
- Increased traffic and congestion by users of the pitch;
- Noise from crowds;
- Increased use of the park by these users will change the calm character of the park;
- Loss of public space;
- Fence prevents wider use of pitch;

- Intimidating path;
- Fencing will be an eyesore;
- Unfair pre-booking system restricts use of the pitch;
- Use of tarmac for other activities such as cycling and remote control car use and cricket;
- Loss of tarmac will increase car parking elsewhere when school events;
- Pitch will block a well used walkway.

Officers response :

- Discussion between Planning, the Parks Service and Sports Service have resulted in a proposal that 6 semi-mature trees be planted to the west of the pitch. This would help assuage objections about the fencing around the pitch being an eyesore and provide a better outlook for residents facing the park. Given the size of Woodcock Hill Park, the impact of the proposal should not have a significant impact on the calm aspects of the park
- The pitch is proposed in this location because of the requirement for even ground levels and Council policies which deterred the loss of green space. As such the pitch could not be brought closer to the rear of the school
- The pitch is of a relatively small size as it is for 5-a-side football. As such it is not envisaged that large numbers of people will attend matches. Additionally, no floodlighting is proposed so there will be limited use outside of school times. Full details will be secured through a condition relating to community access.
- Parking for users and visitors of the pitch will be accommodated within the school grounds.
- The Sports Service has a strategy for increasing sports uptake within the borough and in particular use of its parks for these activities. This also ties in with the boroughs wider strategy for preventing obesity by encouraging sports uptake. As such placing the artificial turf pitch within the park and as a facility managed by the school would comply with the Council's strategies.
- The pitch will be open for community use with prior permission and will be managed by the school in order to maintain good operation of the site and prevent vandalism. As such there will be no loss of community space.
- The existing tarmaced area is of poor quality and the proposal to provided a formalised play facility is considered to be of benefit.
- In terms of a walkway, a 10m path will remain between the north west corner of the pitch and the tree line to the north. The width of the pathway is considered sufficient to not feel overly enclosed.

Internal consultation

Transportation: No objections raised.

Landscape Team : No objections raised subject to conditions for Tree Protection Plan and Arboricultural Method Statement.

Statutory consultees

Environment Agency : No objection raised. Would like to see naturalised zone of 8m from the Wealdstone Brooke

Sport England : No objections raised subject to condition for maintenance plan

REMARKS

Introduction

The proposal involves the formation of an artificial turf pitch to be used for 5-a-side football as part of a donation from the Union of European Football Associations (UEFA). It will be laid over an existing section of a tarmaced area within Woodcock Hill Open Space to the rear of St. Gregory's Science College. The new pitch will measure 20m x 40m and will be surrounded by a 3m high weld-mesh fence with a connected walkway to St. Gregory's school.

Principle of the Development

This proposal is part of a larger project to improve sports provision at Woodcock Hill Park. A pitch of this nature is often difficult to establish for reasons of its cost, management and maintenance. This site presented an opportunity whereby the neighbouring school, St. Gregory's Science College, can manage use of the pitch and provide associated facilities including changing rooms for use by local community football teams outside of school hours. The pitch would also provide the school with a purpose built facility where it's pupils can play sport.

A further important aspect of this site is the existence of an area of hardstanding on top of which the artificial turf can be laid without incurring the loss of an existing grassed area which would be contrary to Core Strategy policy CP18. Currently the surface is covered with tarmac which has become undulated from tree root growth at its northern end which borders the Wealdstone Brook. As such the hardsurface cannot be used to play any competitive team sports.

Impact on Neighbouring Properties

There have been 3 formal objections to this proposal and further comments which have been discussed in the consultation section. It is considered that the proposed sports facility will not have a significant impact on the amenity of residents through its use. There will be no floodlighting therefore the hours of operation will be controlled by daylight hours. In addition a Community Access Strategy will ensure that the facility is appropriately managed and provides access for local residents.

Floodlights

Floodlights are not proposed with this planning application and given the size of the pitch such lighting is not deemed necessary. Any proposals for future lighting or floodlighting would require planning permission and the applicant has been made aware of this.

Transport Impacts

The school has confirmed that two car parks are currently available for staff use comprising 37 parking spaces. There is also a disabled car parking space. As such, these spaces will be available for use after school hours for users of the facility.

It is noteworthy that the proposal is small sized pitch for 5-a-side games. As such, a large crowd of visitors is not expected during out of school hours use. Information will be provided to users as part of the Community Access Plan.

Public Transport Accessibility Level (PTAL) directly to the site is considered low but there are a number of bus routes along Kenton Road to the west of Woodcock Hill.

Design and layout

The existing tarmac area is 80m long x30-35m wide and lies towards the south-west area of Woodcock Hill Park. The proposed artificial turf will cover approximately half of this area closest to the rear of St. Gregory's School. The pitch will be surrounded by a 3m high weld-mesh fence with 1.2m high rebound boards fixed to the inside of the mesh.

The remaining tarmaced area is to be returned to natural grass for the benefit of other sports as well as outlook of the park.

Access to the pitch will be from the rear of the school where there is an existing access gate. The path to the pitch will also be surrounded by a 3m weld-mesh for security of the facility . Entrances have been designed for disabled access and use of the pitch.

It is considered that the proposal will be acceptable within the park and, in addition to the provision of trees will not detract from the park.

Management of Use

St. Gregory's School will manage use of the pitch and maintain the site. Appendix 6 presents a draft Community Access Agreement stating the school will be in charge of the operation of the

pitch citing the core opening times and the provision of use of the changing facilities and toilets for all bookings.

Fees for pitch use will be in line with Brent Council fees and charges will be agreed and reviewed on an annual basis.

Landscaping

It was considered appropriate that the remaining tarmaced area be returned to grass for sports use. This suggestion was welcomed by the Environment Agency in terms of alleviating surface water run-off and sustainable flood risk management and also complies with UDP(2004) policy EP12 for flood protection. Because there are tree routes in this section of the tarmacadam, a tree protection method statement was requested to ensure minimum risk of tree damage. This will be required by condition.

For aesthetic reasons, 6 semi-mature trees will be planted north-west of the pitch bordering the car parking area adjacent to the site. This will help screen the pitch from residents along Woodcock Hill. This complies with UDP(2004) policies BE6 and BE7.

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
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

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

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

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

Design and Access Statement Artificial Turf Pitch, Woodcock Park (appendix five)
Draft Community use proposals at Woodcock Park Artificial Grass Pitch (appendix six)

GUK-MUK376-05
GUK-MUK376-01 (appendix eight)
GUK-MUK376-04 (appendix eight)

School Travel Plan (appendix nine)

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

- (3) Within 3 months of the commencement of development a full Community Access Strategy shall be submitted to the Local Planning Authority. This should include details of available parking for users to the development, how booking times and will be arranged and shared with the school. Access to the facility shall be managed in accordance with the approved Strategy.

Reason: To ensure the sports facility will be available for the wider community and will have use of the school premises

- (4) No external lighting shall be installed to the development without prior written approval from the Local Planning Authority.

Reason: To minimise any undue impact to the neighbouring residence.

- (5) Within three months of the completion of the development, a Management and Maintenance Plan shall be submitted which shall provide details of a Scheme for a period of 20 years to include measures to ensure the replacement of all artificial surface/s within the next 10 years and, management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied within full, with effect from commencement of use of the facility.

Reason: To ensure that new facilities are capable of being managed and maintained to an acceptable standard which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (PPG17 Par 14)

- (6) A Tree Protection Plan and Arboricultural Method Statement in accordance with BS5837:2005 Trees in relation to construction of the pitch and naturalisation of the excess tarmac area shall be submitted prior to commencement of the development. The Arboricultural Method Statement should show how the root systems of a group of trees to the north of the site are to be protected and the installation of a root barrier system to protect the surface of the proposed pitch. The development shall be carried out in full accordance with the approved Plan.

Reason: To ensure existing trees will be protected throughout the duration of the construction and the protection of the pitch surface from invasive root damage

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Planning Policy Statement 25

Core Strategy

Unitary Development Plan (2004)

Planning for Sport and Active Recreation Facilities Strategy 2008-2021

Any person wishing to inspect the above papers should contact Harini Boteju, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5015



Planning Committee Map

Site address: Woodcock Park, Shaftesbury Avenue, Harrow, HA3 0RD

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 16 March, 2011**

Item No. 5
Case No. 11/0026

RECEIVED: 7 January, 2011

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 20 Keyes Road, London, NW2 3XA

PROPOSAL: Single storey side and rear extension, rear dormer window, new front and side boundary walls and railings, alterations to soft landscaping within front garden, two flank wall groundfloor windows and two side rooflights to dwellinghouse.

APPLICANT: Mrs Bailache

CONTACT: WEBB ARCHITECTS LIMITED

PLAN NO'S:
See condition 2.

RECOMMENDATION

Approval

EXISTING

Two-storey semi-detached dwellinghouse on the north side of Keyes Road. The site is within an established suburban Victorian residential area which is within the Mapesbury Conservation Area. It is not a listed building.

PROPOSAL

Full planning permission is sought for a single storey side and rear extension, rear dormer window, erection of a front boundary wall with railings and alterations to the front garden.

HISTORY

No relevant planning history.

POLICY CONSIDERATIONS

Brent UDP 2004

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

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

BE25: Development in Conservation Areas - Development proposals in conservation areas shall pay special attention to the preservation or enhancement of the character or appearance of the

area; and regard shall be had for design guidance to ensure the scale and form is consistency.

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

Supplementary Planning Guidance

SPG5 – Altering and Extending your Home

Design Guide

Mapesbury Conservation Area Design Guide

CONSULTATION

13 neighbouring properties and the Mapesbury Residents Association consulted. A site notice was also installed outside the site.

Objections have been received from neighbouring residents at Nos. 18 and 22 Keyes Road and the Mapesbury Residents Association. The objections are on the following grounds:

- 1) The proposed single storey rear extension has a depth in excess of Council guidelines
- 2) There will be a loss of privacy for residents at No. 22
- 3) The proposed extension will have a detrimental impact on the character and appearance of the property and out of keeping with the character of the Conservation Area.
- 4) A proposed screen between Nos. 20 and 22 Keyes Road will decrease security by reducing informal surveillance of the side passage and will block access to No. 22.
- 5) The proposed single storey rear extension does not comply with permitted development criteria.

Response to objections:

- 1) The proposed single storey rear extension has been reduced in size and is now considered to be in accordance with the Council's policies and design guides. This is discussed in the *Remarks* section below.
- 2) The proposed extension projects 1.8m from the rear elevation of the property it is set in 2m from the boundary there are existing mature shrubs and small trees that are to be retained and will restrict overlooking. As such there is not considered to be a loss of privacy for neighbouring residents as a result of the proposed development.
- 3) The proposal is considered to be in keeping with the character and appearance of the property and Conservation Area for the reasons set out in the *Remarks* section of this report.
- 4) There is no screen shown on the proposed plans. The provision of such a screen would require planning permission and the applicants have been informed of this.
- 5) This application is for planning permission and as such it is not necessary for the extension to comply with permitted development criteria. However it should be noted that in this case the proposed single storey rear extension to the existing rear projection is within the permitted development criteria

REMARKS

Amendments during planning process

The applicants submitted amended plans following the objections raised by local residents and further discussions with the Planning Service. The amended plans show the following:

- The depth of the single storey rear extension to the existing rear projection reduced from a

depth of 3m to 1.8m

- A reduced depth of the single storey rear extension to the main building so that it matched the depth of the extension at No. 22 Keyes Road.
- The replacement of the flat roof rear dormer with a pitched roof rear dormer similar to those at Nos. 22 and 24 Keyes Road.

Proposed single storey rear extension

The proposed single storey rear extension has two elements. The first involves a single storey rear extension that will infill the area between the rear wall of the existing two-storey rear projection and the flank wall of the main house. This results in a single storey rear extension with a depth of 4m from the main rear wall of the dwellinghouse. This will match the depth of the existing rear wall of the neighbouring dwellinghouse at 22 Keyes Road.

The second element involves the erection of a single storey rear extension to the existing two-storey rear projection, with a depth of 1.8m. This will have a height of 3m at the eaves level and a height of 4m where it joins the house. This extension will be set in 2m from the boundary with No. 22 and 2.6m from the boundary with No. 18. As such it will not have a significantly detrimental impact on the amenity of neighbouring residents.

Whilst there are no similar extensions to the existing rear projections on this side of Keyes Road, the proposed extension would be of a scale and design considered appropriate to the area. Dwellinghouses within the Mapesbury Conservation Area still have permitted development rights in relation to single storey rear extensions; a single storey rear extension to a depth of 3m could be erected without planning permission.

The proposed single storey rear extensions are of a size and scale that are in keeping with the character and appearance of the dwelling and will not have a detrimental impact on the amenity of neighbouring residents.

Proposed Rear Dormer and Side Rooflights

The proposed rear dormer will have a hipped roof to match that of neighbouring properties. It is adequately set up from the roof eaves and set down from the ridgeline. It will have a timber framed sash window with minimal tile-hang. Two side rooflights are proposed. These are considered acceptable within the Mapesbury Conservation Area provided they are conservation style rooflights which do not project out of the roof plane. A condition will be attached to the permission to ensure that this is the case. There are no alterations proposed for the front roof plane.

The proposed roof alterations are considered to be in keeping with the character and appearance of the property.

Proposed alterations to the front boundary.

The existing front boundary treatment has been removed and is proposed to be replaced with a new dwarf wall with railings and a new metal gate in the same style as the proposed railings. The dwarf wall will have a height of 0.6m while the railings will have a height of 0.9m on top of the wall; the overall height of the front boundary treatment will be 1.5m. This type of boundary treatment is in keeping with the original character of the properties although not many properties have railings as historically these were removed to support the war effort in World War II. The proposed railings are similar in size and style to those approved on the opposite side of Keyes Road at No. 19 (our ref: 07/0636). The existing original front piers are to be retained.

The proposed front boundary treatment is of a size and design that preserves the character and appearance of the dwellinghouse within the Conservation Area. Further details of the proposed bricks and railings along with details of the front landscaping will be sought by condition.

Conclusion.

The proposed extensions and alterations are of a size, style and design that preserves the character and appearance of the property within the Conservation and Area without having a detrimental impact on the amenity of neighbouring residents. As such they are in accordance with the relevant policies and design guidance and approval is recommended subject to the conditions set out below.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home
Mapesbury Conservation Area Design Guide

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

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

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

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

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

1049.01.00
1049.01.01(A)
1049.01.02(A)
1049.01.03(A)
1049.01.04(A)
1049.01.05(A)
1049.02.01(A)
1049.03.02(A)
1049.03.03(A)
1049.03.04(A)
1049.01.11(D)
1049.01.12(D)
1049.01.13(D)
1049.01.14(D)
1049.02.10(D)
1049.03.10(A)
1049.03.11(C)
1049.03.12(D)
1049.03.13

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

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

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

- (4) Details of materials for all external work, including samples where appropriate, 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. This includes details of the front boundary treatment.

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

- (5) Details of the front garden layout shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All detailed works shall be carried out as approved within 18 months of works commencing.

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:

UDP 2004
Mapesbury Conservation Area Design Guide.
SPG 5

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: 20 Keys Road, London, NW2 3XA

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 16 March, 2011

Item No. 1/03
Case No. 10/3261

RECEIVED: 23 December, 2010

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 16 Bouverie Gardens, Harrow, HA3 0RQ

PROPOSAL: Demolition of existing garage and erection of part single part two storey side and rear extension and extended rear patio, replacement of existing timber windows with double glazed uPVC windows to both the front and rear elevations, rear dormer window and one roof light to both the side roofslope facing No. 14 Bouverie Gardens and rear roofslope of the dwellinghouse (revised description).

APPLICANT: Mr R Wajjani

CONTACT: Manu Design Limited

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

Grant Consent

EXISTING

The application site comprises a semi detached dwellinghouse located on Bouverie Gardens. It is located at the head of the cul-de-sac. The site is located within the Mount Stewart Conservation Area and is subject to the Article 4 Direction. The surrounding uses are predominantly residential.

PROPOSAL

Demolition of existing garage and erection of part single part two storey side and rear extension and extended rear patio, replacement of existing timber windows with double glazed uPVC windows to both the front and rear elevations, rear dormer window and one roof light to both the side roofslope facing No. 14 Bouverie Gardens and rear roofslope of the dwellinghouse.

HISTORY

10/3237: Full Planning Permission sought for erection of green house and outbuilding in the rear garden of the dwellinghouse (as per revised plans received on 16th February 2011) - Refused, 18/02/2011.

POLICY CONSIDERATIONS

Brent UDP 2004

BE2: Local Context & Character

BE9: Architectural Quality

BE25: Development in Conservation Areas

BE26: Alterations and Extensions to Buildings in Conservation Areas

Supplementary Planning Guidance

SPG5 – Altering and Extending your Home

Design Guide

Mount Stewart Conservation Area Design Guide

CONSULTATION

Consultation Period: 14/01/2011 - 04/02/2011

Additional Consultation Period on revised plan: 15/02/2011 - 01/03/2011

Press Notice advertised on 27/01/2011

Site Notice Displayed: 20/01/2011 - 10/02/2011

Public Consultation

7 neighbours consulted - objections received from three neighbouring properties on the following grounds:

- Two storey rear extension projecting beyond the original building line and extended patio does not conform to the other properties within the vicinity of the site and would be unsympathetic to the conservation area.
- Extent and nature of the high roofing is out of proportion to the surrounding properties
- Increased risk of flooding as a result of the building works and extended patio.
- Proposal fails the guidance outlined in SPG5 in a number of ways and this in turn could adversely impact on neighbouring properties and the character of the property.
- The proposal involves a large amount of work which is likely to involve long construction period and disturbance to surrounding properties
- Front rooflight is out of keeping with the character of the area.
- Extensions are out of scale with the original house

Internal Consultation

Landscape Team - No objections in principle. Requested further information on soft and hard landscaping.

REMARKS

Site and Surroundings

The application site comprises a semi detached dwellinghouse located at the head of the cul-de-sac on Bouverie Gardens. It has an attached garage along the boundary with No. 14 Bouverie Gardens. There is a building control record for the garage dating back to May 1967 (BC Ref: 11355 17156).

The adjoining semi, No. 18 Bouverie Gardens, has a single storey side and rear extension and the garage has been converted into a habitable room. The garage is not original and formed part of the planning application which included the single storey rear extension (LPA Ref: E2738 5711). The side extension and conversion of the garage was granted in 2004 (LPA Ref: 04/1124). The other neighbouring property, No. 14 Bouverie Gardens has been extended with a two storey extension

and single storey rear extension (LPA Ref: C4937 936).

Proposal

This application proposes to demolish the existing garage and erect of part single part two storey side and rear extension and extended rear patio, replacement of existing timber windows with double glazed uPVC windows to both the front and rear elevations, rear dormer window and one roof light to both the side roof slope facing No. 14 Bouverie Gardens and rear roof slope of the dwellinghouse.

The original plans proposed to infill the front porch but this element has been removed from the scheme and the porch will remain as existing. The scheme has also been amended to provide a greater set in from the flank boundary at both ground and first floor levels. The scheme is discussed in detail below:

Demolition of garage and erection of two storey side extension

The existing garage is attached to the main house. It is set back from the main front wall of the house by 3.0m. It follows the splayed angle of the site and is wider at the rear. It projects beyond the main rear wall of the house by 0.5m.

At ground floor, the side extension is proposed with a set back of 0.5m from the main front wall of the house. It is set in from the boundary with No. 18 Bouverie Gardens by 0.7m and follows the splayed angle. It is proposed with a flat roof measuring 2.9m high with a brick on end detail at the front measuring 3.1m high. At first floor the side extension is proposed with a set back of 1.5m. It provides a gap of 0.7m to the boundary with No. 18 Bouverie Gardens at the front. This gap increases to the rear as the walls of the extension are parallel with the main house. Towards the rear, the extension increases in width by 1.0m, but a gap of 1.0m is maintained to the boundary with No. 18 Bouverie Gardens.

The Mount Stewart Conservation Area Design Guide highlights the need to maintain the gaps between the properties at the heads of culs-de-sacs. It recommends that a maximum of half of the area between the original dwelling and the side boundary should be infilled and that there should be at least a 1.0m set in from the property boundary at the frontage, with a greater set in towards the rear of the plot. It also requires the first floor to be set back from the main front wall of the house. This property is one of a pair of semi detached properties, other neighbouring houses are detached.

Whilst it is recognised that the ground floor side extension does not provide a gap of 1.0m to the side boundary, it should be noted that the gap has already been lost with the introduction of the attached garage. This has also occurred between Nos. 18 and 20 Bouverie Gardens at ground floor level. The proposal will provide a gap of 0.7m which is greater than existing, and is therefore considered to be no worse than the current situation. At first floor, although the side extension is only set in 0.7m from the property boundary at the frontage, this gap increases to 2.0m at the rear. Where the side extension increases in width a minimum gap of 1.0m is maintained. Overall approx. 50% of the area between the original dwelling and the side boundary will be infilled. The shortfall from the property frontage is not considered sufficient to warrant a reason for refusal and is not considered to adversely affect the gaps between the properties. It should also be noted that this is the sole pair of semi detached properties at the head of the cul-de-sac, where the main front elevation of the adjoining detached property is significantly forward of the building line of this property.

The width of the side extension measured at the front is 2.0m wide at ground floor level and 2.2m wide at first floor level. This is less than the internal width of the main front room of the house. The width is considered acceptable and the extension is adequately set back to ensure that it remains subservient to the main house.

The proposed windows to the front elevation of the side extension are casement windows matching the design and proportions of the main windows to the front elevation of the dwellinghouse. The windows will be in uPVC to match the main windows to the house which are also proposed to be replaced as part of this application. This is discussed in further detail below.

Windows are proposed on the flank wall which will serve non-habitable room. The windows are conditioned acceptable but to ensure sufficient levels of privacy to No. 14 Bouverie Gardens, it is recommended that a condition is secured to restrict the glazing to be obscured and for the windows to be high opening.

Part single part two storey rear extension

At ground floor a single storey rear extension is proposed at 3.0m deep next to No. 18 Bouverie Gardens with the bay feature being replicated. At a distance of approx. 3.5m from the boundary with No. 18 Bouverie Gardens, the single storey rear extension increases in depth by an additional 1.0m. It is proposed across the main house and side extension. It is proposed with a flat roof measuring 2.9m from patio level (3.35m from ground level). The relationship with No. 18 Bouverie Gardens is considered acceptable and meets the guidance as outlined in SPG5. No. 14 Bouverie Gardens is closer to the street frontage than the application property. When measured from the rear building line of No. 14 Bouverie Gardens, the extension measures approx. 4.5m in depth. Whilst this exceeds the guidance as outlined in SPG5, given that No. 14 is angled away from the extension and that a sufficient gap is maintained between the properties, it is not considered that the ground floor extension will unduly affect outlook from this property.

The first floor rear extension is proposed behind the side extension and part of the main house and is proposed at 2.75m deep and 5.6m wide. A hipped pitched roof is proposed over the first floor rear extension which is considered to be in keeping with the character of the dwelling.

In terms of the impact upon the amenities of neighbouring occupants the extension complies with the 2:1 guidance from the nearest habitable room window at No. 18 Bouverie Gardens. The nearest window is the rear bedroom bay window where the mid point of this window is 5.25m from the flank wall of the first floor rear extension. The extension projects out by 2.75m from the inside of the rear bay window meeting the 2:1 guidance. In terms of the impact upon the amenities of No. 14 Bouverie Gardens, the nearest habitable room window is located within the side extension. There is a distance of approx. 5.68m from the mid point of this window to the flank wall of the first floor rear extension at its closest point. The extension projects out 2.8m from this window which meets the 2:1 guidance.

A raised patio at 0.45m above garden level is proposed. It will be sufficiently set in from the neighbouring boundaries and screen planting is proposed along the boundary with No. 18 Bouverie Gardens to restrict overlooking. The patio is approx. 3.9m deep.

Rear dormer window and roof lights

The rear dormer is proposed at 2.0m wide. It is just over half the width of the original roof slope. Its front face is predominantly glazed with three casements matching the window design of the windows below. It is set down from the eaves by 0.65m and set up from the eaves by 0.59m.

One roof light is proposed on the rear roof slope and one is also proposed on the flank roof slope facing No. 14 Bouverie Gardens and one roof light is proposed on the rear roof slope. These roof lights are modest in size. It is recommended that a condition is secured for the roof lights to be conservation area style ones installed flush with the roof slope.

The rear dormer and roof lights are not considered to over dominant the roof and comply with the objectives of SPG5.

Replacement windows to main house

The Article 4 Direction for the Mount Stewart Conservation Area controls window replacement on the street frontage. This means that planning permission is required for the windows on the front elevation of the house. The original style of windows are casement with leaded detailing within the top fanlights. A dentil drip rail is provided between the fanlights and main casements. The windows are in timber.

Following on from a number of recent applications, the Council's approach is to support in principle alternative materials for window replacements within the Mount Stewart Conservation Area subject to the replacements replicating as faithfully as possible the original proportion and detailing of the original windows.

The submitted plans and sections indicate that the windows on the front elevation of the main house will have even sight lines, externally mounted leaded light detailing and the dentil drip rail will be replicated. The drip rail will be in timber. Examples of replacement windows in uPVC with dentil drip rails and leaded light detailing have been replicated elsewhere at Nos. 10 and 15 Grenfell Gardens in the Mount Stewart Conservation Area. The windows to the front elevation of the side extension will follow these principles.

It is recommended that a sample of the dentil drip rail is secured by condition together with full details of each window to be replicated including elevation and cross section.

The windows on the rear of the property will also be replaced. These windows can be replaced without the need for planning permission. The replacement will be more simple in design, and given that such replacement can be carried out without the need for planning permission, they are considered to be acceptable in their appearance.

Loss of the garage and the need for off street parking

The proposal has resulted in the loss of the garage parking space and the need for off street parking. The existing front forecourt is currently hard paved with a mature hedgerows along the side boundary with No. 18 Bouverie Gardens. To offset the visual impact of additional vehicles on the front forecourt, soft landscaping is proposed in front of the bay window and in front of the side extension. It is recommended that details of the landscaping are secured by condition.

Response to objections raised

- *Two storey rear extension projecting beyond the original building line and extended patio does not conform to the other properties within the vicinity of the site and would be unsympathetic to the conservation area.*

There are no restrictions in place within this conservation area which would prevent a two storey rear extension. A two storey rear extension is however required to comply with the guidance as outlined in SPG5 to ensure an acceptable level of amenity is maintained for neighbouring properties and to ensure that it is in keeping with the scale of the main house. It is considered that the two storey rear extension meets the guidance as outlined in SPG5 and is expanded upon above.

Similarly, there are no restrictions on the depth of a patio. Consideration should however been given to the amount of greenspace remaining within the garden to ensure that the character of the garden setting is maintained. The application property has a large garden, and a large proportion will remain soft landscaped. It is considered that the patio will not be unsympathetic to the conservation area.

- *Extent and nature of the high roofing is out of proportion to the surrounding properties*

The roof of extension will be sufficiently set down from the main ridge to reduce its bulk and allow to appear subservient to the main house and surrounding properties.

- *Increased risk of flooding as a result of the building works and extended patio.*

The property is located within an area of low flood risk (zone 1). A large proportion of the rear garden will remain soft landscaped and soft landscaping will be reintroduced to the front garden. It is therefore considered that the proposal will not materially increase the risk of flooding.

- Proposal fails the guidance outlined in SPG5 in a number of ways and this in turn could adversely impact on neighbouring properties and the character of the property.

An assessment of the proposal in relation to SPG5 (relating to the rear extension and roof alterations) is discussed in detail above. Whilst it is recognised that not all of the proposed works fully comply with SPG5, they are not considered to adversely impact upon the neighbouring properties or character of the property. On balance, the extensions are considered to comply with the Council's policy objectives.

- *The proposal involves a large amount of work which is likely to involve long construction period and disturbance to surrounding properties*

This is not a planning consideration and therefore can not be considered as part of this application. There is other legislation in place, such as environmental health legislation which controls statutory noise nuisance and building regulations to monitor the construction of the extension

- *Front rooflight is out of keeping with the character of the area*

The front rooflight has been removed, overcoming this objection.

- *Extensions are out of scale with the original house*

Whilst it is recognised that the scale of the property will increase, particular when viewed from the rear, given the size and shape of the rear garden, size of the neighbouring gardens and boundary trees, the proposed extensions are considered to not have an adverse impact upon the character and appearance of the property and wider conservation area.

Conclusion

The proposed development is considered to be in keeping with the character of the dwellinghouse and is considered to preserve and enhance the character and appearance of the Mount Stewart Conservation Area. It is considered to comply with policies **BE2**, **BE9**, **BE25** and **BE26** of Brent's UDP 2004 and the guidance as outlined in the Mount Stewart Conservation Area Design Guide.

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

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):

BOUG16/1
BOUG16/2
BOUG16/3 Rev E
BOUG16/4 Rev F
BOUG16/5 Rev A
BOUG16/6
BOUG16/7

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

- (3) The windows in the flank wall of the building as extended shall be glazed with obscure glass and the windows shall open at high level only (not less than 1.8m above floor level) and top hung and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

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

- (4) No windows or glazed doors other than any shown in the approved plans 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.

- (5) The replacement windows to the front elevation of the main house and to the front elevation of the side extension hereby approved shall match the design of the original windows as closely as possible, particularly in terms of the length and width of the glazing area, style, frame depth and thickness, dentil drip-rail design and thickness, externally mounted leaded-light details, proportions and sizes of upper & lower casements, the thickness of the sills, even profiles of the opening and fixed casements and even sight-lines.

Reason: In the interests of ensuring a high quality of design that preserves or enhances the character and appearance of the Mount Stewart Conservation Area.

- (6) The proposed rooflights shall be of the non-projecting Conservation Area type and installed flush with the plane of the roof.

Reason: To ensure that the proposed development does not prejudice the design and architectural importance of the existing building and is in keeping with and enhances the character of properties in the Conservation Area.

- (7) Notwithstanding the plans hereby submitted and otherwise approved, 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 these details so approved. Such details shall include:

- (a) further details of materials to be used externally (including samples of facing bricks and roof tiles)
(b) a sample of the dentil drip rail for the windows on the front elevation of the main house and side extension made in timber.

Reason: To ensure a satisfactory development which enhances the visual amenity of the Conservation Area.

- (8) Notwithstanding any details of the front and rear garden landscaping in the submitted application, a scheme of landscape works for the front and rear gardens 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. Such a scheme shall include:-

- (a) details of the soft landscaping within the front garden (including species, plant sizes and planting densities) (b) details of hardstanding materials for the front garden and rear patio
(c) screen planting between the rear patio and boundary with No. 18 Bouverie Gardens (including species, plant sizes and planting densities)
(d) details of existing and proposed boundary treatment (indicating materials and height) along the boundary with No. 14 Bouverie Gardens

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

Mount Stewart Conservation Area Design Guide

Supplementary Planning Guidance No. 5 "Altering and Extending Your Home"

Letters of objection received from 3 neighbouring properties

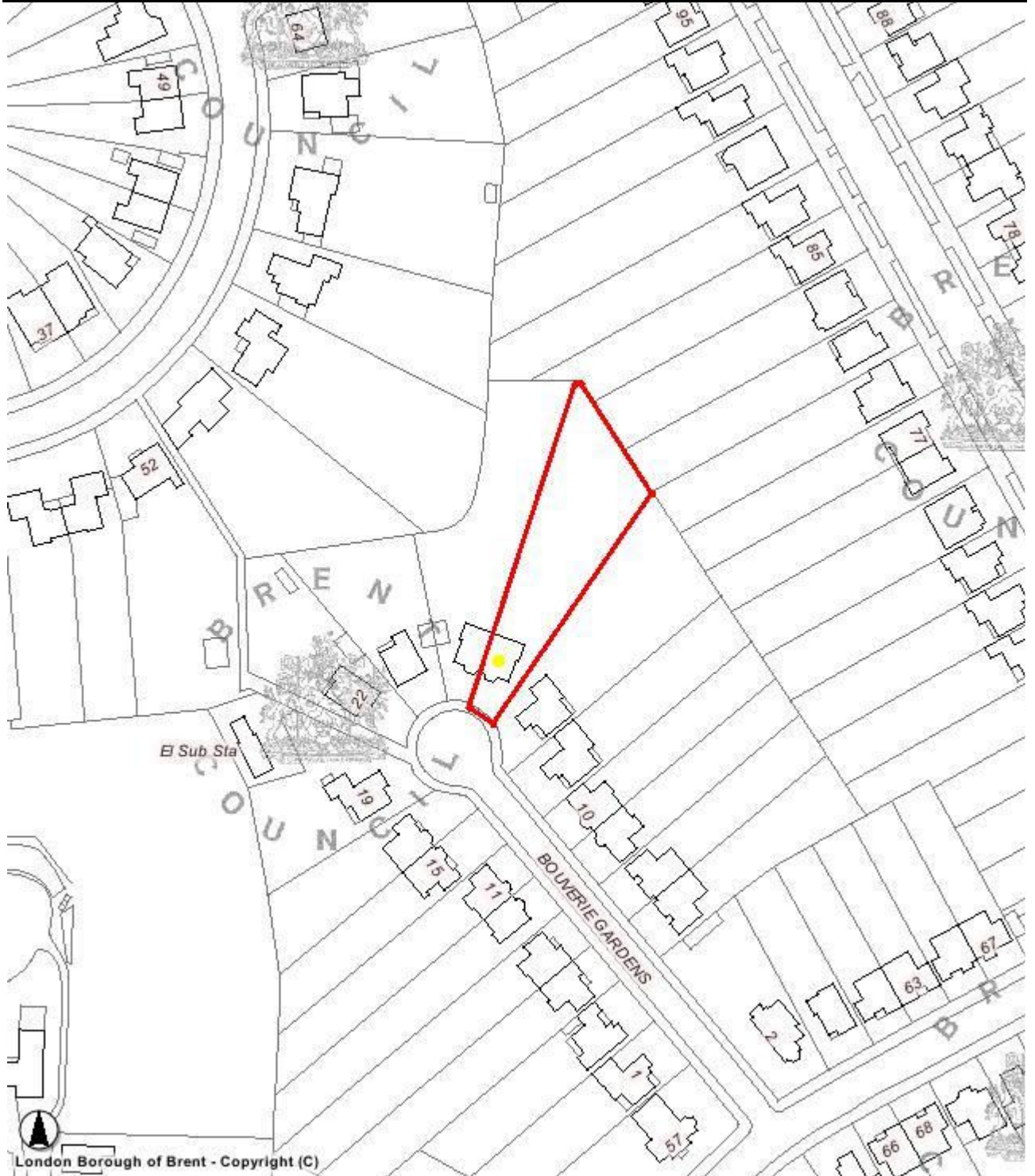
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: 16 Bouverie Gardens, Harrow, HA3 0RQ

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 16 March, 2011**

Item No. 7
Case No. 11/0082

RECEIVED: 28 January, 2011

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

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

APPLICANT: Mr Vekaria

CONTACT: Saloria Architects

PLAN NO'S:
See condition no 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 or other 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 (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) A contribution of £21,000 (£3,000 per bedroom) due on material start and index-linked from the date of committee for Education, Sustainable Transportation, Open Space in the local area
- (c) Join and adhere to the Considerate Contractors Scheme

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

EXISTING

The subject site is a brownfield site to the rear of the properties on Dorchester Way. The properties on Dorchester Way are predominantly suburban two storey semi-detached dwellinghouses. The site is located to the south west of the rear elevations of the properties at No. 1 and 3 Dorchester Way. To the immediate south of the site there is a public footway linking the Mall with Preston Hill. The site is not located within a conservation area.

PROPOSAL

Full planning permission is sought for the erection of 3 x two-storey terraced dwellinghouses,

installation of hardstanding, provision of 3 parking spaces and refuse storage to front, garden space to rear and associated landscaping to site.

HISTORY

09/3077 – 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. *Refused on 23rd November 2009. Appeal dismissed on 15th October 2010.*

The Inspector in her decision concluded that the appeal did not succeed for one overriding issue, which was the identified harm to the living conditions of the residents of no. 3 Dorchester Way in respect of noise and disturbance due to the proximity of the turning area for vehicles to the residential property.

08/2669 – Erection of a 2-storey building comprising 3 terraced dwellings, installation of hardstanding and refuse storage to front, provision of 2 car parks, 1 disabled car park and associated landscaping to site. *Refused on 15th December 2008. Appeal dismissed 14th July 2009*

08/1025 – Erection of a 2-storey building comprising 3 terraced dwellings, installation of hardstanding and refuse storage to front, provision of 2 car parks, 1 disabled carpark and associated landscaping to site. *Application withdrawn*

POLICY CONSIDERATIONS

Core Strategy

The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight.

CP17 – Protecting and Enhancing the Suburban Character of Brent

Brent UDP 2004

BE2 – Townscape: Local Context and Character
BE3 – Urban Structure: Space and Movement
BE5 – Urban Clarity and Safety
BE6 – Public Realm: Landscape Design
BE7 – Public Realm: Street scene
BE9 – Architectural Quality
EP6 – Contaminated Land
H11 – Housing on Brownfield
H12 – Residential Quality – Layout Considerations
H15 – Backland Development
TRN 23 – Parking standard Residential Developments
TRN 34 – Servicing Standards for New Development

SPG/SPD

SPG 5 – Altering and Extending Your Home
SPG 17 – Residential Design Standards
SPD – S106 Planning Obligations

CONSULTATION

Consultation period: 2nd February 2011 – 22nd February 2011. 17 neighbouring properties were notified.

3 Objections received on the following grounds:

- Insufficient parking in an area where there is unrestricted parking exacerbated by students from the nearby school who park on Dorchester Way. Most of the households on Dorchester Way seem to have at least two vehicles.
- The access road is a shared drive-way and the other owner has not given permission for the driveway to be used by the prospective residents of the proposed dwellings
- Overlooking into neighbouring gardens and rooms
- Detrimental impact on amenity of neighbouring residents from location of the bin storage
- Objection to the increase in the number of wheelie bins as a result of the development
- Insufficient drainage and unpleasant smells from the drainage
- Plot of land is too small for landscaping and buildings, and therefore the proposed accommodation would be sub-standard
- The proposal is an overdevelopment of the site
- Disturbance from construction vehicles

Internal comments

Landscape Officer

No objections in terms of landscape but require the following details:

- Evidence that permeable construction will be used with the block paving
- Details of all hard materials including paving, boundary treatment, lighting etc
- Details of all soft landscaping, including plant species, size, number, density, position.
- Would encourage living roofs if feasible

Design Officer

No objections to the development in terms of design. The design officer has recommended that measures should be taken to minimise the impact of the development on adjacent properties. These measures should include providing further landscaping to the front of the proposed dwellings, and also through the use of high quality materials to mitigate the visual impact of the development.

Transportation Officer

The proposal as revised is acceptable subject to the retention of a turning area east of the entrance to dwellinghouse No.2.

The parking allowance for a dwellinghouse is given in parking standards PS14 of the UDP. The parking allowances for the proposed dwellinghouse include 1.2 spaces for each of the 2 two bedroom units and 1.6 spaces for the 3 bedroom unit. The total requirement being 4 spaces. As the allowances are maximum the requirement can be reduced to 3 spaces. The spaces should measure 2.4 metres by 4.8 metres.

The parking and access provisions which include auto track of the vehicles entering and leaving the site as shown on the revised drawing, meet the access requirements. As adequate turning area should be retained for the cars entering and leaving the parking spaces, there should be turning area retained in front of the new dwellinghouse no. 2, with cross hatching to restrict any parking in that area.

The relocation of the bin stores closer to the access to the site is acceptable.

The following requirements also need to be met as conditions:

- Pedestrian access to Sandy Lane as detailed and shown on the site plan
- Soft landscaping should be provided just east of the entrance to dwellinghouse No. 2

adjoining the turning area to be retained where the occupants should not park their cars

REMARKS

Introduction

The application proposes the erection of a 2-storey building comprising 3 terraced dwellinghouses, with associated parking, landscaping and refuse storage. Two of the dwellings comprise 2 bedrooms, and the third comprises 3 bedrooms. The application site is located to the rear of numbers 1 and 3 Dorchester Way, and is accessed via a shared drive between these two properties. To the immediate south of the site there is a public footway linking the Mall with Preston Hill.

Appeal Decision

The previous application for a similar proposal was refused under planning application ref 09/3077 and the Council's decision was appealed by the applicants. This appeal was dismissed by the Inspector on 15th October 2010. The Inspector concluded that the appeal did not succeed for one overriding issue, which was the identified harm to the living conditions of the residents of no. 3 Dorchester Way in respect of noise and disturbance from vehicles manoeuvring in close proximity to the boundary

In her decision, the Inspector also considered other material planning considerations, and concluded that the development did not result in harm in respect of the character and appearance of the proposed development, daylight and outlook, and impact on public and highway safety.

In relation to the proposed parking provision of three vehicles within the site, the Inspector concluded that this is sufficient for the development, and that any additional parking or traffic arising from three dwellings would be small and would not significantly increase any risk to the safety of pedestrian and children. Also, the position of the enclosed refuse store next to the access would be sufficiently removed from nearby dwellings that there would be no material harm to residents living conditions in respect of unacceptable odours or noise.

Amendments to previous application

The site plan indicates that the applicants also own the dwelling at number 3 Dorchester Way. This has allowed them greater scope to alter the boundary lines between the proposed new development and the garden of 3 Dorchester Way.

The applicants have taken into account the Inspector's decision as well as other issues raised by officers, and have submitted the current revised scheme with the following amendments:

- The boundary line to the rear of no 3 Dorchester Way has been altered so that the proposed new dwellings would have a reduced impact on the residential amenities of this property
- The car-parking arrangement on the site has also been altered, which means that the parking space closest to the rear boundary of no 3 Dorchester Way is set further away with a landscaped buffer. Combined with the alterations to the rear boundary of no 3 Dorchester Way, this would result in a reduced impact on the residential amenities of this property in terms of noise and disturbance.
- The location of the bin storage area for the proposed dwelling has been improved, and an area has been identified for them to be placed on collection day.
- The altered layout of the area in front of the proposed terraced dwellings allows for the provision of three parking spaces, with room for turning and associate landscaping

Principle of Residential Development

The site of the proposed development was formally a builder's yard with a workshop and office. At present the site is vacant and buildings cleared. While the most recent use was industrial, the change of use to residential is considered to be appropriate given the proximity of residential uses on neighbouring sites.

Policy CP17 of Brent's adopted Core Strategy, sets out the Council's approach to protecting and enhancing the suburban character in Brent. The policy states that infilling plots with out-of-scale buildings will not be acceptable.

The proposed dwellings are of a scale considered appropriate in view of the neighbouring residential dwellings on Dorchester Way, and the site is considered to be in an acceptable location for residential development. As such, the principle of residential development can be supported.

Quality of Design

The proposed dwellings are of a contemporary design and form a two storey block of three terraces. The block has a slightly staggered building line with the front elevations facing north east.

The proposed terrace would be set back from the street (Dorchester Way) at the rear of the existing dwellings, and consequently would not appear prominent from the street, or be read in context of the dwellings fronting the street. It is therefore considered that the proposed development would not harm the character and appearance of the area.

The proposed design approach for this development is the same as the previously refused scheme which has been accepted by the Inspector in her appeal decision, other than the reversal of 'house 2' to take into account of revised parking arrangement. Significant weight is placed on the Inspector's decision which supported this design approach.

Quality of Residential Accommodation

The proposed residential units all have a floor area above the minimum recommended floor area set out in SPG17. The size of each proposed garden is also in keeping with the standards set out in SPG17.

In terms of amenity for future occupants, the proposed dwellings do not comply with the requirements of SPG17 as each one of the dwellings is within 10m of the rear boundary, which SPG17 sets as the minimum distance between the rear wall and rear boundary. However, in her appeal decision, the Inspector was satisfied with these distances as the shortfall is not excessive, and that this would not be harmful to prospective residents living conditions in respect of outlook.

The proposed dwellings would all have dual aspects at ground floor with large areas of glazing at the rear.

Impact on Neighbouring Residents

In her report, the Inspectorate did not have any concerns with the proposal in terms of impact on the privacy or any loss of daylight to neighbouring dwellings. The current application proposes to position the new building will in the same location and therefore this relationship is considered acceptable.

The neighbouring property at no 1 Dorchester Way has an outbuilding within the rear garden which is located between the house at no 1 Dorchester Way and the proposed location of the new terrace. Also, the rear end of no. 1's garden would be at an oblique angle to the terrace.

The applicants have shown that the proposal complies with SPG17 guidance in terms of impact on the neighbouring property at number 5 Dorchester Way. The height of the new development will be set below 45 degrees at the garden edge, measured from a height of 2m.

The Inspector had no concerns on the impact of the development on the neighbouring dwelling at number 3 Dorchester Way in terms of the height of the proposed new building. The concerns raised by the Inspector were in terms of noise and disturbance. To overcome concerns relating to noise and disturbance from the parking area, the rear boundary to number 3 Dorchester Way has been repositioned, extending the garden for this property. In addition, the re-location of a parking space, which would have been close to the rear boundary as originally proposed, moves the vehicular activity further from this property. These revisions are considered sufficient to overcome the Inspector's concerns.

As such, it is considered that the proposed development would not have a harmful impact on the neighbouring dwellings in terms of privacy, loss of daylight or noise and disturbance.

Parking and access

Three parking spaces are proposed in the front forecourt, with sufficient turning space within the site. An area to the east of the front entrance of house number 2 will be used as a turning area for cars within the site. The applicant has provided swept path plans for each of the parking spaces, showing that there is sufficient space within the site for turning. The Transportation Department were consulted on the proposal and are satisfied with the arrangements for parking and access into and around the site. The area immediately to the east of house number 2 will be required to be retained for a turning area, and a condition will be imposed requiring further details as to how this will be treated to ensure appropriate demarcation.

The Inspector in her decision was satisfied that three parking spaces is sufficient for the proposed three dwellings, and that any overspill parking would be limited.

To the south of the site gated pedestrian access is proposed onto Sandy Lane, this will make the site more accessible.

The proposal includes provision for bicycle storage within the proposed dwellings. However, a further provision of external, secure and covered bicycle storage will be sought through a condition.

Refuse Storage and Collection

The proposed bin storage is to be located close to the access road within the site and close to the boundary with no 3 Dorchester Way, to the north of the site. A landscape buffer will be provided between the location of the bins and the boundary fence for no 3 Dorchester Way. On collection day, the bins would be temporarily located at the head of the cul de sac. As this is a temporary arrangement for collection days, this is not likely to result in an adverse impact on nearby residents or on public and highway safety. A condition will be attached to the decision requiring further details of the arrangements and management of storage and collection of refuse. This approach was supported by the planning Inspectorate.

Landscaping

The landscaping has been maximised on the site considering the requirement for sufficient space for turning in front of the proposed dwellings. This includes a landscaped strip along the north-eastern boundary, adjacent to the rear boundary with 1 Dorchester Way, as well as along the shared boundary with 3 Dorchester Way. A detailed landscaping scheme, including both details of the materials for all hard surfaces, which will be required to be of permeable construction, as well as a full planting schedule, will be required as part of a landscape condition.

S106

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

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

Site location plan
8155-02-P5
8155-03-P1

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

- (3) Notwithstanding the provisions of Class(es) A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification), no extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, unless a formal planning application is first submitted to and approved by the Local Planning Authority.

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

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

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

- (5) Full details of arrangements for the storage and disposal of refuse and recyclable materials, within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The approved arrangements shall be implemented in full prior to first occupation of the development and permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

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

- (6) Prior to the commencement of the development

a) a site investigation shall be carried out by an appropriate qualified person (approved by the local planning authority) to determine the nature and extent of any contamination present. The investigation shall be carried out in accordance with the scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain, treat or remove any contamination found. Any proposed remediation must be sustained for the life of the development and this must be justified by the applicant. No works may commence on site until a remediation strategy has been submitted and approved in writing by the Local Planning Authority. The approved remediation strategy must be fully implemented.

b) A verification report shall be provided to the Local Planning Authority by an appropriate qualified person (approved by the local planning authority) stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use.

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

- (7) Notwithstanding the plans hereby approved, further details of the provision of secure cycle parking 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 has been provided in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (8) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed during the first available planting season following completion of the development hereby approved.

Such scheme shall also indicate:-

- (i) Areas of hard landscape works, including details of materials and finishes. These shall have a permeable construction
- (ii) all planting including location, species, size, density and number;
- (iii) any sustainable construction methods which are to be used;
- (iv) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.

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.

- (9) Details of all fencing, walls, gateways and means of enclosure, including details of the new gated access from the site to Sandy Lane, 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.

Reason:

In the interests of the privacy and amenity of the occupants of the application site and neighbouring properties, and of pedestrian and highway safety.

INFORMATIVES:

- (1) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface water sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water, Developer Services will be required. They can be contacted on 08454 850 2777. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

REFERENCE DOCUMENTS:

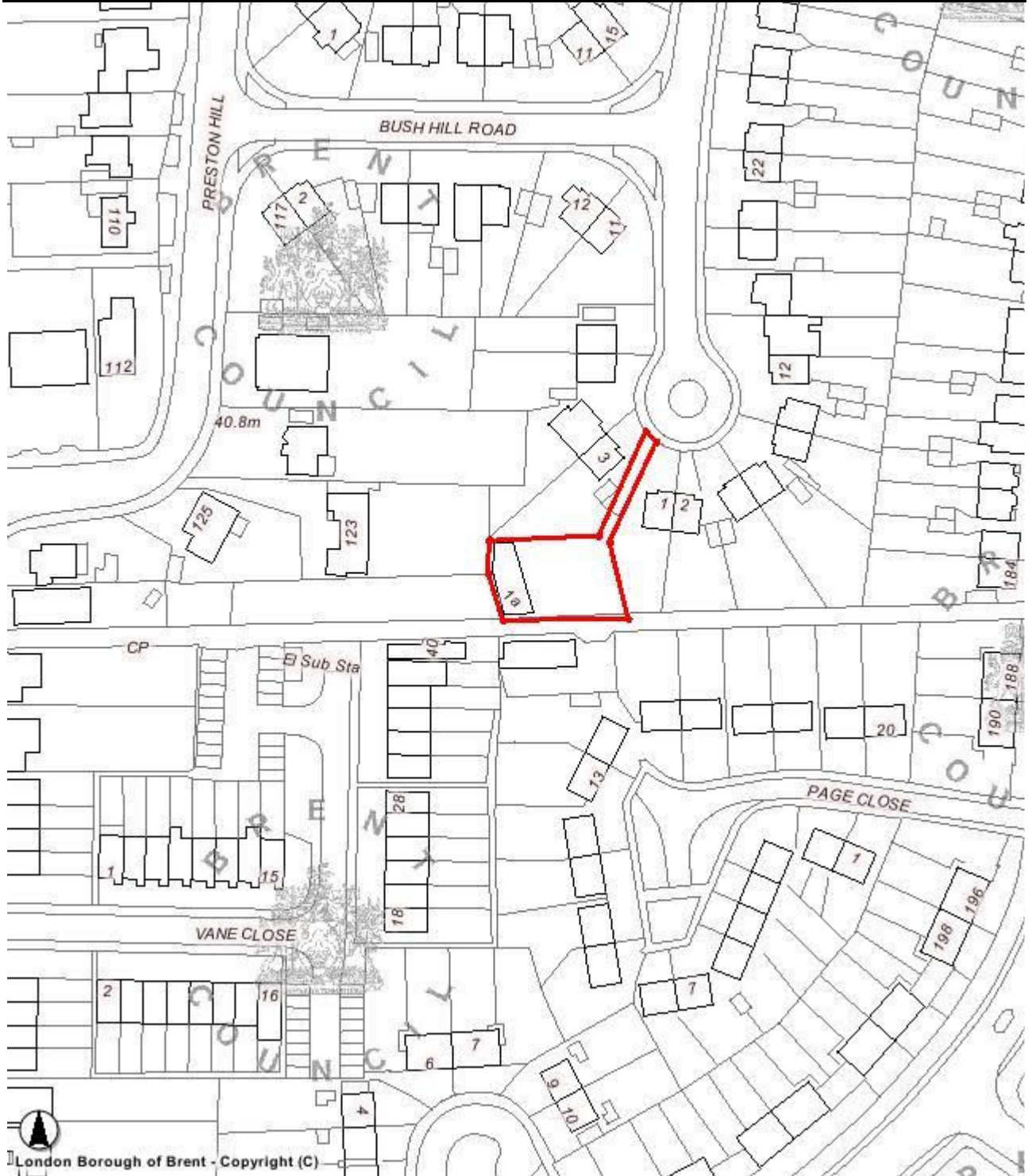
Any person wishing to inspect the above papers should contact Avani Raven, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5016



Planning Committee Map

Site address: 1A Dorchester Way, Harrow, HA3 9RF

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 16 March, 2011**

Item No. 8
Case No. 10/2822

RECEIVED: 1 December, 2010

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 325-327 Kilburn High Road, London, NW6 7PY

PROPOSAL: Change of use from hairdressing salon (Use Class A1) to restaurant and take away (combined Use Classes A3 and A5) and installation of extract duct at rear of property

APPLICANT: Viceroy Properties Ltd

CONTACT: F J Thompson & Co.

PLAN NO'S:
3192/1
3192/2D

RECOMMENDATION

Grant consent

EXISTING

The site is occupied by a four storey property on Kilburn High Road. The property is not located within a Conservation Area nor is any part of the property listed. It is located within a Secondary Shopping frontage.

The ground floor is in use as a shop whilst the upper floors are in use as residential units. A number of the residential properties at upper floor levels gain access via an adjacent alleyway to the north of the site (Albion Alley).

PROPOSAL

Please See Above

HISTORY

Planning applications of relevance to this application include the following;

Planning application (Ref No: 08/2658) for the Change of use of ground floor rear from (Use Class A2) into 2 Offices (Use Class B1) was granted approval on 31 November 2008

Planning application (Ref No: 07/0269) for the Change of use of ground floor from bank (Use Class A2) to restaurant (Use Class A3) and installation of extractor duct to rear elevation of building was granted permission on 26 September 2007

Planning application (Ref No: 06/2713) for the Change of use of ground floor from bank (Class A2) to mixed use bank (Class A2) at front and 2 x residential flats (Class C3) at rear was refused on 15 September 2006.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

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

BE2 – Proposals should be designed with regard to their local context, making a positive contribution to the character of the area.

TRN11 – Developments should comply with the plan's minimum Cycle Parking Standards (PS16); with cycle parking situated in a convenient, secure and, where appropriate, sheltered location. Priority will be given to improving cycle parking at stations and in town centres.

TRN34 – The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2, and the loss of such facilities will be resisted.

SH2 – Planning proposals should support the maintenance and improvement of shopping and other facilities in Kilburn Town Centre in accordance with its status as a major town centre.

SH9 – Within Secondary Shopping Frontages of town centres non-retail uses that provide a service to visiting members of the public will be permitted subject to residential amenity, highway and traffic considerations.

SH10 – A3 uses are acceptable in the Borough's centres providing they comply with the requirements of either SH7 or SH9, and the requirements below. Where the proposal is of a scale to attract large numbers of people it will be considered against policies SH3-SH5. A3 uses should 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.

In considering proposals account will be taken of:

- (a) The proximity of residential accommodation
- (b) The specific nature and size of the use proposed
- (c) The character of the area and the concentration and existing level of disturbance from A3 and similar uses
- (d) Whether the proposed hours of operation would result in residential disturbance; and
- (e) The practicality of providing extra ducting, ventilation, grease traps and/or noise insulation.

Consideration will be given to granting permission for a specific use within the A3 use class, restricted by conditions, where it can be demonstrated this would not result in unacceptable environmental impact.

SH11 – Where permission is granted for A3 appropriate conditions may be imposed relating to hours of opening, noise, disposal of refuse, or restricting the sale of hot food to be consumed off the premises.

SH12 – Where customer toilet facilities are provided on change of use to class A3, applicants will be encouraged to include reasonable provision for disabled people.

PPS 6 : Planning for Town Centres

CONSULTATION

External

On 10 January 2011, 52 neighbouring properties and ward Councillors were consulted. The Council has received 3 letters of objection. The objections are outlined below:

- Impact of noise, fumes and odours from the restaurant, associated extraction equipment, and the hours any noise would be created.
- The proliferation of food and drink uses in the immediate vicinity and the effect on the retail character, function, vitality and viability of the centre.
- Obstruction of alleyway which serves as access to neighbouring flats (Albion Alley)
- The extractor duct is visually obtrusive
- No details of waste disposal
- The change of use would create mental instability of neighbouring residents due to fumes, pollution and noise
- No fire access

Internal

- Environmental Health do not object provided that certain conditions are attached to control noise, vibration and odour in conjunction with the A3 use.
- The Highway Engineer has no objections on traffic grounds.
- StreetCare raise no objection and consider refuse arrangements acceptable.

Other

The opposite side of Kilburn High Road falls within the boundary of London Borough of Camden. Camden Council raise no objection.

REMARKS

Principle of Development

The ground floor of No 325-327 is used as a hair dressers (A1). The policy objectives for Town Centres and Shopping set out in the UDP 2004, are clear in requiring a mixed use of retail services within the Town Centre. The site is located within a Secondary Shopping Frontage, as such the principle of a A3/A5 use in a Town Centre is not objected to.

Policy SH9 of Brent's Unitary Development Plan 2004 sets out that the proposed change of use of a premises to non-retail uses A3/A5 within the Designated Shopping Parade will be permitted where these provide a service to visiting members of the general public, subject to residential amenity and highway and traffic considerations. In brief, transport engineers have not taken issue with the change of use as discussed below. With the limitation on opening hours and provision of insulation as suggested by condition the impact on future residents should be limited. There is no in principle objection to the change of use.

Policy SH10 requires consideration to be given to the specific nature of the use proposed and its effect of the use on the character of the area. Specifically the policy requires an assessment of the concentration of non-retail uses and those in food and drink use in the immediate vicinity, as a reduction of retail uses and a proliferation of food and drink uses can affect the retail function and character of a centre and result in disturbance from night-time activities of food and drink uses.

There is a run of 9 non-food and drink uses to the north of the application site, and other than a Class A3 café on the opposite corner to the south of Dyne Road, a run of 4 non-food and drink uses to the south. Whilst the character of this Town Centre is acknowledged, and there are a large number of food and drink establishments in the wider area, the proliferation of such uses in the vicinity of the application site cannot be considered to be an over-concentration.

Your officers find there to be no policy grounds for refusal to resist the change of use. The replacement use will contribute to the vitality and viability of the established Town Centre thus meeting policy objectives outlined in the Councils Unitary Development Plan 2004, PPS 6 : "Planning for Town Centres" and indeed the Councils Adopted Core Strategy.

Extract Duct

The proposal will involve the erection of an extract duct to the rear of the property. A similar duct was approved during the 2007 application, as outlined in the report's site history. The Council's Environmental Health Unit have inspected the proposals and consider the location of the extract duct to be generally conducive to protecting residential amenity in terms of noise and odours. However, for the avoidance of doubt, it is recommended that a condition requiring further technical details of the extract system should be attached to any permission to ensure that the proposed duct would not cause unreasonable noise, vibration or odours.

In terms of character and appearance, the siting of the proposed extract duct would make it unlikely to be so visible from any of the residential windows within the subject building to cause detrimental harm. However, the ducting is likely to be visible from areas to the rear of the subject site. The applicant has proposed to render the duct, as it would be sited on the part of the building that is presently rendered to reduce the visual impact of the proposed duct on the character and appearance of the surrounding area. Officers consider that the proposed extract duct would have a reasonable impact on the character and appearance of the property and surrounding area.

General Activity

The subject site is located within a busy Town Centre and therefore some level of disturbance arising from the general activities of commercial operations is to be expected. However, it is important to ensure that any disturbance is kept to a reasonable minimum. It is therefore recommended a condition restricting the hours of use from 0800-2300 7 days a week.

Owing to the duct being positioned on a recessed elevation, as far away from neighbouring windows as possible, where it will be appropriately screened Officers consider that the visual amenity of residents will be protected. Further as the hours of operation are to be limited to no later than 2300 on any given day and details to control noise, vibration and odour in conjunction with the A3/A5 use will be secured by condition officers consider the amenity of neighbouring residents to be protected. The concerns of neighbours are noted, but it is considered that providing that the controls referred to above are implemented it would be difficult, in a busy Town Centre location, to argue that amenities would be unacceptably impacted upon.

Highways

Policy SH10 also expresses that such uses are acceptable provided they do not result in the creation of traffic congestion, car parking problems or a reduction in highway safety in surrounding areas.

The application site is located on the west side of Kilburn High Road (a London distributor road) at its intersection with Dyne Road. Kilburn High Road does not have any frontage parking and is in a Controlled Parking Zone which operates 08:00-18:30 Mon to Sat. Dyne Road has space for two cars on the site frontage. Access to public transport is very good, Kilburn (tube) and Brondesbury (rail) Stations are within 75m and 200m of the site respectively, and there are numerous bus routes on Kilburn High Road. The PTAL rating is 5 (very good).

There are no objections from Transportation Engineers concerning the proposed change of use as current parking requirements will not be increased. Parking standards specified in policy PS9 do not require any parking spaces to be provided.

The servicing requirements of the unit will be reduced as retail floorspace attracts a greater requirement than the proposed use. Refuse and recycling materials will be brought through the restaurant and placed on the street on pick up days, as is common in the High Road area. The only modification to accommodate this change will be the widening of the doors. Officers do not take issue with the wider doors and Streetcare Officers have confirmed they have accepted this arrangement

The proposed floorplan shows 16 seats which would require cycle storage for up to 2 cycles. A public bicycle stand is available within 25m of the site, so this will be likely to meet the needs of potential customers.

In summary the Council's parking standards and servicing standards for an A3/A5 use are met. Also it is considered the proposal will not result in detrimental impacts on traffic, parking or highway safety, as it is within an area where strict parking controls are in place. It is considered that these would be likely to deter/prevent customers parking illegally, particularly when seeking to take advantage of the take-away facilities, where people may be tempted to stop as close as they possible can to the premises.

Conclusion

The proposed change of use does not constitute an over-concentration or unreasonable proliferation of food and drink uses, for the reasons set out above.

While the proposed use does have the potential to create adverse effects on the amenity of neighbours and the area generally, a number of recommended conditions, including the requirement to submit further details of a fume extraction system are considered sufficient to ensure that no such adverse effects are caused by the proposed use. The proposal therefore complies with the policies contained in Brent's Adopted Unitary Development Plan, 2004 and is accordingly recommended for approval.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

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

Environmental Protection: in terms of protecting specific features of the environment and protecting the public

Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

CONDITIONS/REASONS:

(1) The development hereby permitted shall be carried out in accordance with the following approved drawing:

3192/1

3192/2F

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.

- (3) The premises shall only be used for the preparation or sale of hot food and for ancillary purposes between the hours of 0800-2300.

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

- (4) The front entrance door shall be made self-closing to minimise emission of odours and/or noise to the neighbouring area.

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

- (5) No music, public-address system or any other amplified sound shall be audible at any noise-sensitive premises either attached to or in the vicinity of the subject premises.

Reason: To safeguard the amenities of the adjoining occupiers.

- (6) The change of use hereby authorised shall not be commenced until full details of a system for the extraction and ventilation of fumes and odours from the kitchen of the proposed restaurant have been submitted to and approved in writing by the Council. The information submitted shall include:

(a) Details of the apparatus installed for the extraction of the fumes and the neutralising of all effluvia from the processes of preparation, cooking and storage of food and waste.

(b) Details of means to ensure the plant and ducting do not cause unreasonable effects on the amenity of any residential neighbour.

(c) Method of enclosing ducting with rendered cladding

The relevant aspects of the development shall not be installed other than as approved, and shall be retained as such, permanently thereafter.

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

- (7) Detailed particulars of the levels of noise to be generated within the buildings and the prediction of those levels at the site boundary of the premises, the siting of machinery and plant, the provision to be made for insulation of the building and plant against the transmission of noise and vibration and of the times during which noise-producing activities will be carried out in the buildings, shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced; and the development shall be carried out and completed and the premises shall be used in every respect in accordance with these details.

Reason: To safeguard the amenities of the adjoining occupiers.

- (8) Noise generated by the operations conducted within the premises by virtue of the granting of this permission shall not cause any increase in the existing hourly background-noise level of dB(A) (L90 - the level of noise exceeded for 90% of the time) as measured at the boundaries.

Reason: To safeguard the amenities of the adjoining occupiers.

INFORMATIVES:

None Specified

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



Planning Committee Map

Site address: 325-327 Kilburn High Road, London, NW6 7PY

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 16 March, 2011**

Item No. 9
Case No. 10/3247

RECEIVED: 21 December, 2010

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Cambridge Court, Cambridge Avenue, Ely Court, Chichester Road & Wells Court, Coventry Close, London, NW6

PROPOSAL: Demolition of Cambridge Court, Wells Court and Ely Court and redevelopment to provide 144 residential units (86 market units - 32 one-bed, 41 two-bed, 10 three-bed and 3 four bed & 58 affordable units - 16 one-bed, 22 two-bed, 10 three-bed and 10 four-bed) in 3, 4 and 5 storey buildings. Development includes the stopping up of existing access road and the formation of a new access road from Chichester Road, alterations to car parking, open space, relocation of existing playspace adjacent to Kilburn Park underground station, new vehicular and pedestrian routes through the site and provision of private and communal gardens.

APPLICANT: Policy and Regeneration Unit

CONTACT: Lifschutz Davidson Sandilands

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:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- 40% Affordable Housing
- A contribution of £543,000, index-linked from the date of Committee, broken down as:
 - £403,000(3k/£2.4k)per additional private/AH bedroom), for Education, Sustainable Transportation and Open Space & Sports in the local area, due on Material Start, to be predominately use on provided a home zone, tree planting, children's play area and landscaping as shown on Plan 2306-SK-0027 in the local area.
 - A contribution of £10,000 to improve local bus stops.

-£1250 per unit to be used for Sustainability measures and provide renewable energy measures including connections to a Decentralised Energy Network,

- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 4 in addition to adhering to the Demolition Protocol, with compensation should it not be delivered.
- Provide at least 20% of the site's carbon emissions through onsite renewable generation, which has no detrimental effect on local Air Quality
- Tree survey upon Material Start, 4:1 trees replacement prior to Occupation for any reduction in the number of Trees
- Join and adhere to the Considerate Contractors scheme.
- Notwithstanding submitted draft Travel Plan, a framework Travel Plan shall be submitted and approved within three months of the commencement of works and a full Travel Plan shall be submitted and approved prior to first occupation.
- To notify "Brent In2 Work" of all job vacancies, including those during construction and operation of the building.
- To sign up Registered Social Landlords to the measures in the local employment/ training scheme.
- Section 278 Highway works, including but not limited to the provision of Mews Lane and Gorefield Way to adoptable standard and offer to the Council for adoption.
- Allow future connection of the site to any Decentralised Heat / Energy Network.

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

EXISTING

The subject site, located within the South Kilburn Regeneration Area, includes Wells Court, Cambridge Court and Ely Court. The site also encompasses land around these existing developments including access roads, parking areas, open spaces and a play area. The site has an irregular footprint and an area of 2.09ha which is roughly bound by Cambridge Avenue to the east, Chichester Road to the south and Canterbury Court, Gorefield House and Alpha House to the north.

Wells Court is a 12-storey tower block located at the northern end of the site between Cambridge Road and Coventry Close. This block comprises of 44 social rented residential units. To the south of Wells Court lies Cambridge Court which consists of three, 3-storey blocks, set at angle to Cambridge Road, comprising of 24 residential units. Due to a drop in levels between the road and the land on which these blocks are constructed, deck access from Cambridge Road is provided at first floor level. Ely Court comprises of two, 3-storey blocks, set at an angle to Chichester Road which are separated by Gorefield Place, an estate access road. Ely Court consists of 16 residential units. The subject site is not located in a Conservation Area nor does it contain any Listed structures.

Towards the south and east of the site lies adjacent to the South Kilburn Conservation Area. The character of this Conservation Area is under pinned by pairs of semi-detached 3/4-storey town

houses, most of which are Grade II listed. There are also a number of other notable Grade II listed buildings adjacent to, or within the vicinity of, the site including Kilburn Park underground station, the Prince of Wales public house, the Animal War Memorial Dispensary and the Tin Church. The former Brondesbury Arms public house, which is locally listed, is also adjacent to the western end of the site. Towards the north of the site lies three residential blocks, Canterbury Court, Gorefield House and Alpha House, which are between 8 and 10-storeys in height.

PROPOSAL

The proposed development generally consists of two main elements. The first would involve the demolition of Wells Court and Cambridge Court to allow the erection of a five storey terraced villa block along the Cambridge Road frontage with two, part 3, part 4 storey, mews blocks located towards the rear of the villa block, separated by private/communal gardens. Due to the level difference between the subject site and Cambridge Road the proposed 5-storey villa block would have the appearance of being basement plus four-storeys when viewed from Cambridge Road. This part of the development would provide 101 residential units. The second element would involve the demolition of Ely Court in order to allow the erection of a 4-storey terrace block along the Chichester Road frontage with a part 2, 3, 4 storey block towards the rear separated by private gardens. This element of the development would also involve the erection of a separate 4-storey block adjacent to the former Brondesbury Arms public house. This element of the development would provide 43 residential units.

Other developments within the site include the stopping up and realignment of Gorefield Way, the relocation of the existing play area adjacent to Kilburn Park Road, the formation of new vehicular and pedestrian routes through the site and the alteration and formation of landscaping and open spaces across the site.

HISTORY

There is no history of previous planning applications on the site.

POLICY CONSIDERATIONS

The following policy documents need to be taken into account in the assessment of this application:

- London Borough of Brent adopted LDF Core Strategy 2010
- London Borough of Brent Unitary Development Plan 2004 (saved policies)
- Supplementary Planning Document (SPD) for South Kilburn (Adopted April 2005).
- Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"
- Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"
- Supplementary Planning Document:- s106 Planning Obligations
- The Masterplan for the Regeneration of South Kilburn (2004)
- The London Plan (Consolidated with Alterations since 2004)

London Borough of Brent adopted LDF Core Strategy 2010

Within the adopted LDF Core Strategy the following policies are considered to be the most pertinent to the application.

CP1 Spatial Development Strategy

Brent's Spatial Development Strategy is to concentrate housing growth in well located areas that provide opportunities for growth, creating a sustainable quality environment that will have positive economic impacts on deprived neighbourhoods that may surround them. The policy identifies the Council's five Growth Areas which includes South Kilburn.

CP2 Population & Housing Growth

Defines the minimum housing targets required to meet the expected population growth and housing demand within the Borough. 85% of housing growth is expected to be provided within Growth Areas, including 2400 new homes in South Kilburn by 2026.

CP5 Placemaking

Sets out the placemaking objectives that should be considered for major proposals within Growth Areas.

CP6 Design & Density in Placeshaping

Sets out the factors that will be taken into account in determining density and requiring good design

CP9 South Kilburn Growth Area

Provides the spatial strategy for the South Kilburn area including specific details of the aims and objectives for the transformation of the area.

CP14 Public Transport Improvements

Promotes improvements to orbital public transport routes which link the strategic centres in North West London and the Growth Areas

CP15 Infrastructure to Support Development

The council has set out, in an Infrastructure and Investment Framework, the infrastructure requirements necessary to support new development in the growth areas. Appropriate contributions will be sought to ensure that the necessary infrastructure to support development is provided.

CP18 Protection and Enhancement of Open Space, Sports and Biodiversity

Support will be given to the enhancement and management of open space for recreational, sporting and amenity use and the improvement of both open space and the built environment for biodiversity and nature conservation. This will include improvements to existing open spaces in South Kilburn.

CP19 Brent Strategic Climate Mitigation and Adaptation Measures

All development should contribute towards achieving sustainable development, including climate change mitigation and adaptation.

CP21 A Balanced Housing Stock

The Plan seeks to maintain and provide a balanced housing stock in Brent in support of Policy CP2 by protecting existing accommodation that meets known needs and by ensuring that new housing appropriately contributes towards the wide range of borough household needs

London Borough of Brent Unitary Development Plan 2004

Within the adopted Unitary Development Plan 2004 plan the following list of 'saved' policies are considered to be the most pertinent to the application.

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.

- 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.
- 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.
- BE12 Proposals should embody sustainable design principles, taking account of sustainable design, sustainable construction and pollution control
- BE17 Building service equipment should be located to be visually inconspicuous
- BE24 The special character of buildings on the local list will be protected and enhanced
- BE25 Development proposals affect the setting or views into or out of a Conservation Area shall pay special attention to the preservation or enhancement of the character and appearance of the area.
- EP2 Noise & vibration
- EP3 Local air quality management
- 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.
- H13 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.
- TRN3 Environmental Impact of Traffic
- TRN4 Set out measures to make transport impacts acceptable

TRN10 Walkable Environments

TRN11 The London Cycle Network

TRN13 Traffic Calming

TRN14 Highway Design

TRN15 Forming an Access to a Road

TRN23 Parking Standards – Residential Developments

TRN34 Servicing in New Developments

TRN35 Transport Access for Disabled People and others with Mobility Difficulties

PS14 Car Parking Standards – Residential Development

PS15 Parking for Disabled People

PS16 Bicycle Parking

A Masterplan for the Regeneration of South Kilburn – Adopted July 2004

South Kilburn New Deal for Communities (SKNDC) and the Council originally agreed a Masterplan for South Kilburn. The Masterplan proposals were intended to change South Kilburn from a monolithic housing estate back into four high quality neighbourhoods each with their own character and facilities:

- where people are proud to live, learn and work;
- which are safe, free from crime and the fear of crime; and
- which are sustainable and meet the needs of its diverse communities.

The Masterplan proposed 2,953 new homes for South Kilburn, 1534 of which would be replacement and 1,419 new private homes. All applications, including those for new residential units, should be determined in accordance with this Masterplan which sets out criteria for development which regard to sustainability, building heights, space standards, quality of architecture, amenity space and management.

As indicated above, the SPD essentially revolved around building over 1500 for sale units in order to cross subsidise the provision of over 1400 affordable homes. Members may be aware that the Council's chosen consortium was not able to deliver the comprehensive redevelopment package, given that Government offered only about half the financial support that was required in order to get the scheme underway. In response to this, the Council is now trying to complete the first phase of the development on its own by developing individual sites within South Kilburn. This should allow enough units to decant other parts of the South Kilburn estate and make them ready for demolition and rebuild. The application site is a key part of that process.

The Masterplan is currently being reviewed in the light of the changed circumstances in South Kilburn and the Council is working with the selected Masterplanners to seek to bring it forward.

SUSTAINABILITY ASSESSMENT SUSTAINABILITY CHECKLIST

The application is a Major Case proposing in excess of 10 residential units and consequently

reference needs to be had to the Council's SPG19. As such, the applicant has completed the Council's Sustainability Checklist which, following review by the Council's Sustainability Officer, achieves a score of 50%. The proposal therefore meets the Council's required score of 50% and the development would be likely to achieve a 'Very Positive' rating. The sustainability checklist score should be secured by way of a s106 legal agreement to ensure that the development would realise the predicted sustainability benefits of the proposal.

CODE FOR SUSTAINABLE HOMES

The applicant has supplied a Code For Sustainable Homes (CSH) pre-assessment that indicates the proposed development will achieve a score of 60.03% at the time it is constructed. If achieved in practice, this pre-assessment score exceeds the threshold score of 57% required to achieve level 3 of the CSH. However, as the site is within a growth area the Council would normally expect developments to reach code level 4. It is intended that the proposed development would eventually connect to the proposed combined heat and power network (CHP) for the South Kilburn Area which would result in the proposed development achieving level 4 of the CSH. However, the development of CHP within the South Kilburn Area is still somewhat unclear and if the CHP did not go ahead then the applicant would need to provide alternative measures including sufficient on-site renewable energy to increase the CSH rating to level 4 and meet London Plan renewables target. This matter should be secured through a suitably worded s106 agreement.

ENVIRONMENTAL IMPACT ASSESSMENT

The Council has produced a Screening Opinion to determine whether the proposed development of the site would require an Environmental Impact Assessment (EIA) before development consent can be given. An EIA is usually required where development is likely to have a significant effect on the environment. The Council has considered whether the development is of more than local importance, in an environmentally sensitive or vulnerable location, or whether it produces complex or hazardous environmental effects. The conclusion of a Screening Opinion is that the scheme does not warrant EIA. The Council also has to consider the cumulative impacts of both built and approved development and therefore the four other schemes currently under construction within the South Kilburn Area have been considered within the Council's assessment of the need for an EIA. Even with these and other approved and built schemes the Council is still of the opinion that the application site (with other proposed development) is not so significant as to warrant an EIA. The Council intends to bring forward further development within the South Kilburn area but these potential developments are not certain as they rely on sites like the application site being approved and developed so that they can act as a catalyst for enabling future developments. Future schemes also rely on favourable housing market conditions and Homes and Communities Agency (HCA) grant assistance. If any future site or sites come forward the Council will reassess the cumulative impacts and determine whether they are significant enough to then trigger the requirement of an EIA.

DRAINAGE & FLOODING

The entirety of the subject site is located within a Flood Risk Zone 1 area where there is a low probability of flooding due to its proximity to any waterway. However, given the extent of the development it is important that to ensure that adequate measures are put in place to prevent the occurrence of flash flooding as a result of insufficient capacity to deal with surface water run off. The proposed development meets the threshold which would require the undertaking of a Flood Risk Assessment (FRA) which has been submitted by the applicant.

The London Plan requires that developments reduce surface water runoff by 50%. The submitted FRA has been inspected by the Environment Agency (EA) and they have confirmed that subject to a condition securing compliance with the London Plan target that they have no objection in principle to the development.

CONSULTATION PUBLIC CONSULTATION

Consultation letters, dated 21st January 2011, were sent to 1422 local residents. The proposals were also advertised as being "Of Public Interest" and "affecting the setting of a Conservation Area and Listed Building" and by means of Press, and Site, Notices dated the 27th and 25th January 2011, respectively.

In response to this consultation process, 49 letters of objection and one petition, containing 40 names, against the proposal have been received. Of the objection letters received 39 have come in the form of a standard letter signed and addressed from individual occupiers of Alpha House. One letter of support and one letter with general comments have also been received. The concerns of the objectors have been summarised below.

- Concerns that sufficient and meaningful consultation has not been undertaken
- The proposed development would have an adverse impact on the privacy, outlook and sunlight/daylight of neighbouring occupiers, particularly those in Alpha House.
- the proposals would have a negative impact on existing views.
- The proposals would constitute an overdevelopment of the site that would increase stress levels, neighbour disputes, noise pollution and social problems.
- The proposals would result in the loss of open space, increasing the open space deficiency and harming biodiversity and the quality of the environment.
- The provision of more households will increase parking problems within the locality.
- The proposals will place greater pressure on local schools and other services.
- Concern regarding access of emergency services
- Concerns regarding the structural impact on the former Brondesbury Arms public house.
- Concerns that the proposals would result in the loss of existing trees.
- The design of the development would be at odds with the character of the surrounding area
- The proposal may devalue existing properties
- Noise from building works would disturb existing residents
- The proposals could offer increased opportunities for crime and anti-social behaviour

INTERNAL CONSULTATION

TRANSPORTATION UNIT

No transportation objections subject to further assessment of the proposals and the imposition of suggested conditions and s106 terms.

LANDSCAPE DESIGN TEAM

No objection to the planning application subject to conditions requiring the submission of further details of landscaping proposals for the site.

TREE PROTECTION OFFICER

No objection to the proposals subject to condition securing a tree protection works and securing replacement tree planting at a ratio of 4:1.

ENVIRONMENTAL HEALTH

No objection to the proposal subject to conditions relating to air quality, noise and contaminated land.

URBAN DESIGN TEAM

No objection to the proposals

SUSTAINABILITY OFFICER

No objection to the application (see detailed assessment above)

STREETCARE

No response has yet been received. Officer to follow up and report in Supplementary Report

STANDARD CONSULTEES

WESTMINSTER CITY COUNCIL

No objection to the proposal

LONDON BOROUGH OF CAMDEN

No objection to the proposal

THAMES WATER

No objection to the planning application subject to informatives.

ENVIRONMENT AGENCY

No objection to the proposals subject to the imposition of a condition requiring surface water drainage details.

LONDON UNDERGROUND LIMITED

No objection to the proposal. Conditions are recommended

NETWORK RAIL

No objection to the application

ENGLISH HERITAGE

No response received

METROPOLITAN POLICE

No response received although the applicant has liaised with the Crime Prevention Design Advisor as detailed in the report below.

APPLICANT CONSULTATION EVENTS

A Statement of Community Involvement has been submitted as part of the application which provides details of public consultation events that have organised by the applicants in developing the proposals. These events included three New Homes public exhibitions, held at strategic stages throughout the design programme, which were open to all residents affected by the development and a Residents Design Group which involved a series of workshops where residents were invited to learn more about and explore the emerging designs.

REMARKS

APPLICATION BACKGROUND

Members will be aware about the ongoing attempts on behalf of the Council to regenerate the South Kilburn Estate. As mentioned elsewhere in this report, the New Deals for Communities (NDC) programme is no longer in existence and an alternative approach to regeneration is being progressed by the Council. An update is provided below, by way of background.

SOUTH KILBURN PLANNING CONTEXT

The original South Kilburn Masterplan SPD was adopted in 2005, based on a strategy of comprehensive redevelopment of 1400 dwellings, subsidised by the delivery of 1500 private dwellings. The Council appointed a consortium of housing organisations, which included Hyde Housing, Bellway and Taylor Wimpey, to redevelop South Kilburn. The business case was predicated on the consortium running the whole redevelopment from start to finish.

In 2007 the Council submitted a bid to Central Government for £100m to fund the project, but was awarded only £50m. This lack of funding, coupled with the impact of the housing recession in recent months has meant the Consortium is no longer able to deliver the regenerative development programme. As a result, the Council itself has been looking to kick-start the regeneration programme in South Kilburn. The Council is now looking at how individual sites can come forward for development and how best to take advantage of funding opportunities in the short term. Development is likely to be with a number of different partners with a wide range of different funding opportunities, but the key objective is delivery, and this hiatus in delivery has proposed an opportunity to update the Masterplan.

Having already secured planning permission on four sites, work is currently under way to provide 362 new dwellings within the South Kilburn Regeneration Area, 73% of which will be affordable (266 dwellings) units. As well as enabling the Council to decant existing residents in order to allow further sites to be brought forward, the market element of these new developments will also help subsidise future developments within the South Kilburn Area, including the proposed development of 64 affordable units on the Bond/Hicks Bolton/Wood House site for which a planning application has recently been received. The blocks currently being brought forward for development are to be built to a higher standard than those normally developed by Housing Associations; this is to encourage future private investment in the area.

A NEW MASTERPLAN FOR SOUTH KILBURN

The Council, in partnership with others, has prepared an updated Masterplan for the South Kilburn regeneration area. The Council's priority is now the development and progression of the new Masterplan. The new Masterplan is essentially be an update on the funding strategy underpinning the 2005 Masterplan, although a number of other changes have been proposed. Other proposed changes to the Masterplan include: the redevelopment of fewer homes reduced from 2,953 (1,534 replacement affordable and 1,419 private) to 2,400; provision of a new larger park on the current site of Kilburn Park Junior School with the possible re-provision, expansion and consolidation of the Kilburn Park Junior School and Carlton Vale Junior School; lower building heights; more flexible unit sizes; a reduction in housing density; a flexible approach to unit mix with more affordable units at the beginning of the project; higher environmental standards and some updates relating to parking and transportation.

CAMBRIDGE COURT/WELLS COURT/ELY COURT

The subject site forms an important part of the regeneration of the 'Historic Quarter' as set out in the South Kilburn SPD. The proposals contained in the SPD set out the principle of redeveloping Cambridge, Wells and Ely Courts to provide additional housing. Although under the revised Masterplan the form development for the site has deviated from that implied in the SPD, replacing the proposed erection of a 15-20 storey tower on the site of Wells Court with a greater number of lower rise blocks, it is considered that the principle of the proposed development is accepted under the adopted guidance. The opening up of a new access route through Alpha Place is also compliant with SPD.

HOUSING ISSUES

AFFORDABLE HOUSING

The proposed development would involve the demolition of 84 existing units and the creation of 144 dwellings, a net gain of 60 dwellings. The existing units to be demolished consist of 60 social rented properties and 24 that have been bought out by leaseholders. The proposed development would involve the creation of 58 affordable units which equates to approximately 40% of the scheme. Although the proposed development would result in the net loss of two affordable units it should be noted that the proposed development would rebalance the affordable unit mix towards larger, 3-bedroom+, units including the provision of 3 three-bedroom and 10 four bedroom units.

The demand for larger family sized units is specifically identified in policy CP21 of the Core Strategy and as such it is considered that the loss of two affordable units is adequately compensated for through the provision a more appropriate affordable housing mix.

The London Plan normally seeks to achieve a minimum of 50% affordable housing on sites of this nature unless it can be demonstrated that it would be unviable to do so. Whilst, when considered in isolation, the proposed development falls short of providing the required level of 50% affordable units, regard should be given the viability of the wider South Kilburn Regeneration programme. Within this context it is important to ensure that opportunities for the optimising of sales values are exploited in order to provide the necessary cross subsidization for new high quality affordable housing on appropriate sites. In this case the subject site, and in particular those units along the Cambridge Road frontage, benefit from a location premium offering the opportunity for the Council to secure essential financial gains which can be used to ensure that other schemes in South Kilburn receive the funding necessary to be brought forward. On this basis, it is considered that the proposed scheme provides a sufficient level of affordable housing on the site whilst also meeting the aspirations of the Masterplan in terms of enabling new affordable housing to be developed across the South Kilburn Regeneration Area.

The affordable dwellings will be 100% social rented as the decanting needs of the existing tenants within the South Kilburn area outweigh the demand for intermediate housing.

UNIT MIX

The proposed development would consist of the following unit mix.

Property Size	Affordable	Private	Total
1 bed	16 (11%)	32 (22.2%)	48 (33.3%)
2 bed (3 person w/c)	9 (6.3%)	21(14.6%)	30 (20.8%)
2 bed (4 person)	13(9%)	20(13.9%)	33(22.9%)
3 bed	10 (6.9%)	10(6.9%)	20 (13.9%)
4 bed	10(6.9%)	3(2.1%)	13 (9%)

The proposal is considered to respond to Brent's wider housing needs, including the desire for larger family sized units. as set out in policy CP21 of the Core Strategy. 23% of all new dwellings (33 in total) will have 3 bedrooms or more with the majority of these units (20 in total) providing affordable housing.

UNIT SIZE

Members will be aware that the original South Kilburn SPD sought larger flat sizes in order to compensate for the proposed higher overall densities in the area. The internal space standards for new residential properties set down in the South Kilburn SPD exceed those in the Council's own SPG17 "Design Guide for New Development". The table below compares the typical range of unit sizes within the proposed development in comparison to the standards set out in the SPD and SPG17.

Property Size	Proposal (m ²)	South Kilburn SPD (m ²)	SPG17 (m ²)
1-bed	50-58	53	45
2-bed (3 person)	66-68	80	55
2-bed (4 person)	80-89	80	65/75 (flat/maisonette)
3-bed	80-110	98	80/82 (flat/maisonette)
4-bed	108-120	120	105

The proposed units would generally exceed the minimum standards set out in SPG17 although not all units would exceed the standards set out in the SPD. This issue primarily relates to the proposed two-bedroom units that have been designed for occupation by up to 3 persons. Whilst acknowledging this marginal failure to comply with the standards originally set out in the SPD, it is considered that this shortfall should be assessed within the context that the wider regeneration proposals for South Kilburn have evolved, and continue to evolve, as described above. Full compliance with SPG17 has been achieved and majority of the proposed units fully realise the aspirations of the SPD. As such, being mindful of the financial realities of the scheme, it is considered that a degree of flexibility should be adopted when assessing the internal unit sizes and that the units sizes proposed would, on balance, be sufficient to ensure a satisfactory standard of accommodation for potential occupiers.

ACCESSIBILITY

All of the proposed units will be constructed to be Lifetime Homes compliant. 10% of all units will be designed to be wheelchair accessible, or easily adaptable, and will be provided on the basis of a mixture of tenures across the site.

URBAN DESIGN

The area surrounding the subject site has a strong and generally consistent residential character, punctuated with a number of historic non-residential uses, which underpin the designation of this part of South Kilburn Regeneration Area as the 'Historic Quarter' within the South Kilburn SPD. The existing buildings to be demolished pay little regard to the positive architectural characteristics of the surrounding area and generally make a poor contribution to the streetscenes along Cambridge Road and Chichester Road. The proposed development is generally divided into two main elements, the development on the site of Cambridge and Wells Courts and the redevelopment on the site of Ely Court.

LAYOUT & ACCESS

The main components of both elements of the development have a similar form in that they consist of a main block along the established road frontage with a subservient block(s) located towards the rear. The exception to this form is the 'iron' block which would adjoin the former Brondesbury Arms public house which is a locally listed building.

The general form of the developments would help to re-establish the enclosure within the main streetscenes along Cambridge Road and Chichester Road. The erection of mews block towards the rear, and the formation of new access routes within the site would improve legibility and movement throughout the site whilst also paying respect to the historic street pattern of the surrounding area.

SCALE & MASSING

The overall scale of the development, at between two to five storeys, is considered to be relatively comfortable within the context of the surrounding area. Where blocks are proposed along main road frontages, the overall scale has been designed to complement the existing development on the opposite side of the road which would result in a well balanced streetscene. The overall scale of the proposed iron block would also be sympathetic in terms of height and footprint to the adjoining Brondesbury Arms. In terms of the relationship of scale between elements of the proposed development, the mews blocks remain subservient to those blocks along the main road frontages which forms a natural hierarchy within the built form.

ELEVATIONAL DESIGN

In response to the established character of the surrounding area, the villa block along Cambridge

Road has been designed to consist of a repeated frontage of a consistent height, punctuated by taller recessed link elements which would introduce a strong rhythm along the streetscene. The elevations to this part of the development include a regular grid like pattern of well proportioned windows and doors which also add visual interest to elevations. The elevational design of the villa block is also transferred, albeit in a less rigid form, to the mews block towards the rear. In terms of materials, the main facing material would be yellow brickwork which is considered acceptable in terms of promoting residential character.

The main street elevation to the terrace block along Chichester Road would consist of a main brick elevation punctuated by openings of varying sizes and proportions. Projecting aluminium frames would be attached to the ground and first floor which would add visual interest whilst providing an active frontage. Towards the rear the mews/link blocks follow a similar, although simpler form without the projecting aluminium frames.

The elevations to proposed iron block would have a relatively simple and contemporary form which seeks to complement the more ornate locally listed building to which it is adjacent. Whilst concerns have been raised by objectors regarding the contemporary design of the iron block, it is considered that provided the scale and proportions of the proposed development are sympathetic that such contrasting styles can work well together in design terms. Given the simple nature of the proposed design it is considered that the proposed development would be less likely to detract from the positive architectural characteristics of the adjoining building

SECURED BY DESIGN

South Kilburn is currently a high crime area and therefore regard for the principles of Secured by Design are of particular importance. The applicant has liaised with the Metropolitan Police to ensure that the development would make a positive contribution towards reducing crime in the surrounding area. The buildings have been designed with regard maintaining adequate sight lines and natural surveillance. Communal entrances will be secured with access controls and sufficient lighting will be maintained throughout the development.

OPEN SPACE

The subject site benefits from a relatively open character consisting of both landscaped and informalised green spaces set around the existing buildings which, whilst providing useful visual amenity, appear to be largely under utilised by the existing residents. The proposed development seeks to rationalize the existing open space into a series of private, semi-private, public spaces. The applicant has submitted a landscaping strategy alongside the application which sets out the full proposals.

AMENITY SPACE & PLAY SPACE

The landscaping strategy sets out that amenity space for the development on the site of Cambridge and Wells Court would consist of private balconies/terraces to the units within the villa block, private gardens to the ground floor units within the mews blocks and a central communal garden, with an approximate area of 1500m², which would also act to provide rear access from the villa block. Landscaping would also be provided at the northern entrance to the site from Coventry Close and along the northern side of Kilburn Park Station where a new pedestrian access route would be provided.

Amenity space proposals for the Ely Court site would include the provision of private gardens for the ground floor units within both the terrace and link/mews blocks. Private balconies would also be provided to a number of units on the upper floors on all blocks within this part of the development. A semi-private communal garden, in excess of 1000m², would be provided on the existing open space to the south of the terrace/mews/link blocks between Canterbury Court and the proposed iron block.

The proposed landscaping strategy would also involve the formation of a semi-private communal garden and adjoining playspace on the existing open space to the south-eastern side of Gorefield House. This play space would be for 5-10 year old's and is provided in order to off-set the loss of the existing play area adjacent to the northern side of Kilburn Park Station, which is considered to be of a poor quality and is under used. The replacement play area would be of a better quality and of a comparable size to the existing

The landscaping strategy has been examined by the Council's Landscape Design Team and is considered to be of a good quality that would provide improved amenity and aid local biodiversity. Overall, it is considered that the proposal would encourage a sense of ownership over these spaces which in turn could encourage a more active use of the spaces. A condition securing the details of the proposed landscaping works for the site is recommended

TREES

The proposed development will require the removal of 58 trees from the site which is unfortunate. However, the planting of replacement trees will be an integral part of the proposed development, and the wider regeneration of South Kilburn, and it is envisaged that in total for every tree removed that four replacements will be planted and this should be secured by way of a s106 legal agreement. The proposed tree planting would be spread across the subject site. 48 trees would be retained on site and the Council's Tree Protection Officer has recommended that conditions securing tree protection works are imposed on an permission.. It is considered that, on balance, the level of tree planting proposed would provide adequate compensation for the loss of the existing trees on the site.

RESIDENTIAL AMENITY

There are a number of residential properties within the area surrounding the subject site. However, given their proximity and orientation in relation to the proposed blocks, it is considered that the properties most likely to be directly affected by the proposal, in terms of residential amenity, include Alpha House, Gorefield House, Canterbury Court and those properties along Cambridge Avenue and Chichester Road which would face the proposed development. It is also important to consider, in terms of residential amenity, the arrangement of each block and their physical relationship to one another.

DAYLIGHT/SUNLIGHT

The applicant has provided a daylight and sunlight assessment report which examines both daylight/sunlight levels to the proposed development and the impact of the proposed development on daylight/sunlight levels to neighbouring occupiers. The assessment methodology for daylight and sunlight is based on the Building Research Establishment (BRE) guidelines on "Site Layout Planning for Daylight & Sunlight" which are summarised as follows.

- If the Vertical Sky Component (VSC) at the centre of a window is 27% or greater then the window is likely to enjoy adequate daylight.
- If the VSC is less than 27% but the overall reduction in VSC from its previous level is less than 20% then it is also considered that adequate daylighting would occur.
- If VSC is less than 27% and the reduction in VSC from the previous level is greater than 20% then a more detailed assessment of the Average Daylight Factor (ADF) within the affected rooms is required to ascertain whether adequate daylighting will be achieved. If any adequate ADF is not achieved then rooms will appear dull to occupiers.
- South facing windows should achieve a Annual Probable Sunlight Hours (APSH) of 25% during summer months and 5% in the winter to achieve acceptable levels of sunlighting. North facing windows do not receive direct sunlight and are therefore not assessed

- If the recommended APSH are not achieved when measured directly from the affected window then provided the standard is met within 4m (measured sideways) from the window then the affected room will still appear to be reasonably sunlit.

In terms of the development on the site of Cambridge and Wells Court, the report concludes that the proposed development would result in 14 front ground floor windows to the properties along Cambridge Avenue and 2 windows to the ground floor of Alpha House having a VSC less than 27% and a comparative daylight reduction of more than 20%. The ADF of the rooms served by the affected windows has been assessed and has been found to comply with BRE standards. The report also concludes that development on the Cambridge and Wells Court site would not have an adverse impact on the sunlight to any of the neighbouring habitable room windows. Turning to the relationship between the proposed villa and mews blocks on the Cambridge and Wells Court site, the report sets out that the development would comply with BRE guidance and that the proposed units would enjoy satisfactory level of daylight and sunlight.

In terms of the development on the site of Ely Court, the report concludes that the development would not result in any neighbouring habitable room windows having a VSC less than 27% and a comparative daylight reduction of more than 20%. As such, no further analysis of the impact on daylight to these windows is required as no negative impact on daylight is likely to occur. The assessment also concluded that the development would comply with BRE guidance on sunlighting and that the development would have no significant negative impact on the sunlight access of surrounding properties. Turning to the relationship between the proposed blocks on the Ely Court site, the report sets out that the development would comply with BRE guidance and that the proposed units would enjoy satisfactory level of daylight and sunlight

PRIVACY & OUTLOOK

In terms of the development on the site of Cambridge and Wells Court, the villa block along the Cambridge Road frontage would be separated from the front of the existing properties along the opposite side of Cambridge Road by a distance of approximately 23m, which is considered sufficient to maintain adequate privacy for both existing and potential occupiers. Towards the rear, a break has been incorporated between the two mews blocks in order to maintain a sufficient distance (28-30m) to maintain privacy between the proposed development and Alpha House. Although at either end of this break the mews blocks would partially be sited opposite Alpha House at a distance of approximately 7m, this would not result in any direct habitable room window-to-habitable room window relationships that would give rise to unreasonable overlooking or loss of outlook. Where they directly face one another, the proposed villa block and the proposed mews block would be separated by a distance of 18m. Whilst, it is acknowledged that this distance is below the normal standard of 20m set out in SPG17, it is considered that give the context of the surrounding area and the practical constraints of the site that, on balance, a distance of 18m would be sufficient to maintain reasonable privacy and outlook for future occupiers.

In terms of the development on the site of Ely Court, the terrace and iron blocks on the frontage of Chichester Road would be separated from the properties opposite by a distance of between 20m-28m which is considered sufficient to maintain privacy. Towards the rear, Gorefield House would run perpendicular to the front of the mews/link block although the flank wall that would directly face the proposed development, at a distance of 6m, does not contain any habitable room windows and privacy would not be significantly affected. Windows to the rear of the proposed iron block would not result in any direct overlooking towards Canterbury Court or the former Brondesbury Arms public house.

NOISE

The applicants have submitted a number of Acoustic Reports as part of the current planning application which aim to assess the likely impacts of noise both on occupiers of the proposed development and on the surrounding area. The assessments use various means of acoustic

modelling to provide a summary of the likely impacts. These reports and their results have been inspected by the Council's Environmental Health Unit and it is considered that it is unlikely that the development would result in any significant increase in instances of unacceptable noise disturbance.

In terms of construction works, it is acknowledged that a temporary increase in noise and vibration is often an inevitable consequence of any significant building work. However, it is important that these impacts are mitigated to ensure that any disturbance is kept to a minimum. As such, it is considered that any permission should be subject to the submission of and compliance with a Construction Method Statement to be secured by way of condition. It is also recommended that permission should be subject to a s106 requirement to join and adhere to the Considerate Contractors scheme.

AIR QUALITY

The subject site is within an Air Quality Management Area (AQMA) and therefore Air Quality reports have been submitted as part of the application. However, due to a lack of clarity in terms of future proposals to implement a Decentralised Energy Centre to serve the South Kilburn Area it is not possible to fully assess the likely impact on air quality. It is recommended that a further assessment of air quality, so far as it relates to energy, should be secured as part of the s106 requirements for renewable energy. This will allow the matter to be reviewed and addressed at a later date when the issue is clearer.

TRANSPORTATION

CAR PARKING

The subject site is located within Controlled Parking Zone "K", operational between 8am and 6.30pm Monday to Fridays. The site is also located within an area which has very good public transport accessibility (PTAL 6) and therefore reduced maximum parking standards of 0.7 spaces per 1/2 bedroom unit and 1.2 spaces per 3+ bedroom unit would apply.

At present there are 118 on site parking bays available for residents of the subject site, Alpha House, Canterbury Court and Gorefield House (312 units in total). The proposed development would reduce the number of on-site parking bays to 104 spaces, including 10 disabled bays, which would continue to provide parking for occupants of Alpha House, Canterbury Court and Gorefield House as well as those occupants of the 58 affordable units within the proposed development. The occupiers of the market element of the proposed development would not be entitled to on-site car parking and therefore the ratio of parking spaces to eligible units would remain largely unchanged from the existing situation.

The market element of the development consists of 86 units. Recent parking studies, submitted alongside the application, indicate that there is spare capacity for additional on-street parking within the vicinity of the site, particularly along Chichester Road, Coventry Close. In total a capacity to accommodate approximately 45 spaces has been identified. If these spaces were to be occupied by the occupiers of the market accommodation this would represent a ratio of 0.52 spaces per unit. However, the public transport conditions and presence of a controlled parking zone could make the imposition of a 'permit-free' on some of the market units a possibility if concerns were raised regarding the potential for overspill parking. Due to the complexity of the application, the Council's Transportation Unit are still reviewing the parking arrangements, in terms of whether a 'permit-free' agreement would be required, and confirmation on this matter will be reported to Members in a Supplementary Report.

HIGHWAY WORKS

The proposed development would require alterations to the existing road layout within the site, including the stopping up and realignment of Gorefield Place and the formation of a new

connection through to Alpha Place. These alterations are unlikely to give rise to any significant rise in traffic as the altered layout would still be intended primarily to serve access to residents of the site.

In response to the concerns of objectors, the proposed road layout has been assessed by the Council Transportation Unit in terms of its suitability for providing access to emergency vehicles. The Transportation Unit have confirmed that the proposed layout would provide improved access for emergency vehicles.

SERVICING

A refuse and recycling strategy has been submitted for both elements of the development which have been prepared in accordance with Brent Council's Waste Planning Policy and 'Waste and Recycling Storage and Collection Guidance (2010). Refuse/recycling stores would be located close to either established roads or estate road which would allow convenient access for Brent's Waste Collection contractors. All of the estate roads have been designed to provide suitable access for refuse vehicles.

TRAVEL PLAN

The applicant has submitted a Travel Plan as part of the current planning application which seeks to promote the use of sustainable methods of transportation by potential occupiers of the proposed development. The Travel Plan has been assessed by the Council's Transportation Unit using TfL's ATTrBuTE program and has scored a pass. The primary goal of the Travel Plan is to reduce the proportion of single occupancy car trips to and from the site from 22% to 16% over a period of 5 years.

The Council's Transportation Unit have suggested that the submitted Travel Plan could be further improved through the inclusion of additional measures such as the promotion of car clubs and the provision of charging points for electric vehicles within the development. It is recommended that the Travel Plan and its exact terms are agreed by way of a s106 legal agreement.

CYCLE STORAGE

Cycle parking will be provided at a ratio of one space per unit which would satisfy the Council's normal standard.

CONSIDERATION OF OBJECTIONS

The concerns of the objectors, so far as they relate to planning issues, have generally been addressed within the main body of the report. As Members will be aware, concerns relating to the loss of particular views, the structural impact of the development and the impact of development on property [prices are not normally material planning consideration which can be used to justify the a refusal to grant planning permission.

S106 AGREEMENT & CONCLUSION

The development proposal has wider implications for the locality that cannot, or are unlikely to, be addressed within the application site. As a result, a Section 106 agreement (or other agreement) controlling the benefits and financial contributions that might be required in relation to the proposed development would be required. As the site is currently Council owned, the Council has more control over the matters set down in the proposed Heads of Terms than it otherwise would and will be able to ensure that the agreement is adhered to. The precise details over what will go into the agreement in

terms of mitigating the impact of development on local infrastructure and services is set down at the head of this report.

The principle of the redevelopment of the site for housing is considered to be acceptable in policy terms. The proposed development is considered to provide an interesting series of buildings in an highly accessible location which provides a key opportunity to provide a good quality sustainable development. The site is one of the key opportunities to provide an impetus to the wider proposals for the South Kilburn regeneration area and it can play a key role in instigating the regeneration of the former NDC area. The application proposal and the design, form, materials and height of the development are considered to set an appropriate standard of architecture which is expected within the South Kilburn area. The quality of accommodation is also considered, as explained above, to be very good, given the internal dimensions of each unit, as is treatment of external space and it is likely to help to set a high standard for future proposals within the area.

The proposals are considered to accord with the policies set out within Brent's LDF Core Strategy 2010, UDP 2004, South Kilburn SPD and revised Masterplan, and on this basis, it is recommended that planning permission is granted, subject to the legal agreement referred to above.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

London Borough of Brent adopted LDF Core Strategy 2010
London Borough of Brent Unitary Development Plan 2004 (saved policies)
Supplementary Planning Document (SPD) for South Kilburn (Adopted April 2005).
Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"
Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"
Supplementary Planning Document:- s106 Planning Obligations
The Masterplan for the Regeneration of South Kilburn (2004)
The London Plan (Consolidated with Alterations since 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
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:

Ely Court Plans

2306-EX-001	2306-EX-002	2306-EX-003	2306-EX-004
2306-EX-005	2306-EX-006	2306-EX-007	2306-EX-008
2306-EX-009	2306-SP-001	2306-PL-001	2306-PL-002
2306-PL-003	2306-PL-004	2306-PL-005	2306-PL-006
2306-EL-001	2306-EL-002	2306-EL-003	2306-EL-004
2306-EL-005	2306-DET-001	2306-DET-002	2306-DET-003
2306-DET-004	2306-DET-005	2306-DET-006	2306-DET-007
2306-DET-008	2306-DET-009	2306-DET-010	2306-DET-011
2306-DET-012	2306-ENL-PL-001	2306-ENL-PL-002	2306-ENL-PL-003
2306-ENL-PL-004	2306-ENL-PL-005	2306-ENL-PL-006	2306-ENL-PL-007
2306-ENL-PL-008	2306-ENL-PL-009	2306-ENL-PL-010	

Cambridge & Wells Court Plans

X1001	X1002	X1061	X1062
D1001	D1061	D1062	P1000
P1001	P1002	P1003	P1004
P1005	P1006	P1051	P1053
P1061	P1062	P1063	P1071
P1072	P1075	P1076	P1081
P1082	P1083	P1084	P1091
P1092	P1093	P3121	P3122
P3123	P3124	P3125	P3126
P3131	P3132	P3133	P3134
P3135	P3136	P3141	P3142

Documents (both sites)

- Acoustic Report x2
- Affordable Housing Statement
- Air Quality Assessment x2
- Buried Utilities Report x2
- Code For Sustainable Homes Pre-assessment
- Design and Access Statement x2
- Daylight & Sunlight Assessment
- Ecology Survey
- Energy Statement
- Flood Risk Assessment x2
- Geoenvironmental Assessment Phase 1
- Geoenvironmental Assessment Phase 2
- Geoenvironmental Survey - Site Investigation
- Heritage Statement

Noise Report x2
Planning Statement
Residential Travel Plan
Statement of Community Involvement
Sustainability Statement
Transport Assessment
Tree Report
Unexploded Ordinance Report
Vibration Report x2

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

- (3) All parking spaces, turning areas, access roads and footways indicated on the approved plans shall be constructed and permanently marked out prior to the first occupation of the approved development unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

- (5) In order to mitigate against the possibility of numerous satellite dishes being installed on the buildings hereby approved, details of a communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented.

Reason: In the interests of the visual appearance of the development in particular and the locality in general

- (6) A Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any demolition or construction works on site. This shall include, but not be limited to, evidence of measures to adopt and implement the ICE Demolition Protocol, and Considerate Contractor Scheme registration and operation. The approved Statement shall be fully implemented.

Reason: To minimise nuisance caused during demolition and construction activities and ensure demolition waste is sustainably reused or recycled locally, minimising waste sent to landfill.

- (7) 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 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) a tree planting plan including species, siting and a detailed maintenance and watering schedule for a period of two years;
- (b) proposed walls and fences indicating materials and heights;
- (c) screening and planting along the south and western side of the first floor communal terrace to V-Block;
- (d) adequate physical separation, such as protective walls and fencing between landscaped and paved areas;
- (e) existing contours and any proposed alteration to ground levels such as earth mounding;
- (f) details of hard landscape works and proposed materials;
- (g) details of the proposed arrangements for the maintenance of the landscape works.
- (h) details of childrens play area including play equipment.
- (i) details of street furniture

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.

- (8) Further details of tree protect
- (9) An Arboricultural Method Statement, containing details of tree protection works to be undertaken in accordance with BS5837:2005 'Trees in Relation to Construction', in relation to trees to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition or construction works on site. The development shall be carried out in accordance with the approved details.

Reason: To ensure that existing trees are safeguarded where they are to be retained.

- (10) An appraisal of Remediation Options is required to contain, treat or remove any soil contamination found on the site that poses a potentially unacceptable risk to human health must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Any remediation measures contained in the approved appraisal shall be carried out in full and a verification report stating that the remediation has been carried out in accordance with the approved appraisal shall be submitted to the Local Planning Authority prior to the occupation of the development.

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

- (11) The development, hereby permitted, shall not be commenced until detailed design and method statements (in consultation with London Underground) for all foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:
- provide details on all structures
 - accommodate the location of the existing London Underground structures and tunnels
 - accommodate ground movement arising from the construction thereof
 - and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan policy 3C.4 and 'Land for Transport Functions' Supplementary Planning Guidance

- (12) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- use of Sustainable Drainage Systems (SuDS)
- microdrainage calculations
- details of the drainage network, flow routes and flow control structures such as hydrobrakes
- where the attenuation will be located

Reason

To prevent the increased risk of flooding. The Flood Risk Assessment (FRA) submitted with the application references Brent's requirement for a minimum 50% reduction in post development runoff rates. This is calculated within the FRA.

INFORMATIVES:

- (1) The applicant is informed that they must contact Thames Water, Development Planning, Asset Investment Unit, Maple Lodge, Denham Way, Rickmansworth, WD3 9SQ (01923 898072) before any works commence on the site.
- (2) The applicant is advised that the provision of any water tank, air-conditioning or ventilation plant, extraction equipment or other roof structure (other than those shown on the drawings hereby approved) would require a separate grant of planning permission.
- (3) The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition, drainage, excavations, construction methods,

security, boundary treatment, safety barriers, landscaping and lighting

REFERENCE DOCUMENTS:

London Borough of Brent adopted LDF Core Strategy 2010
London Borough of Brent Unitary Development Plan 2004 (saved policies)
Supplementary Planning Document (SPD) for South Kilburn (Adopted April 2005).
Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"
Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"
Supplementary Planning Document:- s106 Planning Obligations
The Masterplan for the Regeneration of South Kilburn (2004), as revised
The London Plan (Consolidated with Alterations since 2004)
49 letters of objection
1 petition of objection
1 letter with comments
1 letter of support

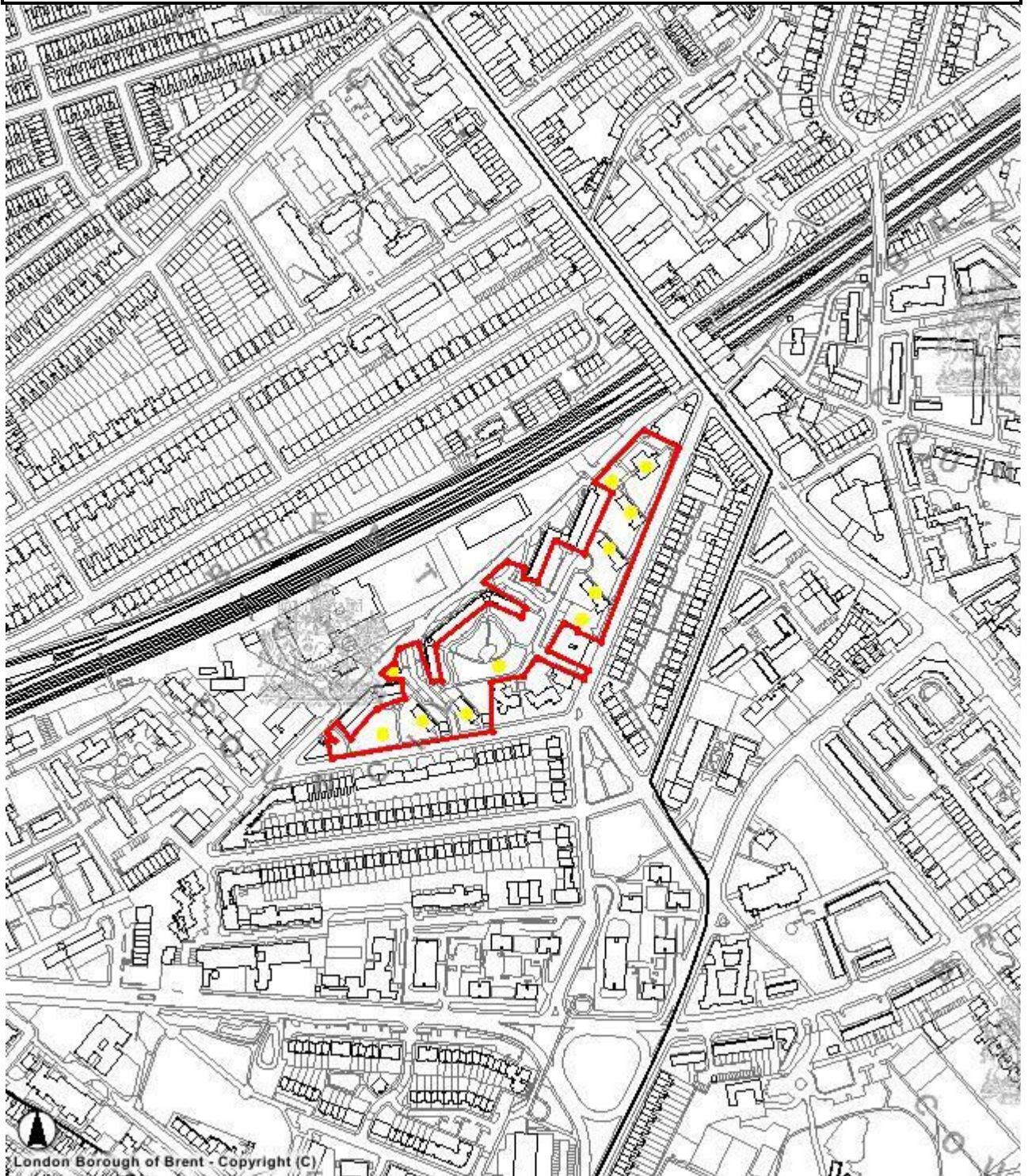
Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



Planning Committee Map

Site address: Cambridge Court, Cambridge Avenue, Ely Court, Chichester Road & Wells Court, Coventry Close, London, NW6

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 16 March, 2011

Item No. 10
Case No. 11/0093

RECEIVED: 14 January, 2011

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 41 Kingswood Avenue, London, NW6 6LS

PROPOSAL: Demolition of existing boundary treatment and erection of replacement walls and gates

APPLICANT: Mr O'Keefe

CONTACT: Barnett Ratcliffe Partnership

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The site is an end of terrace 2-storey dwellinghouse situated on Kingswood Avenue fronting Queens Park and is on the corner of Radnor Road. The property is within Queens Park Conservation Area but is not a listed building.

PROPOSAL

See description above.

HISTORY

08/2927 Refused 30th January 2009

Erection of single-storey rear extension to dwellinghouse and new boundary wall and gates adjacent to Radnor Road, NW6 (Article 4 Direction)

This application was refused for 3 reasons, 2 of which related to the proposed extension with the final reason relating to the wall:

The combination of the height and materials of the proposed boundary wall at this prominent corner site is considered to be over-dominant, forming a feature which is visually unacceptable, detracting from the character of the street-scene and Conservation Area and is thus contrary to policies BE2, BE7, BE9 BE25 and BE26 of the Unitary Development Plan 2004 and Queens Park Design Guide.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

BE2 Townscape: Local Context & Character
BE9 Architectural Quality
BE25 Development in Conservation Areas

Supplementary Planning Guidance 5:- Altering and Extending Your Home Queen's Park Conservation Area Design Guide

CONSULTATION

Neighbours were consulted on 28th January 2011, a site notice was posted up at the site on 8th February and a press notice was published on 10th February. 2 objections have been received making the following comments:

- The wall is over elaborate and does not match other neighbouring walls.
- The scale and material do not follow the height, colour or type of material and construction used in other similarly placed properties.
- Other garden walls on corners are typically of stock brickwork, with no piers and a brick on edge coping.
- There is no crossover serving the proposed vehicle gates.
- The substantial existing brick pier at the eastern end of the wall encloses the rear gates to 39 and 40 Kingswood Avenue and should not be demolished.

Objectors were informed about the submission of revised plans on 1st March 2011, although at this point the plans still showed a double width gate in the side wall fronting Radnor Road. Subsequent to the consultation, Officers secured the removal of this double gate. Nevertheless, comments were received stating that although the revisions went some way to addressing concerns, objections remained with the proposal considered to be overdevelopment.

REMARKS

The existing front boundary treatment onto Kingswood Avenue facing the park is in yellow stock brick and measures between 0.8m and 1.1m on the existing plan according to the gradient of the road. The elevation has a low central gate with a small pier feature to either side. The proposed wall is very similar though new piers are proposed, while these are proposed to have some more definition than the existing and a slightly grander cap they are not higher and it is not considered that the character of the site, or the area, will be notably affected.

The boundary treatment to the side boundary onto Radnor Road is currently a fence beginning at about 1.1m where it meets the front wall, stepping up to 1.35m adjacent to the main part of the house and reaching 1.8m at about half way along the depth of the building. At its rearmost part there are 2 brick piers with a gate providing pedestrian access to the rear of the garden to the rear of no's 39 and 40 Kingswood Avenue, these brick piers and the gate are not within the application site.

The proposed replacement boundary treatment is brick and would be built using reclaimed stock brick to match the dwelling with a strip of red brick. Its height is proposed as about 1.1m stepping up to and continuing at 1.8m from the mid-point of the main point of the house onwards. A gate is proposed in the middle of the higher part of the wall and another gate is proposed at the end, adjacent to the gate leading to the neighbouring gardens. As indicated above, the application originally proposed a double gate but this has been removed from the scheme following comments from Officers and objectors. The gate now shown is for pedestrian access only in its width. At each point where there is a change in height or a gate, there is a pier and cap.

In contrast to the refused scheme the height of the walls increases further away from the front of the site and the numerous piers have been significantly reduced in frequency as described above. The proposal is considered to comply with policies contained in Brent's UDP 2004 as well as the Queen's Park Design Guide and SPG5 and approval is recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home
Queens Park Conservation Area Design Guide

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

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

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

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

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

1001/46/PL/01
1001/46/PL/02 B

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

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

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

INFORMATIVES:

None Specified

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: 41 Kingswood Avenue, London, NW6 6LS

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 16 March, 2011**

Item No. 11
Case No. 11/0051

RECEIVED: 10 January, 2011

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: Storage Land next to 75, St Pauls Avenue, London, NW2 5TG

PROPOSAL: Redevelopment of the site to provide a part 3, part 4, storey building, comprising 10 affordable units and associated access, landscaping, a disabled parking space and cycle parking provision.

APPLICANT: Genesis Housing Group

CONTACT: Savills

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) Payment of the Councils legal and other professional costs in
 - (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) 100% Affordable Housing .
- (c) A contribution of £55,200 (£2,400 per AH bedroom), 50% due on material start, 50% due on Practical Completion unless an affordable housing toolkit is submitted at that point showing a return of less than 15%. The contributions are to be index-linked from the date of committee and used for Education, Sustainable Transportation and Open Space & Sports 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) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- (f) Join and adhere to the Considerate Contractors scheme.
- (g) The removal of the rights of residents to apply for parking permits.

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

EXISTING

The site is a vacant plot on the northern corner of St Paul's Avenue and Park Avenue North, NW2. The site is not within a conservation area but is opposite Kingsley Court which is a Grade II Listed Building.

The last lawful use of the site was as a petrol filling station. There is a functioning garage directly to the north of the site on Park Avenue North and a train line to the north of the site, all other neighbouring uses are residential.

PROPOSAL

See above description

HISTORY

10/0677 Refused at planning committee on 30th June 2010
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

By reason of the proposed set back in the front elevation at ground and first floor and inconsistent building line, the height and bulk of the building and the extent of hardsurfacing for vehicular use, the proposal results in an incongruous, overbearing and unduly prominent development within this streetscene. The proposal fails to relate to the surrounding established character of the immediate area consisting of strong building lines with a green perimeter and the lack of boundary treatment and an integral landscape scheme fails to create a safe and welcoming residential environment for future occupiers. The proposal is contrary to policies BE2, BE3, BE6, BE7 and BE9 of Brent's UDP 2004 and Supplementary Planning Guidance 17: Design Guide for New Development.

By reason of the re-siting of the crossover closer to the mini-roundabout junction, the narrow width of the accessway and its awkward alignment with St Paul's Avenue and close proximity to mini-roundabouts the proposal would be detrimental to pedestrian and highway safety. The location of the access way through the residential development and its use by vehicles associated by the neighbouring garage use results in a serious conflict of uses which cannot be mitigated by the temporary barriers proposed. The proposal is contrary to policies BE3, TRN12, TRN14 and TRN15 of Brent's UDP 2004.

By reason of the amount of amenity space provided, the shape of the children's playspace, its location adjacent to the vehicular accessway and adjoining garage use, the development fails to provide an adequate quantity and quality of amenity space which would be prejudicial to the enjoyment of future occupiers contrary to policy BE6 of Brent's UDP 2004 and Supplementary Planning Guidance 17: Design Guide for New Development.

In the absence of a legal agreement to control the matter, the development would result in additional pressure on parking demand and transport infrastructure, without a 'car-free' agreement or any contribution to sustainable transport improvements in the area, an increased pressure for the use of existing open space in an area of open space deficiency, without contributions to enhance open space, an increased pressure for public sports facilities, without any contribution to the provision of sports facilities, and an increased pressure on education infrastructure, without any contribution to education improvements. As a result, the proposal is contrary to policies STR19, TRN4, TRN23 and OS7 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Document;- s106 Planning Obligations.

This application has been appealed by the applicant and a hearing was held on 15th February 2011, the Inspector's decision is being awaited.

10/3252 Approved at planning committee on 3rd February 2011
Erection of Heras-style metal mesh fencing and vehicular access gate on all boundaries of site

POLICY CONSIDERATIONS

London Borough of Brent adopted LDF Core Strategy 2010

Within the adopted LDF Core Strategy the following policies are considered to be the most pertinent to the application.

CP6 Design & Density in Placeshaping

Sets out the factors that will be taken into account in determining density and requiring good design

CP21 A Balanced Housing Stock

The Plan seeks to maintain and provide a balanced housing stock in Brent in support of Policy CP2 by protecting existing accommodation that meets known needs and by ensuring that new housing appropriately contributes towards the wide range of borough household needs

London Borough of Brent Unitary Development Plan 2004

Within the adopted Unitary Development Plan 2004 plan the following list of 'saved' policies are considered to be the most pertinent to the application.

BE2 Townscape: Local Context & Character

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

BE9 Architectural Quality

H9 Dwelling Mix

H12 Residential Quality – Layout Considerations

TRN23 Parking Standards – Residential Development

PS14 Parking Standards

Supplementary Planning Guidance Note 17: Design Guide for New Development Supplementary Planning Document: S106 Planning Obligations

SUSTAINABILITY ASSESSMENT

The checklist scores a value of 28.5%, which is considered fairly detrimental in sustainability terms. Further sustainability measures will need to be awarded to ensure that the proposal meets the 50% checklist requirement. This will be secured in the s106 agreement.

Suggestions to improve the sustainability score include:

- Provide information on the issues where points have been lost i.e. materials (including more sustainable materials – see SPG19 for details), water conservation and recycling, provide SUDs such as permeable paving, green/ brown roof.
- Provide further measures for water efficiency i.e. spray taps, water meter etc.
- Provide information for Localised lighting with user controls & low energy fittings.
- Sign up to the Considerate Contractors scheme and provide construction waste recycling targets in line with the ICE Demolition Protocol
- Proposals to improve air quality.

Energy

Applicants have gone through the necessary steps in accordance with the London Plan 'Energy hierarchy' to show the feasibility of reducing overall Carbon emissions.

Applicants have considered District Heating and CHP in line with the London Plan 'Energy Hierarchy' and have concluded that there is not a district network to connect up to, nor does the scheme have the appropriate mix or density for optimum CHP efficiency. These measures have

been discounted accordingly.

Applicants have demonstrated that it is possible to achieve a 20% reduction on the buildings lean baseline CO₂ emissions (29,463KgCO₂/year) through renewables. It has been demonstrated that through a combination of solar thermal and solar PV, a 20% reduction can be achieved or alternatively, solar PV alone achieves the same reduction.

S106 requirements:

- Achieve at least 50% on the council's sustainability checklist
- An indicative BRE sustainability assessment showing that the development will be constructed to such specifications as to achieve Code for Sustainable Homes Level 3 rating.
- Energy conservation and passive solar measures to achieve higher levels of Carbon-reduction or SAP ratings (at least 10% above Building Regulations minimum)
- To commission and prepare a strategy to demonstrate that 20% of the site's Carbon emissions can be offset through onsite renewable energy generation and to fully implement that strategy and maintain it for the lifetime of the development unless otherwise agreed in writing by the Council OR if technically unfeasible, an equivalent level of off-site renewables, provided on a local school/community facility, and maintained for the life of the development.
- Evidence of sustainable materials shall be submitted to, and approved, by the local planning authority at Reserved Matters stage, or at least 4 months prior to site commencement of the development. Such materials shall be of a comparable sustainability standard to that indicated on (or negotiated through) the Checklist submitted with the application.
- To include details of how ICE Demolition Protocol Methodology has been applied in setting DRI &/or NBRI targets for recycled materials or content.
- To sign up to the Considerate Contractors' scheme

A pre-assessment statement has not been provided for the application. As the application is 10 units, the development will be expected to achieve Code for Sustainable Homes Level 3.

CONSULTATION

Neighbouring occupiers were consulted on 26th January 2011, a site notice was posted on 15th February and a press notice was published on 17th February. 1 comment and 1 objection have been received:

- A contribution should be made to replace missing trees or renew existing trees in the local area.
- 50% of the front area should be soft landscaping as stated in the UDP.
- Existing severe problem of flooding from surcharge of the drains on the street - concern with the additional stress on the drainage that this new development would have.
- Concern with the lack of parking facilities as there are already problems with parking.

External

Network Rail

- Need to be notified 6 weeks before commencement.
- Comprehensive list of trees which are and are not permitted.

Internal

Environmental Health

- Condition to ensure design in compliance with BS8233:1999 and require post-completion testing to ensure the development accords with the Noise Assessment submitted.
- Require details of function of plant room and protection of neighbouring units, including any noise levels being 10dB(A) or more below the measured background noise level.
- Details of acoustic barrier between the garden and garage.
- Contaminated land investigation and remediation.

Landscape

- Roof space should be utilised as living roof or amenity space.
- Require comprehensive landscape scheme.
- Details of play scheme
- SUDS and/or permeable paving systems are incorporated.

Transport

- 'Car-free' is on balance acceptable.
- Meets standards for refuse accessibility from St Pauls Avenue as well as fire access.
- Liason with Thames Water about appropriate drainage and sewerage in this problematic location is required.

REMARKS

As described above the application is for the development of the vacant plot on the northern corner of St Paul's Avenue and Park Avenue North, NW2.

The applicant is Genesis Housing Association and the proposed 10 units are all affordable and are proposed for social renting.

Context

A significant issue which has a direct and obvious impact on the form of the proposal is a Right of Access across this site which members will be aware of from previous applications. As things stand at the moment, the area affected cannot be built upon or treated in anyway which would prevent vehicular access. The areas unaffected are to the south west and to the centre, east and north east of the site. It is this right of access that has effectively determined the form that the proposal takes.

As yet discussions between the applicant and garage owner have not led to an agreement to remove this access or exchange an area of the site and as such the right of access and its restrictions remain.

No representations have been received from the garage owner to date about this current application.

Principle of Redevelopment

There is no objection to the principle of developing the site for residential use. It is not considered as local employment land, being a former petrol filling station, and the character of the area is residential with the exception of the adjacent garage site.

The proposal is for 100% affordable housing and would make a contribution to the housing need in the borough providing an acceptable mix of units including family sized maisonettes (7x2-bed and 3x3-bed).

Design & Scale

The site is a prominent corner plot at the junction of St Paul's Avenue and Park Avenue, across the junction to the west of the site is the 6-storey and Grade II Listed Kingsley Court and to the south, Victorian or Edwardian mansion blocks of 3 and 4 storeys face onto the junction. These buildings present a strong building line around the junction, each also benefiting from a landscaped set back and green perimeter resulting in the establishment of a clear residential character.

The proposal is for a part 3 and 4 storey building limited in its foot print to the eastern area as defined by the right of access. To the east of the site the buildings are semi-detached houses in appearance but were originally built as maisonettes. At the point closest to this neighbour the proposed building is 3 storeys and is lower than their ridge height, the main front building line here reflects that of the bay feature of the neighbouring maisonettes and officer's are of the opinion that this relationship is acceptable. The step up to 4-storeys still results in a building generally lower than the other corner plots.

The right of access has a significant impact on the treatment of the St Paul's Avenue frontage. Originally the proposed treatment of the frontage was 100% hardstanding. In the proposed scheme a front hedge has been introduced across the whole of the front curtilage. The Council's policies relating to the public realm state that a high standard of landscape design is required as an integral element of development schemes to provide a good quality residential development and to enhance the streetscene. In contrast to the refused scheme, as well as the above mentioned hedge, an area of green wall has been introduced to either side of the front entrance doors and most significantly it has been possible to add planters within the pedestrian frontage. These features add much needed soft landscaping to the hard frontage, a condition is recommended to ensure that good quality planting is introduced as well as maintenance to ensure it survives. This scheme also benefits from no building on the southwest part of the site which allows for the introduction a significant amount of soft landscaping. While the treatment directly in front of the building is still much harder than usually sought it is considered that given the specific constraints the proposals discussed above are acceptable.

Notwithstanding these significant limitations officers consider that the general design and scale of the proposed building is acceptable. The design detail relates acceptably to the architecture of Kingsley Court without mimicking the 1930s design and the height is sympathetic to the 2-storey houses. There is some rhythm and consistency with projecting windows and balconies providing some additional interest. Samples of the proposed materials are required by condition as high quality finished are required.

Residential Amenity

Standard of Accommodation for Future Residents

All units comply with or exceed the minimum internal floorspace standards of SPG17 and all are dual aspect, unit 2 does not have very generous outlook as it is constrained by the requirement for acoustic screening but its bedrooms have unobstructed outlook to their garden.

All units apart from flat 10 have private amenity space mostly in the form of small balconies. The two ground floor units each have a private curtilage indicated which are acceptably sized without counting the front gardens. The scheme achieves a sufficient quantity of amenity space as sought by SPG17.

In terms of noise the site suffers from both the railway to the north and the active garage to the northeast. The applicants have submitted a noise survey and assessment with the conclusion that the standards of BS8233:1999 "*Sound insulation and noise reduction for buildings*" can be achieved internally subject to particular construction of walls for the building. Officers are of the opinion that post-completion in this case will be particularly important and a condition is recommended to require this and, if standards are not achieved, remediation measures will need to be agreed and implemented which could require physical alterations and additions.

Noise attenuation will be crucial to ensuring the children's play space could be well used and details of the fencing are required, at busy times the garage can produce high levels of noise and the attenuation measures will aim to reduce the impact of this on the amenity space as far as possible. The shape and size of the amenity space has drastically improved from application 10/0677, while noise can be attenuated but not removed the quality and quantity is on balance

considered to be acceptable.

Impact on Adjoining Occupiers

The separation distances across the junction and the fairly restrained height of the proposal result in an acceptable relationship in terms of surrounding neighbours.

To the rear the building has been designed to not project beyond the rear principal elevation (building line) of no. 75/75a St Paul's Avenue until it is 10m in from the joint boundary. At this point the building projects backwards by 6m at a height of 2-storeys, significantly less than the 2-storey outrigger of the adjacent building which is about 11.5m. At a further 5m from the boundary the projection increases by an additional 3m and is 4-storeys.

There are 2 windows above ground level in these flank walls and a condition is recommended to ensure they are obscure glazed to protect neighbouring privacy, as neither window is a sole window to a habitable room this condition would not harm the amenity of future occupants.

In the previous application concerns were expressed by an occupier of the neighbouring maisonette about the potential negative impact of the proposal on the levels of daylight and sunlight that they presently receive. In the neighbouring building containing 2 flats 3 windows (2 at ground floor and 1 at first floor) would experience a loss of daylight of over 20% which exceeds BRE Guidance, however the majority of reductions in daylight are below 20%. The units do benefit from south facing windows which do not face the application site and so are unaffected. While it would be preferable for the impacts not to exceed BRE Guidance at all the proposed height of the development is considered more sympathetic to the neighbouring dwellings and as a whole is considered to be sited so as to minimise its potential impact.

Transportation

As the development is proposed as social housing a 50% reduction in the parking standards set out in PS14 of the UDP 2004 applies, as such about 13 parked cars would be expected to be generated by this development. The proposal involves a single disabled off street parking spaces only

The applicant's Transport Statement suggests that a 'car-free' agreement be applied to the development,

While the site has a PTAL of 3 and PTAL 4 is usually required for car-free agreements it is at the upper end of the PTAL 3 range and the Council's Highways Officer accepts that a minor relaxation in this instance is acceptable and the scheme can be supported with a 'car-free' agreement to prevent future occupant's obtaining parking permits.

The disabled parking and cycle storage provision comply with the Council's requirements, as does the location and size of the refuse store.

Officers previously had concern about the awkward entrance arrangement into the site from St Paul's Avenue, while vehicles from the garage will still have use of this accessway only a single residential vehicle would now have access to the site which is considered to make a notable difference in the amount of vehicle activity.

One of the most concerning reasons for refusal for application 10/0677 related to the layout of the site and the conflict arising between vehicular and pedestrian movement across the front and also through the site. As no building is proposed on the plot to the left the visibility through the site is significantly improved, nevertheless officers still recommend a condition for a bollard on the southeast corner of the pedestrian only frontage as a marker for both pedestrians and vehicles. Speed humps are proposed along the route through the site as a traffic calming measure.

The pedestrian entrance to the site is proposed as a footpath with a kerb providing a safe accessway. Directly in front of the building, with the recessed ground floor entrance, there is a pedestrian only area of over 2.5m this is a significant increase compared to the refused scheme. A 1.5m deep area in front of this which is affected by the right of way is proposed to be treated in the same way as the pedestrian area to encourage drivers not to use it. An important and essential addition is the planters along the edge of the pedestrian space, these clearly indicate the safe area for pedestrians without creating a solid barrier.

While the right of access is a significant constraint for the development of the site it is considered that the improvements made for pedestrian safety result in an acceptable proposal.

Landscaping

As discussed above the scheme provides a good quantity of amenity space. Details of all planting, play space equipment and planters etc. are required by condition to ensure high quality is achieved. Details of hardstanding are also sought and should be permeable as well as of a good quality appearance.

Servicing

Access to the refuse store from the highway does not exceed 15m and is therefore acceptable.

Comments were received from Thames Water on application 10/0677 and it is considered that the points raised need to be addressed in this application. Neighbours have raised concern about flooding from storm flow in the immediate vicinity and therefore a condition is required for details of storm flow attenuation to ensure that the development of the site does not negatively contribute to the existing situation. The site is currently 100% hardstanding so it is possible that the introduction of soft landscaping and permeable paving could improve the situation, but at the least it is important to ensure that it is not worsened.

S106

The applicants state that the scheme is unviable but make an offer of a contribution of £20,000. The standard contribution of £55,200 (£2,400 per AH bedroom) is advised by the s106 SPD and the recommended Heads of Terms suggest 50% provided on material start with 50% due on practical completion. The upfront 50% would be £27,600, officers seek this amount as the minimum contribution, upon Practical Completion the remaining 50% would be required unless an affordable housing toolkit is submitted at that point showing a return of less than 15%.

Other

Members are advised that as a final revision to the scheme was received at late notice (increasing the depth of the pedestrian area to the frontage and adding planters) only the ground floor plan so far shows this alteration. Other plans will be altered accordingly and revised plan numbers included in a supplementary report.

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
Conservation Area Design Guide

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

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

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

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

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

GHG/813/OD22 D

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

- (3) Prior to the commencement of work details shall be submitted to and approved in writing by the LPA to demonstrate:
- proper provision for drainage of surface water to ground or a suitable sewer.
 - attenuation of storm flow or regulation into the receiving public network through on or off site storage.

N.b. Where the developer proposes to discharge to a public sewer prior approval from Thames Water is required.

Reason: To ensure that surface run off within the curtilage of the site can be contained.

- (4) In order to mitigate against the possibility of numerous satellite dishes being installed on the buildings hereby approved, details of a communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented.

Reason: In the interests of the visual appearance of the development in particular and the locality in general.

- (5) The east facing window of units 3 and 6 shall be obscure glazed and non-opening unless above at least 1.7m from internal floor level, and maintained as such.

Reason: In the interest of neighbouring amenity.

- (6) Notwithstanding indicative materials on plans details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works above ground level. 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) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of work on the site above ground level. Such landscaping work shall be completed prior to occupation of the building(s).

Such scheme shall also indicate details of:-

- Proposed walls, fences and gates including materials and heights
- Play area equipment
- Dimensions, appearance and siting of planters to frontage.
- Width of planting bed for hedge at front boundary.
- Detail of planters with climbing plants on front elevation either side of entrance doors as shown on GHG/813/OD30
- Maintenance plan with particular detail relating to planters.
- Materials of all hardsurfacing including samples (to be SUDS and/or permeable paving systems)

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.

- (8) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced above ground level 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 and shall be maintained for the lifetime of the development. Such details shall include:-

(a) acoustic barrier between the amenity space and the adjacent garage

(b) acoustic screening to balconies to west elevation

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

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

- (9) Prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the LPA, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. The written report is subject to the approval in writing of the LPA.

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

- (10) Any remediation measures required by the LPA shall be carried out in full. A verification report shall be provided to the LPA, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the LPA has previously confirmed that no remediation measures are required).

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

- (11) Prior to occupation of the dwellings the applicant shall be required to submit in writing to the LPA the results of the post-completion testing undertaken in the noise affected dwellings to verify that all units would comply with BS8233:1999 'Sound insulation and noise production for buildings – code of practice'. If requirements are not achieved remediation measures shall also be submitted to and approved in writing by the LPA and implemented and re-tested accordingly.

Reason: To verify that the internal noise levels specified can be met and safeguard the amenity of future occupants of the development.

- (12) Prior to the commencement of the development above ground level a Construction Method Statement shall be submitted to and agreed in writing by the LPA 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.

- (13) Further details of the proposed speed humps shall be submitted to and approved in writing by the Local Planning Authority and implemented before the building is occupied.

Reason: To minimise the conflict between users of the site.

INFORMATIVES:

- (1) Prior to the 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) Prior to commencement of works, full details of excavations and earthworks to be carried out within 10 metres of the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details.

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: Storage Land next to 75, St Pauls Avenue, London, NW2 5TG

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 16 March, 2011**

Item No. 12
Case No. 10/2814

RECEIVED: 29 October, 2010

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 29, 30, 31 Brook Avenue, Wembley, HA9

PROPOSAL: Demolition of 29 to 31 Brook Avenue and erection of a part 5-, 6- and 7-storey building, comprising 33 flats (11 one-bedroom, 19 two-bedroom and 3 three-bedroom), with associated landscaping, children's play area and provision of 4 disabled car-parking spaces

APPLICANT: Gateway No. 1 LLP

CONTACT: Dalton Warner Davis LLP

PLAN NO'S:
Please refer to condition 2

RECOMMENDATION

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

SECTION 106 DETAILS

Core strategy Policy CP15 requires that before granting planning permission for major proposals, the Council will have to be satisfied that the infrastructure requirements arising from the scheme will be met by the time it is needed. Contributions will be sought from development giving rise to the need for new infrastructure in accordance with the Council's SPD on Planning Obligations.

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) On Practical Completion submit an affordable housing toolkit with the actual build costs and sales values. Once a 17% profit has been allowed for, up to 50% affordable housing (70%/30%, social rent / intermediate) will be required, as either off site provision or contribution.

(c) A contribution £165,000 (£3,000 per additional private bedroom less the 9 existing bedrooms), due on material start an, index-linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports 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 plus additional measures, with compensation should it not be delivered, in addition to adhering to the Demolition Protocol. (The applicants have indicated that they may be able to provide additional sustainability measures on top of Code for Sustainable Homes 3, which is considered necessary.)

(e) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.

(f) Car-free (residents will not be entitled to permits should a CPZ be introduced in the future)

(g) A £10,000 contribution to a Car Club scheme cost if and when introduced

(h) Join and adhere to the Considerate Contractors scheme.

And to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission by the end of the 13-week application process or by another date if agreed in writing with the Local Planning Authority, if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The application site (0.148 hectare) is situated on the southern side of Brook Avenue approximately 50m from the junction with Bridge Road. The site is within the Wembley Growth Area as defined in Brent's adopted Core Strategy. Ground levels drop within the site towards the rear boundary which abuts Wealdstone Brook. Wealdstone Brook is designated as a Site of Borough (Grade II) Nature Conservation Importance, a Site of Local Nature Conservation Importance and a Wildlife Corridor.

The site currently contains three, two storey residential dwellinghouses. To the north of the site on the opposite side of Brook Avenue is the Wembley Park station and car park. The southern side of Brook Avenue is mainly characterised by two storey residential properties however the eastern end of Brook Avenue has higher buildings including adjoining to the east, a recent approval was granted for a block of flats ranging in height from 5 to 10 storeys and the existing site of the ten-storey Premier Inn hotel. Building works on the adjoining site has commenced.

PROPOSAL

Demolition of 29 to 31 Brook Avenue and erection of a part 5-, 6- and 7-storey building, comprising 33 flats (11 one-bedroom, 19 two-bedroom and 3 three-bedroom), with associated landscaping, children's play area and provision of 4 disabled car-parking spaces

HISTORY

The following planning history is most relevant to the proposal:

No. 29, 30 & 31 Brook Avenue

24/10/1974 Residential development of 80 rooms to the acre – Approved (Ref: E69478556).

19/04/1973 Residential development of 120 rooms to the acre – Refused (Ref: E1790 5119) and an appeal lodged against the refusal was withdrawn on 18/12/1975.

21/06/1974 Residential development of 75-80 rooms to the acre – Approved (Ref: E3481 6173).

19/04/2007 - Demolition of existing 3 x 2-storey houses on the site and erection of part 3-storey and 4-storey building (including lower ground level) with front and rear dormer windows and balconies to provide 13 self-contained flats (comprising ten 2-bedroom flats and three 3-bedroom flats) with formation of new vehicular and pedestrian access, provision of 4 car-parking spaces (including 2 disabled parking bays), refuse-storage and landscaping to the front, cycle store for 13 cycles at lower ground level, rear amenity space and associated works, involving retention of the existing chimney between No. 28 and 29 Brook Avenue, and works undertaken to support it and make good this elevation, the former party wall (as accompanied by Planning Statement CL10836/01, January 2007, produced by Nathaniel Litchfield and Partners, Design and Access Statement F250/DS001, Revision: 0, January 2007, produced by Arc 7 Design, and Sustainable Development Checklist) (as amended by revised plans and information received on 08/03/2007 and 09/03/2007) Granted (Ref: 07/0158)

11/06/2010 – Extension to time limit of planning permission 07/0158, dated 18/04/2007, for demolition of existing 3 x 2-storey houses on the site and erection of part 3-storey and 4-storey building (including lower ground level) with front and rear dormer windows and balconies to provide 13 self-contained flats (comprising ten 2-bedroom flats and three 3-bedroom flats) with formation of new vehicular and pedestrian access, provision of 4 car-parking spaces (including 2 disabled parking bays), refuse-storage and landscaping to the front, cycle store for 13 cycles at lower ground level, rear amenity space and associated works, involving retention of the existing chimney between No. 28 and 29 Brook Avenue, and works undertaken to support it and make good this elevation, the former party wall Planning Act 1990 and subject to a Deed of Agreement dated 11 June 2010 under Section 106 of the Town and Country, as amended. Approved (Ref: 10/0601)

19/08/2010 – 10/1467 - refused

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

This was refused for the following reasons:

- 1 The proposed development by reason of its siting, depth of building and height will result in an overbearing relationship to 28 Brook Avenue harmful to the outlook of habitable room windows and external amenities of neighbouring occupiers and contrary to Policy BE9 of Brent's Unitary Development Plan 2004, Brent's Core Strategy and Supplementary Planning Guidance 17 'Design Guide for New Development'.
- 2 The proposal would result in a substandard form of accommodation detrimental to the amenities of future occupiers by reasons of the poor outlook of flat 1 due to its reliance on a lightwell to the front and the restricted outlook to the rear and the poor outlook of flats 7, 12, 18, 24, 28, and 32 all of which have habitable rooms reliant on outlook over an adjoining site less than 1 metre away. As such the application is contrary to Brent's Unitary Development Plan policies BE2, BE9, Brent's Core Strategy and Supplementary Planning Guidance 17 'Design Guide for New Development'.
- 3 The proposed development does not provide or justify its failure to provide sufficient affordable housing on site nor does it provide a mechanism to review the viability of the scheme at the time of completion and in the absence of a legal agreement to control the matter is contrary to Policies 3A.9, 3A.10, 3A.11 of the London Plan 2008 CP2, CP21 of Brent's Core Strategy and Policy STR20 of Brent's Unitary Development Plan 2004.
- 4 In the absence of a legal agreement to control the matter, the proposed development has failed to achieve and employ sustainable design principles and without sufficient

evidence to support the application, the proposed residential development will not contribute towards energy conservation, air quality and sustainable construction, and would significantly impact the natural and social environment, contrary to policies STR3 and BE12 of Brent's Unitary Development Plan 2004, Policy CP19 of Brent's Core Strategy and Supplementary Planning Guidance No. 19: "Sustainable Design, Construction & Pollution Control".

- 5 In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places, and increased pressure for the use of existing open space, without contributions to enhance open space, sports or make other contributions to improve the environment and air quality. As a result, the proposal is contrary to policies EP3, TRN3, TRN4, TRN10, TRN11, CF6 and BE7 of Brent's adopted Unitary Development Plan 2004, Policies CP5, CP6, CP7, CP14, CP15 and CP18 of Brent's Core Strategy and the adopted S106 Planning Obligations Supplementary Planning Document.
- 6 In the absence of a legal agreement to ensure that future residents are not eligible for on-street parking permits, the development would result in additional pressure on on-street parking that would prejudice the free flow of traffic and conditions of safety along the neighbouring highway. As a result, the proposal is contrary to policies TRN3 and TRN23 of Brent's adopted Unitary Development Plan 2004.

No. 29 Brook Avenue

23/05/2001 Erection of a 2-storey side and part 2-storey, part single-storey rear extension and construction of rear dormer – Approved (Ref: 01/0254).

POLICY CONSIDERATIONS PPG24 – Planning and Noise

Unitary Development Plan 2004

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 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 - Proposals should, amongst other things, clearly defined public, private and semi-private spaces in terms of their use and control.

BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, boundary treatments to complement the development and enhance the streetscene.

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

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

BE12 - states that proposals should embody sustainable design principles commensurate with the scale and type of development.

EP2 - Noise & Vibration -noise generating development will be permitted unless it would create noise above acceptable levels

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

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

H12 - Layout and urban design of residential development should reinforce/create an attractive/distinctive identity appropriate to the locality, housing facing streets, have access and internal layout where cars are subsidiary to cyclists and pedestrians, appropriate car parking and cycle parking ,where dedicated on-street parking is maximised as opposed to in curtilage parking and avoids excessive tarmac and provides an amount and quality of open landscaped area appropriate to the character of the area, local availability of open space and needs of prospective residents.

H13 - The appropriate density will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites and meets the amenity needs of potential residents. The most dense developments will be in areas with good and very good public transport accessibility. Surrounding densities should at least be matched unless it would harm residential amenity. 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 - States that planning permission will be refused where development would under-utilise a site.

H15 - States that the density and height of any buildings should be subsidiary to the street fronting development.

TRN2 – Development should benefit the Public Transport network

TRN3 - Where a planning application would cause or worsen an unacceptable environmental impact from traffic generated it will be refused, including where:

- (a) The anticipated level of car generation/attraction is greater than the parking to be provided on site in accordance with the Plan's standards and any resulting on-street parking would cause unacceptable traffic management problems; and/or
- (b) The proposal would have unacceptable environmental problems such as noise or air quality (especially affecting air quality management areas); and/or
- (c) The development would not be easily and safely accessible to pedestrians and/or cyclists; and/or

- (d) Additional traffic generated would have unacceptable consequences in terms of access/convenience for pedestrians and/or cyclists; and/or
- (e) The proposals would produce unacceptable road safety problems; and/or
- (f) The capacity of the highway network is unable to cope with additional traffic without producing unacceptable levels of traffic congestion – especially where this would hinder the ability of the Strategic Road Network and/or London Distributor Roads to cope with through trips, or would introduce through traffic onto local roads; and/or
- (g) The proposal would cause a significant increase in the number and/or the length of journeys made by the private car.

TRN11 - Developments shall comply with the Councils minimum cycle parking standard (PS16); with parking situated in a convenient, secure, and where appropriate sheltered location.

TRN10 – Walkable Environments

TRN15- Forming an access onto a road

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

TRN34 – Servicing in New Development

TRN35 - On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.

CF6 – School Places

Brent's Core Strategy 2010

CP2 – Population

CP5- Placemaking

CP6- Design and Density in Placemaking.

CP7 – Wembley Growth area

CP15 – Infrastructure to Support Development

CP17 – Protecting and Enhancing the Suburban Character of Brent

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

CP19 - Brent Strategic Climate Mitigation and Adaptation Measures

CP21 - A Balanced Housing Stock

Mayor of London

The London Plan Consolidated with Alterations since 2004

Mayor of London Supplementary Planning Guidance

- Providing for Children and Young People's Play and Informal Recreation (March 2008)
- Sustainable Design and Construction (May 2006)
- Planning for Equality and Diversity in London (October 2007)
- Accessible London: Achieving an Inclusive Environment (April 2004)

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

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

Supplementary Planning Document - S106 Planning Obligations

SUSTAINABILITY ASSESSMENT

The site lies within Wembley Growth Area, and as a major development, Core Strategy Policy CP19 requires the development to achieve Code for Sustainable Homes level 4 unless the scheme feasibility shows that this is not possible. The applicants have submitted viability assessments and now seek Code for Sustainable Homes Level 3 plus. This will be achieved through the s106 legal agreement. Your officers are keen to ensure that within a Growth area, sustainability measures are maximised. The applicants have been asked to provide a Code for Sustainable Homes Pre-assessment and to propose additional measures on top of Code for Sustainable Homes 3. The pre-assessment indicates a score midway between code 3 and 4.

The applicants have set out within their Energy Strategy ways that they intend to save energy within the development, in accordance with London Plan requirements. The applicants have considered combined heat and power units, but do not consider this appropriate for the number of units proposed, which is accepted by officers.

In order to achieve CO2 savings on site the applicants propose to use photovoltaic panels, which they identify will lead to CO2 reductions of 20.2% in accordance with London Plan requirements. The report finds that this could be achieved with a PV panel area of at least 75.6sqm.

The applicants confirm that they will sign up to the Demolition Protocol and will achieve a Sustainability Checklist TP6 score of 50.5%, which is above the minimum 50% score. Officers score the proposal at 38%. This is because further information is necessary regarding a considerate contractors certificate, materials to be used, (including FSC accreditation,) manufacturing details and landscaping proposals in order to award more credits.

CONSULTATION

The consultation process included notification letters sent on 16/11/10 174 residents, ward members, Transportation, Landscape Design, Urban Design, Environmental Health, Thames. A press notice has been published on 18/11/10, and site notices erected on 19/. The following comments have been received: 19/11/10.

One letter of objection received from Councillor Harshadbhai Patel on the following grounds:

- The structure will dominate the area and represents gross over-development of the site in question
- There will be insufficient car parking in the area
- It is out of character with the rest of the street
- Extra traffic will be generated in an already busy road
- The application will block natural light received by neighbouring properties

2 letters of objection received raising the following concerns:

- The demolition of 3 house and erection of a 5-7 storey building will completely change the character of the area
- The development will overcrowd the immediate neighbourhood
- There is no parking provision- where will residents park?
- The area is heavily congested and this will only make it worse
- Any proposed building over 3 storeys will harm my privacy and overlook my garden and back of my house

Environmental Health – no objections subject to conditions regarding glazing and ventilation is installed in accordance with the recommendations in the acoustic report and post-completion testing is conducted in 10% of the affected properties prior to occupation, conditions relating to contamination and remediation are required, as is a construction method statement, as the site is within an AQMA

Landscape Designer - The landscape scheme should be of high quality, requiring details to demonstrate the quality of the proposal for amenity, play, planting, and boundary treatments. There is poor disabled access to the rear amenity area. An ecology report should be submitted as the site borders a river and a Japanese Knotweed eradication plan is necessary. The tree survey appears acceptable. The front landscape plan has a predominance of hard landscaping, a minimum of 4 trees (16-18cm girth) should be provided.

Highways Engineer

The proposal could require up to 40 parking spaces. However only 4 disabled parking spaces are proposed. There will be a demand for 30 spaces within the region of the site, which outweighs the parking available to the site. The applicant's car-free approach cannot be currently implemented as there is no CPZ in order to restrict permits for future residents. It is noted that this permit-free approach was used at 32-34 Brook Avenue, however despite this the Council's Highway objects to the proposal because Brook Avenue does not have a CPZ and therefore a car free approach is inappropriate at this time.

If officers are minded to recommend approval despite this objection then money should be sought towards a car club in the area and any cross-overs made redundant as a result of this application should be reinstated at the developer's expense.

Environment Agency

No objections subject to conditions that the development is undertaken strictly in accordance with the submitted FRA and finished floor levels are above a set height

Natural England- recommend an ecological statement be provided, and any new lights' direction within the vicinity of Wealdstone Brook are controlled. Roof gardens and tree protection should be conditioned and natural play opportunities could be enhanced

REMARKS

This application proposes a new residential development on 29-31 Brook Avenue. Permission for a smaller 13 unit residential scheme on the same site was granted planning permission in 2007 which was then renewed in 2010. Last year an application for a larger residential scheme was refused. Officers have been in dialogue with the applicants over a period of time, and consider that this significantly amended scheme now addresses the previous reasons for refusal. The principle issues arising from the proposed development are as follows:

- The demolition of 3 dwellings and replacement by a building up to 7 storeys high within a specific streetscene context in a Growth Area
- The impact of the proposed development upon the amenities of adjoining occupiers
- The quality of accommodation provided and types of units proposed
- The impact of the development on the local highway network
- The impact of the development upon Wealdstone Brook/ Flood Risk/ Ecology

Proposed residential uses/ mix of units

The principle of new residential development in this area is accepted and conforms with planning policy guidelines. This application proposes to demolish the existing houses and erect a 3-7 storey building incorporating a lower-ground floor/basement level. Policy CP21 requires a balanced housing stock. The proposal will result in the loss of 3 family dwellings, but three 3-bedroom flats are proposed. These are considered family sized and therefore meet this policy. The rest of the units are a mixture of 19 one and 3 two bedrooms units.

The applicants have confirmed that 100% of the flats meet Lifetime Homes standard in accordance with London Plan guidelines. Furthermore, they have confirmed that 10% (4) of units will be wheelchair adaptable in line with London Plan requirements.

No affordable units are proposed in the original submission. The applicants propose an entirely private scheme. This is not in accordance with London Plan requirements for a mixed housing tenure. Policy 3A.9 specifically sets out a strategic target of 50% affordable is required. This also fails to comply with Brent's Core Strategy Policies CP2 and CP21 that state that the borough will aim to achieve the London Plan target that 50% of new homes should be affordable.

The applicant submitted a viability assessment based on the GLA Affordable Housing Toolkit. This assesses the proposed scheme development costs (including a reasonable developer's profit margin) and the expected housing sales income (including any available affordable housing grant.) A particular problem in employing the Toolkit methodology arises in the case of a site, such as 29 -31 Brook Ave, where the land owner and the prospective developer are the same. This problem is further exacerbated by the fact that the existing 3 houses were purchased in 2006/07 and appear themselves to offer a viable return without any development. This raises questions as to the justification of the applicant's off-setting the original purchase financing cost against the implementation of their proposed development. The applicant has justified their anticipated housing sales values with reference to a local estate agent's valuations. However, as these are based on past sales, they may not be applicable by the estimated scheme completion time.

In conclusion, officers are not satisfied, on the basis of the available information, that this proposal cannot viably generate any affordable housing contribution. Officers consider that the applicant should at least recognise the possibility that housing values may have risen substantially by the time the scheme is completed, which could be in several years time. The applicant has therefore agreed to a post completion viability assessment. If values have risen sufficiently this could depending on viability provide either a commuted payment or off-site affordable housing provision equivalent of up to 50% of the schemes units. This would be secured through the S106 agreement.

The applicants also seek a 5 year consent within the Planning Statement accompanying the application. Given the viability issues raised by the applicant it is not considered appropriate to issue a longer consent than 3 years, to allow review at that time on the basis of the likely revised circumstances.

Officers and the applicants have agreed on a s106 Head of term that:

On Practical Completion (they) submit an affordable housing toolkit with the actual build costs and sales values. Once a 17% profit has been allowed for, up to 50% affordable housing (70%/30%, social rent / intermediate) will be required, as either off site provision or contribution. It is considered that the use of this head of term will ensure that the scheme complies with affordable housing policies.

Design of Buildings, Impact on the Street scene

The site is within Wembley Growth Area, where large-scale developments are anticipated. The application site has recently renewed approval for a 3-4 storey development containing 13 flats under application 07/0158 and renewed 10/0601. The current proposal has been revised during the course of the application and now proposes 33 units.

Policy CP6 requires that the interface between higher density developments in growth areas and other areas and lower density surroundings be respected and take account of the suburban scale of adjoining development. The current proposal is to demolish numbers 29-31 Brook Avenue. Number 29 Brook Avenue is a semi-detached dwelling at the moment, so that its removal will leave 28 Brook as a detached 2-storey dwelling. There is a change in levels on the site, which slopes down to the rear towards the Wealdstone Brook. Within the sloping area proposed alongside the new development, a 3m wide landscaped buffer is proposed between the new development and the retained 28 Brook Avenue. The standalone dwelling will have a projecting chimney breast into this buffer however.

The proposal incorporates a 4 storey building on this western side of the site, which with a

lower-ground floor plan reaches up to 5 storeys to the rear. It is notable that the fourth floor of the building is set-back from the building's frontage to reduce the scale of the development adjoining number 28 from the streetscene. 10m from the western boundary with number 28, the proposed development steps up to a 6 storey, (7 from the rear) building and 12m from the western boundary the development reaches its maximum height of 7 storeys, (8 with the levels change on the rear elevation.) The development is set 1.2m off its eastern boundary to 32-34 Brook Avenue. The adjoining site is under construction at the moment, and the approved scheme 09/2571 for a 5 to 10 storey residential development is being built. (The adjoining site also has a minded to grant outline application 07/2145 for 3 to 8 storey building.) The planning history demonstrates that both on the site itself and adjoining site 32-34 Brook Avenue, the principle of in-depth development of a higher than 2 storey nature has been accepted. In addition, proposals of large scale massing have previously been found acceptable in this part of the streetscene.

Application 09/2571 on 32-34 Brook Avenue approved a development that ranges from 5 to 10 storeys. The higher development is close to the existing higher rise form of the hotel, to the east which is itself orientated onto Bridge Road and maintains a separation distance of some 30m. The adjacent development was judged to be acceptable to the application site as a 5m wide buffer provided a more spacious setting to the large new-build, particularly when compared with a proposal previously approved on the adjoining site, (as application 07/2145 only separated from the application site by 1.5m.) The larger 5m setting was considered an improvement upon the previous application. Premier Inn to the east provided a rationale for higher development.

Furthermore application 09/2571 was in part justified as the current application site 29-31 Brook Avenue has extant planning permission for a 3-4 storey building, and therefore the adjoining development would probably not be visible alongside a 2-storey development. In this respect, the application site differs from the adjoining site, as number 28 Brook Avenue, (a 2 storey dwelling,) will remain adjoining the site. However, the adjoining site 32-34 Brook Avenue sets the precedent regarding higher developments in this area. The adjoining site steps up to 5 storeys 5.5m from the western boundary. The proposed application on site proposes a 4 storey development 3m from its respective western boundary. It is considered that this approach allows sufficient separation to enable the introduction of soft landscaping between the proposed building and adjoining 2 storey dwelling number 28 Brook Avenue. Furthermore the stepped increases to the development on site will be legible in conjunction with the approved development on the adjoining site 32-34 Brook Avenue which steps up from 5 storeys adjoining the site to 10 storeys adjoining the Premier Inn hotel. The proposed design therefore has a rationale in the streetscene context. This complies with policies BE2, BE3, BE5, BE7 and BE9 of Brent's Unitary Development Plan and CP5 of Brent's Core strategy.

The proposed building also respects the build-line of the adjoining sites. It incorporates a front garden with 4 disabled parking spaces, access footpath and sufficient space to establish a reasonable amount of soft landscaping. The Council's Landscape Designer comments that the space should incorporate at least 4 trees. This will accordingly be conditioned in accordance with policies BE7 and TRN23.

On the street facing elevation there are brick frontages for the bottom 3 storeys of the 4 storey element and 4 storeys of the 7 storey element. The top floors, 4th and 7th respectively are set back and within the brick areas are bands of a different material, which serve to articulate the horizontal and visually break-up the massing. The upper floors are a different treatment on the front. The proposed building's massing is articulated through the use of different materials (brick, render and glazing,) varied projections of the building, (providing shadow lines,) projecting balconies, and windows are provided on all elevations that further help to break-up the massing.

In line with guidelines within SPG17 the main entrance to the residential units is from the front of the development. As revised, the proposal provides access to the rear garden from the eastern side of the building allowing access to the rear garden along the eastern edge of the site. As the building is served by a lift to the basement level, the side access door enables disabled access to

the amenity area, despite the levels change and side staircase.

In this context, on balance officers consider that the proposed building will relate satisfactorily to the local streetscene.

Impact on neighbouring occupiers

The revised scheme provides a separation of 3m between the proposed 4-5 storey building on the western edge of the site and the adjacent retained dwelling, number 28 Brook Avenue. Only a gap of 1m is provided between the site and 32-34 Brook Avenue to the east.

Relationship to 28 Brook Avenue (west)

The current application on site provides a larger gap between the proposed building and the adjoining building number 28 than that previously approved under application 07/2145 increasing the separation from 1.5m to 3m. The applicants seek to demonstrate through revised plans and elevations that this gap and the rear built-form provides a better relationship than that previously approved under 07/0158 and renewed under 10/0601.

The current proposal results in a building that projects 3m away from the western side boundary, 2m to the rear of number 28, with no balconies with a height 11.7m at the front and 14.2m to the rear, (as the ground levels fall away.) The previously approved scheme originally permitted under 07/0158 projects 2.5m incorporating a balcony, to the rear of 28 Brook Avenue, 1.5m away from the boundary at a front height of 8.35m and rear height of 11.1m to the pitch of the roof. The current scheme although higher than the previously approved proposal on site, is set further away and less deep than previously approved. Further away from the boundary, the proposed building on site projects up to 13m to the rear of 28 Brook Avenue and reaches up to 7 storeys high. The proposed development as revised complies with the 1:2 guideline within SPG5, which is a useful tool to assess impact of a development upon habitable room windows within a residential area. Further away from the boundary, the development steps out but does not breach a 45 degree guideline from the mid-point of the nearest neighbouring window, in this case glazed doors serving number 28. It is considered that compliance with these two guidelines indicates that the proposed development has a better relationship to the neighbouring dwelling at 28 Brook Avenue. This was previously a refusal reason for the last application, and the revised scheme is now considered to address this point.

Relationship to 32-34 Brook Avenue (east)

The adjacent site 32-34 Brook Avenue is currently being built-out for a 5-10 storey development approved under application 09/2571. The neighbouring site is separated from the application site's boundary by 5.5m at the front and between 8.8m to 10.8m in-depth reaching up to 10 storeys. The current proposal on site also has a stepped rearward projection. As revised the front part of the development is one metre from the site's eastern boundary to a similar depth (19.7m,) to the approved front block at 32-34 Brook Avenue, (19.58m). At a depth of 13m, the current development block steps 3.054m away from the boundary for 2m, and then steps out to its full depth 5.321m from the eastern boundary at 7 storeys high, (8 to the rear). The adjoining site's in-depth development is 8.8m-10.8m from the side boundary up to 10 storeys. It is considered that the staggered massing and steps within the built-form, with the associated distances involved results in a development massing that relates satisfactorily to the massing of the adjoining site.

There are no primary habitable room windows within the western facing elevation of the approved development at 32-34 Brook Avenue. The windows within this elevation are either secondary or serve non-habitable rooms. There are primary habitable room windows within the rear, (south) facing elevation of the front block at 32-34 Brook Avenue. The massing of the proposed development on site complies with SPG5's 1:2 guidelines in relation to the nearest of these sensitive neighbouring habitable room windows. It is considered that the deeper projecting parts of the proposed development being set up to 5.321m from the side boundary and 10.321m from the closest part of the adjoining development is sufficient to enable adequate separation between the two buildings and maintain appropriate levels of outlook to all occupiers. Moreover, the approved

landscaping scheme for 32-34 Brook Avenue incorporates numerous tree specimens in this space, which is expected to further improve the relationship between the developments and outlook.

Objections have been received from occupants of Elmside Road, (which is to the rear of the site,) on the grounds that the proposed development will impact on the daylight/ sunlight received and harm the privacy of their back gardens. It is true that the proposal will result in an altered outlook to neighbouring dwellings. However the proposed development has a rear garden of 23m, then 10m area adjoining Wealdstone Brook, totalling 32m before the Elmside rear gardens commence, and if their gardens are considered, there is 58m between the developments. In order to safeguard neighbouring amenities SPG17 guides that a distance of 20m be maintained between habitable rooms outlook. The development more than complies with this guideline. The topography slopes up towards Brook Avenue, so the development will be more obvious to adjoining occupiers. However the separation distance is such that neighbouring residential amenities are considered safeguarded. Furthermore, additional soft landscaping proposed along the Wealdstone Brook boundary on site will soften the appearance of the development to the south and provide a natural screen to the private gardens.

Quality of residential accommodation

Internal spaces

The proposed 33 self-contained flats are a mixture of 1, 2 and 3 bedrooms. All of the proposed units exceed the minimum floorspace guidelines within SPG17 "Design Guide for New Development," based on the number of people that each unit is stated to be designed for. All 11 one-bedroom units have the minimum permissible size, 45sqm. Nevertheless all 33 units have access to an outside space, either directly, or a private balcony. There is stacking of habitable and non-habitable rooms within the development, but as the building will be purpose-built, noise insulation to meet building regulations is likely to be sufficient to prevent noise disturbance between floors. The submitted Noise Report sets out that appropriate noise levels are achievable within the building, with adequate glazing and ventilation systems.

Officers have previously raised concerns with the outlook and daylight received by future residents. A reason for refusing the last scheme on site was the substandard accommodation caused by the poor outlook of flat 1 due to its reliance on a lightwell to the front and the restricted outlook to the rear and the poor outlook of flats 7, 12, 18, 24, 28, and 32 all of which have habitable rooms reliant on outlook over an adjoining site less than 1 metre away. The applicants originally submitted a Daylight Report. This assessed the originally submitted proposed basement windows in relation to both the Vertical Sky Component and Average Daylight Factor. The report demonstrates that all of the basement rooms receive a reasonable level of daylight and sunlight.

This Daylight Report has now been superseded as the development has been reconfigured so that it no-longer includes the use of light wells, (to both serve a basement flat and provide oblique outlook onto an open lightwell/ courtyard on the eastern elevation.) The revised layout is considered a significant improvement upon the development previously proposed and addresses a previous reason for refusal. As revised all units are provided with reasonable outlooks, whilst many are sole-aspect none look entirely north. Additional amendments have been agreed that will ensure that all units will meet SPG17 guidelines for outlook.

External amenity space/ playspace/ ecology

All flats have access to external amenity areas, either directly or to private balconies, which range in size, but as a minimum are 3.25sqm. Generally officers seek balconies sized between 6-10sqm. However, these are privately owned units, (and therefore have lesser accommodation requirements as private owners can elect to buy the unit,) and the majority of which are 1 and 2 bedroom, which are not considered family dwellings within Brent's Core Strategy 2010. All three 3 bedroom units, which are considered family accommodation have direct access to private amenity areas adjacent to the unit.

Core Strategy Policy CP5 requires that playspace be provided with all major housing schemes.

Applying the Mayor's SPG on playspace methodology, the scheme could accommodate children requiring 31sqm playspace. The applicants have shown an indicative area on site, but this would need to be fully detailed in order to provide an appropriate play area and this could be achieved by conditions.

There will be an extensive 621sqm landscaped area to the rear of the development including an 8m buffer where no development is to be sited. This will provide at least 18sqm of amenity space per unit. The amenity area is to be planted with species, which is anticipated to enhance nature opportunities on site. The applicants confirm that soft landscaping of this area will include native wildlife shrubs, native hedgerow, native grasslands, amenity grassland and ornamental amenity planting. This will be subject to a condition.

There are exposed roof areas on the third, fourth and sixth floors, which are not designated as amenity areas. According to Environment Agency's and Natural England's guidelines in proximity to the Wealdstone Brook these shall be conditioned to be living roofs.

Parts of the garden area on site are currently overgrown, but this area could be cleared at any time, and does not benefit from any statutory protection. The applicants have compiled an ecology assessment that concludes that the site has low ecology value but an ecologist has identified ways in which the number of species could be enhanced. It is considered that the space is sufficient to provide a quality external amenity area adjoining the Wealdstone Brook if appropriately detailed. The close proximity to the Brook means that the presence of bats may be considered, and therefore the Local Planning Authority will condition that future details of external lights direction be submitted to ensure that the quality of the brook ecosystem is safeguarded.

The Council's Landscape designer has identified the presence of Japanese knotweed. The removal of this is carefully controlled and accordingly this needs to be approved as a condition to ensure that the removal is appropriately undertaken. The front garden provides a mixture of hard and soft landscaping. The Landscape Designer requests that it incorporates at least 4 trees, which will be conditioned.

Noise

The applicants have submitted an Acoustic report. This assesses the site as a category B to C location in accordance with PPG24, with the most significant noise arising from traffic using Brook Avenue, but also from the railway line to the north-east. The assessment concludes that with appropriate acoustic ventilation and glazing on the northern elevations, appropriate internal noise levels can be achieved by the development. This shall form a condition of any approval.

Parking and Servicing

The scheme is proposed to be a car-free development with 4 spaces provided for disabled residents off-street. This is considered appropriate within this context due to the location of the site, less than 100m from Wembley Park Station, which has both Jubilee line and Metropolitan line trains and local buses outside the station. As a result of these transport links, the site has a PTAL rating of 4. In such accessible locations, car usage should be discouraged and a car-free development is therefore in principle supported by officers. The site is also located within the Wembley Growth Area which anticipates significant new development.

The Council's Highway Engineers have objected to the car free approach proposal due to Brook Avenue not being in a controlled parking zones. Whilst the objection is recognised, it should be noted that this approach has been adopted for the adjoining site, 32-34 Brook Avenue under application 09/2571. The objection from Transportation has been partly resolved through the applicant's commitment to enter into an agreement preventing occupants from having parking permits when such parking controls are introduced in the future. This will be made a head of term of an associated legal agreement and all potential residents will be made aware of this prior to occupation.

Should such controls not come into force prior to occupation however, the fall back position of having no parking controls is also considered acceptable by officers despite third party concerns. This is due to current off-street parking arrangements in Brook Avenue being considered adequate to support parking needs for existing residents. Existing properties along Brook Avenue largely benefit from off-street parking through driveways, forecourts and garages and therefore have less requirement for on-street parking spaces. Local residents have raised objections to the scheme as they find that the existing road is already congested without the additional pressure caused by vehicles owned by future occupants of the development. However parking opportunities in Brook Avenue are minimal during the day with a mix of single yellow lines and only a limited amount of on-street parking in marked bays discouraging residents living in the proposed building from high levels of car-ownership. In addition, the nearest parkable roads are considered to be of sufficient distance from the site to prevent their regular use by future car-owning residents. Furthermore the applicant's have agreed to a payment of £10,000 towards the establishment of a car club in the area. This will enable residents to have access to a car without owning such a vehicle.

Cycle parking provision allows space for at least one bicycle per flat, with a secure cycle store in the basement and tyre groove up the steps to allow for easier manoeuvrability between ground level and the basement. This complies with policy TRN11. A residential bin store is provided for waste and recycling at ground-floor and accessed at street-level, it complies with carry-distances for collection by Council operatives in compliance with policy TRN34.

Flood Risk

The site is within Flood Zones 1 2 and 3. The submitted flood risk assessment (FRA) demonstrates that the entire development is achievable in land within flood zone 1. This means that there is no need to consider a sequential or exception test. The finished floor levels will be set 1.5m above the 100-year flood level taking account of climate change. The Environment Agency has assessed the proposal and they confirm that subject to compliance with the FRA which considers drainage and flood risk, the proposal is considered satisfactory. Compliance with the flood risk assessment would be a condition of any approval.

Density

Unitary Development Plan policies relevant to density include BE3, BE11 and H13, these are updated by Policy CP6 of Brent's Core Strategy. These policies are reinforced by Policy 3A.3 of the London Plan as consolidated with alterations since 2004 that sets out an indicative density matrix, taking into account the "setting" and PTAL rating of a site. The proposal is sited within an urban area with PTAL 4. The area traditionally had a suburban context. However this part of Brook Avenue is within Wembley Growth Area. The proposed density of the development equates to 223 units per hectare within the London Plan tolerances (55-225u/ha;) and 615 habitable rooms per hectare, which is also within the tolerances normally permitted within the London Plan (200 – 700 hr/ha.) The site near major transport interchanges and is envisaged to be subject to change in the future. However, the rear parts of the site are within a flood risk zone, adjoining the Wealdstone Brook and this in turn will reduce the appropriate level of new development densities on site.

Other matters

Environmental Health officers have found traces of contamination within the locality including elevated levels of PAHs, which warrant soil remediation. As such, remediation and clean-up should be conditioned prior to occupation. The site is within an Air Quality Management Area and as such, a Construction method statement with regard to dust control is required by Environmental Health. This may also be considered as a condition.

Conclusion

Overall the development is considered acceptable. Revisions received during the course of the application are considered to address all previous reasons for refusal. The revised scheme is anticipated to be assimilated into its context and is not considered to harm the amenities of neighbouring occupiers. Highway safety has been carefully considered and is not considered harmed by the proposal. Overall officers recommend approval subject to s106 and conditions.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

CONDITIONS/REASONS:

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

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

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

31BRO/Ex/001

31BRO/Ex/002

PA002A	PA003A
PA109A	PA100A
PA110A	PA101A
PA102A	PA103A
PA104A	PA105A
PA106A	PA108A
PA300B	PA301A
PA302A	
PA902A	PA904A
PA905A	PA906A
PA907A	PA005

Arboricultural Report
Design & Access Statement
Ecological Assessment and Report
Energy Strategy
Flood Risk Assessment
NVP Noise & Vibration Partnership
Planning Statement
Preliminary Code for Sustainable Homes
Sustainability Statement

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

- (3) No additional windows, glazed doors or other openings (other than any shown in the

approved drawings) shall be constructed above ground-level in the building, without the prior written consent of the Local Planning Authority and all windows within the side (east/west) facing windows shall be obscure glazed and thereafter retained as such unless the Local Planning Authority gives prior written approval to vary this.

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

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

Reason: In the interests of highway and pedestrian safety.

- (5) No development shall commence unless the tree protection measures within the approved Arboricultural Report (in accordance with BS 5837:2005 – Trees in relation to Construction;) are undertaken/ installed and implemented in accordance with the approved details for the duration of construction on site.

Reason: To ensure that existing landscaping features are retained and protected from damage during the course of construction works.

- (6) No development shall commence unless the development complies with the details and mitigation measures set out within the approved Flood Risk Assessment dated 08/06/10 reference 10026. The approved details shall be undertaken and implemented in accordance with the approved details. This includes finished floor levels shall be set no lower than 300mm above the 1 in 100 year flood level

Reason: To ensure that the development does not enhance the risk of flooding in the area

- (7) No development shall take place until a remediation strategy has been submitted to and approved by the Local Planning Authority. The strategy must include all works to be undertaken to remove, treat or contain any contamination found on site; proposed remediation objectives and remediation criteria; and an appraisal of remedial options.

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

- (8) No development shall commence unless 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. This shall include, but not be limited to: roof materials, brick/ render treatments, horizontal band materials, porch canopy and columns, balconies, windows and doors. 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.

- (9) Notwithstanding details annotated on the submitted drawings, no development shall commence unless details of materials for all external work (including walls, doors, windows, balcony details), with samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development carried out in accordance with the approved details.

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

- (10) No development shall commence unless all areas indicated for ground-floor level hard and soft landscape works on the approved plan including the communal amenity area shall be suitably landscaped with trees/shrubs/plants and hard surfacing in accordance with a detailed scheme, which shall to be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any construction work on the site, and such landscaping work shall be completed prior to occupation of the buildings and thereafter maintained in accordance with the approved scheme. The scheme shall also detail but not be limited to:-
- a) other appropriate matters within the context of a landscaping scheme, such as details of seating,
 - b) planting plan and schedule
 - c) a future maintenance schedule (min 5 years)
 - d) hard surfacing of footpaths including how the site is to be delineated from the public highway and consideration of permeable materials
 - e) indication of proposed native wildlife shrubs, native hedgerow, and native grassland within 8m of Wealdstone Brook, and elsewhere, ornamental amenity planting and amenity grassland areas in accordance with the Ecology Report
 - f) a landscape buffer on the western boundary to 28 Brook Avenue, incorporating trees
 - g) the front garden shall incorporate a minimum of 4 trees (girth 16-18cm)
 - h) a bike ramp on the eastern staircase
 - i) Existing contours and levels and any alteration of the ground levels, such as earth mounding.

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

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

- (11) Details of all (appropriately aged) play spaces 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 playspace works shall be completed prior to occupation of the building(s). Such scheme shall indicate but not be limited to:
- (a) Any proposed boundary treatments including walls and fencing, indicating materials and heights.
 - (b) Details of types of equipment to be installed.
 - (c) Surfaces including details of materials and finishes.
 - (d) Existing contours and levels and any alteration of the ground levels, such as earth mounding.
 - (e) All planting including location, species, size, number and density.
 - (f) The location of any proposed signage linked to the play areas

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.

- (12) No development shall take place unless there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments to be erected or retained. The boundary treatment shall be completed before occupation of the buildings, or commencement of the use, or in accordance with a programme agreed in writing with the Local Planning Authority. Any existing boundary treatment shall not be uprooted or removed except where in accordance with the approved plan and shall be protected from building operations during the course of development. Boundary details shall include but not be limited to:
- a) All external boundaries of the site
 - b) treatment of the balconies/ terraces, including methods of screening the areas to limit overlooking and safeguard future occupiers' privacy
 - c) a method of separating the front and rear garden areas and securing the rear garden area
 - d) a method of screening the basement units at the rear between the general amenity area and habitable windows
 - f) a method of screening the ground floor units at the front between the parking area/ paths and habitable windows

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

- (13) Prior to development commencing, further details of
- a) the proposed refuse and recycling facilities for the residential units
 - b) the proposed private secure bicycle storage facilities at a scale of at least 1:100 shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the buildings are occupied.

Reason: These details are required to ensure that a satisfactory development is achieved to prevent the accumulation of waste and in the interests of sustainable development.

- (14) a) No development shall commence unless the acoustic measures set out within the approved Noise Report are fully implemented. This shall include the specified glazing and ventilation measures, or other similar treatments for all units that have windows within the northern (front) elevation. Confirmation of the proposed glazing and ventilation measures proposed shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing and thereafter the works shall only be undertaken in accordance with the approved details.
- b) Following completion of the building works a post-completion report demonstrating that "the approved" internal noise levels (in accordance with BS8233:1999 Sound insulation and noise reduction for buildings) have been achieved in 10% habitable rooms including units on the first floor, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the units
- c) Should the predicted noise levels exceed those required by this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved

in writing by the Local Planning Authority and shall then be fully implemented.

Reason: The site is subject to high noise levels, where planning permission may only be granted with appropriate conditions that provide commensurate protection against noise according to PPG24

- (15) The residential units hereby approved shall not be occupied unless details are submitted to the Local Planning Authority which confirms that all units have been constructed to lifetime homes standards and a minimum of 10% wheelchair residential accessible units have been provided within the development.

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

- (16) In order to mitigate against the possibility of numerous satellite dishes being installed on the buildings hereby approved, details of communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The approved details shall be fully implemented.

Reason: In the interests of the visual appearance of the development in particular and the locality in general.

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

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

- (18) No development shall commence unless the applicant submits details of proposed living roofs on the exposed areas of flat roof shown in plan on the third, fourth and sixth floors. Such living roof details shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing and thereafter shall be installed prior to occupation and maintained as brown roofs. The details shall include:

(i) General arrangement of hard and soft landscape; construction details of roof; drainage; waterproofing; proposals; indicative sections across roof.

(ii) Substrate depth to soft landscape – to be a minimum of 100mm for sedum/wildflower; 150mm for turf; 300-450mm for shrubs. Areas of soft landscape/planting should cover at least 70% of total roof space.

(iii) All hard surfacing including locations, materials and finishes.

(iii) Proposed boundary treatments including railings, balustrades, parapets, screens etc. indicating materials and dimensions.

(iv) All planting including location, species, size, density and number. Native, suitable plants should be specified as much as possible, where appropriate.

(v) A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape. Water points should be provided as necessary

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 the interests of both local biodiversity and amenity are maximised. Also to promote sustainable design, sustainable drainage, and urban cooling.

- (19) The site shall be remediated in accordance with the approved remediation strategy. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation strategy and the site is permitted for end use. The soil on site is not suitable for reuse in areas of sensitive end-use, such as soft landscaped areas. The quality of any soil imported to the site for the purposes of landscaping and the creation of the amphitheatre, must be tested for contamination and the results included in the Verification Report.

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

- (20) No development shall commence unless details of a Construction Method Statement incorporating:
- a) details of the proposed site compound
 - b) methodologies that ensure air quality on site is safeguarded during construction
 - c) a Site Waste Management Plan
- This shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of works and thereafter the details and methodologies approved shall be complied with

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

- (21) No external lighting shall be installed on site without the prior written approval of the Local Planning Authority. Details to be submitted shall include: a lighting contour plan, lux levels, light angles and baffles which shall be submitted prior to installation, approved and thereafter installed and maintained in accordance with the approved details

Reason: To safeguard local residential amenities, the Wealdstone Brook ecosystem, and highway safety

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan

Brent's Core Strategy 2010

The London Plan 2004 as consolidated with amendments

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

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

Supplementary Planning Document - S106 Planning Obligations

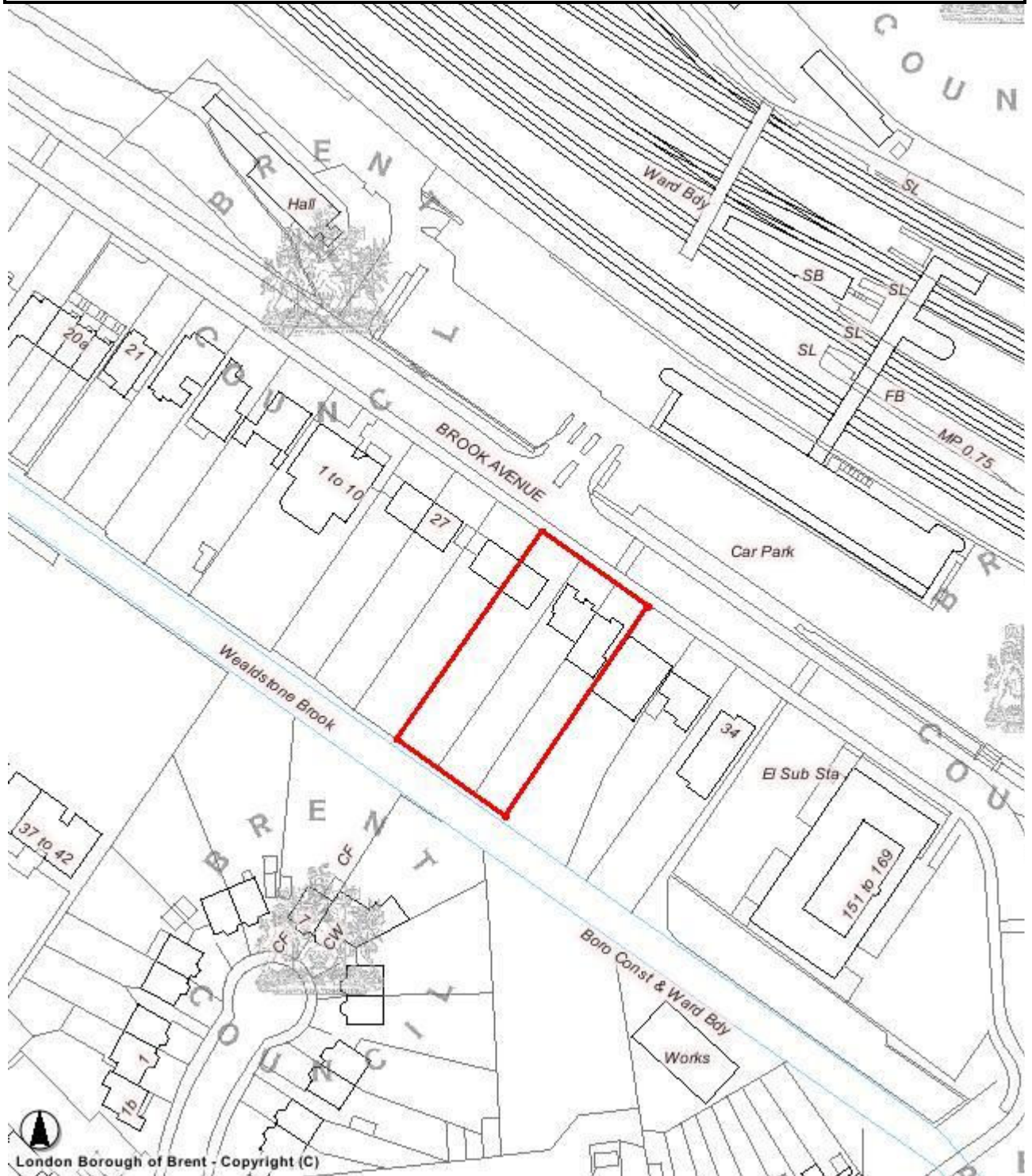
Any person wishing to inspect the above papers should contact Amy Wright, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



Planning Committee Map

Site address: 29, 30, 31 Brook Avenue, Wembley, HA9

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 16 March, 2011

Item No. 13
Case No. 10/2075

RECEIVED: 6 August, 2010

WARD: Stonebridge

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Land next to 10, Tillett Close, London, NW10

PROPOSAL: Construction of 5 dwellinghouses on hardsurfaced area of Public Open Space with associated landscaping, car-parking and refuse and cycle storage

APPLICANT: London Borough of Brent

CONTACT: Assael Architecture Ltd

PLAN NO'S:
See condition 2

This application was reported to the 12 October 2010 Planning Committee. However, officers recommended the deferral of this application to allow further revisions to the design and layout of the scheme to address the relationship between the proposed houses and their gardens with the banked area to the south of the site, and to amend the provision of external amenity space.

The applicants have revised the proposal to alter this relationship, and have incorporated other associated changes to the scheme.

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other 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 proposal is submitted by the London Borough of Brent and the application site is also owned by the Council. As such, this proposal cannot be accompanied by a Section 106 agreement and the measures and contributions normally secured through the S106 agreement have been incorporated into conditions. However, if the site is sold to a third party, such as a Registered Social Landlord, then the Council will enter into a Section 106 or other legal agreement to secure the measures and constructions, as set out within the following Heads of Terms:

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance;
- That 100% of the dwellings are provided as Social Rented Affordable;
- A contribution of £38,400 (£2,400 per additional AH bedroom)
 - i. 75% due on material start and, index-linked from the date of committee for Education, Sustainable Transportation, Open Space in the Local Area
 - ii. 25% towards the provision, prior to Occupation, landscaping (including new trees) and other environmental improvements in the locality. This shall include the provision of 5 cycle stands adjacent to the MUGA situated within St Raphaels/Tokington Recreation

Ground to the North of the subject site.

- That 100% of the homes should be constructed to Lifetime Homes Standards;
- The submission, approval and implementation of a strategy for the provision of Wheelchair Accessible or Easily Adaptable units within the St Raphaels Estate housing proposals which demonstrates the provision of such housing at a rate of 10%.

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 within a reasonable timeframe.

EXISTING

Situated within the St Raphael's Estate the subject site comprises a hard surfaced area located between two lines of terraces which front Tillett Close. The land is designated as Public Open Space within the Development Plan. However, the layout and dimensions of the site is typical of a vehicle parking area and anecdotal evidence from Officers suggests that this area was indeed used historically for parking cars.

The site is not situated within a Conservation Area and there are no listed buildings in the vicinity. Surrounding buildings are in residential use and reach 3 storeys in height.

PROPOSAL

The application proposes 5 dwellinghouses on hardsurfaced area of Public Open Space with associated landscaping, car-parking and refuse and cycle storage.

HISTORY

No relevant planning history

POLICY CONSIDERATIONS

NATIONAL

Planning Policy Statement 1	Creating Sustainable Communities (2005)
Planning Policy Statement 3	Housing (2010)
Planning Policy Statement 12	Local Spatial Planning
Planning Policy Guidance 13	Transport (2001)
Planning Policy Guidance 17	Planning for Open Space, Sport and Recreation (2002)
Planning Policy Guidance 24	Planning and Noise (1994)

REGIONAL

The London Plan

Policy 3A.1	Increasing London's supply of housing
Policy 3A.2	Borough housing targets
Policy 3A.3	Maximising the potential of sites
Policy 3A.5	Housing choice
Policy 3A.6	Quality of new housing provision
Policy 4A.11	Living Roofs and Walls
Policy 4A.14	Sustainable Drainage
Policy 4A.16	Water Supplies and Resources
Policy 4A.19	Improving Air Quality
Policy 4A.20	Reducing Noise and Enhancing Soundscapes

Supplementary Planning Guidance

Housing (2005)

LOCAL

Brent Local Development Framework Core Strategy 2010

CP1	Spatial Development
CP2	Population and Housing Growth
CP5	Placemaking
CP6	Design & Density in Place Shaping
CP14	Public Transport Improvements
CP15	Infrastructure to Support Development
CP17	Protecting and Enhancing the Suburban Character of Brent
CP18	Protection and Enhancement of Open Space, Sports and Biodiversity
CP21	A Balanced Housing Stock

Brent Unitary Development Plan 2004

Strategy

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

Policies

BE2	Local Context
BE3	Urban Structure: Space & Movement
BE4	Access for disabled people
BE5	Urban clarity and safety
BE6	Landscape design
BE7	Streetscene
BE8	Lighting and light pollution
BE9	Architectural Quality
BE13	Areas of Low Townscape Quality
EP2	Noise and Vibration
EP3	Local air quality management
EP6	Contaminated land
H12	Residential Quality – Layout Considerations
H13	Residential Density
H14	Minimum Residential Density
TRN3	Environmental Impact of Traffic
TRN4	Measures to make transport impact acceptable
TRN9	Bus Priority
TRN10	Walkable environments
TRN11	The London Cycle Network
TRN23	Parking Standards – Residential Developments
TRN34	Servicing in new developments
TRN35	Transport access for disabled people & others with mobility difficulties
PS1	Parking standards – Operation of these parking Standards
PS14	Parking Standards – Residential Developments

PS15	Parking for disabled people
PS16	Cycle parking standards
OS18	Children's play areas
CF6	School places

Brent Council Supplementary Planning Guidance and Documents

SPG4	Design Statements
SPG12	Access for disabled people
SPG13	Layout standards for access roads
SPG17	Design Guide for New Development
SPG21	Affordable Housing
SPD	Section 106 Planning Obligations

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Standard three week consultation period carried out between 26 August 2010 and 16 September 2010 in which 70 residents and ward councillors were notified by letter.

The application was advertised in the local press on 16 September and Site Notices were erected on 22 September. The associated consultation periods will expire on 13 October and any further comments that raise additional planning issues will be discussed in the Supplementary Report.

Two letters of objection has been received which raise the following concerns:

- Loss of light to bedrooms at 21 Tillett Close
- Increased parking demand in an area with high parking demand currently
- Loss of open space for children to play
- The passage across the northern side of the site (linking Tillett Close to the green space) should be at least 3 metres wide to allow for safe pedestrian/cycle use

One letter of support has also been received from one resident who lives in a house adjoining the site specifying their support for the proposal as they consider that the land is wasting and that the use of the land by children playing football creates a mess and results in excessive noise.

Following the receipt of revised drawings, letters were sent to adjoining and nearby residents on 11 February 2011 providing notification of the receipt of revised drawings and inviting comment. This was not a statutory re-consultation process. However, any comments that are received will be considered and discussed within this and/or the Supplementary Report. No letters have been received in response to this notification letter.

Consultees

Sport England

As the proposal does not have any impact on sports facilities or playing fields, Sport England has no comments to make.

Thames Water:

No objections

Landscape Design:

No objections in principle however in commenting on the original scheme it was recommended to move the buildings as far back into the site as possible in order to maximise amenity spaces in front of the buildings away from the North Circular Road.

Officer's Note: This amendment has not been sought as this would create a problematic relationship with 10 Tillett Close (see remarks section for fuller discussion)

A scheme is also required for rear boundary treatment. More details are required for the green wall attached to the gable wall end of the neighbouring houses. Additional tree planting is recommended in the park next to the houses and shrub planting is recommended alongside and rear boundaries of the properties. More soft landscaping should be incorporated into the area between the houses and car parking.

Transportation:

Raise objection to the proposal in its current form however this can be addressed providing the parking arrangement is amended to retain the turning head.

Environmental Health:

Site Investigation: conditions are recommended regarding a site investigation, remediation strategy and validation report and certificates.

Urban Design:

No objections

REMARKS

The application continues to propose the construction of 5 new residential units on Tillett Close, and the majority of the previous Committee report accordingly remains valid. This report will discuss the changes in design and layout, whilst the text from the previous report will remain unchanged.

The revisions are discussed within the first part of the Remarks section of this report. This is followed by a verbatim copy of the Remarks Section from the previous report.

Revision to the proposal

Layout

The proposed houses and their gardens have now been revised so that they are entirely contained within the existing hardsurfaced area and no longer projected onto the grassed areas of parkland. The overall design approach remains similar to that previously proposed with each house broken into two parts, one with a mono-pitched roof and the other with a flat roof/roof terrace.

The houses previously projected a maximum of 3.7 m into the open space to the south of the hardsurfacing, while the rear gardens projected up to 5.6 m. The western extent of the development was previously set approximately 8 m in from the western edge of the existing hardstanding. Whilst the depth of the houses has been addressed to reduce the southern projection, the width has been increased to maintain the level of floorspace and number of bedrooms. The westernmost flank wall of the units as now proposed is set approximately 0.5 m in from the rear building line of No. 11 Tillett Close whilst the garden of this unit reflects the size of the existing hardsurfaced area.

As such, the proposal remains on the (relatively) level hardsurfaced area and does not project into any of the grassed areas of the park such as the banked area to the south of the site. The proposal no longer results in the need for an excessively high wall along the southern boundary as it does not cut into the bank.

Internal and external spaces

The external amenity space of the new units is provided through the incorporation of:

- South facing areas of amenity space that will receive good sunlight but will experience noise from the North Circular Road;
- North facing areas directly accessible via French doors from the living space and screened by hedges and fences that will have limited sunlight but will experience lower levels of noise
- Roof terraces that will have good levels of light and are screened from the noise through the use of glazing

This results in the following internal and external spaces:

No Beds	Internal Size (sqm GIA)	Total amenity space (sqm)
4	122	114.3
3	98.9	61.2
3	98.9	61.2
3	98.9	61.2
3(W)	130.7	49.1

The internal floorspace significantly exceeds the Council's minimum requirements. The external amenity space exceeds minimum standards for all units except the 3-bedroom wheelchair accessible unit which falls 0.9 square metres below the guidance level. It is considered that this small shortfall does not have a significant impact on the quality of accommodation, particularly given the proximity to Public Open Space.

Relationship with adjoining houses and outlook

The house that adjoins No. 10 Tillett Close now projects 1.75 m rearward of the rear wall of No. 10. If comparing the proposed development to Supplementary Planning Guidance No. 5 which sets out a level of impact that is normally considered acceptable with regard to windows of existing dwellings, the proposal projects approximately 0.75 m beyond the 1:2 line which relates to light and outlook from windows of adjoining properties. Revisions have been requested which reduce this rearward projection to 1 m in order to be in accordance with this guidance. This is likely to be accompanied by a corresponding alteration to the front wall of the dwellinghouse, within which the element adjacent to No. 10 projects 0.75 further forward. As this adjoins the flank wall of No. 10, this would not result in any impact on the light or outlook from that property.

The front walls of the proposed houses are set a minimum of 7.6 m to 8.3 m from the flank wall of No. 11 Tillett Close. There are no Habitable Room windows in this flank wall and the proposed distance accordingly does not result in a significant loss of privacy. Windows overlooking the park are also provided in the western wall of the westernmost unit providing good levels of outlook, sunlight and daylight for future residents whilst increasing natural surveillance for the park.

Other amendments

Other changes include the provision of one disabled parking space directly adjacent to the wheelchair accessible unit.

With regard to the loss of a space that is used on an informal basis for playing football (as discussed within the previous committee report, the Sports Service has specified that there is sufficient capacity at the existing MUGA, located approximately 330 m from the site. The applicants propose the erection of 5 cycle stands adjacent to the MUGA, with funding or works secured within the Section 106 or similar agreement.

Conclusion

Your officers consider that the submitted amendments to the scheme which include the revised design and layout of units to ensure that they are sited entirely within the hardsurfaced area constitute significant improvements to the scheme. The approval of this application is accordingly recommended.

The Remarks section of the previous report was as follows:

This application proposes the construction of 5 new residential units on Tillett Close. The key issues associated with this proposal relate to:

- The principle of development, in terms of the loss of public open space
- The design, appearance and layout of the proposal;
- The landscaping proposals;

- The quality of accommodation;
- Any potential impacts on adjoining residents;
- Transportation issues, including car parking, cycle parking and access;

The proposal is one of four applications for new homes within the St Raphaels Estate submitted by the Brent Council Housing Service. The other proposals relate to Lovett Way (reference 10/1764 considered at the previous planning committee meeting), Play Area at the junction of Pitfield Way & Henderson Close (reference 10/1980 - also being considered at this planning committee meeting) and Besant Way (reference 10/2076 - also being considered at this planning committee meeting).

Construction on Public Open Space

The subject site is currently designated as Public Open Space as it forms a part of the 6.79 Hectare St Raphael's Way / Tokyngton Recreation Ground Open Space. Whilst the site has an open space designation, your officers consider it likely that the site historically was used as a parking court for the surrounding houses due to the dimensions and layout of the site, the siting and size of the drains which are situated along what would have been the central isle of a parking court and the levels within the site which include a large ramped entrance from the road. When viewing an aerial photograph, the site is clearly broken down into 5 m (parking), 6 m (isle), 5 m (parking) spaces from north to south. This layout is typical of a parking court, but the area is closed off with bollards and is not used for these purposes any more. Your officers accordingly consider that the "use" value of the open space is lower than the remainder of the park. Nevertheless, the site has a Public Open Space designation and as such, any loss of the space must be justified. The application would result in the loss of approximately 1060 sqm of designated Public Open Space.

Policy CP 18 of the LDF Core Strategy 2010 specifies that Open Space of local value will be protected from inappropriate development and will be preserved for the benefit, enjoyment, health and wellbeing of Brent's residents, visitors and wildlife. This policy also specifies that support will be given to the enhancement and management of open space.

PPG 17 specifies that "Existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements. For open space, 'surplus to requirements' should include consideration of all the functions that open space can perform. Not all open space, sport and recreational land and buildings are of equal merit and some may be available for alternative uses". It also allows the loss of Public Open Space if there the space if re-provided elsewhere.

Unlike the Lovett Way housing proposal that was presented to the previous planning committee meeting, the loss of public open space is justified through improvements to the open space rather than the re-provision of open space elsewhere.

The Brent Open Space Report (2009) did not highlight this element of the Public Open Space as surplus to requirements. However, the associated surveys highlighted the following information regarding the use of parks in Brent:

Respondents were also asked whether they preferred to use the park nearest to their house or a different park. 70% of respondents did use their local park whilst 18% did not. Those who did not were asked why this was. The most popular response, accounting for one fifth of responses, was because of a lack of facilities at the nearest park. Other top reasons for people not visiting their nearest park was because of a poor quality environment (20%); a preference for visiting other parks (15%); safety concerns at the local park (13%) and lack of play facilities at the local park (7%). Presence of dogs, too many young people and lack of a cafe were other reasons given for not visiting the local park.

Whilst the majority of the Tokyngton/St Raphael's Open Space provides a high quality

environment, this element of the space is faced by two blank flank elevations and thus is poorly overlooked. The proposal introduces windows facing to the north, south and west, increasing the level of natural surveillance of the park and the access way that runs along the northern element of the site. Furthermore, the easternmost element of the hardsurfacing will revert to green space and will incorporate other landscaping in the surrounding area of the park.

The proposal is also intended to provide decant housing for the NCR project, thus allowing the relocation of existing NCR tenants within the local area and the construction of new dwellings. The relocation of existing tenants is often problematic within regeneration schemes, particularly where there is no open land in the locality upon which new housing can be built prior to the demolition of the existing homes. The proposed housing accordingly would serve a vital role in enabling the North Circular Road Regeneration to take place.

A local resident has objected on the basis that part of the proposal is on green space, specifying that the remaining surfaced area should be converted to green space to compensate for the loss if the proposal is to go ahead. Your officers can confirm that this space is the case, as mentioned above. They also specify that the access along the north side of the site should be at least 3 m wide. This access way is 3.7 m wide as proposed.

Another local resident specify that local children use this piece of land to play football and other games and that these children would need to play in the street if this space was no longer available, potentially resulting in risk to their safety and damage to vehicles. It appears that a goal has been marked out in the flank wall of one of the houses (No. 10 Tillett Close) which does suggest that the space is used for ball games. However, the use of a flank wall of a house as a football goal often results in significant levels of noise and disturbance for residents of that dwelling. Your officers note that the residents of this house have written in support of the proposal, specifying that the use of land by children make a mess of this area while playing football, and that it results in excessive noise. While your officers support the provision of play opportunities for children, whether formal or informal, the current use for play appears to be causing nuisance for some adjoining residents and a MUGA is available adjacent to the Children's Centre within Rainborough Close (approximately 330 m from the site). The remainder of the park is also available for such activities. However, it is recognised that the grassed nature of the nearby areas of the park reduce its use value in wet weather.

While the proposal results in a loss of designated Public Open Space, your officers consider that the use value of the open space is considerably lower than the remainder of the park and the proposal makes improves the landscaping around the site and to public safety through improved natural surveillance.

Density

The density of the proposed development is 74 units per hectare or 310 habitable rooms per hectare. This sits comfortably within London Plan range with regard to the number of units (50-95 units/Ha), but well above the London Plan range in relation to Habitable Rooms (150-250 HRH). It should be noted that these London Plan ranges assumes a much smaller proportion of family units, and is predicated on an average of 2.7 to 3 habitable rooms per unit whereas the proposal provides an average of 4.2. The significant numerical calculation of density by Habitable Room is therefore due to the provision of large units which are required to meet housing need and are intended to provide decant housing for the North Circular Road project. Furthermore, your officers consider that the design and massing of the proposed units is in keeping with the locality (please see subsequent discussion on design). Your officers accordingly consider that the density of the proposed development is acceptable.

Layout, design and landscaping

General layout of development

The proposed dwellings front Tillett Close with the ground floor amenity space being provided mainly to the front of the dwellings in the form of courtyard gardens which are enclosed by a

mixture of boundary wall and timber bin store/cycle store structures. The rationale for this layout is justified by the location of the site within close proximity to the North Circular Road. As such, it is proposed that the buildings will form an acoustic barrier to raise the value of private amenity space. Additional amenity space is provided in the form of a private roof terrace at second floor level for each unit.

Design and appearance

The applicants propose a 3 storey terrace which will adjoin an existing 1960s three storey terrace. The scale of building proposed is in-keeping with the existing buildings adjacent to the site.

The proposed buildings are modern and simple in design, and rely on a high quality of materials and details to ensure their success. The buildings compliment rather than replicate the existing 1960s buildings which are considered an acceptable approach for the site.

Landscaping

The proposal will result in the loss of an existing cherry tree close to number 10 Tillett Close however a line of 6 new trees is proposed along the front boundary of the new development. Furthermore an additional area of soft landscaping is proposed on the western end of the site adjacent to the new dwellings in place of the existing concrete which will contain new trees and shrub planting (details of this planting can be secured by condition). Landscape Design Officers have made a number of requests for further information however this can be secured by condition. This includes the landscaping measures which are to be provided off-site. General practice is to secure this through Section 106. However, as this is a Local Authority proposal, the submission and approval of details together with the implementation of those details is to be secured through condition.

Quality of Accommodation

Unit Sizes: The proposed units exceed the Council's guidance levels for minimum internal floorspace. The units exceed the Council's guidance levels regarding external amenity space through the use of ground floor space and second floor roof terraces.

Outlook: Due to the positioning of the buildings to the rear of the site, the houses have been designed to maximise outlook on to the front amenity areas and public realm beyond with a substantial rooflight in the ground floor section at the rear providing additional daylight to a long open-plan room. The distance between habitable room windows and boundaries for three of the five dwellings is 9m. The remaining two dwellings would have a distance of 7.5m and 4m from front boundaries. Whilst the 4m distance provided is less than ideal in terms of outlook, your officers do not consider this severe enough to warrant a refusal of the scheme as this unit is afforded a better outlook to the rear looking on to a garden which has a depth of 7m. It should be noted that this unit adjoins a three storey townhouse and will have a largely enclosed garden however this can be softened through innovative planting which can be secured by condition and will provide a mews style feel for the occupants of this dwelling.

An adequate level of cycle storage is proposed together with satisfactory refuse and recycling storage facilities in individual timber storage facilities positioned on the site frontage. Details of the appearance of these stores will be secured by condition.

The applicants have confirmed that all homes will be built to Lifetime Homes standards. With regard to Wheelchair or Easily Adaptable Housing, the applicants have confirmed that 10% of the homes that are constructed as part of the St Raphaels Housing project will be Wheelchair Accessible.

Noise and Vibration: The site is situated within close proximity with the North Circular Road. A noise assessment has been undertaken which confirms the site to be within Noise Exposure Category B. As such a condition is recommended to require tests prior to occupation and

potentially further remediation depending on the results of these tests.

Play and recreational space

The child yield of the proposed development has been calculated to be 10. Given the size of the areas of private amenity space given to the units and the proximity to open space, your officers consider there to be adequate provision to support estimated child yield.

Summary

The quality of housing proposed within the development is acceptable and in accordance with the Council's policies and guidance.

Impact on adjoining residents/occupiers

Daylight and Sunlight

The property situated most closely to the proposed development is number 10 Tillett Close which is situated to the east of the site and will adjoin the new dwellings. The original submission raised concerns with officers due to the siting of the terrace significantly to the rear of 10 Tillett Close which would have an unduly detrimental impact on the amenities currently enjoyed by this property. As a result amendments have been agreed in principle re-siting two of the five dwellings in order to ensure that the ground floor projection does not exceed a depth of 3m beyond the rear wall of 10 Tillett Close in line with a typical relationship resulting from works undertaken as permitted development. At the first and second floor level a depth of 1m is now proposed which complies with the 1:2 guideline set out within SPG5.

The other terrace to the north of the site would not be unduly affected by the proposal due to significant separation from the proposal and its orientation with habitable windows only providing occupants with an oblique view of the new development.

Objections received

One objector has commented that they will suffer a loss of light, privacy and outlook as a result of this proposal. This matter has been discussed above and your officers consider that the proposal will not result in an unduly detrimental level of harm to any neighbouring properties.

Privacy and overlooking

Habitable room windows mainly overlook car parking areas to the front of the site. The siting of the proposed building is such that where the properties are closest to number 11 Tillett Close the habitable accommodation belonging to this property could only be viewed from an oblique angle. As such any potential overlooking would be minimal. Where the angle improves to potentially provide an easier view, a separation distance of 20m is achieved as advocated by SPG17. Accordingly the proposal is not considered to have an unduly detrimental impact on the amenities of existing residents in terms of privacy and overlooking.

Transportation

Car parking

Car parking is provided on street with 4 new parking spaces proposed. Transportation are satisfied that this provision is adequate and welcome the retention of an existing turning head for refuse and emergency vehicles. A condition is recommended which requires this to remain clear. As the increased parking demand resulting from the development has been accommodated within the area fronting the site, the objections raised regarding increased parking demand are not considered to raise concerns with officers.

Cycle Parking

Adequate cycle parking is proposed for future occupants in line with UDP standards.

Servicing

Refuse storage is situated within bin stores on the property frontages. This allows suitable access for residents and ensures that the bins are an appropriate distance from the street.

Summary

The car parking, cycle storage and refuse storage proposals are considered to be acceptable.

Site Survey/Contamination

A Desk Study has not been submitted in relation to this site. However, given the site history and the work that has been commissioned by Environmental Health, there is the potential presence of contamination in the proposed development area due to the historical land use. Environmental Health have accordingly recommended that conditions are attached requiring a Site Investigation, Remediation Strategy and Verification Report.

Flooding

The site is situated within Flood Zone 2 and as such a Flood Risk Assessment is required. This has been submitted and is currently being reviewed by officers. Conclusions from this assessment will be reported within the supplementary ensuring that PPS25 and Environment Agency guidelines are complied with fully.

Other matters

Concerns regarding the access to public open space and the width of the footpath are noted. The footpath is considered to have adequate width (of 4m) in order to accommodate pedestrians/cycle users.

Conclusions

The proposal, which is intended to enable the delivery of the North Circular Road project, provides a satisfactory standard of accommodation and includes adequate parking arrangements to meet the demand generated by the proposal. Your officers consider that the proposed layout, design and appearance pays the appropriate regard to its context and should result in improvements to the public realm whilst also being designed to ensure that it mitigates any unduly detrimental impacts on nearby residents or occupiers. 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
Central Government Guidance
Council's Supplementary Planning Guidance
Brent Local Development Framework Core Strategy 2010

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

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

Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

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

A2204 200 P9
A2204 201 P9
A2204 202 P9
A2204 203 P9
A2204 400 P5
A2204 401 P5
A2204 001 P1

Design And Access Statement dated August 2010
Planning Obligations - S106 dated August 2010
Flood Risk Assessment dated 11 August 2010
Arboricultural Impact Appraisal and Method Statement dated 25 August 2010

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

- (3) All parking spaces, footways and other alterations to the highway which include the provision of an adequately sized turning head, both within and outside of the subject site (but detailed in the approved plans) shall be constructed and permanently marked out prior to first occupation of any of the units approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application. The turning head (detailed within the approved plans) shall be kept clear at all times for use by refuse and emergency vehicles only.

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

- (4) Notwithstanding the provisions of Schedule 2 Part 1 Classes A to G of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the premises shall be carried out to the dwellinghouses hereby approved, unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason:

In view of the restricted size of the site for the proposed development no further enlargement or alteration beyond the limits set by this permission should be allowed without the matter being first considered by the Local Planning Authority.

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

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

- (6) All areas shown on the approved plans shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed during the first available planting season following completion of the development hereby approved and the details approved under item (e) below shall be implemented prior to demolition/construction commencing and retained during demolition/construction.

The submitted scheme shall include details of:

- (a) the planting scheme for the site, which shall include species, size and density of plants;
- (b) walls, fencing and any other means of enclosure, including materials, designs and heights;
- (c) treatment of areas of hardstanding and other areas of hard landscaping, including materials;
- (d) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (e) trees and other vegetation to be retained within the site and the techniques to be used to protect them during construction and the use of appropriate building foundations in accordance with British Standard 5837. This shall include construction details for the building, all hard-surfaced areas, details of routing for any underground services that may affect the trees and details of the protection of the trees during the construction period, to ensure that the development hereby approved does not damage the trees, including their roots.

Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

- (7) The development hereby approved shall not be occupied unless details of the off-site works and landscaping, including the parking areas, green wall and off-site planting all around the site have been submitted to and approved in writing by the Local Planning Authority and the approved works implemented in full. The details shall include:
- (a) the planting scheme, which shall include species, size and density of plants;
 - (b) walls, fencing and any other means of enclosure, including materials, designs and heights;
 - (c) treatment of areas of hardstanding and other areas of hard landscaping, including materials;
 - (d) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling;

- (e) The detailed design and layout of the parking spaces, footways and other highway alterations, including the turning head;
- (f) trees and other vegetation to be retained within the site and the techniques to be used to protect them during construction and the use of appropriate building foundations in accordance with British Standard 5837. This shall include construction details for the building, all hard-surfaced areas, details of routing for any underground services that may affect the trees and details of the protection of the trees during the construction period, to ensure that the development hereby approved does not damage the trees, including their roots.
- (g) the details of what the 'green wall' will consist of and how it will be attached to the gable wall end of 11 Tillett Close together with details of the size of the rooting volume available to proposed plants

The approved details shall maintained thereafter. Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality and the adequate provision of car parking.

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

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

- (9) The development hereby approved shall not be occupied unless details have been submitted to the Local Planning Authority which confirm that all units have been constructed to Lifetime Homes standards.

Reason: To ensure a satisfactory development.

- (10) The development hereby approved shall not be occupied unless details have been submitted to the Local Planning Authority which confirms that 1 of the units hereby approved have been constructed to Wheelchair Accessible or Easily Adaptable, or a strategy for the provision of a minimum of 10 % of dwellings as Wheelchair Accessible or Easily Adaptable units within the St Raphaels housing proposals has been submitted to and approved in writing by the Local Authority and the approved strategy shall be implemented in full.

Reason: To ensure a satisfactory development.

- (11) Prior to the commencement of building works, a site investigation shall be carried out by suitably qualified persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning

Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. The written report is subject to the approval in writing of the Local Planning Authority.

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

- (12) Any remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- (13) The development hereby approved shall not commence unless details are submitted to the Council which demonstrate that the development has joined the Considerate Constructors Scheme. The developer shall thereafter adhere to the scheme for the period of construction.

Reason: To safeguard the amenities of adjoining and nearby residents and occupiers.

- (14) No development shall commence unless details of the timber refuse and recycling storage facilities have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be occupied until the agreed store has been constructed in full accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for refuse/recycling facilities

- (15) The units hereby approved shall not be occupied unless an acoustic report has been submitted to and approved in writing by the Local Planning Authority. The acoustic report shall demonstrate that "reasonable" resting levels of noise and vibration attenuation have been achieved within each of the units' habitable rooms and associated amenity space (post-completion of the building works) in line with the levels set out within PPG24.

If "reasonable" noise levels have not been achieved, the report will detail what additional measures will be undertaken to ensure that they are achieved. These additional measures shall be implemented prior to the occupation of the building in accordance with the details so approved.

Reason: To ensure satisfactory noise levels for the future occupants of the building.

INFORMATIVES:

- (1) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface water sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water, Developer Services will be required. They can be contacted on 08454 850 2777. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- (2) There are public sewers crossing the site, therefore no building will be permitted within 3 metres of the sewers without Thames Water's approval. Should you require a building over application form or other information relating to your building / development work, please contact Thames Water on 0845 850 2777.

REFERENCE DOCUMENTS:

The London Plan Consolidated with Amendments Since 2004
Brent Unitary Development Plan 2004
Brent Local Development Framework Core Strategy

Any person wishing to inspect the above papers should contact David Glover, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5344



Planning Committee Map

Site address: Land next to 10, Tillett Close, London, NW10

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

Received PLANNING Appeals between 1-Feb-2011 and 28-Feb-2011

Planning Committee: 16 March, 2011

Application Number: 10/1276 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 11/02/2011 **Appeal Against:** Refusal of planning permission
Location: 205 Preston Road, Wembley, HA9 8NF
Proposal:
Erection of a two storey rear extension with extraction flue and change of use of extended premises to a restaurant (Use Class A3)

Application Number: 10/1357 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 02/02/2011 **Appeal Against:** Refusal of planning permission
Location: 32 Evelyn Avenue, London, NW9 0JH
Proposal:
Erection of a single storey outbuilding to rear garden of dwellinghouse

Application Number: 10/1478 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 09/02/2011 **Appeal Against:** Refusal of planning permission
Location: 61 Beverley Gardens, Wembley, HA9 9RB
Proposal:
Erection of two-storey, end-of-terrace dwellinghouse with single-storey rear and side extension and front porch, installation of vehicle access, provision of car-parking, refuse-storage to front and landscaping (alteration to previously approved scheme 09/1888 to include single-storey side extension)

Application Number: 10/1529 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 23/02/2011 **Appeal Against:** Refusal of planning permission
Location: 232 Ealing Road, Wembley, HA0 4QL
Proposal:
Part retrospective application to erect a single storey rear extension to shop involving alterations to the unlawfully constructed extension

Application Number: 10/1652 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 17/02/2011 **Appeal Against:** Refusal of planning permission
Location: 30 Beaumont Avenue, Wembley, HA0 3BZ
Proposal:
Extension to time limit of planning permission 07/2080, dated 27/09/2007, for demolition of existing three-bedroom bungalow and erection of 2-storey building comprising 2 x three-bedroom, semi-detached dwellinghouses, with alterations to move and widen existing vehicular access and provision of 2 off-street car-parking spaces

Application Number: 10/1939 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 07/02/2011 **Appeal Against:** Refusal of planning permission
Location: Sri Saddhatissa International Buddhist Centre, 309-311 Kingsbury Road, London, NW9 9PE
Proposal:
Retrospective application for erection of a front and side boundary wall, metal railings and gates

Received PLANNING Appeals between 1-Feb-2011 and 28-Feb-2011

Planning Committee: 16 March, 2011

Application Number: 10/2058 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 24/02/2011 **Appeal Against:** Refusal of planning permission
Location: 91 Dyne Road, London, NW6 7DR
Proposal:

External insulation to side and rear elevations, two-storey rear extension at lower and upper ground-floor level, creation of a sunken garden terrace and upper ground-floor balcony, insertion of side rooflight, enlargement of 2 existing rear dormer windows, replacement of roof tiles and insulation to side and rear roof, raising its height, installation of solar panel to roof, creation of vehicular access and formation of hard and soft landscaping to front, and reversion to dwellinghouse

Application Number: 10/2356 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 08/02/2011 **Appeal Against:** Refusal of planning permission
Location: 47 Wentworth Hill, Wembley, HA9 9SF
Proposal:

Conversion of the garage to a habitable room, erection of a front porch, demolition of existing rear conservatory and erection of a single storey rear extension

Application Number: 10/2489 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 16/02/2011 **Appeal Against:** Refusal of planning permission
Location: 29B Huddlestone Road, London, NW2 5DL
Proposal:

Retrospective application for conversion of first floor flat into 1 self-contained maisonette at first and second floor level and 1 self contained flat at first floor level (scheme 1)

Application Number: 10/2577 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 08/02/2011 **Appeal Against:** Refusal of planning permission
Location: 6 The Mount, Wembley, HA9 9EE
Proposal:

Alterations to the roof of the dwellinghouse, including the raising of the height of the roof over the existing extension, alterations to the pitch angle of the roof, erection of a rear dormer window and installation of two rooflights on the flank roof slopes and front roof slope

Application Number: 10/2735 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 01/02/2011 **Appeal Against:** Refusal of planning permission
Location: Land rear of flats 1, 2 & 3, 47 & 49, Byron Road, Wembley, HA0
Proposal:

Erection of two storey building comprising 2 x 1-bed flats

Application Number: 10/2762 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 10/02/2011 **Appeal Against:** Refusal of planning permission
Location: 52 Lyon Park Avenue, Wembley, HA0 4DX
Proposal:

Erection of a new 2-bedroom dwellinghouse with associated landscaping and parking

Application Number: 10/2786 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 16/02/2011 **Appeal Against:** Refusal of planning permission
Location: 29B Huddlestone Road, London, NW2 5DL
Proposal:

Retrospective application for conversion of first floor flat into 1 self-contained maisonette at first and second floor level and 1 self contained flat at first floor level

Received PLANNING Appeals between 1-Feb-2011 and 28-Feb-2011

Planning Committee: 16 March, 2011

Application Number: 10/2812 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 15/02/2011 **Appeal Against:** Refusal of planning permission
Location: 11 Gardiner Avenue, London, NW2 4AN
Proposal:

Erection of single-storey and two-storey rear extension, new ground floor flank window, first-floor side infill extension, conversion of garage into habitable room, dormer window and two rooflights on south roofslope, two rooflights on north roofslope, removal of three chimneys, insertion of one front rooflight and erection of porch to dwellinghouse.

Application Number: 10/2857 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 23/02/2011 **Appeal Against:** Refusal of planning permission
Location: 31 Meadow Way, Wembley, HA9 7LB
Proposal:

Retrospective application for erection of a single storey outbuilding in rear garden of dwellinghouse

Application Number: 10/3114 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 25/02/2011 **Appeal Against:** Refusal of planning permission
Location: 3 The Avenue, Wembley, HA9 9QH
Proposal:

Demolition of garage, erection of part single-, part two-storey side and rear extensions, front extension and new porch and erection of rear dormer window and installation of one rear and two front rooflights as amended by revised plans received 28/01/11

Application Number: 10/3135 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 14/02/2011 **Appeal Against:** Refusal of planning permission
Location: 75 Crundale Avenue, London, NW9 9PJ
Proposal:

Rebuilding of unauthorised single storey outbuilding in rear garden of dwellinghouse, with the following modification:

Change in roof type from pitched roof to flat roof to a height of 2.5m

Application Number: 10/3225 **Team:** Southern Team **Application Type** S78 REM
Appeal Received: 22/02/2011 **Appeal Against:** Refusal of planning permission
Location: Rear of 9 Nicoll Road & Car Park rear of 14, High Street, London
Proposal:

Removal of condition 3 of planning permission 09/0828 for the erection of a basement plus 1-, 2- and 3-storey Apart-Hotel, comprising 120 rooms with associated car-parking and landscaping

This page is intentionally left blank

Received ENFORCEMENT Appeals between 1-Feb-2011 and 28-Feb-2011

Planning Committee: 16 March, 2011

Application Number: E/08/0236 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 16/02/2011**Location:** 38 Barn Way, Wembley, HA9 9NW**Description:**

Without planning permission, the erection of a ground floor front extension, alteration and relocation of front boundary and garden wall, the formation of hard surface to the front garden of the premises and the installation of replacement of uPVC windows and wooden entrance door to the premises.

("The unauthorised development")

Application Number: E/08/0588 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 16/02/2011**Location:** 1 Lydford Road, London, NW2 5QY**Description:**

Without planning permission, the erection of a single storey side and rear extension, side/front porch on the side of the premises adjacent to 1-12 Mapeshill Place and the formation of a hard surface to the front and side garden area of the premises.

("The unauthorised development")

Application Number: E/10/0238 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 25/02/2011**Location:** 84, 84A and 86, 86A High Road, London, NW10 2PR**Description:**

The erection of railings and close-boarded perimeter fence screen on top of a single rear extension to form a roof terrace to the rear of the premises.

("The unauthorised development")

Application Number: E/10/0341 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 02/02/2011**Location:** 5 Humber Road, London, NW2 6EG**Description:**

Without planning permission, the erection of a building in the rear garden of the premises.

("The unauthorised development")

This page is intentionally left blank

Decisions on PLANNING Appeals between 1-Feb-2011 and 28-Feb-2011

Planning Committee: 16-Mar-2011

Application Number: 09/2474 **PINSRefNo** 10/2139396/WF **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 11/02/2011

Location: Land next to 147, Harley Road, London, NW10

Proposal:

Erection of a 2 storey building comprising 1 new dwellinghouse on land adjacent to 147 Harley Road.

Application Number: 10/0132 **PINSRefNo** A/10/2138026/NWF **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 07/02/2011

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: 10/0278 **PINSRefNo** A/10/2131686/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 07/02/2011

Location: 21 & 21A, Greenhill Park, London, NW10 9AN

Proposal:

Retention of single-storey and two-storey rear extension, installation of front rooflight, erection of rear dormer window, blocking-up of side door and first-floor side window, installation of new first-floor side window and ground-floor rear window, and conversion of extended dwellinghouse into 1 two-bedroom flat and 1 three-bedroom maisonette

Application Number: 10/0915 **PINSRefNo** A/10/2138978/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 07/02/2011

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: 10/1036 **PINSRefNo** A/10/2141400/NWF **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 11/02/2011

Location: Street Record, The Avenue, Wembley, HA9

Proposal:

Installation of 13.8-metre-high pole with 3 antennas and 1 ground-based equipment cabinet adjacent to junction of The Avenue and West Hill (Part 24 General Permitted Development Order)

Application Number: 10/1067 **PINSRefNo** A/10/2138044/NWF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 09/02/2011

Location: 134A, 134B & 136 Melrose Avenue, London, NW2 4JX

Proposal:

Erection of two storey rear extension to dwellinghouse and ground and first floor flats

Application Number: 10/1157 **PINSRefNo** A/10/2138290/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 11/02/2011

Location: 8 Station Terrace, London, NW10 5RT

Proposal:

Retention of single storey infill extension to rear of premises

Decisions on PLANNING Appeals between 1-Feb-2011 and 28-Feb-2011

Planning Committee: 16-Mar-2011

Application Number: 10/1840 **PINSRefNo** A/10/2141511 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 23/02/2011

Location: 549 Kingsbury Road, London, NW9 9EL

Proposal:

Retrospective application for the change of use of premises from retail (Use Class A1) to cafe (Use Class A3)

Application Number: 10/1959 **PINSRefNo** D/10/2142188 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 17/02/2011

Location: 2 Tudor Court North, Wembley, HA9 6SG

Proposal:

Demolition of attached garage and erection of a single and two storey side extension to dwellinghouse

Application Number: 10/2004 **PINSRefNo** D/10/2142086 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 10/02/2011

Location: 5 Ormesby Way, Harrow, HA3 9SE

Proposal:

Demolition of existing detached garage, erection of a first floor front extension, two storey side extension, a single and two storey rear extension, installation of a rear dormer window, 3 front rooflights and hard and soft landscaping to front garden of dwellinghouse as amended by revised plans received 03/09/10

Application Number: 10/2303 **PINSRefNo** D/10/2143175 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 10/02/2011

Location: 87 Brampton Road, London, NW9 9DE

Proposal:

Erection of a single-storey rear extension and a front porch to the dwellinghouse and modifications to an existing outbuilding, including an increase in its height with external and internal alterations

Application Number: 10/2357 **PINSRefNo** A/10/2140597/NWF **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 10/02/2011

Location: 218 Preston Road, Wembley, HA9 8PB

Proposal:

Change of use from retail shop (Use Class A1) to wine bar (Use Class A4), with installation of extract duct to rear and erection of two-storey rear extension

Application Number: 10/2456 **PINSRefNo** D/10/2142088 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 14/02/2011

Location: 24 Flamsted Avenue, Wembley, HA9 6DL

Proposal:

Proposed extension/alterations to existing garage to form domestic store

Application Number: 10/2660 **PINSRefNo** D/11/2144174 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 17/02/2011

Location: 67 Oldborough Road, Wembley, HA0 3QB

Proposal:

Erection of outbuilding in rear garden of dwellinghouse (retrospective application)

Decisions on ENFORCEMENT Appeals between 1-Feb-2011 and 28-Feb-2011
Planning Committee: 16 March, 2011

Application Number: E/08/0827 **PINSRefNo** C/10/2140036 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 17/02/2011

Location: 116 Kingsbury Road, London, NW9 0AY

Proposal:

Without planning permission, the erection of a single storey rear building for use as a domestic garage and storage area to rear of dwellinghouse.

("The unauthorised development")

Application Number: E/09/0224 **PINSRefNo** C/10/2126058 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 17/02/2011

Location: 260A Church Lane, London, NW9 8LU

Proposal:

Without planning permission, the change of use of the premises from residential to a mixed use as residential and hairdressing/beauty salon.

Application Number: E/09/0848 **PINSRefNo** C/10/2127985, 2127902 & 2128313 **Team:** Southern Team

Appeal Decision: Appeal part dismissed / part allowed **Appeal Decision Date:** 07/02/2011

Location: 1 Springwell Avenue, London, NW10 4HN

Proposal:

Without planning permission, the change of use of the premises from a single family dwellinghouse to nine self-contained flats.

("The unauthorised change of use")

Application Number: E/10/0177 **PINSRefNo** C/10/2134218 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 23/02/2011

Location: 93 Thurlby Road, Wembley, HA0 4RT

Proposal:

The change of use of the premises to a House in Multiple Occupation (HMO).

This page is intentionally left blank

**PLANNING SELECTED appeal DECISIONS between
1-Feb-2011 and 28-Feb-2011
Planning Committee: 16 March, 2011**

Introduction

In order to keep Members fully informed of Planning Appeal decisions, copies of Inspector's decision letters concerning those applications that have been allowed or partly allowed on appeal, are attached to the agenda. These include the following:

Our reference: 09/2474	Appeal Decision: Appeal Allowed	Appeal Decision Date: 11/02/2011
Team:	Southern Team	
Location:	Land next to 147, Harley Road, London, NW10	
Proposal:	Erection of a 2 storey building comprising 1 new dwellinghouse on land adjacent to 147 Harley Road.	
Our reference: 10/1036	Appeal Decision: Appeal Allowed	Appeal Decision Date: 11/02/2011
Team:	Northern Team	
Location:	Street Record, The Avenue, Wembley, HA9	
Proposal:	Installation of 13.8-metre-high pole with 3 antennas and 1 ground-based equipment cabinet adjacent to junction of The Avenue and West Hill (Part 24 General Permitted Development Order)	
Our reference: 10/2303	Appeal Decision: Appeal Allowed	Appeal Decision Date: 10/02/2011
Team:	Northern Team	
Location:	87 Brampton Road, London, NW9 9DE	
Proposal:	Erection of a single-storey rear extension and a front porch to the dwellinghouse and modifications to an existing outbuilding, including an increase in its height with external and internal alterations	

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

Chris Walker, Assistant Director - Planning and Development

This page is intentionally left blank

**ENFORCEMENT SELECTED appeal DECISIONS between
1-Feb-2011 and 28-Feb-2011****Planning Committee: 16 March, 2011****Introduction**

In order to keep Members fully informed of Enforcement Appeal decisions, copies of Inspector's decision letters concerning those cases where Enforcement action has been initiated and the appeal has been allowed or part allowed, are attached to the agenda. These include the following:

Our reference: E/09/0848	Appeal Decision Date: 07/02/2011
Team: Southern Team	Appeal Decision: Appeal part dismissed / part allowed

Location: 1 Springwell Avenue, London, NW10 4HN

Proposal:

Without planning permission, the change of use of the premises from a single family dwellinghouse to nine self-contained flats.

Background Information

Any persons wishing to inspect appeal decision letters not set out in full on the agenda should contact the Planning Service Technical Support Team, The Planning Service, Brent House, 349 High Road, Wembley, HA9 6BZ.

Chris Walker, Assistant Director - Planning and Development

This page is intentionally left blank



Appeal Decision

Site visit made on 2 February 2011

by Andrew Pykett BSc(Hons) PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 February 2011

Appeal Ref: APP/T5150/A/10/2139396

Land adjacent to 147 Harley Road, London NW10 8AY

- 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 Alex Peron against the decision of the Council of the London Borough of Brent.
 - The application Ref: 09/2474, dated 19 November 2009, was refused by notice dated 16 August 2010.
 - The development proposed is a new dwelling.
-

Decision

1. I allow the appeal, and grant planning permission for a new dwelling at land adjacent to 147 Harley Road, London NW10 8AY in accordance with the terms of the application, Ref: 09/2474, dated 19 November 2009, subject to the conditions included in the schedule at the end of this decision.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the street scene.

Reasons

3. The appeal site is a small, triangular-shaped plot lying at the junction of two terraces at a bend in Harley Road. The two terraces comprise typical 2-storey late-Victorian brick and tile dwellings with square bay windows and front projecting gables. Although the front elevation of one of the adjacent buildings – No 147 – has been altered, many of the original features of the houses survive including timber doors and windows. I agree with the council that the street scene exhibits a notable uniformity and consistency of appearance.
4. The appeal scheme occupies the land between the rather severe gable ends of Nos 147 and 149 including a means of pedestrian access to the rear gardens of both houses. The front wall of the building would follow the curve of the street behind a narrow front garden area. It would essentially comprise a glass and brick structure with timber doors on three levels and a sheet metal roof. The second floor of the dwelling would essentially occupy the roof space.
5. The restrictions and peculiarity of the site inevitably impose themselves on the design solution. The Design and Access Statement submitted with the application records that a contemporary landmark building is proposed, but the council is concerned that the submitted scheme would not successfully fill the

gap. The proposal is certainly an ingenious solution, but I gather in some respects the proposal does not accord with all the standards included in SPG 17 – the *Design Guide for New Development*. The external amenity space for example would be well below the areas considered appropriate for both houses and flats. I gather this deficiency could be mitigated however by making a contribution towards open space provision in the Borough. I note in this case that, in the event of the appeal succeeding and the development progressing, an Agreement made under section 106 of the above Act provides for a total contribution of £11,000. This would cover additional costs generated by the needs of education, sustainable transport, and the open space provision. I consider the Agreement complies with the advice included in ODPM Circular 05/2005 and Regulation 122 of the CIL Regulations.

6. The council raises no objection in principle to the development of the site, but it draws particular attention to the proposed fenestration of the building. It is recognised that a contemporary building would not be inappropriate but reference to the distinctive windows of the street scene would be desirable.
7. There may, of course, be many different ways of developing the land, but, taking account of the shape and configuration of the site, I suspect that an uncompromisingly plain and simple collection of forms and materials is likely to be the most fitting solution. I believe it would be very difficult to insert a modernised form of the box bay window into the scheme without it appearing to be trying too hard to defer to its surroundings. The curved front wall of the building and the unconventional roof shape would inevitably result in the dwelling having an uncompromisingly modern appearance, and I do not believe the proposed fenestration would undermine its appearance or quality. The council also expresses some concern about the proposed two doors adjoining No 149 but these would be set behind what I take to be a low front wall at the back edge of the pavement¹. This would lessen their impact in comparison with the submitted drawings.
8. I have considered the draft conditions suggested by the council in the event of the appeal succeeding. I consider all these to be necessary and reasonable in the interests of local amenity, highway safety and the requirements of the development plan.
9. I have taken account of the recent change to the definition of previously-developed land included in PPS3 *Housing*, but in any event the former definition did not form part of the appellant's case. I conclude the proposed development would cause no harm to the character and appearance of the street scene, and it follows that I see no conflict with Policies BE2 (Townscape: Local Context and Character) or BE9 (Architectural Quality) of the *Brent Unitary Development Plan – 2004*.
10. It is for the reasons given above that I have concluded the appeal should be allowed.

Andrew Pykett

INSPECTOR

¹ Details of this part of the proposal would need to be secured by an appropriately worded condition.

Schedule of 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 be carried out in accordance with the following approved plans: Nos: 090330/05; 090330/09; 090330/06; 090330/08; 090330/07.
- 3) Notwithstanding condition 2 no development shall take place until details of the front boundary treatment have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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.
- 5) Notwithstanding the approved plans, the curtilage of the site shall be landscaped in accordance with a scheme and schedule to be submitted to and approved in writing by the local planning authority before any works commence, and the scheme shall be completed in accordance with the schedule. 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.
- 6) 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 enlargement, improvement or other alteration shall be carried out.
- 7) The development shall not be occupied until the reinstatement of the crossover into the site has taken place at the developer's expense.
- 8) Further details of the proposed bicycle storage provision, showing adequate storage and security, shall have been submitted to and approved in writing by the local planning authority. The provision shall be installed before the occupation of the dwelling.



Appeal Decision

Site visit made on 2 February 2011

by Andrew Pykett BSc(Hons) PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 February 2011

Appeal Ref: APP/T5150/A/10/2141400

The Avenue, adjacent to West Hill, London

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Vodafone Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref: 10/1036, dated 28 April 2010, was refused by notice dated 18 June 2010.
 - The development proposed is a slimline streetworks monopole with 3 antennas and equipment cabinets.
-

Decision

1. I allow the appeal and grant approval under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 for the siting and appearance of a slimline streetworks monopole with 3 antennas and equipment cabinets on land at The Avenue, adjacent to West Hill, London in accordance with the terms of the application Ref : 10/1036, dated 28 April 2010, and the plans submitted with it (Drawing Nos: 100A; 201A; 301A; 400A; 500A), subject to the following conditions:
 - 1) The development hereby approved shall be no taller than 13.8m above ground level.
 - 2) The development hereby approved shall be finished and thereafter maintained holly green to match the colour of the existing street light columns in the locality.
 - 3) Before the commencement of the development hereby approved details of tree root protection measures shall be submitted to and approved in writing by the local planning authority. The measures shall be implemented as approved.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The application form records the total height of the proposed mast as 13.6m, but on the submitted drawings the height is shown as 13.8m. I note the council considered the case on the basis of the latter height, and I have done the same. The structure would be painted holly green, and there would be two small equipment cabinets close to the base of the mast. These would be

painted the same colour as the mast. Both these matters could be secured by the imposition of appropriately worded conditions.

4. The appeal site lies close to the junction of West Hill with The Avenue. The Avenue is a relatively busy road which connects the Wembley Park area to the south-east with Kenton to the north-west. West Hill on the other hand is a residential road. However, it serves a large residential area as well as providing a means of access to the Barn Hill and the Fryent Country Park. Just to the west of the junction, The Avenue is crossed by the north-western length of the Jubilee Line with embankments to both north and south. The culverted Wealdstone Brook passes below the junction, although it has little impact on the street scene in this area.
5. The appeal site forms part of an open grassed area which provides visibility at The Avenue/West Hill junction. The triangular area is defined by footpaths. The grassed area includes a relatively young tree, the trunk of which would be about 3m from the pole with a bench about 6m from the tree in the opposite direction. The area also provides a means of access for maintenance purposes to the railway and the brook, although I would expect that these are only infrequently in use.
6. Although in much of London the underlying landscape is obscured by the extent and the intensity of development, the topography of the surroundings to the appeal site are readily apparent. For a heavily built-up area West Hill is relatively steep and the appeal site occupies land at the bottom of a shallow valley. The three approaches to the site – along The Avenue from the north-west, along The Avenue from the south-east, or from West Hill to the east – all therefore entail the observer travelling downhill. I have considered the impact of the proposed development from all three directions.
7. From the north-west the street scene is dominated by the heavy steel bridge and brickwork of the Jubilee Line although this is relieved by both garden trees and trees on the railway embankments. The appellant's photomontage (from Uxendon Crescent) indicates the top of the pole would be visible above top of the bridge, but I consider this effect would be of little significance. The impact of the pole would inevitably be much greater having passed under the bridge. It would be clearly and readily visible with much of its length against the background of the sky. It would be noticeably taller than the adjacent tree.
8. Approaching the appeal site from the opposite direction along The Avenue, the railway bridge is less dominant. The prospect to the north-west is more open and the top of the mast would be lower than the tree on the opposite side of the road. For much of the route it would also be below the level of the tree tops on the opposite side of the railway embankment. Its presence would, of course, become greater as the West Hill junction is approached. At the junction a significant proportion would be seen against the sky, but I believe its impact would continue to be ameliorated by the nearby trees.
9. During my visit I considered the impact of the proposal on prospects into or from the Barn Hill Conservation Area. The closest part of the area lies at the junction of West Hill with Alverstone Road, to the east of the appeal site. However, I believe it is most unlikely the mast would be visible from this location. The vantage points on West Hill are notably higher than those on The Avenue and the view comprises a typical north London suburban scene. The eastern slopes of Harrow form the horizon. Closer to the site the railway bridge again becomes an important component of the scene along with the

- houses on the other side of the line. From these vantage points the pole would be largely lost in the urban landscape. The presence of the mast would be obscured until closer to the West Hill/Uxendon Hill junction. At and beyond the junction the top of the pole would appear against the sky, but I believe its impact would be lessened by both the dominance of the bridge and the height of the trees on the embankment and on the opposite side of The Avenue.
10. Although as I have recorded above the Barn Hill Conservation Area boundary is some distance from the site, I do not dispute that the pole might be visible from some of the west facing windows of houses within the area. It would however be a small and rather distant component of the scene. I do not consider either the character or the appearance of the Area would be harmed. They would remain unaffected and the Area would thus be preserved. I have come to the same conclusion in relation to views into the Area from locations where the proposed development would be simultaneously visible.
 11. I have taken account of the appellant's photomontages and note that the original photographs were taken when the trees were in leaf. As I saw on my visit, the impact of the pole would be greater in winter, but I do not believe it would be sufficiently serious to justify the dismissal of the appeal. The mast would be taller than the existing lighting columns or most of the telegraph poles in the area, but the design is clean and simple. As far as its height is concerned, I do not consider this would be unreasonable or unmanageable in townscape terms.
 12. I acknowledge the pole would add another component to the range of equipment and signage in the locality. The grassed area itself is currently relatively clear, and, to a degree, the presence of the mast and equipment cabinets would diminish the appearance and attraction of the two trees on the land. I recognise also that, notwithstanding the proximity of road traffic, this might render the bench a less attractive prospect. I do not believe however that it could be said the proposed development would result in the area having a cluttered character or appearance. Such installations are now relatively common-place.
 13. As the council's delegated report confirms, the appellant has submitted supplementary information including an ICNIRP certificate, health and mobile phone information, alternatives considered and 3G coverage plots. Planning Policy Guidance Note 8: *Telecommunications* advises that if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure to radio waves it should not be necessary to further consider the health aspects of a proposal. Several local residents have nevertheless raised objections to the scheme on health grounds and I accept their fears are relevant material considerations. I note in this context the proximity of the site to the nearby church hall in The Avenue. On balance however, and bearing in mind that there is little objective evidence to support these fears, I do not consider the concerns are sufficient to justify dismissing the appeal.
 14. Although I do not dispute the proposed mast would change the appearance of the immediate area, I have concluded the scheme would not seriously harm either its character or appearance. I have taken account of Policy BE19 of the *Brent Unitary Development Plan – 2004* which is specifically concerned with this type of telecommunications proposal. The tenor of the policy is however generally permissive and I see no conflict with its contents. Policies BE2 (Townscape: Local Context and Character) and BE7 (Public Realm:

Streetscape) are more general in their application, but in view of the conclusion I have reached on the main issue, I see no significant conflict with either their contents or purposes.

15. The council has also expressed some concern about the possible effect of the proposed development on the roots of the adjacent tree to which I have referred. The pole would be about 1m from the edge of the canopy however and, even if some roots would be affected by its installation, they would comprise only be a relatively limited proportion. Although the equipment cabinets would be under the canopy they would not have such deep foundations. In the interests of the tree however I agree with the council that any permission should be subject to a condition requiring details of root protection measures.
16. I have taken account of all other matters raised but I do not consider these are sufficient to outweigh the conclusion I have reached.
17. It is for the reasons given above that I have concluded the appeal should be allowed.

Andrew Pykett

INSPECTOR



Appeal Decision

Site visit made on 2 February 2011

by Andrew Pykett BSc(Hons) PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 February 2011

Appeal Ref: APP/T5150/D/10/2143175

87 Brampton Road, Kingsbury, London NW9 9DE

- 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 Praful Kumar Rayvadera against the decision of the Council of the London Borough of Brent.
 - The application Ref: 10/2303, dated 23 August 2010, was refused by notice dated 1 November 2010.
 - The development proposed is a single storey rear extension to accommodate a shower room for elderly occupants of the property, a front porch, and the conversion of the rear garage/store into a storage/fitness room.
-

Decision

1. I allow the appeal, and grant planning permission for a single storey rear extension to accommodate a shower room for elderly occupants of the property, a front porch, and the conversion of the rear garage/store into a storage/fitness room at 87 Brampton Road, Kingsbury, London NW9 9DE in accordance with the terms of the application, Ref: 10/2303, dated 23 August 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) The development hereby permitted shall be carried out in accordance with the following approved plans: 2686/02C and 2686/03C.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues in this case are the effect of the proposed development on the character and appearance of the surrounding area, and the impact of the scheme on the living conditions of the occupiers of both the appeal building and nearby dwellings.

Reasons

3. The appeal property is an end of terrace two storey house with a small patio to the rear. Beyond this lies a former garage, although I gather this is now used only for storage. The appeal scheme envisages alterations and the conversion of this building including the construction of a pitched roof. The existing modest rear extension would be enlarged as recorded above with a lean-to

- roof. The proposed porch to the front door of the house would result in a minor alteration to its front elevation. The council has raised no objection to this component of the scheme and nor do I.
4. The existing garage/store has a maximum height of 2.4m. Under the scheme the walls would be increased in height to the front and rear with a shallow pitch taking the ridge height up to 3.4m above ground level. I agree with the council that, in comparison with the house and its curtilage, this is a relatively large building. However, although the project would result in an increase in its height, I also agree with the appellant that the works would result in an improvement in its appearance. I do not consider it would have an overbearing impact on either the surrounding area or the outlook of neighbours.
 5. The rear extension of the house itself would add a further 3.3m to its length, but the resultant development would not extend any further than the equivalent part of the neighbouring property. The council is concerned that this component of the development would consume part of the external amenity space, but I cannot see that this would result in conflict with the detailed guidance in SPG5 *Altering and Extending You Home*, adopted by the council in 2002. I consider the remaining patio area would still be a useable amenity of the dwelling, and that the works as a whole would not amount to the over-development of the site.
 6. I therefore conclude the scheme would have no harmful effect on the character and appearance of the surrounding area. Nor do I believe it would have a serious impact on living conditions at either No 87 or any of the nearby dwellings. It follows that I see conflict with neither Policies BE2 or BE9 of the *Brent Unitary Development Plan – 2004*, nor with SPG5.
 7. It is for the reasons given above that I have concluded the appeal should be allowed. I have imposed the standard conditions relevant to extensions in the interests of local amenity.

Andrew Pykett

INSPECTOR



Appeal Decision

Inquiry held on 25 January 2011

Site visit made on 24 January 2011

by Gloria McFarlane LLB(Hons) BA(Hons) Solicitor (Non-practising)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 February 2011

Appeal Ref: APP/T5150/C/10/2128313

1 Springwell Avenue, London, NW10 4HN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Philip Harvey against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/09/0848.
- The notice was issued on 31 March 2010.
- The breach of planning control as alleged in the notice is the change of use of the premises from a single family dwellinghouse to nine self-contained flats.
- The requirements of the notice are to cease the use of the premises as nine self-contained flats and remove all items, materials and debris associated with the unauthorised use, including all kitchens, except one, and bathrooms, except one, from the premises.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(d), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

Summary of Decision: The appeal succeeds in part and the enforcement notice is upheld as varied in the terms set out below in the Formal Decision.

Preliminary and procedural matters

1. Two other appeals¹ have been made in respect of the appeal site and the notice. These appeals have been made by different Appellants and with different grounds of appeal. The other two appeals are to be determined by written representations. Each appeal will be the subject of a separate decision. However, as the Inspector appointed to determine these three appeals in respect of the same notice I am aware of evidence submitted in each appeal. Where relevant, and for the sake of consistency, I have taken that evidence into consideration in each appeal.
2. The Appellant in one of the written representation appeals² sent a unilateral undertaking made under s.106 of the Act to the Inspectorate under cover of a letter dated 26 January 2011. This document makes reference to this appeal and the unilateral undertaking is given by Mr Harvey and Ms Metcalfe who are

¹ APP/T5150/C/10/2127985 and APP/T5150/C/10/2127902

² APP/T5150/C/10/2127985

the freehold owners of No.1. However, there is no ground (a) or deemed planning application in this appeal and the unilateral undertaking has no relevance in this appeal.

3. All witnesses gave oral evidence to the Inquiry after taking the oath.

The appeal under ground (d)

4. In a ground (d) appeal the burden of proof is on the Appellant to show, on the balance of probability, that the use of the property as nine self-contained flats began on or before four years from the date on which the enforcement notice was issued and that the use has continued without material interruption since that date, that is, 31 March 2006.
5. The Appellant bought 1 Springwell Avenue with his wife in June 2007 from Mr Mark Tyrell. Mr Tyrell says in his affidavit that he bought the property in June 1998 and that when he first owned it the property was a single family dwelling house. Mr Tyrell says that he began converting the property into nine self-contained dwelling units in September 2004 and the conversion was completed in January 2005. From January 2005 until he sold the property he says that the units were continuously occupied. Mr Tyrell swore his affidavit on 13 August 2010 and, as he lives abroad, he did not attend the Inquiry.
6. Ms Fox moved into the rear garden flat, now flat D, in 2002. Although she had a written tenancy agreement this was kept by Mr Tyrell and she did not have a copy. She paid her rent in cash each month to Mr Tyrell and he signed a rent book which she kept in the flat but which she no longer has. In her statement Ms Fox says that when she moved in there was a shared bathroom above her flat but in her oral evidence she was not clear as she said that she never went upstairs and was only aware of the bathroom because of the noise and one glimpse of it from the stairs. She said that the bathroom could have been immediately above her flat or to the left. Ms Fox did not know how many people were living in the property or what units of occupation those people had. At some time builders came in, works were done and she was no longer disturbed by noise from the shared bathroom. Ms Fox did not know what had replaced the bathroom. Ms Fox recalled that when she moved in the garage was used for storage but when she saw a new girl in the garden she understood that it had been converted to residential use; Ms Fox did not remember when this was. Nor could she remember when she left the flat, it was either in the summer of 2005 or 2006.
7. There is no reason why Ms Fox should remember dates and events going back several years into the past. She gave her evidence in an open and forthright way and acknowledged that she could not remember a number of things. Ms Fox kept herself to herself and lived her own life, she had no knowledge of what the situation was on the floors above her, or indeed what was the situation on the ground floor. Her evidence did not assist me in establishing when the nine units came into existence.
8. When Mr Harvey and his wife bought the property he says that No.1 was already converted into nine self-contained units. The layout was the same as it is now but the flats were in a poor state of repair and the lighting, in particular in the attic, now flat H, was not good. To improve the attic flat Mr Harvey's builder put in a rear dormer window which also increased the size of the unit plus associated works such as roof lights and a space for the boiler and water tanks. These works took place in about November 2007; there are no receipts

- or documents and the builder is now deceased. The aerial photograph of 2005-2006 appears to substantiate this evidence as no dormer or the additional rooflights mentioned by Mr Harvey can be seen on the photograph.
9. In his statement Mr Harvey says that Mr Tyrell's solicitor provided him with sample tenancy agreements but in his oral evidence it transpired that the nine tenancy agreements provided to the Inquiry were with the people who were living in the property around the time of the transfer of the property. However, three left before the legalities were completed and there were therefore six tenants in occupation when Mr Harvey and his wife became the owners. The nine tenancy agreements provided all relate to 1 Springwell Avenue as a whole, not individual units within the property. The Landlord is Vertex Properties and no evidence was provided to link that entity with Mr Tyrell. All nine tenants were 'holding over' as one tenancy for twelve months was dated 24 March 2001 and the last to be granted, 4 November 2006, was for six months. Mr Harvey said that Mr Tyrell used to collect rent every two weeks in cash and that he gave him three rent books which Mr Harvey subsequently threw away. There is no information about whether rents had increased or not but even if Mr Tyrell had been a landlord for a long time with 'old fashioned practices' I find it difficult to credit that a tenant was holding over a tenancy for some six years and still paying the same all inclusive rent in June 2007 as that set in March 2001.
 10. Two of Mr Tyrell's tenants, Atanas Zapryanov and Tinka Zapryanova³ are still living at the property; they are the only people who are still there who were also Mr Tyrell's tenants. They did not provide any evidence to the Inquiry. Another longstanding tenant, Maria Marchenko, left in April 2010⁴ although Mr Harvey thought in his oral evidence it was four-five months ago.
 11. Mr McDonna was said to be the tenant of the attic and his tenancy agreement with Vertex Properties is dated 9 September 2005 and the rent is £600 per four weeks. There is no indication what part of No.1 Mr McDonna occupied as the tenancy is for the whole of the property. Mr McDonna entered into a six month tenancy agreement with Mr Harvey for the attic flat⁵ from 10 July 2007 at a rent of £650 per calendar month. Mr Harvey described the attic at the time he bought the property as having dreadful lighting with a small window to the back garden and a small roof light at the front, no extractor and a space where stuff was dumped under the eaves. The works to install the dormer and other improvements took place in November 2007 and Mr Harvey says that Mr McDonna remained in residence throughout because no work was undertaken to the bedroom area. Mr Harvey acknowledges that it would have been uncomfortable. Mr McDonna left in the New Year 2008 when his tenancy came to an end.
 12. I consider it surprising that a tenant paying a not insignificant rent was prepared to put up with such sub-standard accommodation as that provided in the attic and that he was also prepared to put up with what must have been considerable disruption when the dormer window was put in only to leave so soon thereafter. I note, however, that the new tenants in the re-furnished attic paid a rent of £801 per calendar month which may have been a reason why Mr McDonna chose to leave. From the inventory signed by the new tenants it appears that the flat was newly decorated and all furnishings were in a good

³ As spelt on the tenancy agreement dated 1 April 2006, elsewhere Zapryanova

⁴ Letter to the Council dated 5 May 2010

⁵ Now unit H

condition which reflects Mr Harvey's evidence that when Mr McDonna left further works of improvement were undertaken to the attic.

13. Prior to November 2008, No.1 was registered for Council Tax purposes as one dwelling. In November 2008 the nine flats were registered and each tenant became responsible for paying Council Tax. According to Mr Harvey this was not greeted by the tenants with any favour and the rent was subsequently reduced by the Council Tax amount payable on each flat. Each change in tenancy was notified to the Council by Mr Harvey's book-keeper. Copies of unsigned letters to this effect were produced by Mr Harvey. Mr Unuigbe had not checked whether these letters had been received by the Revenues and Benefits Service.
14. One of the Appellants in one of the other appeals originally lodged an appeal under ground (d). This ground of appeal was withdrawn because 'following investigations made by an enquiry agent, insufficient evidence has been obtained in order to support a ground D appeal'⁶. Mr Harvey said that he had no knowledge of this and he was not aware of any enquiry agent investigating the history of No.1. Mr Harvey's planning consultant agents were, however, aware of the position as an email dated 19 May 2010 from the Inspectorate to the three agents involved in the three appeals stated 'Further to our telephone conversation ...we have now decided to allow all three appellants until 16 June 2010 to confirm whether there are sufficient facts to support a ground (d) appeal. We believe that the history of the premises is going to be investigated by a Private Enquiry agent and that a report should be available and a decision reached on the feasibility of a ground (d) appeal by 16 June'.
15. The appeal was made on Mr Harvey's behalf by planning consultants. The appeal was originally made on ground (a) and (f) only. The grounds of appeal under ground (a) state 'Eight of the nine units have been used for over four years. It is considered that the additional units should reasonably be allowed to continue in residential use...' and under ground (f) 'The appeal property has been used as eight self-contained flats for over four years. It is therefore submitted that seven of the units are lawful and immune from enforcement action'. I do not know the reason why, but Mr Harvey's appeal was amended on 16 June 2010 to include grounds (d) and (g). Mr Harvey said that he had given instructions to his agents but he could not tell how the grounds had come to say what they did. He suggested that this was the second time that something similar had happened and that it was a mistake. The appeal is an important document. It was the subject of correspondence between the agents, who are planning consultants, and the Inspectorate prior to its amendment by the agents; Mr Harvey's explanation is neither sufficient nor credible.
16. Mr Tyrell was not available for cross examination on the contents of his affidavit and he did not exhibit any documents to support his version of events. I therefore give his evidence very limited weight. There were discrepancies between the evidence of Ms Fox and Mr Harvey with regard to how rent was collected during, and immediately after, Mr Tyrell's ownership because Ms Fox said she had her own rent book that she kept for Mr Tyrell to sign each month when she paid the rent; Mr Harvey, however, referred to three rent books for, at the time of the transfer, six tenants and rent being collected every two weeks. I accept that Mr Harvey has a number of properties and a large

⁶ Doc 7 - APP/T5150/C/10/2127902 - letter dated 25 June 2010

number of tenants and he cannot be expected to remember every detail, however, he has no direct knowledge of the situation prior to May 2007 when he first visited the premises. His recollection of how the property was being occupied at that time is not supported by any of the documents; the documents relating to the nine self-contained units date from shortly after Mr Harvey purchased the property in June 2007. The reason why none of the occupiers as at June 2007 were asked to give evidence was that Mr Harvey could not get hold of them, but flat D is currently occupied by people⁷ who have been, according to the documents, in residence at No. 1 since 1 April 2006. No explanation was provided why they did not attend the Inquiry.

17. It is for the Appellant to prove his case on the balance of probability. Although relating to Lawful Development Certificate (LDC) applications, the advice in Circular 10/97⁸ is helpful as the standard of proof in a LDC application is the same as a ground (d) appeal. The Circular⁹ states that if the Council "does not have evidence of its own, or from others, to contradict or otherwise make the applicant's version of events less than probable ... There is no good reason to refuse the application provided the applicant's evidence is sufficiently precise and unambiguous to justify the grant of a certificate".
18. For the reasons given above I do not consider that the evidence provided by, and on and behalf of, the Appellant was sufficiently precise and unambiguous. I therefore conclude that the Appellant has failed to prove, on the balance of probability, that the change of use of the premises from a single family dwellinghouse to nine self-contained flats took place on or before four years from the date on which the enforcement notice was issued and that the use as nine self-contained flats has continued without material interruption since that date, that is, 31 March 2006. The appeal under ground (d) therefore fails.

The appeal under ground (f)

19. The Council concedes that the removal of all bathrooms except one is excessive. In the grounds of appeal the Appellant submitted that seven of the units are lawful and immune from enforcement action and no further submissions were made at the Inquiry.
20. A notice directed at a material change of use may require the removal of works integral to and solely for the purpose of facilitating the unauthorised use, even if such works on their own might not constitute development, or be permitted development, or be immune from enforcement, so that the land is restored to its condition before the change of use took place¹⁰. In the circumstances, even if the premises had been in multiple occupation or divided into a number of self-contained flats, the requirement to remove all items, materials and debris associated with the unauthorised use, including all kitchens, except one, from the premises is not excessive.
21. I agree with the Council's concession and consider that it is not unreasonable for a property of this size to have more than one bathroom. To the limited extent conceded by the Council, the appeal under ground (f) succeeds.

⁷ Atanas Zapryanov and Tinka Zapryanova or Zapryanova

⁸ Enforcing Planning Control: Legislative Provisions and Procedural Requirements

⁹ Paragraph 8.15

¹⁰ *Murfit v SSE* [1980] JPL 598

The appeal under ground (g)

22. The Appellant sought a period of twenty-four months in his grounds of appeal to comply with the notice but this was reduced to twelve months at the Inquiry. In the grounds of appeal the complicated situation with regard to leases and mortgages was mentioned as was the need for the tenants to vacate the premises. At the Inquiry the reason given was to allow time for Mr Harvey to obtain possession of the units.
23. There may well be a complex legal situation with regard to leases and mortgages but no argument was put forward why this should hinder or delay Mr Harvey, as landlord and freeholder, obtaining possession of the units from his tenants and ceasing the use of the premises as nine self-contained units and doing the required works. I appreciate that there may be legal matters to sort out, but do not see this as a reason why the notice cannot be complied with.
24. Under the terms of the current tenancies the last one to lapse is flat G on 31 May 2011; others end before then and three tenants are holding over from expired agreements. Whilst I do not underestimate the difficulties that can arise in obtaining possession, it appears me likely that several flats will become empty in the relatively near future. There would therefore be nothing to prevent works being undertaken to dismantle those units. It is apparent that work can be undertaken at the premises in respect of empty units because that is what has happened in the past when they were being refurbished. It is also apparent from Mr Harvey's evidence that work can be undertaken relatively speedily, for example, the short period of time it took to insert the dormer window.
25. The period of six months therefore appears to me to be a reasonable one in which to comply with the notice. The Council is aware of its powers under s.173A of the Act to extend the time for compliance should it be necessary, for example, if Mr Harvey has difficulty in obtaining possession from his tenants. The appeal under ground (g) fails.

Conclusions

26. For the reasons given above I conclude that the requirements are excessive and I am varying the enforcement notice accordingly, prior to upholding it. The appeal under ground (f) succeeds to that extent and the appeals under grounds (d) and (g) fail.

Decision

27. I allow the appeal on ground (f), and direct that the enforcement notice be varied by the deletion of 'and bathrooms, except one' from Schedule 4 Step1. Subject to this variation I uphold the enforcement notice.

Gloria McFarlane

Inspector

APPEARANCES

FOR THE APPELLANT

Mr W Innes Solicitor

He called

Mr P Harvey Appellant
Ms T Fox Former Tenant

FOR THE LOCAL PLANNING AUTHORITY

Mr N Wicks Director, Enforcement Services Ltd
MRTPI

He called

Mr V Unuigbe Planning Enforcement Officer
BSc(Hons) MSc

DOCUMENTS SUBMITTED AT THE INQUIRY

- Document 1 - Land Registry plans of the leasehold titles, submitted by the Council
- Document 2 - Aerial photograph 2005-2006, submitted by the Council
- Document 3 - Mr Harvey's written statement
- Document 4 - Ms Fox's written statement
- Document 5 - Floor plan of the property, 078-EX.01, submitted by the Appellant
- Document 6 - Floor plan of the property, 078-EX.01, showing the nine flats, submitted by the Appellant
- Document 7 - Letter dated 25 June 2010 from Solicitors acting for Mortgage Express, from appeal APP/T5150/C/2127902



Appeal Decision

Site visit made on 24 January 2011

by Gloria McFarlane LLB(Hons) BA(Hons) Solicitor (Non-practising)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 February 2011

Appeal Ref: APP/T5150/C/10/2127902

1 Springwell Avenue, London, NW10 4HN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mortgage Express against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/09/0848.
- The notice was issued on 31 March 2010.
- The breach of planning control as alleged in the notice is the change of use of the premises from a single family dwellinghouse to nine self-contained flats.
- The requirements of the notice are to cease the use of the premises as nine self-contained flats and remove all items, materials and debris associated with the unauthorised use, including all kitchens except one, and bathrooms, except one, from the premises.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

Summary of Decision: The appeal succeeds in part and the enforcement notice is upheld as varied in the terms set out below in the Formal Decision.

Preliminary and procedural matters

1. Two other appeals¹ have been made in respect of the appeal site and the notice. These appeals have been made by different Appellants and with different grounds of appeal. One is to be determined by written representations and the other by an Inquiry. Each appeal will be the subject of a separate decision. However, as the Inspector appointed to determine these three appeals in respect of the same notice I am aware of evidence submitted in each appeal. Where relevant, and for the sake of consistency, I have taken that evidence into consideration in each appeal.

The appeal under ground (f)

2. The Appellant submits that the requirements are excessive and that objections to the breach could be overcome by lesser steps through improvements to internal design, parking and residential amenity.

¹ APP/T5150/C/10/2127985 and APP/T5150/C/10/2128313

3. The purposes of the requirements of a notice are to remedy the breach by discontinuing the use of the land². The only submission in this case available to the Appellant is that, as a matter of fact, the requirements exceed what is necessary to remedy the breach. The Appellant has raised planning merits which should be considered under ground (a). However, in this appeal there is no ground (a) appeal and the deemed application fee has not been paid; it is therefore not appropriate for the Appellant to introduce arguments on the planning merits in the context of an appeal on ground (f).
4. In its statement in this appeal the Council takes the view that one bathroom is sufficient for a single household and that if more than one bathroom remained the property could be used for multiple residential occupation. However, in its evidence to the Inquiry³ the Council conceded that the removal of all bathrooms except one is excessive. I agree with the Council in this respect as it is not unreasonable for a property of this size to have more than one bathroom. The prevention of a future use, whether authorised or not, is not the purpose of an enforcement notice. To this limited extent the appeal under ground (f) succeeds.

The appeal under ground (g)

5. In view of the fact that the property is divided into nine flats which encompass a number of interests the Appellant maintains that it is not reasonable or realistic to expect the steps required to be undertaken within six months. The Appellant suggests twelve months would be a more reasonable period in which possession of the property could be obtained, agreements reached with other interested parties and the works carried out.
6. The Appellant has not provided any information about the current occupiers of the property or the terms of their tenure. However, at the Inquiry it was established that under the terms of the current tenancies the last one to lapse is flat G on 31 May 2011; others end before then and three tenants are holding over from expired agreements. Whilst I do not underestimate the difficulties that can arise in obtaining possession, it appears me likely that several flats will become empty in the relatively near future. There would therefore be nothing to prevent works being undertaken to dismantle those units.
7. The works required are not substantial. Legal matters relating to who is responsible for what are not dependent on the property retaining its current unauthorised use. From submissions made at the Inquiry I am satisfied that the Council is aware of its powers under s.173A of the Act to extend the time for compliance should it be necessary if, for example, there is difficulty in obtaining possession from the occupiers. I therefore consider that six months is a reasonable period for compliance with the notice. The appeal under ground (g) fails.

Conclusions

8. For the reasons given above I conclude that the requirements are excessive and I am varying the enforcement notice accordingly, prior to upholding it. The appeal under ground (f) succeeds to that extent.

² S.173(4)(a) of the 1990 Act

³ APP/T5150/C/10/2128313

Decision

9. I allow the appeal on ground (f), and direct that the enforcement notice be varied by the deletion of 'and bathrooms, except one' from Schedule 4 Step1. Subject to this variation I uphold the enforcement notice.

Gloria McFarlane

Inspector

This page is intentionally left blank