



Planning Committee

Wednesday, 15 December 2010 at 7.00 pm

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

Membership:

Members

Councillors:

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

First alternates

Councillors:

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

Second alternates

Councillors:

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

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www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

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

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting		1 - 12
Extract of Planning Code of Practice		
APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING		
3. Former Blarney Stone PH, Blackbird Hill, London NW9 8RR (Ref. 10/2053)	Welsh Harp;	17 - 40
NORTHERN AREA		
4. 139 Coles Green Road, London NW2 7HH (Ref. 10/2046)	Dollis Hill;	41 - 50
5. 33 Manor Close, London NW9 9HD (Ref. 10/2490)	Queensbury;	51 - 56
6. McNicholas House Kingsbury Road & 159 Townsend Lane, London NW9 (Ref. 10/2390)	Fryent;	57 - 96
7. 63 & 63A Beverley Gardens, Wembley HA9 (Ref. 10/2266)	Barnhill;	97 - 108
8. 18 Oxenpark Avenue, Wembley HA9 9SZ (Ref. 10/2582)	Barnhill;	109 - 116
SOUTHERN AREA		
9. 74 Harvist Road, London NW6 6HL (Ref. 10/2542)	Queens Park;	117 - 122
10. 117 Victoria Road, London NW6 6TD (Ref. 10/2536)	Kilburn;	123 - 128
11. Storage Land next to 75 St Pauls Avenue London NW2 5TG (Ref. 10/2806)	Willesden Green;	129 - 132
12. 66 Wrentham Avenue, London NW10 3HG (Ref. 10/2484)	Queens Park;	133 - 140
13. Islamia School Centre, 129 Salusbury Road, London NW6 6PE (Ref. 10/2389)	Queens Park;	141 - 156
WESTERN AREA		
14. King Edward VII Park, Park Lane Wembley HA9 7RX (Ref. 10/2740)	Preston;	157 - 164

15.	Preston Manor High School, Carlton Avenue East, Wembley HA9 8NA (Ref. 10/2738)	Preston;	165 - 182
16.	Park Lane Primary School, Park Lane, Wembley, HA9 7RY	Wembley Central;	183 - 192
17.	Shree Saibaba Mandir, Union Road, Wembley HA0 4AU	Wembley Central;	193 - 202

PLANNING APPEALS

18.	Planning Appeals - November 2010		203 - 248
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19. Any Other Urgent Business

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

20.	Supplementary reports		249 - 264
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Site Visit Details - INSERT DATE

SITE VISITS – SATURDAY 11 DECEMBER 2010

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
10/2041	Shree Saibaba Mandir, Union Road Wembley, HA0 4AU	17	Wembley Central	9:40	89 - 98
10/2033	Park Lane Primary School, Park Lane Wembley, HA9 7RY	16	Wembley Central	10:30	141 - 154
10/2738	Preston Manor High School, Carlton Avenue East, Wembley, HA9 8NA	15	Preston	11:00	119 - 132
10/2390	McNicholas House Warehouses, Kingsbury Road and 159 Townsend Road NW9	6	Fryent	11:40	25 - 36
10/2389	Islamia School Centre, 129 Salusbury Road, London NW6 6PE	13	Queens Park	12:30	57 - 64

Date of the next meeting: Wednesday, 12 January 2011

The site visits for that meeting will take place the preceding Saturday **8 January 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



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday, 24 November 2010 at 7.00 pm

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

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

Agenda item 11 – 1-20 inc. Garfield Court, Willesden Lane NW6

Councillor Long declared a personal interest as a member of the Board of Brent Housing Partnership, withdrew from the meeting room during its consideration and took no part in the discussion and voting.

2. **Minutes of the previous meeting - 2 November 2010**

RESOLVED:-

that the minutes of the previous meeting held on 2 November 2010 be approved as an accurate record of the meeting.

3. **Alleyway rear of 12-30, Princes Avenue, London NW9 9JB (Ref 10/1979)**

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

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the supplementary report tabled at the meeting the Area Planning Manager, Rachel McConnell clarified that it was the Council had legal powers to recover the cost of removal from the fly-tipper or the owners of adjacent properties. She added that the proposal outlined in the main report was considered to be the best solution to prevent unauthorised access to the alleyway and safeguard amenities.

Mr Karseras an objector reiterated his objections to the proposed location of the alleyway gate as he felt that the area from the foot of the alleyway to the gate (some 9.5metres) would be unprotected and thus encourage fly tipping and anti-social behaviour. He suggested an alternative proposal involving the erection of the gate at the foot of the alleyway and next to the low garden wall of 1 Tennyson Avenue. Mr Kaseras urged the Council to provide adequate funds for his suggested proposal which he felt would serve a dual purpose of preventing fly-

tipping and anti-social behaviour as well as enabling him to use his garage without obstruction.

Mr Parvez, Secretary of the local Residents' Committee speaking in support of the application highlighted problems with fly-tipping of household rubbish in the alleyway which was denying some residents including himself, access to their garages. In addition the current situation of the alleyway remained an eyesore and detrimental to residential amenities. Mr Parvez concluded that the erection of the gate would be a positive deterrent to the key issue of fly-tipping in the alleyway.

The Head of Area Planning, Steve Weeks reiterated the view that the experience elsewhere indicated that the location of the gate was less critical in deterring fly-tipping but that there was neither an objection on Planning or Highways grounds to moving it nearer to the pavement. The critical issue was whether there was a need to both fly-tipping and anti-social behaviour in the alley. If anti-social behaviour was less of a problem then there may not be a need for additional fencing if the gate was moved forward. He suggested that the exact location of the gate be delegated to him once the key aim had been clarified. At the start of members' debate, Councillor Baker suggested a site visit in order to assess the situation which was put to the vote and declared lost.

DECISION: Planning permission granted in principle subject to conditions and delegated the decision on the exact location to the Head of Area Planning after consultation with local residents.

4. 1-3 The Mall, Harrow, HA3 (Ref 10/2365)

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

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

as amended by plans received 11/11/10.

OFFICER RECOMMENDATION: Vary condition 2 of full planning permission 09/2650 dated 18th March 2010 as proposed.

The Area Planning Manager, Rachel McConnell with reference to the tabled supplementary report informed the Committee that revised plans had been received which updated the external works to reflect the details approved pursuant to conditions of the original planning permission 09/2650. In view of this she suggested an amendment to condition 2 as set out in the supplementary report. She continued that there were some minor points outstanding which related to the planting scheme and which was expected to be resolved by 30 November 2010.

DECISION: Planning condition 2 of full planning permission 09/2650 dated 18th March 2010 be varied as proposed and as amended in condition 2 in respect of the plan numbers.

5. 163 Melrose Avenue, London NW2 4NA (Ref 10/2511)

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

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Mr Mohammed Mughal the applicant stated that the original application had been revised in light of the next door neighbour's comments and officers' advice. In urging the Committee for approval, he pointed to numerous precedents that existed in the area.

The Head of Area Planning Steve Weeks added that the relationship of the side and rear extensions with the neighbouring property was acceptable and complied with the guidance in Supplementary Planning Guidance note 5 (SPG5)

DECISION: Planning permission granted subject to conditions.

6. 1-21 inc and garages at rear, Oman Court, Oman Avenue, London NW2 (Ref 10/2012)

PROPOSAL: Erection of single-storey roof extension to form five-storey building to provide 4 additional self-contained flats (1x 3-bedroom and 3 x 2-bedroom), enlarged refuse-storage area, alterations to parking layout, cycle-storage area to front and associated landscaping to site (revised plans received on 26/10/ 10).

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

With reference to the tabled supplementary, the Area Planning Manager, Rachel McConnell addressed the following issues raised by objectors:

i) Parking

The use of double yellow lines in some sections to control parking in Oman Avenue, the availability of at least one off-street parking bay for every house and

the existence of on-street parking bays by Oman Court meant that over-spill parking in Oman Avenue could be reasonably accommodated on-street.

(ii) *Servicing and Bin storage*

The existing ad-hoc arrangements would be formalised whilst removing and landscaping the existing unused bin store thus making them proportionate to the requirements of the application for four flats. Whilst condition 8 requiring further details of bin stores had been amended to include reference to Household Waste Collection Strategy, full compliance could not be imposed retrospectively on the existing 23 flats. She reported that the Streetcare department had confirmed that they would require two sets of keys to the gates to ensure access to the site by the Council's recycling and refuse crews. In order to reflect that, a new informative and an amendment was suggested to condition 11 (further details of gates).

(iii) *Visual impact*

The chimneys would be extended and thus their utility and their visual impact would be maintained. It would be the responsibility of the freeholder of the building to agree with the existing and future residents if the chimneys were to be operational.

Rachel McConnell continued that other issues raised by objectors in respect of the structural integrity of the building, flooding/drainage and the re-surfacing of the entire car park area had been addressed in the main report, although they were not matters which could be considered when determining a planning application.

Mr Dominic Connelly objected to the proposed development on the following grounds;

- (i) Inadequate provision for parking in an already heavily parked street.
- (ii) Overlooking and loss of privacy.
- (iii) The symmetrical character of the building would be affected.
- (iv) An additional further storey to be added to the existing building would pose an increased risk to its structure.
- (v) Loss of vegetation.

Mr Robert Dunwell objected to the proposed development on the grounds that it failed to address the requirements of the Council's Household Waste Strategy which he submitted was adopted by Executive for implementation on 15 November 2010. In his view, the application did not meet the requirements on floor space, internal and external storage. Mr Dunwell therefore urged members to refuse the application and seek legal advice regarding the status of the Household and Waste Strategy.

Mr Martin Saluzzo informed the Committee that the application had been extensively revised in respect of roof design, height and bulk of the building using matching materials. He added that the refuse storage area had been agreed in light of officers' advice and that the proposal incorporated additional satisfactory parking spaces. Mr Saluzzo continued that security would be improved by erecting a gate to the rear, the flat roof comprehensively repaired and soft landscaping introduced.

The legal representative advised that the application ought to be considered with regards to current strategies and policies reiterating the view expressed by the Head of Area Planning that the recently adopted Household Waste Strategy could not be applied as a planning policy requirement but that it was a material consideration as to the future direction of Council policy.

DECISION: Planning permission granted subject to conditions as amended in conditions 8 and 11 and the addition of informatives.

7. 55 The Paddocks, Wembley HA9 9HG (Ref 10/2300)

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

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

8. Melrose House, 201 Melrose Avenue, London NW2 4NA

PROPOSAL: Variation of condition 3 of planning permission reference 07/2019 dated 04/10/2007 (development to be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted) to allow minor material amendments, comprising:

Alterations to elevations including resizing, repositioning and removal of windows at all floors (ground to fifth)

Replacement of boundary wall alongside 199 Melrose Avenue with Armco Barrier with Escallonia "Red Hedge" in front, extending rear garden of 199 Melrose Avenue and omitting some planting.

OFFICER RECOMMENDATION: Grant variation of planning condition 3 as proposed.

DECISION: Planning condition 3 of permission reference 07/2019 varied as proposed subject to conditions.

9. 39 Summit Avenue, London NW9 0TH (Ref 10/2349)

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

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager Rachel McConnell advised the Committee that an additional comment from a neighbour about the maintenance of their boundary was a civil rather than planning issue and could not therefore be considered as part of this application. In recommending conditional approval she drew members' attention to an amendment to condition 6 as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions as amended in condition 6.

10. Thames Water Utilities, St Michael's London NW2 6XD (Ref 10/2247)

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

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

In her introduction the Area Planning Manager Rachel McConnell referred to concerns raised by Councillor Choudary at the site visit, additional objections from local residents and a petition with approximately 180 signatories details of which were set out in the tabled supplementary and mostly covered in the reports. She then submitted responses to the following concerns which had not been previously addressed in the main report:

Highway Safety and Parking

The revisions to the layout could ensure 16 parking spaces on the site. In addition a condition would be attached requiring the submission of a revised parking layout and alterations to the front boundary. This would require the re-positioning of the front gate to allow for two car lengths of space for vehicles entering the site, so as to reduce the likelihood of vehicles waiting on the road. The Council's Highways Engineer and the Transport Consultants had advised that the proposed vehicle movements associated with the proposed development were not considered to be likely to have a detrimental impact on highway safety during these times.

Density

The applicants had advised that there would be 73 habitable rooms within the development, not 79 as stated in the main report, thus resulting in an overall density of 228hrh and 79 units per hectare.

Relationship of the flats with the Listed Church

The proposed flats were considered to be subservient to the Grade II listed church and were therefore not considered to detract from its setting. The design was considered appropriate in the local area.

Prospective Residents

The applicant had confirmed that the proposed scheme which would be fully affordable housing (shared ownership units and social rent accommodation) would not provide housing for young offenders. She continued that all the units would be allocated in accordance with the West London funding arrangements, providing new homes of particular benefit to those who are unable to afford standard market valued homes in the area.

Disturbance of Bats

Although a condition had been attached requiring a lighting strategy for the site, the ecological consultants for the site had confirmed that there had been only one official recorded sighting of a bat within 730m from the site.

Removal of existing Landscaping next to Japanese Knotweed areas.

The removal of the existing landscaping in the areas of the Japanese Knotweed was considered to be the most effective means of complete removal of Knotweed infestation.

Loss of view

The loss of a view is not a material planning consideration when deciding a planning application however the visual amenity of the existing landscaping on the site is a consideration. This has been discussed in the landscaping section of the main report.

Future of Water Supply

Thames Water had no plans to cease the operation of the water pumping station. In addition as they had put in place appropriate measures to safeguard water supply without restricting access, the proposed development would not have a detrimental impact on the operation of the pumping station.

Mr Adam Cook speaking on behalf of the St Michaels Road Area Neighbourhood Association claimed that the map attached to the report was inaccurate. Mr Cook added that the proposal did not seek to address the need for increased visibility to the bend and that the contribution under the section 106 legal agreement did not also make any reference to the Local Area Agreement. He continued that in order to ensure that prospective tenants were not young offenders or socially challenged, he requested that constant liaison with the applicant was necessary. Mr Cook requested that trees removed should be replaced with similar ones.

Judith Hirson an objector expressed concerns about the lack of bat survey as part of this application and the harm which she felt would result by lighting and during construction. Ms Hirson continued that according to the Royal Horticultural Society guidance, residual amenity and the townscape of the site would be detrimentally affected and consequently requested that the plans be modified to allow for satisfactory townscape. In response to a member's question on on-street parking, Ms Hirson stated that residents of St Michaels Road were suffering from displacement parking from the residents of nearby streets which had controlled parking zones provisions.

The applicant's agent, Linda Aitken re-confirmed that the last recording sighting of bats on the site dated to 1975. She admitted that some trees had been removed but this was done as part of the remediation of the site prior to the imposition of the Tree Preservation Order (TPO). Linda Aitken continued that transport assessment for the proposal had confirmed the availability of a significant on-street parking. She concluded that the final scheme which would involve only 2-3 storey building had been arrived at as a result of extensive consultations with all interested persons.

In response to members' question Ms Aitken stated that the development was to be gated in response to a request by local residents. She continued that acoustics and vibration assessment had been conducted and the appropriate mitigating materials were to be used to ensure that the proposal complied with noise standards. Ms Aitken informed members that her client understood that there was no intention for intensification of use of the railway line. In respect of parking for disabled persons she stated that the Borough Engineer had confirmed that the spaces provided for disabled persons parking (2) were adequate and that access and egress for emergency vehicles was satisfactory.

In the ensuing discussion, Councillor Hashmi stated that as the street was heavily parked, close to a local school, nursery and a church and that the building would be out of character with the area, he would not support the application. Councillor Kataria expressed a similar on grounds of under-provision of parking on the site. Councillor Long felt that the traffic problems that could result from the proximity of the site to a school were not dissimilar to other sites in the Borough which were also near to schools. Councillor Cummins sought a confirmation on whether the prospective tenants were likely to be young offenders from 'Feltham' thus making the use institutional as had been indicated by some residents who signed a petition of objection.

In responding to the above, the Head of Area Planning Steve Weeks stated that the applicant had clarified that the tenants would not compromise of young offenders. He added that a significant on-street parking was available on St Michaels Road. He took note of the fact that some motorists were using St Michaels Road as a "rat-run" and undertook to inform the Head of Transportation for a review of that situation.

DECISION: Planning permission granted subject to amended conditions, the need for additional details on sound insulation and to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement and the need for additional details on sound attenuation.

11. 1-20 inc Garfield Court, Willesden Lane, London NW6 7SZ (Ref 10/2594)

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

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

12. 71, 71a, 73, 73a, 75 and 75a Chevening Road, London NW6 (Ref 10/2665)

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

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

In reiterating the recommendation for approval, the Area Planning Manager Rachel McConnell advised members that conditions 13 and 14 were no longer required and therefore recommended their removal.

DECISION: Planning permission granted subject to conditions, the removal of conditions 13 and 14 and to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

13. 95 Chatsworth Road, London NW2 4BH (Ref 10/1639)

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

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

DECISION: Planning permission granted subject to conditions and informatives and delegate to the Head of Area Planning to agree details of gutting.

14. 99b Brondesbury Road, London NW6 6RY (Ref 10/1797)

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

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

DECISION: Planning permission granted subject to conditions as amended in condition 3, the applicant's contribution of £6,000 as a unilateral agreement and to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

15. 101a and 101b Chatsworth Road, London NW2 4BH (Ref 10/2527)

PROPOSAL: Demolition of an attached garage and erection of proposed two-storey side and single storey rear extension to the ground-floor and first-floor flats.

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

DECISION: Planning permission granted subject to conditions and informatives and delegate to the Head of Area Planning to agree details of gutting.

16. 17 Heathfield Park, London NW2 5JE (Ref 10/2445)

PROPOSAL: External alterations including replacement of cast iron central window and 2 feature windows to front elevation, bricking up of 6 windows to western elevation, rendering of building and installation of ramp to front access.

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

DECISION: Planning permission granted subject to conditions and informatives.

17. 75 St Augustine's Avenue, Wembley HA9 7NU (Ref 10/2267)

PROPOSAL: External alterations including replacement of cast iron central window and 2 feature windows to front elevation, bricking up of 6 windows to western elevation, rendering of building and installation of ramp to front access.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

18. Land Adjacent to South Way, Wembley

PROPOSAL: Certificate of Appropriate Alternative Development for land adjacent to South Way, Wembley, Middlesex.

OFFICER RECOMMENDATION: Grant planning permission for the alternative form of certificate subject to conditions.

In his introduction, the Area Planning Manager Neil McClellan informed the Committee that the report dealt with three applications submitted on behalf of Network Rail and RE International (UK) Ltd for Certificate of Appropriate Alternative Development for land they once owned adjacent to South Way, Wembley, Middlesex. The land was compulsorily purchased by the London Development Agency (LDA) five years ago in order to facilitate the construction of the White Horse Bridge and the South Way marshalling area. With reference to the tabled supplementary report, Neil McClellan clarified the affordable housing and the justification for the education and highways contributions.

The applicant's agent Mr Tony Tapleys whilst accepting the logic behind the officer's recommendation requested a reduction on the contributions for the affordable housing and education.

At the start of members' discussion, Councillor Kataria questioned why there was no reference to housing development in Policy WEM 3 and although the Area Planning Manager pointed out that this was covered under Policy WEM4, Councillor Kataria requested a site visit. This was voted upon and declared lost.

DECISION: Agreed the alternative form of certificate as recommended by officers in the Committee report subject to amendments and clarifications to the conditions, the removal of condition 14 and subject to a section 106 Heads of Terms as set out in the supplementary report.

19. Planning Appeals October 2010

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

RESOLVED:-

That the appeals for October 2010 be noted.

20. Any Other Urgent Business

None raised at this meeting.

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.

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Committee Report

Planning Committee on 15 December, 2010

Item No.

3

Case No.

10/2053

RECEIVED: 31 August, 2010

WARD: Welsh Harp

PLANNING AREA: Willesden Consultative Forum

LOCATION: Former Blarney Stone, Blackbird Hill, London, NW9 8RR

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

APPLICANT: Mr Ayoub Rofail

CONTACT: Chassay+Last Architects

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

Introduction:

The application is reported to Committee under the provisions of Clause 24 of the Planning Code of Practice following the meeting of the Planning Committee on 2nd November 2010 where Members resolved that they were 'minded to refuse' consent for the proposed mixed-use redevelopment of the Blarney Stone Public House, with the erection of two 3-storey houses and 34 flats in 3/4/5 storeys above a retail unit of 470sqm and parking partly at basement level, with associated landscaping, contrary to the recommendation to grant consent subject to the completion of a satisfactory section 106 agreement

This report sets out the reasons why Members are 'minded to refuse' consent, discusses the implications of the Committee's resolution and maintains the original recommendation to grant consent subject to the completion of a satisfactory section 106 agreement.

Discussion:

Members of the Planning Committee were minded to refuse planning consent for reason relating to:

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

The applicants have prepared a supplementary transportation assessment in response to the issues raised at committee.

Each of these reasons is discussed in further detail below:

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

The existing access off Blackbird Hill has been removed at the request of your officers in Transportation to prevent uncontrolled vehicle movements to and from this access, which is onto a four way carriageway which has high volumes of traffic proceeding along the road throughout the day. The removal of this access is considered a benefit with regards to highway safety and the freeflow of traffic along Blackbird Hill/

To determine the likely trip generation for the existing and proposed uses, a supplementary transport report has been submitted by the applicants taking the average person trip rate from comparative sites comparing public house, retail and residential uses in London. This information comes from Trip Rate Assessment Valid for London (TRAVL) which is a multi modal database designed specifically for use in London. It is used to estimate the effect of proposed changes in land use on transport patterns and, in particular, on the amount of road traffic in an area.

The results indicate that the proposed development would result in predicted daily traffic flows along Old Church Lane totalling 176 arrivals and 175 departures (travelling in both directions) to and from the site, with peak hour traffic flows of 8 arrivals/14 departures in the morning peak (8-9am) and 12 arrivals/12 departures in the evening peak (5-6pm). The results indicate that overall, there will be an additional 145 traffic movements a day on Old Church Lane when compared to the former use as a public house. Your officers in Transportation advise that these figures are considered to be suitably robust for this type of development proposal.

In order to put the predicted changes in traffic flows in context, a two day automatic traffic count was carried out on Tuesday 9th and Wednesday 10th November 2010. The traffic count indicated that 24 hour weekday flows on Old Church Lane are typically in the order of 5500, with AM and PM peak flows of around 600-700 and 350 respectively.

The transport report suggests that the net increase in traffic arising from the proposed development using Old Church Lane will be around 72 vehicles over a 24 hour period, with a maximum increase of 14 vehicles in any given hour. The predicted flows to and from the development along Old Church Lane would represent an estimated average increase of 4% in daily flows along the road, with peak hour flows increasing by 2% and 4.6% in the am and pm peaks respectively. These calculations have considered the site in its current status as a vacant site rather than as a public house. If the public house were in operation, the increase in traffic flows along Old Church Lane are predicted to be 1.6% compared to existing traffic volumes. Your officers in Transportation have advised that it is standard industry practice to assume that any increase below 5%, even in a generally congested road network, is within the daily variation in traffic movement. As such the level of increase is very low and is not considered to have a material impact on the operation of and/or environmental condition of the local highway network. As such your officers are of the view that the increase traffic levels do not warrant a reason for refusal.

The first suggested reason for refusal also referred to the servicing requirements for the retail unit resulting in further congestion along Old Church Lane. Based on similar developments, the Supplementary Transport Assessment details that convenience stores of a similar scale and nature proposed as part of this development generate approximately 4 to 6 deliveries per day by a variety of vehicles ranging in size from Transit vans to larger rigid bodied vehicles. This number of delivery vehicles equates to approximately 0.1% of the existing traffic along Old Church Lane, and approximately 4% increase in the number of medium/large heavy goods vehicles currently proceeding along Old Church Lane. It is not considered that the increase level in medium/large heavy goods traffic proceeding along Old Church Lane would have a material impact on the operation of and/or environmental condition of the local highway network. As such your officers are of the view that the increase traffic levels do not warrant a reason for refusal.

2. Overspill residential and retail parking onto Old Church Lane

As referred to within the main Committee Report, 37 car parking spaces have been provided for the 36 residential units. On-site parking is at a ratio of just over 1:1. The supplementary transport

assessment has reviewed local area car ownership area from the 2001 Census which has revealed that for privately owned flats, car ownership is 0.62 per household. It should be noted that car ownership is generally higher for private units rather than affordable, and the Council's parking standards reflects this with maximum standards applying to private residential units with a 50% reduction applied to affordable units. Your officers in transportation have previously advised that the level of parking for the residential units is acceptable. The results of the Census data, albeit from 2001, support this view. Whilst levels of car ownership are likely to have increased since 2001, the increase is not considered to be significant.

With regards to the retail element it is important to note that the retail unit is intended as a convenience store that will provide a limited offer and will essentially serve a local "top up" convenience market. The majority of people using the store will live locally to the store, with many able to reach the store without the need to drive. Whilst it is recognised that "local" stores can attract passing trade, given the nature of the local highway network where vehicles can not turn into Old Church Lane from Blackbird Hill, this is considered unlikely that the proposal would attract passing traffic as vehicles would need to undertake quite a circuitous detour which would not be readily evident to people who do not know the local area.

A parking survey has been undertaken by the applicant which indicates that there was ample spare capacity for on street parking on Old Church Lane. The parking survey was undertaken on Tuesday 9th November 2010 between the hours of 0800 to 1800. The maximum parking demand identified was for 22 spaces at 3.30pm (there is capacity for 29 spaces). This peak maybe related to the proximity to the nearby school. The average demand throughout the day was for 13 spaces (45% capacity). Based on the TRAVL database, the maximum accumulation of vehicles at any one time associated with the retail unit is predicted at 2 to 3. It is reasonable to suggest that this level of parking can be accommodated in the immediate vicinity of the site, for those that have accessed the site by Old Church Lane. It should be noted that there is a high availability of off street parking for existing residents on Old Church Lane.

In light of the above, your officers recommend that the retail use of the ground floor is restricted in its use as a convenience store. Other specialist uses within the retail use class that do not serve a local need could generate a higher traffic trip generation, and would need to be assessed on their own merits. The suggested wording for the condition is set out below:

The ground floor premises shall be used only for the purpose of a local convenience store and for no other purpose, including any other purpose in Use Class A1 specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, without the prior written permission of the Local Planning Authority.

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

3. Inadequate pedestrian/vehicular separation and control for the servicing area

The Council's records indicate that there have been five injury accidents reported at the Blackbird Hill junction with Old Church Lane. All of these can be attributed to driver error and/or failure to obey the traffic lights. The supplementary Transport Assessment considers that the number of accidents is lower than one might expect for a junction of this nature, taken into account traffic/pedestrian flows through the junction. The junction is considered inherently safe.

The retail will be served by 4 to 6 vehicles a day. This is considered to be a relatively low number. The area in front of the building is intended to be used as a shared surface for pedestrians and service vehicles. Your officers in Transportation have advised that the use of such shared surface arrangement is increasingly common and is promoted through Government guidance. Your officers are aware that the treatment of the hardstanding is important to ensuring the effective use of the

shared area. A condition has been already been recommended for details of the hardstanding materials and treatments, and soft landscaped areas.

Additional letters of objection/comments:

Wembley History Society and Brent Museum

Comments have been received from the Wembley History Society and Brent Museum in relation to the archaeological studies that are to be conditioned on the site. They have queried whether the wording of the archaeological condition can be amended so that the archaeological investigations are carried out in liaison with the Wembley History Society, Brent Museum and Museum of London. It is recommended that this condition is amended to read as follows:

No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority, and thereafter fully implemented in accordance with the written scheme of investigation. *The written scheme of investigation shall be carried out in liaison with the Wembley History Society, Brent Museum and Museum of London.*

Reason: In the interests of archaeological remains within the site.

Letters of objection

A letter of objection has been received from a resident in Queens Walk. The letter raises similar issues to those already raised and have been addressed within the main committee report and transport assessment discussed above.

Prior to the November committee meeting that this application was presented to, a letter of objection was received from a local resident on Old Church Lane. They expressed concerns with the lack of notice provided to inform of the date of the site visit and committee meeting. Your officers can advise that the comments were only received by the Council on 27th October 2010. An email was sent to the objector on 28th October 2010 from the case officer providing details of the site visit and committee meeting. The objections raised by this resident had already been raised by other residents and were addressed within the main committee report.

Conclusions:

For the reasons discussed above, your officers remain of the view that there is an absence of evidence to support the suggested highway and parking related reasons for refusal or to sustain this on appeal.

It is therefore recommended that planning permission is granted subject to the signing of a satisfactory Section 106 Agreement and the recommended conditions as set out above and listed below.

However, if the Committee are still minded to refuse the application, they are advised to review the statement agreed at the previous meeting to ensure that it adequately expresses the reason/s for refusal should this decision be taken.

Recommendation : Remains approval subject to the signing of a satisfactory Section 106 Agreement, for the reasons set out in this committee report.

The main committee report is attached below.

RECOMMENDATION

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

SECTION 106 DETAILS

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

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) 28% by Units (31% by Hab room) Affordable Housing, provided on site with 10 Social Rented units, broken down as 2 x 1-bed, 5 x 2-bed and 1 x 3-bed flats, and 2 x 4-bed houses. In addition, a contribution of £50,000 towards the provision of Affordable Housing in the Borough, due on Material Start and index-linked from the date of committee.
- (c) A contribution of £3,000 per bedroom/£2,400 per affordable housing bedroom, index-linked from the date of committee, for Education, Sustainable Transportation, Open Space and Sports in the local area, including a new footway on the Old Church Lane / Blackbird Hill corner.
- (d) Sustainability – Code for Sustainable Homes Level 3 Post Construction Assessment and Certificate shall be submitted prior to occupation; achieve 50% on the Brent Sustainable Development Checklist, demonstrated through submission of a Detailed Sustainability Implementation Strategy prior to construction; compliance with the ICE Demolition protocol, demonstrated by submission of an independent report detailing demolition and new build material use and recycling; and details of 107sqm of evacuated solar thermal panels and 147sqm of PV panels to be submitted, approved and maintained throughout the lifetime of the development.
- (e) Prior to Practical Completion enter into a s278/s35 requiring the provision of a 10m radius kerb on the northern side of the car park access and reinstatement of the redundant crossover onto Blackbird Hill to footway.
- (f) Join and adhere to the Considerate Constructors scheme.

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

EXISTING

The application site comprises the Blarney Stone Public House located on Blackbird Hill. The site is currently vacant. The site fronts both the Blackbird Hill and Old Church Lane, with the Blackbird Hill frontage being the primary one.

The site abuts the St Andrews Conservation Area which is located to the north of the application site. On the opposite side of Old Church Lane, fronting Blackbird Hill are two storey terraced properties with retail and similar uses at ground floor and residential above. This parade is defined as a Neighbourhood Centre within the Core Strategy. On the opposite side of Blackbird Hill is Lidl superstore and BP Petrol Station.

Blackbird Hill is a London Distributor Road and on the London Bus Priority Network

PROPOSAL

Demolition of existing public house and erection of mixed-use redevelopment of the site incorporating both residential and retail use in a part three-, four-, five- and six-storey building. The

residential element comprises a mixture of affordable and private residential units in the form of two houses and 34 flats. The retail element comprises a retail unit at basement/ground-floor level of 470sqm. Residential parking is provided at basement level. Alterations to the vehicular accesses and landscaping of the site are also proposed.

HISTORY

Recent Planning History

E/07/0456: Enforcement investigation into building rubble within the site under Section 215 (untidy land) - Case closed on 15/08/2007 as the site was cleared.

05/1485: Full Planning Permission sought for erection of single storey front, rear and side extension and access ramp to front of building - Granted, 15/07/2005.

POLICY CONSIDERATIONS

National Planning Policy

Planning Policy Statement 1 – Creating Sustainable Communities

Planning Policy Statement 3 – Housing

Planning Policy Statement 4 - Planning for Sustainable Economic Growth

Planning Policy Statement 23 - Planning and Pollution Control

Planning Policy Guidance 24 - Planning and Noise

Regional Planning Policy

The London Plan - Consolidated with Alterations since 2004

3A.3: Maximising the potential of sites

3A.5: Housing Choice

3A.9: Affordable housing targets

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

3A.11: Affordable housing thresholds

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

4A.1: Tackling climate change

4A.3: Sustainable design and construction

4A.4: Energy Assessment

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

4A.7: Renewable Energy

4A.9: Adaption to Climate Change

4A.11: Living Roofs and Walls

4A.14: Sustainable Drainage

4A.19: Improving Air Quality

4A.20: Reducing noise and enhancing soundscapes

4B.1: Design principles for a compact city

4B.5: Creating an inclusive environment

Local Planning Policy

Brent's Core Strategy 2010

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. The following policies are considered to be relevant for this application:

CP2: Population and Housing Growth

CP6: Design & Density in Place Making

CP16: Town Centres and the Sequential Approach to Development
CP17: Protecting and Enhancing the Suburban Character of Brent
CP18: Protection and Enhancement of Open Space, Sports & Biodiversity
CP19: Brent Strategic Climate Mitigation and Adaption Measures
CP21: A Balanced Housing Stock

Brent UDP 2004

In addition to the Core Strategy, there are a number of policies which have been saved within the Unitary Development Plan (UDP), which was formally adopted on 15 January 2004. The saved policies will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:

BE2: Townscape - Local Context & Character
BE3: Urban Structure - Space & Movement
BE5: Urban Clarity & Safety
BE6: Public Realm - Landscape Design
BE7: Public Realm - Streetscape
BE9: Architectural Quality
BE11: Intensive and Mixed-Use Developments
BE12: Sustainable Design Principles
BE25: Development in Conservation Areas
BE31: Sites of Archaeological Interest
EP2: Noise & Vibration
EP3: Local Air Quality Management
H12: Residential Quality - Layout Considerations
H13: Residential Density
TRN3: Environmental Impact of Traffic
TRN11: The London Cycle Network
TRN15: Forming an access onto a road
TRN22: Parking Standards - Non Residential Developments
TRN23: Parking Standards - Residential Developments
TRN34: Servicing in New Development
TRN35: Transport Access for Disabled People & Others with Mobility Difficulties

Supplementary Planning Guidance

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

SUSTAINABILITY ASSESSMENT

The applicants have submitted an "Energy Demand and Renewables Option Assessment" and "Sustainability Statement".

The scheme proposes a number of measures to contribute towards achieving sustainable development. These include measures to reduce carbon emissions; onsite renewables; water efficiency measures; sustainable materials; brown roofs; landscape measures and a permeable paving system.

Reduction in carbon emissions and onsite renewables

Policy CP19 of Brent's Core Strategy requires developments to contribute towards climate change mitigation and adaption. Details of the measures proposed to reduce carbon emissions and

consideration of onsite renewables are set out in the "Energy Demand and Renewables Option Assessment". The reduction in CO2 emissions is achieved by the combination of improved insulation, air tightness, low energy lighting and communal Gas Absorption Heat Pump. The average carbon reduction across the development is 31% which exceeds the requirements required for Code for Sustainable Home Level 3.

A number of options for onsite renewable energy measures have been considered, and the use of solar PV and solar thermal have been identified as suitable options and are proposed to be incorporated within the scheme. This includes 88sqm of the 'pergola' area over the roof terraces together with 19sqm of the flat roof area for evacuated tube solar thermal collectors and the remaining 147sqm of unshaded flat roof area for solar PV. This will provide a further 16.25% of carbon reduction. It is recommended that further details of the evacuated solar thermal panels and PV panels are secured as part of the Section 106 Heads of Terms.

Code for Sustainable Homes

Policy CP19 requires the development to achieve a minimum Level 3 in relation to the Code for Sustainable Homes (CSH). A pre-assessment report has been prepared which indicates that the scheme will achieve a score of 59.75 which meets Level 3. It is recommended that a CSH Level 3 Post Construction Assessment and Certificate is submitted prior to occupation. This should be secured as part of the Section 106 Heads of Terms.

Brent's Sustainable Development Checklist

This application is required to achieve a minimum score of 50% on the Brent Sustainable Development Checklist. The applicants have submitted the checklist achieving a score of 52.5%. Officers have reviewed the checklist and have a score of 50%. This is still considered to be an acceptable level and it is recommended that the Section 106 Heads of Terms secures a score of 50% on the Brent Sustainable Development Checklist, demonstrated through submission of a Detailed Sustainability Implementation Strategy prior to construction.

Other Matters

In addition to the above, officers recommend that the Heads of Terms of the Section 106 Agreement secure compliance with the ICE Demolition protocol and for the development to join and adhere to the Considerate Constructors scheme.

CONSULTATION

Consultation Period: 15/09/2010 - 06/10/2010

Press Notice: 16/09/2010 - 07/10/2010

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

Public Consultation

276 neighbours consulted - 12 letters and one petition with 22 signatures received, objecting to the development on the following grounds:

- Overdevelopment of the site
- Design, layout and appearance do not fit in with the character and appearance of the surrounding area.
- Proposal will significantly increase traffic in an already heavily congested area (which is particularly bad during the rush hours and child drop-off and pickup times) making it difficult for emergency services to access the area due to cars parking on Old Church Lane.
- No parking provided for retail element.

- Increased traffic levels will lead to further pollution and noise.
- Increased traffic levels will compromise the safety of pedestrians in the vicinity of the site, including children at the adjacent school.
- Development will overshadow the back gardens and rear living areas of adjacent properties, particularly Nos. 1 and 3 Old Church Lane.
- Development will result in a loss of privacy for adjacent properties, including Nos. 1 and 3 Old Church Lane.
- Location of vehicular access next to No. 1 Old Church Lane will lead to additional disturbance to this property.
- Development would create a precedent if approved, resulting in the loss of family housing and changing the overall character of the area.
- Planning rules within the conservation area are very restricted, i.e. permission required for a garden shed, but this building is much larger and should also not be allowed.
- A new retail unit would have a detrimental impact on other smaller businesses in the area.
- The size of the retail unit proposed is inappropriate for a neighbourhood centre and would undermine the vitality and viability of Neasden District Centre.
- Loss of public house.
- No play facilities for children.
- The public house is a Listed Building and should be preserved.
- Proposal will adversely affect house prices in the area.
- Impact of noise and air pollution on adjoining property, No. 1 Old Church Lane.
- Construction of building, i.e. digging of the foundations, basement car park and new planting, damaging neighbouring buildings and land, including trees and boundary fences.
- Insufficient consultation period.

The two letters of support raised the following point:

- The proposal will enhance the area which is currently run-down

The above matters are discussed in the "Remarks" section of the report.

Internal Consultation

Transportation Unit

Proposal can be supported on transportation grounds subject to a financial contribution of £45,000 towards non-car access/highway safety improvements and/or parking controls in the vicinity of the site and conditions requiring the provision of a 10m radius kerb on the northern side of the car park access and reinstatement of the redundant crossover onto Blackbird Hill to footway at the developer's expense.

Policy & Research Team

With regards to the retail element, the proposal passes the sequential test as there are no alternative available sites within the catchment area. The proposed store is not considered to have any significant adverse impacts on the existing Neighbourhood Centre, and can be supported.

It is recommended that the proposed store provides an ATM cash machine so as to strengthen the offer of the Neighbourhood Centre.

Officer comment: A condition will be imposed to secure the provision of an ATM cash machine.

Environmental Health

No objections raised, subject to conditions securing post-completion testing for noise levels and control of hours for construction and demolition.

Urban Design & Conservation

Recognises that the development adheres to many general urban design principles. However,

suggests that further work could be done on the greening of the building and the overall quality of the elevations. There is also the opportunity to enhance the public realm.

Landscape Team

The landscape elements of the proposal are acceptable in principle. However, it is recommended that full details of hard and soft landscape features are secured by condition and submitted to and approved by the Local Planning Authority prior to commencement of any demolition/construction work on site.

Policy & Research Team - Sustainability

Proposal can be supported on sustainability grounds subject to details being secured as part of the Section 106 agreement. Further details are set out in the "Sustainability" section of this report.

External Consultation

Thames Water

Comments provided on surface-water drainage. These details are recommended to be included as an informative to the decision.

Environment Agency

No comments to make as it is considered to pose a low environmental risk.

English Heritage (Greater London Archaeology Advisor Service)

As the site lies in an area where heritage assets of archaeological interest can be anticipated, it is recommended that a condition is secured for the implementation of a programme of archaeological work.

REMARKS

Introduction

This application proposes to demolish the former Blarney Stone Public House and erection a mixed use development on the site comprises retail (Use Class A1) and residential use (Use Class C3). This report will consider the principle of the development; archaeological importance of the site; the design, scale and massing; density and unit mix; affordable housing provision; standard of proposed accommodation; impact upon surrounding properties; parking and transportation; landscape features; and environmental health considerations.

Principle of Development

Loss of a public house

The scheme proposes to demolish the existing building which although is now vacant was previously used as a public house (Use Class A4). There is no policy in place within Brent's Core Strategy or Unitary Development Plan that protects the use of a building to be retained as a public house. The building itself is not listed or situated within a conservation area, and thus can be demolished without the benefit of planning permission.

The loss of the public house is therefore considered acceptable in principle, subject to an appropriate mixed-use scheme in accordance with policies contained within the Core Strategy and UDP.

Introduction of a retail unit on the site

The application site is not located within a defined centre but directly adjacent to the site, on the opposite side of Old Church Lane, is the Blackbird Hill Neighbourhood Centre. The existing building falls within Use Class A4, and can be converted to retail (Use Class A1) without the benefit

of planning permission. The existing gross internal floor area of the public house is 480sqm. The gross internal floor area of the new retail unit is comparable to the existing floor area.

Notwithstanding the above, the applicants have submitted a retail assessment. The site has been considered as an 'Out of Centre Retail Development' and in line with PPS4 and policy CP16 of Brent's Core Strategy has considered the appropriateness of the location in terms of the sequential approach and the ability to locate the floorspace in policy defined Centres. The retail assessment has also considered the impact of the proposed retail unit on the vitality and viability of nearby centres and the other defined 'impacts'.

Your officers have reviewed the retail assessment and consider that the proposal passes the sequential test as there are no alternative suitable sites within the catchment area. It is also considered that the proposal will not have any significantly adverse impacts on the existing Neighbourhood Centre. However, your officers recommend that the proposed store provides an ATM cash machine so as to help strengthen the offer of the Neighbourhood Centre. It is recommended that details of the ATM cash machine are secured by condition. In conclusion, it is considered that the retail store meets the objectives of PPS4 and policy CP16 of Brent's UDP and can be supported in this location.

It is also recommended that a condition is secured to control the hours of use of the new retail unit given its relationship with the residential units. The recommended hours of use are 7am to 11pm.

Introduction of residential use on the site

There are no policies within Brent's Core Strategy or UDP that restricts the principle of residential use on the site. The London Plan also encourages mixed use development. Whilst the principle of a residential use is acceptable, it is subject to consideration of the density of the proposal, impact of the proposal upon the character of the area, quality of proposed accommodation, impact on neighbouring properties, highway considerations and other matters. These have been discussed in detail below.

Affordable Housing

The application proposes to provide 10 of the 36 residential units for affordable housing, accounting for 28% of the total units or 31% of total habitable rooms. Brent's Core Strategy and the London Plan seeks to deliver 50% affordable housing on new housing sites of ten units of greater. This scheme falls short of this target, and in response to this shortfall the applicant has submitted a GLA Three Dragons Toolkit to show that the scheme can not provide any further affordable housing..

Officers have reviewed the toolkit and at this stage can advise that evidence has not been provided to substantiate the values provided within the toolkit. As such, officers would be requesting a review of the toolkit at the post-construction stage of the development. This is to be agreed with the applicant and will be addressed in further detail within a supplementary report to members.

Density and Mix

The scheme proposes 36 units with a total of 147 habitable rooms as counted according to the method set out in the borough adopted UDP; habitable rooms larger than 18sqm are counted as 2 habitable rooms. The proposed scheme has a site area of 2,400m² (0.24ha), as stated in the application form. The area for calculating density, however, includes an area up to half the width of the longest adjacent road, to a maximum width of 6m (p104, Appendix 3, UDP 2004); this increases the site area to 2,820m² (0.282ha).

The overall density is 521 habitable rooms per hectare (hrh), or 148 dwellings per hectare (dph). This high hrh figure compared to the dph figure is a result of the high percentage of family housing on the site, which gives an average habitable room per unit figure of 3.11.

Density guidance within SPG17 suggests a range of 150 - 350hrh for sites located in areas of moderate and above moderate transport accessibility. Given the sites location along a main arterial route and the mix of different uses in the vicinity of the site, it is considered reasonable to refer to this site as 'urban' rather than 'suburban' for the purposes of the London Plan density matrix, suggesting a range of 200 - 450 hrh.

Whilst the proposed scheme exceeds the suggested density range as set out in the London Plan and SPG17, increased densities are promoted in PPS3, the London Plan and the borough UDP where public transport accessibility is good due to the need to use land more efficiently, increase housing delivery and in part due to the sustainability advantages increased density can confer. This is a specific objective of the borough's UDP as stated in policy STR3, which states that development of previously developed urban land will be maximised. As defined by PPS3, this site is previously developed urban land.

Policy H13 relates to density and states that the primary consideration in determining the appropriate density of new development will be achieving an appropriate urban design which makes efficient use of land and meets the amenity needs of future residents. It goes on to say that density should have regard to context and nature of the proposal, the constraints and opportunities of the site and the type of housing proposed. Your Officers are of the view that the proposed scheme meets Policy H13 (UDP 2004) as the proposal is considered to respect the context of the surrounding buildings, provides a satisfactory standard of accommodation (see below) and as such meets the design led approach.

Of the 36 units proposed, 10 are affordable housing (social rented) and 26 are market housing, The affordable element comprises 2 x 4-bed houses, 2 x 1-bed flats, 5 x 2-bed flats and 1 x 3-bed flats. The market housing element comprises 8 x 1-bed flats, 11 x 2-bed flats and 7 x 3-bed flats. According to this mix 28% of units are three or more bed units, which is considered acceptable given the location and is in accordance with policy CP21.

Design, Appearance and Character of the Area

The application site is located on a prominent corner location. The proposal takes advantage of the level differences across the site by proposing a part three part four, part five and part six storey building with basement space. The topography-cutting into the slope has assisted in concealing much of the mass of the building, and allowed for a piazza which will be a shared surface to encourage pedestrians to cross the public part of the site. The building is set back from both the Blackbird Hill and Old Church Lane frontages respecting the established building lines and allowing for the introduction of soft landscaping along the Blackbird Hill frontage.

The building has respected the height of adjacent buildings, with the height proposed at three storeys next to Gower House School and three storeys with the fourth floor set in next to No.1 Old Church Lane. Whilst it is higher than the houses along Old Church Lane, there is a sufficient gap between the properties to allow for the increased height. Towards the junction of Blackbird Hill and Old Church Lane, the building increases in height to five storeys, with the sixth storey set back. It has been designed to provide a transition between the larger-scale blocks on Blackbird Hill and the domestic properties on Old Church Lane.

The building has been well articulated, with the massing broken up by the angles between the blocks; use of external materials, set back of the upper floor and angled pergolas; and the use of window and balcony design. The proposed materials have taken on board the character of the surrounding area, including brick work and white render, but of a more contemporary design solution. The use of a green wall along the Blackbird Hill frontage has also assisted in provide

visual interest. Subject to samples of external materials and further details of the green wall, the choice of materials is considered acceptable.

Access to the houses and affordable units are provided off the Blackbird Hill frontage. Access to retail unit and the other flats is provided via the piazza from both the Blackbird Hill frontage and Old Church Lane frontage. The entrances to the flats have designed to be legible and attractive. The signage for the retail unit has been designed to be integrated into the base of the building wrapping around both frontages. The signage is considered acceptable in principle, but officers recommend that further details of the design and illumination levels are secured by condition.

Quality of Residential Accommodation

All units meet or exceed the minimum standards for internal floor areas as outlined in SPG 17.

The standard of amenity provided is in general compliance with the requirements of SPG17. With regards to outlook, whilst some of the units do not provide dual aspect, in all the case of all of these units, none of the habitable rooms have outlook in a north-facing direction. It is also noted that outlook for the ground-floor units is restricted to the rear by the proximity of the boundary between the unit's private external amenity space and the communal external amenity space. It is considered that, given that the outlook is restricted to the bedrooms rather than living area, and that this boundary will form an attractive barrier between the private and communal space, a good level of amenity will still be provided for these units.

Privacy levels for the proposed units are generally considered acceptable. Although it is observed that the units within the corner of the 'L' shape of the building will be in close proximity to one another. Given the angle between these units, views between the units will be restricted.

The London Plan requires 10% of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair adaptable. It also requires all new homes to be built to 'Lifetime Home' standards. Policy H26 of Brent's Unitary Development Plan advocates a similar approach. The Design and Access Statement confirms that four of the units are adaptable for wheelchair users and all of the units will be built to 'Lifetime Home' standards.

External amenity Space

General guidance suggests amenity space should usually be provided at a rate of 50sqm per family unit, and 20sqm for others. The ground-floor units all have access to private gardens, balconies and the communal amenity space. Security and privacy will be provided for the private gardens through the use of timber fencing and hedges. All of these units meet the minimum guidance for private external amenity space, except for one of the three-bedroom units (Unit A16) which has access to 36sqm of private external amenity space and 5sqm of balcony space. However, given that the size of the unit exceeds SPG17 and that they will also have access to the communal amenity space, it is not considered that this shortfall warrants a reason for refusal.

The upper-floor units all have access to private balconies or roof terraces together with the communal garden. The total amount of usable communal external amenity space proposed is 352sqm. Combined with the balconies and roof terraces, the equates to 22sqm of external amenity for the upper floor flats, which meets SPG17.

Play features are proposed within the communal amenity space including swings and stepping stone logs. Policy 3D.13 of the London Plan seeks developments to make provision for play and informal recreation. Based on the calculations provided in the London Plan SPG on Children and young people's play and informal recreation strategies, the child yield for this development is 10.86. This equates to 108sqm of play space required for the development with a reduction in the allowance for children under the age of five in houses with gardens. The proposed play features meet the objectives of the London Plan policy. It is also noted that the site is not within a defined

area of local level or district level open space deficiency.

Your officers recommend that a condition is attached to secure details of the landscape proposals for the amenity space areas together with details of the boundary treatments.

Impact upon neighbouring properties

SPG17 sets out general guidance for the massing of new buildings, to ensure they do not have an overbearing impact on the neighbouring properties and avoid unnecessary overshadowing. In general, the building envelope should be set below a line of 30 degrees from the nearest rear habitable-room window of adjoining existing properties, measured from height of 2m above floor level. Due to the orientation of the proposed development and the siting of rear habitable rooms of adjoining properties, the 30-degree guidance is not considered applicable in this case.

SPG17 goes on to say that where proposed development adjoins private amenity/garden area, then the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. The proposed development generally sits below this line. However, it is marginally broken in the gap between the garage of No. 1 Old Church Lane and the electricity substation. However, given that this area is of limited value in amenity terms, this shortfall is not considered to have a detrimental impact upon the amenities of No. 1 Old Church Lane, and would not warrant a reason for refusal.

SPG17 sets out the standards of privacy levels between existing properties for new developments. It requires a minimum distance of 20 metres between directly facing habitable rooms and a minimum distance of 10 metres between habitable-room windows on the rear elevation and rear boundary or flank wall of adjoining development. The proposal does not directly face habitable-room windows of adjoining properties. A distance of 15m is achieved between the proposed development and the boundary with No. 1 Old Church Lane which exceeds the guidance as outlined in SPG17. In addition to meeting the minimum privacy distances, landscaping is proposed along the boundary with No. 1 Old Church Lane and a boundary wall of 1.8m high.

Local residents have raised concerns with increased noise and disturbance as a result of increased traffic movement within the site and the proposed vehicular access located next to No. 1 Old Church Lane. Your officers viewed the existing parking provision and vehicular access arrangements for the site when in use as a public house. A site plan from planning application ref: 05/1785 indicated that there were 36 car-parking spaces at ground level along the boundary with Gower House School, Blackbird Hill and Old Church Lane frontage. No dedicated service area was provided. Two vehicular access points were provided, one off Old Church Lane and one off Blackbird Hill. The one off Old Church Lane is proposed to be retained as part of this proposal. There is an electricity sub station between the access and No. 1 Old Church Lane. Given that there is an existing vehicular access on the Old Church Lane frontage, and the level of car-parking is comparable with the existing use, it is not considered that the proposal will materially harm the amenities of surrounding residential properties. It should also be noted that the car park will be at basement level which with soft landscaping at ground floor, will assist in reducing noise levels from vehicles and improve the visual appearance of the site.

In summary, it is considered that the amenities of adjoining residential properties will not be detrimentally impacted upon. Adequate levels of privacy will be maintained and the building will not appear overbearing when viewed from the neighbouring garden. The proposal meets the requirements of policy BE9 of the UDP and SPG17.

Parking and Transportation

The site is located on the northwestern corner of the signalised junction of Blackbird Hill and Old Church Lane. No entry is available into Old Church Lane from Blackbird Hill at these signals, whilst pedestrian crossing phases are provided on the Old Church Lane and Blackbird Hill arms of the

junction. The existing site has an extensive car park and servicing area, accessed via crossovers of 9m and 5m width onto Blackbird Hill and Old Church Lane respectively. Public transport access to the site is moderate (PTAL 3), with five bus services within 640 metres.

On-street parking along Blackbird Hill frontage and Old Church Lane junction is prohibited at all times, with loading also prohibited at peak times. These restrictions relax to 8am - 6.30pm Mondays to Saturdays only along Old Church Lane, with unrestricted parking on the western side of the road to the north of the site. At the time of your officer site visit, it was observed that the unrestricted length of Old Church Lane was fully parked.

Car parking

Car-parking allowances for the proposed uses are set out in standards PS7 and PS14 of the adopted UDP. As the site does not have good access to public transport services, the full residential allowances apply, permitting a maximum of 46 off-street parking spaces. The application proposes 37 car-parking spaces located in a basement car-park that is accessed from Old Church Lane. The proposed provision will allow one space per unit to alleviate any concern that the development may lead to extensive overspill parking in the surrounding streets. As such it would comply with standard PS14 of the UDP.

No vehicular parking is proposed for the retail unit. Your officers in the Transportation Unit have not raised objections to the absence of parking provision for the retail use. The absence of parking provision for the retail unit is considered acceptable given the proximity of the site to the existing Neighbourhood Centre and existing transport links within the area.

Six of the 37 parking spaces are proposed to be designated as disabled bays. This provision is sufficient to allow one such space to be allocated to each designated wheelchair accessible unit, whilst still providing two surplus spaces to meet more general requirements. This complies with standard PS15 of the adopted UDP.

Cycle parking

Standard PS16 requires the provision of at least one secure bicycle-parking space per unit. A total of 28 cycle spaces are proposed within the car park, and a further 16 spaces are provided in the entrance hall to Block B. The use of a "Josta" double-parking system is proposed. The proposed provision is considered to satisfy Standard PS16. In addition, three bicycle stands are proposed in front of the retail store entrance for public use. Given that the cycle stands will form part of the street furniture within the piazza area, it is recommended that further details of the design of the cycle stands are conditioned.

Pedestrian access

Pedestrian access to both the houses and affordable flats is provided directly off Blackbird Hill, and the access to the private flats is accessed off Old Church Lane. A shared surface piazza is proposed which will allow pedestrian access across the public parts of the site and the public highway in front of the application site will be improved as part of the proposal. Such works are recommended to be secured as part of the Section 106 Agreement.

Servicing arrangements

The retail unit requires access by at least transit sized vehicles. The servicing for the retail unit is proposed to be provided within the shared surface area accessed off Old Church Lane. The applicants have submitted the swept path of a rigid 10m lorry indicating that the proposed servicing area can accommodate a vehicle of this size tracking for 10m. Whilst your officers in Transportation have advised that this arrangement is acceptable in principle, it is considered that the proposed crossover for the car-park entrance appears unnecessarily wide and provision of a 10m kerb radius on the northern side of this access would assist in reducing the width of the crossing over the Old Church Lane frontage to around 6m. The agreed works are recommended to be secured as part of the Section 106 Heads of Terms.

It is recommended that a condition is secured to control the hours for servicing/delivery vehicles for the retail unit. The recommended hours for when such vehicles can service the site are between 7am and 9pm on Mondays to Saturdays, and 8am to 6pm on Sundays and Bank Holidays. This is to safeguard the amenities of the residential units above.

Other works to the highway

The existing crossover on the Blackbird Hill frontage will be made redundant as part of this proposal. The crossover will need to be reinstated to footway and it is recommended that such works are secured as part of the Section 106 Agreement.

Financial contribution

Your transportation officers have requested a financial contribution of £45,000 towards non-car access/highway safety improvements and/or parking controls in the vicinity of the site. This contribution will be secured as part of the Section 106 agreement.

Refuse storage

Separate refuse-storage areas are provided for the affordable flats and for the private flats. The two houses will also have their own refuse-storage area within the front forecourt of the houses. A separate refuse-storage area is provided for the retail unit. Your officers in Transportation have advised that the location of the refuse-storage areas will allow refuse carrying distances to be complied with without the need for refuse vehicles to enter the site.

The Council's *Waste and Recycling Storage and Collection Guidance* revised in January 2010, sets out the required amount of refuse-storage facilities that should be provided for residential developments. This includes both general refuse and recyclable refuse. The two houses require provision for 1 x 240l or 1 x 140l wheeled bin for refuse; 1 x 240l wheeled bin for organic waste; and 1 x 44l box for dry recycling. Two bin stores have been indicated within the front forecourt of the two houses. It is, however, recommended that further details of the design of the bin store, demonstrating that they can accommodate both general and recyclable refuse, is conditioned.

The affordable flats require a refuse-storage area to accommodate a capacity of 900l of refuse and 660l of dry recyclable material. The proposed storage area is sufficient to accommodate the required provision. The private flats require a refuse-storage area to accommodate a capacity of 3060l of refuse and 2244l of dry recyclable material. The proposed storage area is sufficient to accommodate the required provision.

In addition to the above, timber "bee hive" composters are proposed to be provided within the planting strip, away from the buildings. The applicants have also confirmed that the Contractor will commit to providing a Site Waste Management Plan.

Landscaping

A number of landscape improvements are proposed as part of the development. These include a landscape buffer and new trees planted along the Blackbird Hill frontage which will assist in defining this boundary and improve the visual appearance of the streetscene. New trees and soft landscaping are also proposed along the Old Church Lane frontage, and along the boundary with No. 1 Old Church Lane. The existing Sycamore tree and laurel hedge located next to the electricity substation are proposed to be retained as part of the proposal. A tree survey has been submitted with the application confirming the retention of the Sycamore tree.

A brown roof is also proposed onto of the building which will incorporate a number of biodiversity features including a Redstart Box, Bat Brick, Wet Area and Loggery for Stag Beetles.

It is recommended a condition is attached to secure the submission of full landscape details prior to the commencement of works on site together with details of the proposed protection method

statement and construction method statement in relation to the Sycamore tree.

Environmental Health

Noise

Given the site's location next to Blackbird Hill, the applicants have submitted a noise survey, in accordance with the guidance as outlined in PPG24. The survey reveals that the worse case facades fall into Noise Exposure Category C. The remainder of the facades fall within Noise Exposure Category B. Noise should be taken into account when determining planning applications and, where appropriate conditions imposed to ensure an adequate level of protection against noise.

By incorporating noise-mitigation measures, the internal noise criteria required as part of BS 8233 should be achieved. Such mitigation measures include suitably specified glazing and ventilation. Your officers in Environmental Health have advised that post-completion testing is carried out to verify this prior to the occupation of the units, and for further mitigation measures to be carried out, should the noise criteria not be achieved.

It is also recommended that a condition is secured to control the hours of use for construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary.

Air Quality

An Air Quality Assessment Report has been submitted which indicates that National Air Quality Objectives will be exceeded for NO₂. Mitigation measures are therefore required to minimise the future occupiers' exposure to air pollution. It is recommended that a mechanical closed air ventilation system is used. The system is required to be installed in accordance with Building Regulation ADF Table 5.2d System 4).

A number of objections have been raised by neighbouring properties concerning increased air pollution as a result of additional traffic in the area. The Air Quality Assessment Report concludes that the development related traffic generation onto the local traffic network will have an insignificant impact on air quality for occupiers of existing local residential property.

Archaeology

The site is designated as a Site of Archaeological Importance. The applicants have submitted an archaeological desk-based assessment. English Heritage have reviewed the submitted desk-based assessment. They have advised that given that the proposal may affect remains of archaeological importance, it is recommended that a condition is secured as part of the planning permission for the implementation of a programme of archaeological work in accordance with a written investigation.

Response to Objectors

A large number of objections have been received during the consultation period, raising a number of concerns. A number of the points raised by local residents and business have been addressed above, which include the following points:

- Overdevelopment of the site
- Design, layout and appearance do not fit in with the character and appearance of the surrounding area
- Loss of public house
- The public house is a listed building and should be preserved
- No parking provided for retail element
- A new retail unit would have a detrimental impact on other smaller businesses in the area.

- The size of the retail unit proposed is inappropriate for a neighbourhood centre and would undermine the vitality and viability of Neasden District Centre
- No play facilities for children
- Development will overshadow the back gardens and rear living areas of adjacent properties, particularly Nos. 1 and 3 Old Church Lane
- Development will result in a loss of privacy for adjacent properties, including Nos. 1 and 3 Old Church Lane
- Location of vehicular access next to No. 1 Old Church Lane will lead to additional disturbance to this property
- Increased traffic levels will lead to further pollution and noise

The following points have not been addressed within the Remarks section of the committee report and are discussed below:

- *Increased traffic levels will compromise the safety of pedestrians in the vicinity of the site, including children at the adjacent school.*

The Transport Statement has advised that the traffic generation for the proposed scheme will be low and will not have a material impact on the operation of the public highway. It is also considered that pedestrian safety along the Blackbird Hill frontage will be improved as part of the proposal as the footway will be reinstated next to Gower House School.

- *Development would create a precedent if approved, resulting in the loss of family housing and changing the overall character of the area.*

The proposal is not considered to create a precedent within the area. Each application is assessed on its individual merits, being considered in line with the policies contained within the Core Strategy and UDP. This application does not result in the loss of family housing, and if in the future an application came in which involved the loss of family housing, it will need to be considered in line with policy CP21 of the Core Strategy.

- *Planning rules within the conservation area are very restricted, i.e. permission required for a garden shed, but this building is much larger and should also not be allowed.*

The application site lies outside of the conservation area. This report has discussed the reasons why the building of the size and scale proposed is appropriate for this location.

- *Proposal will adversely affect house prices in the area.*

This is not a material planning consideration and therefore can not be considered as part of the application.

- *Construction of building, i.e. digging of the foundations, basement car park and new planting, damaging neighbouring buildings and land, including trees and boundary fences.*

The building construction works and impact of the building upon the structural soundness of neighbouring buildings is not a planning consideration. Construction works are considered as part of Building Regulations.

- *Insufficient consultation period and no opportunity for the public to meet Council representatives to discuss the case.*

Prior to the application being submitted to the Council, the agents undertook a public exhibition on 12 June 2010 at St Andrews Church.

Since the application has been submitted to the Council, the Local Planning Authority has consulted on the application in accordance with The Town and Country Planning (Development Management Procedure) Order 2010 and the guidance as outlined in the Council's SPG2 "Commenting on a Planning Application". The time period available for the consultation is considered to be sufficient.

The case officer for the application responded to local residents' request for a meeting to discuss the application. This offer was not taken up by the residents.

Conclusions

The proposal redevelops an under-utilised site, adding to the Borough's housing stock and provides significant benefits in the form of affordable housing. Furthermore the proposal will add to the vitality and viability of Blackbird Hill Neighbourhood Centre. The scheme meets the current relevant standards and policies in terms of parking provision, residential amenity and the protection of adjoining residents. The proposed scheme is in accordance with Unitary Development Plan policies and central government guidance, and therefore is recommended for approval, subject to a Section 106 Agreement.

RECOMMENDATION: Defer the application

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

Brent's Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance
Supplementary Planning Document: "S106: Planning Obligations"
Supplementary Planning Guidance 2 - "Commenting on a Planning Application"
Supplementary Planning Guidance 17 – "Design guide for new development"

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Employment: in terms of maintaining and sustaining a range of employment opportunities
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
Transport: in terms of sustainability, safety and servicing needs
Design and Regeneration: in terms of guiding new development and Extensions

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):

Environmental Noise Survey and PPG24 Assessment Report prepared by HannTucker Associates
Transport Statement prepared by Savell Bird & Axon
Design and Access Statement prepared by Chassat + Last Architects
Air Quality Assessment prepared by Accon UK
Retail Assessment prepared by Barton Willmore
Sustainability Statement prepared by Energy Solutions
Energy Demand and renewables Option Assessment prepared by Energy Solutions
Archaeological Desk Based Assessment prepared by CgMs Consulting
Supplementary Transport Assessment prepared by Savell Bird & Axon

Application Drawings as listed below:

OCL-01; OCL-02; OCL-03 Rev A; OCL-04; OCL-05; OCL-06 Rev A; OCL-07 Rev A; OCL-08 Rev A; OCL-09; OCL-10; OCL-11; OCL-12; OCL-13 Rev A; OCL-14; OCL-15 Rev A; OCL-16 Rev A; OCL-17; OCL-18 Rev A; OCL-19; OCL-20; OCL-21; OCL-22; OCL-23; OCL-24; OCL-25; OCL-26; OCL-29; OCL-31; OCL-32; OCL-40; OCL-42 Rev B; OCL-46; OCL-49 Rev B; OCL-50; OCL-53; OCL-54; OCL-55; OCL-57; OCL-64; OCL-66; OCL-67; OCL-68; and OCL-69

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

- (3) The brown roof layout shall be full implemented in accordance with the details as proposed in Plan Nos: OCL-53 and OCL-54 prior to first occupation of any of the units hereby approved, and thereafter permanently retained in accordance with the approved details.

Reason: In the interests of biodiversity.

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

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

- (5) The proposed cycle parking facilities and refuse storage facilities for the units of both the affordable and private units shall be provided in accordance with the details as shown in approved Plan Nos: OCL-03, OCL-04; and OCL-57, and thereafter retained in accordance with such approved details unless the prior written approval of the Local Planning Authority has been obtained.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality and to provide adequate facilities for cyclists..

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

Monday to Fridays 08:00 to 18:00
Saturday 08:00 to 13:00
At no time on Sundays or Bank Holidays

Reason: to safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance from noise, dust, odour.

- (7) The premises shall not be open for retail trade except between the hours of 7am and 11pm, Mondays to Saturdays, and 10am and 6pm, Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjoining residential occupiers.

- (8) The premises shall not be open for servicing/ delivery vehicles except between the hours of 7am and 9pm, Mondays to Saturdays, and 8am and 6pm, Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjoining residential occupiers.

- (9) 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.

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

- (i) areas of hard landscape works including details of materials and finishes. These shall have a permeable construction;
- (ii) the location of, details of materials and finishes of, all street furniture, storage facilities and lighting (including the cycle parking facilities within the piazza);
- (iii) proposed boundary treatments including walls and fencing, indicating materials and height;
- (iv) all planting including location, species, size, density and number;
- (v) any sustainable construction methods which are to be used;
- (vi) details of proposed children's play equipment;
- (vii) details of the green walls;
- (viii) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.

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.

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

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

- (12) No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority, and thereafter fully implemented in accordance with the written scheme of investigation.

Reason: In the interests of archaeological remains within the site.

- (13) The results of the post-completion testing undertaken in the noise-affected units as identified in the Environmental Noise Survey and PPG24 Assessment Report, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the units hereby approved. If the results of the post-completion testing do not meet the criteria set out in BS8233, further mitigation measures shall be submitted to and approved in writing by the Local Planning Authority to achieve the defined criteria.

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

- (14) Further details of the proposed shopfront, including details of materials, design and illumination and the location and design of the proposed ATM cash machine, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The signage and ATM cash machine shall thereafter be fully implemented in accordance with the approved details unless the prior written approval of the Local Planning Authority has been obtained.

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

- (15) No works shall commence on site (including demolition) before tree-protection details in accordance with BS5837:2005, including the protection of the existing sycamore tree and laurel hedge along the boundary with the electricity substation fronting Old Church Lane, have been submitted to and approved in writing by the Local Planning Authority. Such measures shall include details on how these landscape features will be protected during the demolition and construction phases and details of root-protection zones provided. The development shall be carried out strictly in accordance with the agreed details.

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

INFORMATIVES:

- (1) The development of this site is likely to damage heritage assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.
- (2) With regards to surface-water drainage it is the responsibility of a developer to make proper provision for drainage to groundwater courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. This is to ensure that the surface-water discharge from the site will not be detrimental to the existing sewerage system.

REFERENCE DOCUMENTS:

Letters and petition of objection

Letters of support

Planning Policy Statement 1 – Creating Sustainable Communities

Planning Policy Statement 3 – Housing

Planning Policy Statement 4 - Planning for Sustainable Economic Growth

Planning Policy Statement 23 - Planning and Pollution Control

Planning Policy Guidance 24 - Planning and Noise

The London Plan - Consolidated with Alterations since 2004

Brent's Core Strategy 2010

Brent UDP 2004

Supplementary Planning Document: "S106: Planning Obligations"

Supplementary Planning Guidance 2 - "Commenting on a Planning Application"

Supplementary Planning Guidance 17 – "Design guide for new development"

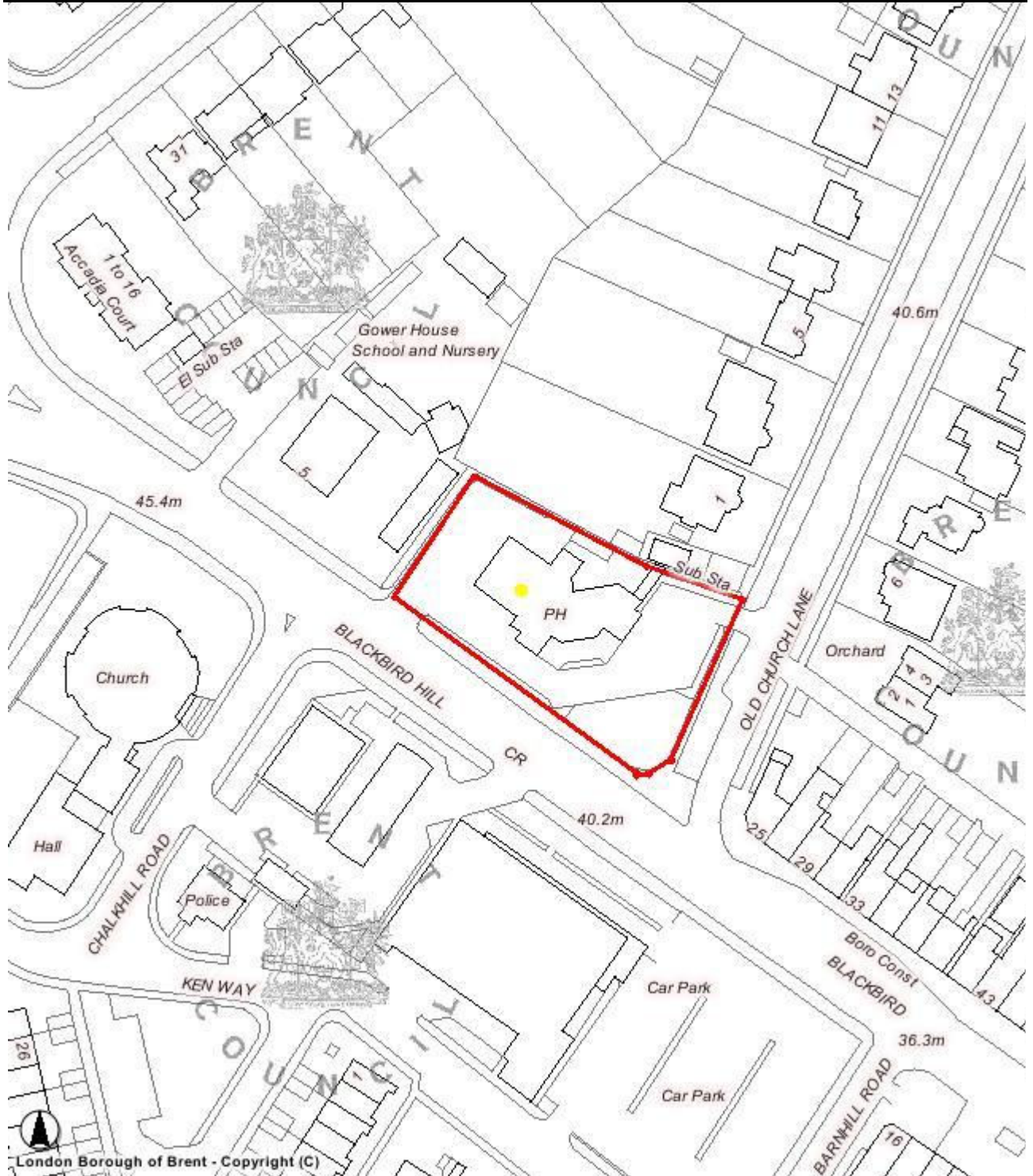
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: Former Blarney Stone, Blackbird Hill, London, NW9 8RR

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Committee Report
Planning Committee on 15 December, 2010

Item No. 4
Case No. 10/2046

RECEIVED: 1 September, 2010

WARD: Dollis Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: 139 Coles Green Road, London, NW2 7HH

PROPOSAL: Erection of a single- and two-storey side extension, single-storey rear extension, erection of a rear dormer window and formation of vehicular access to rear garden of dwellinghouse to provide an additional off-street parking space (revised plans received 27/10/2010)

APPLICANT: Mr Al Naseri

CONTACT: Mrs Samii

PLAN NO'S:
See condition 2

RECOMMENDATION

Approve

EXISTING

The subject site is land to the side of the semi-detached corner property within the curtilage of 139 Coles Green Road. The surrounding land use is predominantly residential, but there is a mixture of retail and B2/B8 uses across the street. The site is not in Conservation Area or a Listed Building.

PROPOSAL

Erection of a single and two storey side extension, single storey rear extension, erection of a rear dormer window and formation of vehicular access to rear garden of dwellinghouse to provide an additional off-street parking space

HISTORY

10/0874 Erection of two-storey side and single-storey rear extension, one rear dormer window and two rooflights to dwellinghouse **Withdrawn** 14/06/10

08/0357 Erection of a two storey 3 bedroom dwellinghouse attached to the side elevation of existing house **Refused and dismissed at appeal**

- 1. The proposed new dwellinghouse, by virtue of its width, would fill excessively the gap between the existing property and Kelceda Close, to the detriment of the visual amenity of the streetscene. Furthermore the siting and design of the dwellinghouse would materially harm the existing open character of Kelceda Close, its symmetrical setting when viewed from Coles Green Road and the character of Nos. 139 to 145. This is contrary to policies BE2, BE3, BE7, BE9 and H12 of Brent's adopted Unitary Development Plan 2004 and Supplementary Planning Guidance No. 5: "Altering and Extending Your Home" and No. 17 "Design Guide for New Development".*

2. *The proposed new dwellinghouse, by virtue of its floor area, would result in a substandard form of accommodation for future occupiers by failing to provide sufficient space to allow for the creation of a satisfactory family-sized dwellinghouse, contrary to policies BE9 and H12 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17: "Design Guide for New Development".*
3. *The proposed new dwellinghouse fails to make provision for private amenity space, cycle-parking and on-site car-parking, and would therefore have a detrimental impact on the amenities of existing and future occupiers and on the safe and free flow of traffic, contrary to policies BE7, BE9, H12, TRN11 and TRN23 and standard PS14 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17: "Design Guide for New Development".*

07/3068 REFUSED - Erection of a two-storey 3-bedroom dwelling on land to the side of the existing property within the curtilage of 139 Coles Green Road. Refused on following grounds:

1. *The proposed erection of a 2-storey extension to form a 3-bedroom house within the curtilage of 139 Coles Green Road would constitute excessive infilling of the gap between the existing property and Kelceda Close, to the detriment of the Coles Green Road streetscene. The siting and design of the dwelling would also alter the consistency of the building line along Kelceda Close, harming its existing open character and setting when viewed from Coles Green Road. This is not in compliance with policies BE2, BE7 and H16 in Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance 5: "Altering and Extending Your Home".*
2. *The proposed dwelling would result in a substandard form of accommodation for future occupiers by failing to provide sufficient floor space to allow for the creation of a satisfactory family-sized dwellinghouse. This would be contrary to Supplementary Planning Guidance 17: "Design Guide for New Development" and policies H12 and H15 of Brent's Unitary Development Plan 2004.*
3. *The proposal fails to make adequate provision for amenity space, areas for refuse, cycle-parking and on-site car-parking, and would therefore have a detrimental impact on the amenities of existing and future occupiers which would be contrary to policies H12 and H15 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development".*

POLICY CONSIDERATIONS

Brent UDP 2004

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

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

- **BE2 Local Context**
 - relates to design within the local context and character and the need to take into account existing landforms and respect and improve existing materials and townscape.
- **BE7 Public Realm: Streetscape**
 - states that a high quality of design and materials will be required for the street environment. Proposals that involve excessive infilling of space between buildings, the loss of paving, front walls and railings and forecourt parking that would detract from the streetscape will be resisted.
- **BE9 Architectural Quality**

- relates to extensions and alterations to existing buildings and requires them to embody a creative and appropriate design solution specific to the site's shape, size, location and development opportunities. They should be designed to be of a scale, massing and height appropriate to their setting and the townscape location. It also requests that development respects without necessarily replicating the positive local design characteristics and satisfactorily relate to them. The design should exhibit a consistent and well considered application, and be laid out to ensure that building and spaces are of a scale design and relationship to each other that promote the amenity of users, provide satisfactory levels of sun and day light, privacy and outlook for existing and proposed residents.
- **TRN23 Parking Standards - Residential Development**
 - relates to maximum parking standards for residential units, 'car-free' development where public transport accessibility and controlled parking zones allow and on-street parking on outside of Heavily Parked Streets
- **PS14 Residential Parking Standard**
 - 4+ bedroom houses maximum parking standard is 2 spaces

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

SPG

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

- **SPG 5 Altering and extending your home**

Adopted September 2002

CONSULTATION

Local consultees

Neighbours consulted on 06/10/10. Eight objections were received, with multiple objections from the same address. It appears that four of these identical objections, which were submitted online via the Council website on the same evening, were not genuine objections. Your officer was contacted by one resident following their receipt of the standard acknowledgement letter. This resident explained they had made no objection. Your officer wrote to all eight residents who objected in the same manner and using the same text and asked that they confirm their objection in writing. A further three residents have not confirmed their objection.

In addition, some residents complained they had not been notified and the consultation period was restarted with fresh notification letters dispatched on 02/11/10.

In total, four objections have been received during the two periods of consultation. Residents of properties to the north (attached) and the east (end of the garden) and two other properties on Kelceda Close objected on the following grounds:

- Out of character with the street, in particular the open character of this corner plot
- Noise and disturbance of parking space in garden
- Loss of privacy from the rear dormer
- Overbearing impact and loss of light arising from single storey rear extension

- Noise disturbance due to overdevelopment
- Impact of increased traffic
- Impact on property values

Internal consultees

Landscape

No objection subject to landscape condition to secure the following:

- The construction of a bin storage facility to screen the rubbish bins from the street
 - The design and layout of the front garden to meet BE7 and SPG 5 50-50 soft and hard landscape.
 - We would require one small tree to be planted in the front garden and perhaps 1 or 2 in the rear garden.
 - Details of plants including species, location, size, number and density
 - Details of hard materials, including surfacing and boundary treatments”
- in the interests of the visual amenities of the area.

Transportation

The proposal can be generally supported on the transportation grounds subject to following conditions:

- (a) The vehicular access should be 3 metres wide.
- (b) Visibility splays should be provided at the access as in the Domestic Vehicle Footway Crossover Policy. There should be no obstruction over the height of 850mm within the splays. Where the back wall or side perimeter fence are affected they should provide through visibility or reduced in height to 850mm.

REMARKS

Introduction

The site has been subject of three applications in the past three years which proposed an extension of a similar mass and bulk, albeit in those applications the extension would form a separate dwellinghouse. The Council was consistent in refusing those schemes due to, amongst other things, the impact of the proposals on the character and appearance of the area. The applicant has been advised in the past that a two-storey side extension to the original house would have to comply with policies BE2, BE7 and BE9 of the development plan and with the objectives of SPG5.

The dismissed appeal

The Inspector identified the main issues as “*the effect of the proposed development on the character and appearance of the area, and its effect on highway safety*” (PINS, 8 October 2008). Highway safety is not an issue with the proposed development as it does not involve an additional unit.

The extensions

Two storey side extension

139 Coles Green Road is 2-storey end-of-terraced dwelling. It is a corner property located on the border of Kelceda Close. 139 itself benefits from ample rear garden space which backs onto the side boundary of 2 Kelceda Close. To the north, east and south of the site, properties have a consistent pattern of development in the form of two-storey terraced properties with hipped roofs. To the west the built form consists of irregular commercial units.

No. 139 not only completes the terrace along Coles Green Road; it also forms the entrance to Kelceda Close, therefore the site has an important impact on setting the character of the area. The

character of Kelceda Close is defined by seven 2-storey dwellings either side of the street sharing the same building line. This building line is complimented by 139 Coles Green Road having a 5.3 metre set-in from the side boundary onto Kelceda Close. This set-in is replicated by No. 137 on the other side of the street. The setback gives symmetry to the streetscene and enables Kelceda Close to retain its open character when viewed from Coles Green Road.

The importance of this open character was recognised and supported by the Inspector, who stated *“This openness and symmetry is an important element of the local distinctiveness of the Close”* and who went on to say *“The proposed dwelling would take up all the side area, leaving a margin only 1m wide to the side boundary. It would have a cramped effect which would fail to respect the form of the frontage development and would represent an excessive amount of infilling between the host dwelling and the Close, which would have considerable visual impact in this corner location”*

The short terrace of four properties, of which No. 139 is the end property, had a symmetrical form when originally constructed. The other end of the terrace has had an extension constructed under planning permission 86/1385. It should be noted that this application was granted before the existing UDP and SPG5 were adopted, and the plot of 145 was not an open corner, as opposed to this site; its impact, therefore, is not as significant as this site. The form of the terrace itself would be balanced by the new dwelling but that is only in relation to what is a fairly unsatisfactory side extension in terms of design features to No. 145. Therefore the Council would expect the features of the original buildings to be used as a guide to the design of any proposal. The design of the proposed building is unsatisfactory in relation to the original properties and cannot be supported. The Inspector supported the Council on this point, stating *“there are significant differences between that [No. 145] and the appeal proposal. The northern end of the terrace does not have the open residential setting that is so important at the appeal site. Furthermore, the development at No.145 was granted planning permission before the current UDP was adopted. This would not therefore justify the harm which I have identified in relation to the appeal development”*

The Inspector concluded that the appeal scheme *“would conflict with UDP Policies BE2, BE3 and BE7 and the Council’s Supplementary Planning Guidance 17(SPG) Design Guide for New Development, which aim to support the quality of the built environment.”*

The original property is over 5m from the boundary of Kelceda Close, which gives the area an open character, as replicated opposite next to 137 Coles Green Road. SPG5 contains supporting guidance on the appropriate development of such open corner sites. It requires side extensions to be set-in at least 2m from the boundary to maintain the open character. This proposal is set-in 2m; a material change from the appeal scheme and in accordance with the Council’s published guidance. There are no site specific reasons why the normal guidance should not be applied in this case. The set-in is considered acceptable in terms of the impact on the character of the area and would not materially detract from the character and setting of Kelceda Close. The ground floor would be set back from the front wall of the original property by 250mm and the first floor by 1.5m. The ridge of the roof would be set down by 400mm to ensure the roof is subservient.

The proposed two storey side extension would not result in material harm to the character and appearance of the area and of the property, and thus complies with policies BE2 and BE9 and the objectives of SPG5.

Single storey rear extension

This would be 2.5m deep and 2.6m high to a flat roof. The adjoining property, No. 141, is lower than No. 139 by approximately 0.7m and the impact of the rear extension in terms of height is likely to be more acute than normal as a result. This will be exacerbated by fact the extension lies to the south of No. 141. In such circumstances the rear extension should be reduced in height or set in off the boundary; in this case the extension would be set in from the boundary with No. 141 by 0.5m and reduced to 2.6m high. As a consequence the proposal is considered acceptable in terms

of its impact on the amenity of the occupants of No. 141 in terms of outlook and sunlight and daylight (BE9(e)) and would not have an unduly overbearing impact.

Rear dormer

This is proposed to be 2.2m wide and set up from the eaves by 0.3m and down from the ridge by 0.3m. SPG5 states dormers should be no wider than half the width of the original roof, which in this case is 2.23m. The dormer should also be set up from the eaves by 0.5m, but this dormer is set back from the edge of the roof by 500mm. The 200mm difference is not considered sufficiently harmful to merit refusal on this point alone. The dormer is considered acceptable in terms of visual impact and the character and appearance of the property (BE2, BE9). The rear dormer is not likely to result in any material loss of privacy for neighbouring residents.

Parking and Access

139 Coles Green Road currently benefits from roughly 50/50 soft landscaping to the forecourt area of the property, as sought by policy BE7 of the UDP. If the proposed dwelling was to be approved, one off-street space would be lost due to the side extension. Transportation have no objection to this being re-provided in the rear garden, nor do Landscape subject to further details; it could not be provided on the wide front garden as it would not comply with policy BE7. The area of the rear garden lost to car parking shown on drawing 3-10-007 Rev B is 11m deep by 3.5m wide, which is considered in excess of what is required for one car parking space albeit 4m is on a slope and could thus result in more vehicles being parked than permitted by the standards.

Neighbours have objected to having the parking space in the rear garden on grounds of amenity. This arrangement is common throughout the borough and, provided the parking area is reduced in size so it is farther from the boundary with No. 141 Coles Green Road, it would not cause any significant harm to their amenity. In terms of the impact on No. 2 Kelceda Close, the parking space would be positioned next to their own off-street parking space; it is not considered there would be any particular difference in impact between the two spaces.

A condition is imposed requiring a landscape plan which should address the above and ensure the hard surfacing at the rear is kept to a minimum required to safely park one vehicle, and the access being widened to 3m to meet Highways standards. In addition the plans should show the levels proposed as the ground falls from the back edge of the footpath; this may mean a ramp down to the parking space will be required, or that the parking space will need to be raised as per the space serving No. 2 Kelceda Close.

Response to objectors

Most objections have been addressed in the relevant sub-sections, above. In terms of noise disturbance arising from overdevelopment of the site, your officers note that this is a reasonably common extension in the borough and it would remain a single family dwellinghouse. As such, no material harm is expected from an increase in occupancy. Traffic would not increase as the existing parking provision is two off-street parking spaces, albeit one would now be accessed from Kelceda Close. Impact on property values is not a planning consideration.

Conclusion

The proposed development, subject to conditions, complies with policies BE2, BE7, BE9, TRN23 (and standard PS14) of the UDP and SPG 5.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

CONDITIONS/REASONS:

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

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

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

3-10-001; 3-10-002; 3-10-003; 3-10-004; 3-10-005; 3-10-006; 3-10-007 Rev A;
3-10-008

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

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

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

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

- (i) proposed boundary walls and fences indicating materials and heights to include a 3m wide vehicular access from Kelceda Close and visibility splays;
- (ii) planting to the front garden over at least 50% of the area, to comply with policy BE7;
- (iii) screen planting along the boundary with Coles Green Road and Kelceda Close including the area between the new flank wall and the boundary;
- (iv) areas of hard landscape works and proposed materials

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 extension and ensure that it enhances the visual amenity of the area.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

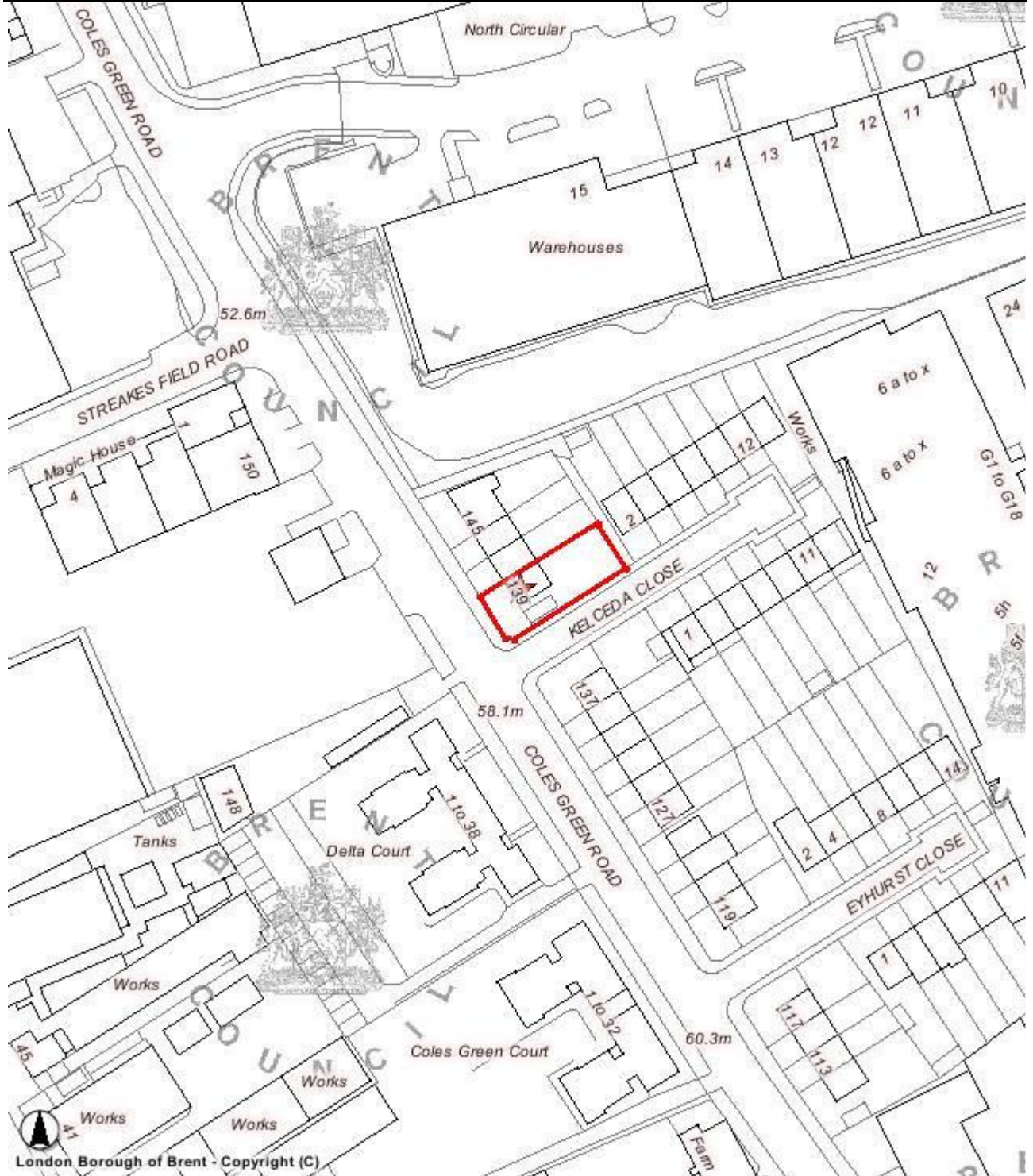
Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: 139 Coles Green Road, London, NW2 7HH

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Committee Report
Planning Committee on 15 December, 2010

Item No. 5
Case No. 10/2490

RECEIVED: 14 October, 2010

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 33 Manor Close, London, NW9 9HD

PROPOSAL: Installation of vehicular access and formation of hardstanding to front of dwellinghouse (Article 4 direction)

APPLICANT: Surendra Patel

CONTACT:

PLAN NO'S:
See Condition 2

RECOMMENDATION

Approval

EXISTING

The subject site contains a two storey semi-detached dwelling on the cul-de-sac of Manor Close. The surrounding uses are residential. The site does not contain a listed building and is not within a conservation area but is subject to an Article 4 direction which removes permitted development rights for the construction of hardstanding for vehicles.

PROPOSAL

Installation of vehicular access and formation of hardstanding to front of dwellinghouse (Article 4 direction). The proposal includes the re-provision of soft landscaping comprising boundary hedges, lawn and a tree.

HISTORY

10/1329 -Replacement of front wall and formation of hard and soft landscaping at front of dwellinghouse Refused, 26/07/2010. There were two reasons for refusal:

1. The proposed landscaping to the front of the dwelling, by virtue of its lack of soft landscaping, planting and soft boundary treatment, and poor design and layout, would be out of character with front garden treatments within Manor Close, to the detriment of the character of the dwelling and the visual amenities of the streetscene, contrary to policies BE2, BE6, BE7 and BE9 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 5: "Altering and Extending Your Home".

2. The proposed front garden treatment, by virtue of its layout and the positioning of the hardstanding, would give rise to vehicles mounting the pavement and restrict pedestrian access to the entrance of the property, to the detriment of highway and pedestrian safety in the locality, contrary to policy TRN15 of the Adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 3: "Forming an Access onto a Road."

E/10/0026 (Enforcement case): Without planning permission, the formation of a hard surface to the front garden of the premises- Notice served on 02/03/2010, coming into effect on 11/04/2010 for the following reasons:

- The unauthorised development results in an excessive hard surface of poor quality materials on the frontage of the dwellinghouse which is out of character with the property and street-scene, and fails to preserve or enhance the character and appearance of Manor Close. The development is contrary to Policies BE2, BE7, and BE9 of Brent's Unitary Development Plan, 2004 and the Manor Close Article 4 Direction.

- The unauthorised development, if permitted, would create an undesirable precedent which would make it more difficult for the local planning authority to resist similar undesirable developments within Manor Close, Article 4 Direction area.

The notice gave 3 months for compliance and required removal of the hardstanding to be replaced in accordance with a soft and hard landscaping scheme that was attached to the enforcement notice. This period for compliance has now passed.

POLICY CONSIDERATIONS

Adopted Brent Unitary Development Plan 2004

BE2: Townscape

BE6: Landscaping

BE7: Streetscape

BE9: Architectural Quality

TRN15: Forming an Access onto A Road

Supplementary Planning Guidance

SPG 3 - Forming an access onto a road

SPG 5 - Altering and extending your home

CONSULTATION

Consultation Start Date: 8 Nov - 28 Nov 2010

External (public): 9 neighbouring properties

Objections (x 2) - from neighbouring properties. The complainant's are upset about the loss of vegetation that has taken place without planning permission contrary to the Article 4 Direction. As such these 2 objections reflect the neighbours' upset of what has occurred rather than objecting to the applicant seeking the installation of a vehicular crossover and a forecourt parking space. The complainants' mention:

- The fact that this property also possess a garage which could be used for off-street parking as well as other car spaces around the property.
- Suggestions for improving the submitted plan including replacement of trees and hedge and installation of a crossover no more than 3.6m in width. Many of the suggestions have already been accounted for as part of council policy
- Need/want to improve the character of the street

Support (x 3) - these letters recount the problems Manor Close has in terms of parking and that the crossover and parking space to the forecourt would benefit the street

Internal:

Transportation - No Objection

Landscape - No objection in principle but required further details about planting. These were requested and amended plans were received

Officers Response : Given the history behind this case and the complainants' letters, it would seem that the installation of a crossover to the site with necessary landscaping would assuage existing issues/problems with the forecourt of the site. The proposed plan complies with the Manor Close Treatment Plan and therefore acceptable in terms of planning. However, given the appearance of the existing site the applicants will be requested to re-instate landscaping within 4 months of this permission being granted in order to be within the current planting season.

REMARKS

Background

Due to past unlawful development of the forecourt in which vegetation comprising boundary privet hedges, trees and lawn were removed and replaced with 100% hardstanding, an Enforcement Notice (EN) was served which took effect on 11 April 2010. Since then the forecourt has been partly excavated leaving enough temporary hardstanding on which to park a vehicle. Boundary treatments fronting the highway and adjacent service road remain absent.

The previous planning application (10/1329) submitted as a result of the EN was refused for reasons of inadequate soft landscaping and unsuitable parking layout which did not comply with Manor Close Front Garden Treatment Plan drawn up in 2008. According to the Case Officer's report amendments for this application were requested but none were received. As such the application had to be refused which has resulted in the submission of the current proposal.

Current Proposal

The overall layout of the proposed plan complies with the Manor Close Front Garden Treatment Plan. However, amendments were requested because details of vegetation were absent from the plan. Amended plans were received 01 Dec 2010

Design & Soft Landscaping

Plans illustrate a forecourt layout with the re-instatement of 50% soft landscaping comprising boundary hedges, lawn and a tree. There is also the positioning of hardstanding for parking on the opposite side of the front door. The layout and features are compliant with the Article 4 Direction for Manor Close and the Front Garden Treatment Plan (2008).

Transportation

Because of the restrictive road layout of Manor Close in terms of on-street parking it is deemed pragmatic to allow properties on this road to have forecourt parking provided sufficient landscaping features remain, as indicated in the Manor Close Front Garden Treatment Plan.

Parking Allowance : In the absence of first floor plans for the site an estimate of the number of bedrooms within the property was made in order to determine parking requirements in line with UDP(2004) policy TRN23 and PS14. It is estimated that the property would have 3 to 4 bedrooms allowing its maximum parking standard to be 2 off-street spaces. In terms of existing parking provision the property does have the benefit of least 1 off-street parking space in the form of a detached garage which lies to the rear side of the house with access from the shared service /private road. There is potentially another space available in front of the garage although this is not indicated on plan (parking in this area may encroach onto the shared access/private road). In the context of the problems created by the poor on-street parking capacity of Manor Close and the layout of the Manor Close Front Garden Treatment Plan, the Council considers 2 off-street parking spaces as acceptable for no. 33 Manor Close.

Position of New Parking Space: The proposed forecourt parking space will allow re-instatement of 50% soft landscaping and will comply with the layout of the Manor Close Front Garden Treatment Plan. As such, the position of the parking space is acceptable and compliant with UDP(2004) policy BE7 and SPG5

Position of New Vehicular Crossover: The proposed vehicular crossover will be 2.6m in width (measured horizontally). Although it could be argued that access to the proposed parking space could be gained from the existing shared crossover with re-arrangement of garden layout), the parking scenario would entail a vehicle to drive into the shared access road and then reverse back into the parking space with the likelihood of the pavement being used. This is considered prejudicial to highway safety and as such the new crossover is considered appropriate and compliant with SPG3.

Conclusion

The proposed re-instatement of 50% soft landscaping with appropriate boundary treatment and the construction of a new vehicular crossover is considered acceptable and compliant with UDP(2004) policies BE7, TRN23, PS14, SPG3 and SPG5 and the Manor Close Front Garden Treatment Plan

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Central Government Guidance
Council's Supplementary Planning Guidance 5
Manor Close Article 4 Direction

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 proposed vehicular crossover on Manor Close as shown on the approved plans shall be carried out at the applicants expense, in compliance with a scheme to be submitted to and approved in writing by the Highway Authority, with the works carried out and completed in accordance with these approved details, prior to use of the hardstanding for parking.

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

(2) The development to which this permission relates must be begun not later than the expiration of four months of the beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 and for prompt remedy of breach in planning control

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

Unnumbered plan titled 33 Manor Close, Kingsbury NW9, Proposed Front Garden Layout 1:50 (Revised)

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

- (4) The landscape works and planting shown on the approved plans shall be carried out and completed by 31 March 2011 in accordance with the submitted plans.

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 position, unless the Local Planning Authority first gives written consent to any variation.

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

INFORMATIVES:

- (1) The applicant is advised to carry out all the planting shown on the approved plans before April 2011

REFERENCE DOCUMENTS:

UDP(2004)
Article 4 Direction for Manor Close
Manor Close Front Garden Treatment Plan (2008)
SPG5
SPG3

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: 33 Manor Close, London, NW9 9HD

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This map is indicative only.

Committee Report
Planning Committee on 15 December, 2010

Item No. 6
Case No. 10/2390

RECEIVED: 21 September, 2010

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: McNicholas House, Warehouses 1 & 3, Front car park & Yard,
McNicholas House, Kingsbury Road, London & 159 Townsend Lane,
London, NW9

PROPOSAL: Redevelopment of McNicholas House for mixed use to provide a temple building (Use Class D1); multi functional community facility (Use Class D2); the retention and refurbishment of part of existing office building to provide flexible accommodation for business (Class B1 Use); landscaped courtyard; alterations to the existing vehicular access point onto Townsend Lane and provision of surface parking for 91 cars.

APPLICANT: Shree Swaminarayan Sidhant Shjivan Mandal London

CONTACT: Loates-Taylor Shannon

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant planning permission subject to referral to the Mayor of London and the Secretary of State as a departure from the development plan and subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning, or other duly authorised person, to agree the exact terms thereof on advice from the Borough Solicitor.

SECTION 106 DETAILS

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

- (a) Payment of the Council's legal and other professional costs in (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 Travel Plan, to encompass all activities on site (including the retained office space) and supported by a Car Park Management Plan and Delivery & Servicing Plan and a strategy for weddings and special religious events, and a plan to monitor and evaluate the impact of weddings.
- (c) A contribution of £50,000, due on material start and index-linked from the date of committee, for Sustainable Transportation, Training and Open Space in the local area.
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and BREEAM Excellent on the new build, with compensation should it not be delivered. In addition to adhere to the Demolition Protocol.
- (e) Offset 47% of the site's carbon emissions (2010 baseline) through onsite renewable generation, including the use of a CHP. 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) Prior to Occupation submit, gain approval for and adhere to a Community Access Plan,

covering hours and rates for public access to the onsite Sports facilities, for not less than 30 hours a week, covering lunch times, evening and at least one day each weekend, at rates and access requirements comparable to Council facilities.

- (g) Prior to occupation submit, gain approval for and adhere to a Temple & Community Hall Management Plan including control of weddings and Special Religious Events as follows:
 - (i) Unlimited combined temple and community hall uses with fewer than 200 people
 - (ii) Unlimited Event Sundays between 09.00-16.00 with fewer than 300 visitors
 - (iii) Unlimited Brent Community Access Saturdays (as part of the above Community Access Plan) between 09.00-16.00 except if a Special Small or Large Religious Event is scheduled
 - (iv) 12 no. Large Event Sundays between 09.00-16.00 between 300-450 visitors, with no more than 2 no. per month with a review after one year
 - (v) 4 no. Special Small Religious Event Days up to 500 visitors
 - (vi) 3 no. Special Large Religious Event Days up to 750 visitors
 - (vii) No more than 50 people using the community hall after 16.30 at weekends
- (h) Provide the ground floor (541sqm) of affordable office space to shell, core and utilities prior to Occupation of the Temple, the 1st Floor within 1 year after Occupation and the 2nd floor within 2 years. Should any floor be not more than 75% occupied for a 2 year period starting 6 months after being provided, to pay the Council £100,000 per floor toward local employment land enhancement and training initiatives.
- (i) A financial contribution, to be agreed, towards new pedestrian and cycle route, including a crossing on Townsend Lane
- (j) Join and adhere to the Considerate Contractors scheme.
- (k) Prior to Practical Completion, enter into a S278/S38 to provide works to widen and resurface the footways of Kingsbury Road and Townsend Lane along the site frontage in accordance with drawing 101392L01B (with a minimum of 3.5m total width along the Kingsbury Road site frontage) to include reinstatement of all existing lengths of redundant crossover to footway/verge and provision of street trees on both frontages and to offer the additional width to Brent Council as highway maintainable at public expense through an agreement under jointly S38/S278 of the Highways Act 1980
- (l) A bond figure to be identified to cover the costs of monitoring parking levels and the implementation of a CPZ if necessary

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

EXISTING

The site is located within a designated Borough Employment Area BEA. The Kingsbury Road (BEA) is located in the north-east of the borough on the Kingsbury Road, an east-west link from the A5 (and the borough boundary) 650m to the east to Kingsbury Town Centre, 1.3km to the west. The subject site is located in the north-east corner of the BEA, on the junction of Kingsbury Road and Townsend Lane. Kingsbury Road is a four-lane London distributor road and Townsend Lane is a traffic-calmed local access road.

The site extends to approximately 0.75ha and contains offices and a warehouse with associated parking and manoeuvring area. The warehouse dates from the mid-50s, the main part of the front office perhaps slightly later and an extension to the office was built in the early 90s. Levels fall from the Kingsbury Road to the south, along Townsend Lane and the site is lower than its neighbour at its western edge.

The northern boundary is formed by Kingsbury Road, a London distributor road. On the opposite side of the road is a substantial raised highway verge and beyond are school playing fields. The eastern boundary is formed by Townsend Lane and opposite, the Silver Jubilee Park. To the south lies an area containing a mix of industrial buildings in various uses, which is split from the rest of the BEA to the west by the same levels break which affects the western edge of the subject site.

Beyond that lies residential uses in the form of two-storey terraced housing. The western boundary of the site is formed by a large retaining wall and a relatively new commercial building and its access road. Beyond that lies more mixed industrial, particularly car repair workshops.

The site currently has parking for 97 cars in total. This site does not lie within any Controlled Parking Zone and there is unrestricted on-street parking available at certain times in the vicinity of the site along Kingsbury Road and Townsend Lane. Sheltered parking bays have been provided along the northern side of Kingsbury Road opposite the site, but with restrictions preventing parking between 9.15-11.15am, whilst parking on the southern side of the road is generally prohibited during weekday peak hours. Waiting restrictions in Townsend Lane in the vicinity of this site prohibit parking between 8am and 6.30pm Mondays to Saturdays, but these restrictions do not apply south of Burgess Avenue.

None of the residential streets in the vicinity of the site are heavily parked during the day or at night, although the relatively narrow width of Townsend Lane does restrict parking to one side only.

Public transport access to the site is moderate (PTAL 2), with three bus services within 640 metres (two of which stop immediately outside the premises).

PROPOSAL

The application involves the demolition of part of McNicolas House and its associated warehouse and the construction of a traditional Shree Swaminarayan temple (use Class D1) and a multi-function community hall (Use Class D2). Part of McNicolas House would be retained and refurbished to provide flexible accommodation for a range of small business users (Class B1).

Alterations would be made to the existing vehicular access point from Townsend Lane to include a 6m wide crossover with 3m kerb radii from Townsend Lane and gates set 8m from the highway boundary, with parking for 91 vehicles in a new car park. Cycle parking is indicated for 48 bicycles in the northeastern corner of the site, plus a further 16 spaces alongside the refurbished office building.

Associated hard and soft landscaping works would be undertaken to form a landscaped courtyard with pedestrian access taken directly from Townsend Lane. A pedestrian access would also be provided to the temple from Kingsbury Road, although this access would not be DDA compliant.

Physical development

The proposal involves combining three different uses, with three different buildings and activities, around a central courtyard to form, in effect, a campus. The courtyard is bound to the north by the temple building, to the south by the multi-functional community building and the retained office building to the west. The courtyard would open out to the east, with a wide pedestrian entrance which would be gated outside of the main hours of operation. The car parking area will be located to the south west of the courtyard.

Temple building

The temple will comprise 2558sqm of Class D1 floorspace including a main hall for prayer meetings and religious ceremonies, classroom and teaching facilities, a kitchen, offices, stores, lavatories and ancillary accommodation for a caretaker and visiting dignitaries and their helpers.

The temple would be positioned on an east-west axis with the entrance steps and portico facing the east and the Silver Jubilee Park and the temple running parallel to Kingsbury Road, some 4m from the back edge of the footpath. Access to the complex would be taken from either Kingsbury Road or Townsend Lane via the courtyard area. The level on which the main prayer hall is located is elevated by steps from the external ground level. The lower ground floor of the temple is cut into the ground, so it is lower than Kingsbury Road by between 1.5-2.5m.

Office building

The retained part of the office building is located along the western edge of the site. A new entrance would be formed at the northern end of the building and pedestrian access would be provided from Kingsbury Road and vehicular access, deliveries and servicing would be from Townsend Lane, via the courtyard.

Multi-function community hall

The multi-functional community hall would be located to the south of the temple building, also fronting Townsend Lane, and would form the southern boundary of a public courtyard. The hall would comprise 1756sqm of Class D2 floorspace with changing facilities and a cafe and kitchen; the multifunction hall will be of adequate size to accommodate both sports and community events such as weddings. Access to the community hall will be taken from the courtyard.

Uses

Employment uses

The retained part of the office building would be 1597sqm, arranged over three floors. The ground floor would comprise a reception area and eight offices, ranging in size from 26-76sqm, totalling 337sqm of net internal area (NIA) office space. The first floor would also have eight offices, ranging from 12-87sqm, totalling 351sqm of NIA office space. The second floor would have eight offices, ranging in size from 7-87sqm, totalling 280sqm. The total amount of NIA office space would be 968sqm. Each floor would also have associated facilities including meeting rooms, tea points and W/Cs.

Office hours would be as follows:

Weekdays	09.00	to	17.30
Saturday	09.00	to	17.30
Sunday		Closed	

Community & temple uses

The temple community has existing facilities located at 847, 849 and 851 Finchley Road in Golders Green in the London Borough of Barnet; this application proposes the relocation of the temple to this site.

The temple, established in 1982, is run by Shree Swaminarayan Gadi Sansthan - Shree Swaminarayan Sidhant Sajivan Mandal, which is a registered Charity in the United Kingdom

As well as being a place of worship, the temple also has a community function including charitable activities; educational activities (including adult education, Gujarati classes, careers forum, cookery classes); music, arts and cultural academies (including pipe band, life essentials class, music academy, orchestra, dance academy); and the Shree Muktajeevan Sports Academy which caters for over 300 people aged 8 to 55 and has football, cricket, volleyball, badminton, netball and youth clubs.

The application is accompanied by a Design and Access Statement which includes details of the likely programme of activities. The temple would be used for prayer meeting and religious ceremonies, with classrooms and teaching facilities and accommodation for a caretaker and visiting dignitaries.

Regular prayer meetings are held each weekday:

Weekdays	Morning	09.30	to	10.00
	Evening	19.45	to	21.00

Morning prayer meetings would be attended by approximately 40 people, though allowing for staff and the use of the temple teaching facilities, the likely maximum number of temple users would be up to 70 people. The evening prayer meeting would be attended by up to 75 people; when staff and users of the teaching facilities are included, this gives a likely maximum 145 attendees. In terms of the community hall, it is envisaged that this would be used by the wider community according to a plan to be secured within a s106 obligation. On the basis that maximum use of the community hall will be sought, it can reasonably be expected that in addition to the above temple attendees, a further 35-40 people (including staff) may be present on site during the week, making use of the community hall. Employees from the office would also be present, with a maximum of 90 present during the day.

At the weekend the temple activities would intensify, with larger prayer meetings on both Saturday and Sunday evenings.

Weekends	Saturday	Morning	09.00	to	11.00
	Saturday	Evening	19.00	to	20.30
	Sunday	Morning	09.00	to	11.00
	Sunday	Evening	17.00	to	19.30

The Sunday evening service would be the busiest, with up to 460 temple users and staff present at peak time. Based on the current operation at Golders Green, it is anticipated that the maximum of 460 would occur only for a short period of time, which is estimated to be between the times of 18.30-19.00 as people arrive and depart at different times.

Saturday evening prayer meetings would be less busy, with up to 285 temple users and staff present, with a similarly brief period when the maximum would be achieved.

The community hall would function throughout the week as follows:

Weekdays	09.00	to	22.00
Weekends	09.00	to	22.00

During both the weekend evening prayer meetings the community hall would be functioning, albeit restricted only to sporting activities only, adding a further 37 attendees including staff to the people attending the prayer meetings.

During the daytime on Sundays—between the times of 09.00-16.00—it is proposed that the site would be used for Hindu weddings, limited to two a month and a maximum of 12. Similar to the prayer meetings, these events are attended by people who arrive and depart at different times with a peak of 450 visitors expected only for brief periods. During these events it is envisaged that the community hall and temple would not be available for any other function.

Six special religious events would occur throughout the year. These would be:

1. New Years Day Day varies max 750 visitors between 08.00-11.30, average 400 visitors throughout day
2. Anniversary Sunday max 750 visitors at peak, average 600 visitors throughout day
3. Four significant events Day varies max 500 visitors at peak

The first two are considered large and the last are considered small. Your officers have classified these as Special Large Religious Events and Special Small Religious Events respectively.

HISTORY

This is the first application for a change of use and comprehensive redevelopment. Other applications in the past have related to the office and warehouse operations. An enforcement case was opened in 2009 (E/09/0005 "the change of use of the premises into an event/function centre") but following an investigation and site visit by enforcement officers the case was concluded as no breach of planning control was established.

POLICY CONSIDERATIONS

Local

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan (Consolidated with Alterations since 2004).

Brent Unitary Development Plan 2004

Within the 2004 UDP the following list of policies are considered to be the most pertinent to the application.

Strategic

- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR5 A pattern of development which reduces the need to travel, especially by car, will be achieved.
- STR9 Maintaining capacity of GLA Roads and London Distributor Roads.
- STR12 Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.
- STR13 Environmentally sensitive forms of development will be sought.
- STR14 New development to make a positive contribution to improving the quality of the urban environment in Brent
- STR15 Major development should enhance the public realm.

Built Environment

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

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
- TRN10 Walkable environments
- TRN11 The London cycle network, schemes should comply with PS16
- TRN12 Road safety and traffic management
- TRN13 Traffic calming
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN16 The London Road Network
- TRN20 London Distributor Roads
- TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.
- TRN30 Coaches and taxis should be accommodated to ensure unloading or alighting does not obstruct the highway
- TRN31 Design and land take or car parks.
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS6 Car parking standards – Class B
- PS10 Car parking standards – Class D2
- PS12 Car parking standards – Class D1
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards
- PS19 Servicing standards – Class B

Employment

- EMP10 The environmental impact of employment development
- EMP14 Design of business developments

Tourism, Entertainment & the Arts

- TEA2 Location of small-scale tourist, visitor and arts, culture and entertainment facilities.

Open Space, Sport & Recreation

- OS19 Location of small-scale indoor sports facilities should comply with the principles of policy TEA2

Community Facilities

- CF2 Location of small scale community facilities
- CF4 Community facilities capable of holding functions should have an acceptable transport impact. Where the number and/or scale of functions could have an unacceptable impact on residential amenity these will be limited by condition.
- CF14 Places of worship permitted where there would be no loss of residential amenity or unacceptable transport impact.

Brent Core Strategy 2010

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

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

The following spatial policies are considered relevant to this application:

CP 1 Spatial development strategy

replaces STR1, EMP4

This sets out the spatial strategy, outlining where growth is to be focused.

CP 5 Place making

replaces none

Sets out requirements for place making when major development schemes are considered

CP 6 Design & density in place shaping

replaces none

Sets out the requirements for appropriate design and density levels for development

CP 15 Infrastructure to support development

replaces STR19

Requires that the infrastructure requirements of new development are met

CP18 Protection and enhancement of Open Space, Sports & Biodiversity

replaces STR33, 34, 35 & OS4, 6, 7, 8, 11 & 22

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

replaces none

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

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

replaces STR31, STR37, STR38, TEA3, CF3, CF5

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

Brent Supplementary Planning Guidance

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

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

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

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

SPD “Section 106 planning obligations”

Regional

London Plan 2008

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

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

London Plan SPG

The Mayor’s transport strategy
Industrial Capacity (March 2008)
Sustainable Design and Construction – Supplementary Planning Guidance (2006)
Accessible London: achieving an inclusive environment (April 2004)
Planning for Equality and Diversity in London (October 2007)

National

Planning Policy Statement 1 – Creating Sustainable Communities (2005)

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

Planning Policy Statement 4: Planning Sustainable Economic Growth

PPS4 consolidates the key economic policies of PPG4, PPG5 and PPS6 (and part of PPS7). PPS4 places retail and town centre development in its wider context, as ‘economic development’ which provides employment opportunities, generates wealth or produces an economic output or product. As such this contributes to the Government’s overarching objective of ‘sustainable economic growth’. It retains the key aspects of retail policies contained with PPS6, including the sequential test, retail scale and a revised impact assessment.

Planning Policy Guidance 13 – Transport (2001)

PPG13 outlines the Government’s aim of achieving reduced car dependency via transport and planning policies that are integrated at the national, strategic and local level. The guidance places an emphasis on putting people before traffic, indicating that new development should help create

places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.

Other

Ramidus Consulting, *London Office Policy Review 2009*, Greater London Authority, November 2009

Arup Economics and Planning, *Employment Densities: A Full Guide, July 2001*, English Partnerships and the Regional Development Agencies, 2001.

SUSTAINABILITY ASSESSMENT

The application is supported by a Sustainability Appraisal and an Energy Statement (both prepared by Max Fordham Consulting Engineers) and a completed Sustainability Checklist (form TP6). These have been assessed by the Planning Service's sustainability officer who has provided comments.

The proposal is generally successful in addressing the environmental impacts such as reducing energy demand through passive design, thermal mass, efficient energy supply (CHP), renewables and rainwater harvesting. The high level of parking, however, detracts from much of the environmental gains made elsewhere; the measures to be taken to mitigate this are discussed in the Remarks section (e.g. provision of electric car charging points, a robust Travel Plan to affect a modal shift away from private cars and additional tree planting). Improvements can also be made in terms of materials use, green roof, wildlife improvements and organic waste composting.

Additional details should be submitted or conditioned:

- (i) SUDs proposals
- (ii) Green roof details & management plan
- (iii) Schematic of CHP system to demonstrate proposed CHP will supply to all onsite uses

The applicant's Sustainability Checklist scores 45.5 *fairly positive*, which falls short of the required 50% Very Positive score. The officer's assessment of the checklist is 42.5 and so the following improvements are required to meet 50%:

- (i) Available roof space for green roof is limited by proposal for PV panels. However roof space not used for renewables should be green roofs including a lightweight brown roof for refurbished office building to provide biodiversity benefits. Green roof details & management plan should be conditioned.
- (ii) Increase planting, particularly tree planting in the car park
- (iii) Further supporting information on materials use; the applicant's checklist scores poorly on this section (-20), improvements are required to improve this score and the overall checklist score to 50%. In particular, use of RCA concrete should be considered.
- (iv) Should also consider the potential for organic composting of food waste from the large commercial kitchen

BREEAM Excellent is a requirement of Core Strategy policy CP19. A pre-assessment has been submitted with the application, which indicates that the current design will achieve 57.52%; this falls short of the 70% required to achieve Excellent. A number of measures are identified in the pre-assessment report to improve the proposal to 74.85%. These measures—which include acoustic performance, adequate cyclist facilities, rainwater harvesting, use of A or A+ materials, green roof and wildlife improvements—should be incorporated to ensure the Excellent rating is achieved.

A BRE Design Stage Assessment will be required prior to commencement to demonstrate the proposal is on route to hit Excellent and a Post Construction Stage Assessment and Certificate will be required to demonstrate compliance prior to occupation. These matters would be secured in a section 106 agreement.

The proposed energy strategy is estimated to reduce CO2 emissions by 44%.

Energy efficiency measures are proposed, including passive design techniques and provision of a 30KW CHP. Passive design measures to reduce energy demand by 27% include the design of the temple as a heavyweight building which moderates temperature fluctuations; promoting natural ventilation with stack ventilation for main the hall areas, and; minimising overheating with high performance solar glazing and fixed external shading for south facing windows. Other measures to reduce energy use include light presence detectors, light level sensors and LED lighting.

No nearby district heat networks currently are proposed, however the temple has been designed to allow for connection to a wider network should one be forthcoming in the future. The on-site CHP is anticipated to reduce CO2 emissions by 11%. Space for 160m² of PV panels has been identified on the roof of the multifunctional hall, this is estimated to reduce CO2 emissions by 10%.

CONSULTATION

Local consultees

Local residents, business and schools etc within approximately 350m, or farther if along approach roads, were consulted by letter sent on 6 October (a total of 1467 letters). A press notice and site notices were posted on 11 October and 20 October respectively. Ward Councillors for Fryent and Welsh Harp, Springfield Estate Residents’ Association and the QARA Group of Residents’ Associations were also consulted.

Objections

To date (3 December) a total of 22 letters of objection have been received. Where multiple objections from one property are received, these are logged as only one objection.

The location (and number) of the objections can be summarised as follows:

Burgess Avenue	4
Church Lane	1
Coniston Gardens	4
Crummock Gardens	2
Elthorne Road	1
Hill View Gardens	1
Kingsbury Road	3
Meadow Way	1
Ruthin Close	1
Springfield Gardens	1
Sunnymead Road	1
Townsend Lane	1
Wakemans Hill Avenue	1

The reasons for objecting (and number) can be summarised as follows:

Principle

- Contrary to Core Strategy policy CP20, resulting in loss of employment facility in Kingsbury – 1 resident
- Loss of employment uses would establish a precedent for other changes of use – 1 resident
- Concern about the fact the scheme has to include counter-terrorism measures – 1 resident

Design

- Out of keeping with the character of the area – 6 residents

Traffic and parking

Overspill parking on neighbouring residential streets – 19 residents

Impact of additional traffic on congestion in the area – 16 residents

Traffic impact on highway safety – 8 residents

Impact on residential amenity

Noise pollution – 2 residents

Other

Would result in segregation of communities/benefits only one part of the community – 3 residents

Already sufficient numbers of temples in the borough – 3 residents

Not consulted – 1 residents

Noise and disturbance from construction – 2 residents

Increase in litter – 2 residents

Impact on Jubilee Park – 4 residents

Support

To date (17 November) a total of 426 letters and 8 petitions (with 368 signatories) supporting the scheme have been received. The Hindu Council UK, the Hindu Forum Britain and Barry Gardiner, MP for Brent North, have also written in support.

Statutory consultees

The Greater London Authority (GLA), Transport for London (TfL), Thames Water, Metropolitan Police and the London Borough of Barnet were all consulted on 6 October.

GLA

Whilst the application is broadly acceptable in strategic planning terms, on balance, the application does not comply with the London Plan on the following grounds:

1. Urban design: The applicant is advised to address issues relating to the design of the boundary wall, access to the temple building and car parking layout.
2. Inclusive design: Incorporation of further inclusive design strategies into the scheme is required.
3. Climate change mitigation and adaptation: Provide a table comparing the proposed values for energy efficiency parameters to those used in the 2010 Building Regulations Notional Building; provide a schematic drawing showing all proposed building uses (including the retained office building) and heat loads connected to the centralised boiler room; provide further information on the assumptions used to calculate the carbon dioxide savings from the proposed photovoltaic panels; provide the reduction in tonnes per year of regulated carbon dioxide emissions, and the percentage savings, compared to a 2010 Building Regulations compliant development.
4. Transport: Reduce the level of parking; provide further information on the impact of special events; review the results of trip generation; provide a construction logistics plan and a delivery and servicing plan; provide a car parking management plan and parking accumulation survey.

Discussion and a response to the above is provided in the *Remarks* section, sub-section 7.

TfL

See GLA comments, above

Thames Water

No objection with regards to sewerage infrastructure

Metropolitan Police

No comments received

London Borough of Barnet

No objection

Internal consultees

The Council's Transportation department and Parks service were consulted, along with officers within the Policy section of the Planning service to comment on matters of policy, landscape & trees, section 106 heads of terms and sustainability.

Transportation

No objections on transportation grounds subject to:

Section 106 Agreement to secure:

- (i) implementation of the submitted Travel Plan (to also encompass the retained office floorspace); and
- (ii) a financial contribution of £75,000 towards non-car access/highway safety improvements and/or parking controls in the vicinity of the site; and (iii) widening and resurfacing of the footways of Kingsbury Road and Townsend Lane along the site frontage in accordance with drawing 101392L01B (with a minimum of 3.5m total width along the Kingsbury Road site frontage) to include reinstatement of all existing lengths of redundant crossover to footway/verge and to offer the additional width to Brent Council as highway maintainable at public expense through an agreement under jointly S38/S278 of the Highways Act 1980; together with

and conditions requiring:

- (i) minor amendments to the access drive to include a protective kerbed margin alongside the substation and 4m kerb radii onto Townsend Lane; and
- (ii) a limit on the use of the community hall for major events of over 50 people after 4.30pm at weekends in order to limit the total attendance on the site to a manageable level,

Parks

No comments received.

Landscape & trees

No in principle objection to the proposal but landscape officers have some reservations. These are discussed in greater detail in the *Remarks* section, sub-section 6.

A Section 106 Agreement is required to secure the following:

- (i) Street tree planting along Kingsbury Road and Townsend Lane footways

And subject to conditions requiring:

- (i) A landscape maintenance and management plan
- (ii) Further details of the hard and soft landscape scheme including:
 - (i) A revised selection of trees
 - (ii) 300mm planting strip along southern and western boundaries at the rear of the parking bays, with arbours over some parking spaces
- (iii) Further details of the means of enclosure and specifically the boundary wall/railing on Townends Lane which should be more visually permeable and more sympathetic to the public realm/streetscape.
- (iv) Further details of SUDS

Sustainability

No objections on sustainability grounds subject to:

Section 106 Agreement to secure:

- (i) TP6 score min 50%
- (ii) BREEAM 'Excellent'

- (iii) Site wide CHP & a min. of 160 sqm of PV panels
- (iv) Comply with the ICE Demolition Protocol
- (v) Travel Plan

and conditions requiring:

- (i) Further details of SUDS
- (ii) Greenroof specification and management plan

Policy & S106

See Remarks section, below

REMARKS

Introduction

In summary it is considered that the current proposal is a departure from the adopted Core Strategy policy CP20 which seeks to safeguard Borough Employment Areas (BEAs) and therefore cannot be supported by existing planning policy, however it is possible that development for alternatives uses could be considered on the basis of the proposal being able to satisfactorily address fundamental concerns, these being:

- Retention of sufficient quantum and quality of employment floorspace;
- Requisite provision of car parking; and
- Support for the continuing functioning of the remaining employment area.

and if substantial planning merits are demonstrated.

Key considerations

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

1. Principle of development, including employment & community facilities provision and impact on remaining industrial land
2. Impact on nearby residential amenity
3. Parking and access
4. Design
5. Landscaping & trees

1. *Principle*

Sub-section (a) discusses the reasons why your officers consider this particular site suitable for release for other uses—when those other uses are deemed sufficiently beneficial—and the impact of those other uses on the remaining industrial land. Sub-sections (b) & (c) explains the planning merits of the proposed development in terms of the employment uses and community uses respectively and the weight given to these merits in reaching the decision that they are sufficiently beneficial and the recommendation that members support this change of use; sub-section (d) provides a summary.

(a) Release of protected employment land

The site is located within a designated BEA as defined by the Unitary Development Plan—known as a Locally Significant Industrial Site in the London Plan—which the Unitary Development Plan 2004 and Core Strategy 2010 protects for uses that fall within the B2 (general industry), B8 (storage and distribution) use classes and closely related sui generis uses. In reality, use class B1c (light industry) is also generally considered acceptable. BEAs “consist of coherent areas of

land which are, in terms of environment, road access, location, parking and operating conditions well suited for retention in employment use.” (UDP 2004: para 7.7.2, p155).

CP20 of the Core Strategy states that proposals for alternative uses will be resisted where this will result in a loss of land in employment use. Employment land is protected for a number of reasons, not least because BEAs are considered locally significant to Brent’s economy and as industrial operations generally need to be able to function free from encroachment or interference from neighbouring sensitive land uses. This approach is supported by the London Plan 2008 policy 3B.4 *Industrial Locations* and the SPG *Industrial Capacity* (March 2008).

The latter document includes a classification of the London boroughs according to the approach each should adopt to releasing industrial land; Brent is classified as a borough which should have a limited transfer of industrial land to other uses (Industrial Capacity SPG 2008: para 3.12, p22-23), although the SPG goes on to say that "it will be for boroughs to justify and address these local departures from general market conditions prevailing in their areas." (*Ibid.*: p24).

Notwithstanding this, your officers believe that there are very special circumstances which mean this particular part of the BEA can be released for other uses, summarised as:

- (i) the existing use is unusual and, given the amount of B1 office space, not ideally suited to a BEA with only moderate accessibility; consequently there is a lack of effective demand for the site that has been demonstrated through extensive market research; and
- (ii) the site is physically marginal to the remainder of the BEA and lacks some of the qualities by which the UDP defines BEAs; as such it can be redeveloped without encroaching on or interfering with the remaining industrial land.

These very special circumstances are explained in greater detail below.

(i) Existing use and demand

This employment site is a head office-type development with warehousing and parking for substantial amounts of plant and machinery. This is a specialist function for which there is limited demand; this lack of demand is exacerbated in this location due to the moderate accessibility and the age and poor quality of the original part of the office building. The site was marketed through a commercial agent for industrial use for a reasonable period (at least two years between 2006 to late 2008)—and with potential for industrial redevelopment where this is required to meet the needs of industrial users—with little or no interest from suitable users. This last point is in line with the 'demand based criteria' for releasing industrial land for other uses (*Industrial Capacity* SPG 2008: para 4.13, p37).

In addition, the applicant has submitted an assessment of the feasibility and delivery of the employment proposals, prepared by Strategic Planning Advice Ltd (*Employment Proposals: Feasibility and Implementation Study*, dated 13 August 2010). This contains information on market research carried out to establish demand for commercial units in the Kingsbury Area. Seven agents were questioned and in summary there is a lack of demand for larger office buildings, such as the existing McNicolas House, and there is a considerable supply of vacant office and light industrial buildings in the area and within the Kingsbury Road Industrial Estate. Whilst demand was low, the market research found that what demand there was would be focussed on smaller businesses looking for small units ranging between 15sqm (individual offices) up to 275sqm (a whole floor). Having said that, the agents stated that enquiries for companies seeking industrial premises were more common than enquiries for office space; it should be noted, however, that levels of demand are so low that agents found it difficult to identify particular users who were interested in commercial space in the area.

This research shows that demand for commercial space in the area is low, and those light industrial units which are vacant remain un-let, despite some interest. Demand for the

application site for light industrial users is likely to be more depressed than elsewhere, as the site would require redevelopment before being suitable for light industrial uses, since the main part of the site comprises an office building.

(ii) Impact on remaining industrial land

The release of the site is dependent on it not encroaching on or interfering with the remaining industrial land, either by the redevelopment affecting the industrial land or its presence meaning changes of activities or industrial processes, which may affect the redevelopment, would be resisted by the temple in the future.

This site is physically distinct from the main part of the Kingsbury Industrial Estate by virtue of the ground levels. It is located on its north-east corner and does not benefit from a separate service road; instead it is accessed from Townsend Lane, not the industrial area's internal service roads. This does not compare well with the expected characteristics of sites within BEAs as explained in the UDP: "land which [is], in terms of environment, road access, location, parking and operating conditions well suited for retention in employment use." (UDP 2004: para 7.7.2, p155). As such it is a marginal industrial site which is not as well-served as either other sites within the BEA or within other BEAs in the borough.

Your officers consider that potential conflicts with existing occupiers would occur if visitors to the temple resulted in overspill parking within the BEA itself, or if overspill parking made the approach roads or junctions congested or dangerous. Consideration should also be had to how the retained part of McNicolas House would be affected by the temple and community activities.

The retained part would have a new entrance area which would have its main pedestrian entrance accessed directly from Kingsbury Road and a second entrance accessed from the car park, suggesting that this would remain as an autonomous employment development in its own right.

The transport impact is discussed in sub-section 4, below. This includes discussion of the parking and servicing arrangements of the retained part of McNicolas House.

The applicant has provide a detailed timetable for normal temple activities including the proposed use of the multi-function community hall and the temple classrooms (see also sub-section 1(c)(ii), below); your officers are satisfied that the quality and detail of this timetable and the supporting information in the original Planning, Design & Access Statement, the Transport Assessment & Draft Travel Plans and the revisions to these submitted in the Consultation Responses document (received 02/12/10) gve sufficient evidence that the proposal would not materially affect the operation of the remaining industrial land or the retained part of McNicolas House. As such, the detail of the controls on hours of operation and the management of day-to-day events, weddings and Special Small and Large Religious Events can finalised as part of a clause incorporated into the section 106 agreement.

In terms of overspill parking, your officers do not expect this will affect the BEA as the temple activities would mostly take place in the evenings and at weekends outside normal working hours of business, suggesting that the operational requirements of the remaining industrial land would not be compromised by community or religious activities. Further details regarding the timing and management of special events will be required to ensure any events which occur during working hours are controlled (see sub-section 1(c)(ii), below).

(b) Employment use

The application proposes the change of use of the majority of the site but the retention and refurbishment of the more modern part of the existing office building to provide managed affordable

workspace, subsidised by the applicant, for small and medium-sized business. This space is proposed to provide jobs for up to 90 people. Your officers have given substantial weight to this subsidised provision and this is discussed in greater detail below.

(i) Number of workers employed

The employment capacity of the site in its current format is estimated at 166 jobs, based on worker floorspace ratios of 1 employee to 22 sqm (1:22) for the office space and 1:50 for the warehouse. These figures are derived from *Employment Densities: A Full Guide, July 2001*, by Arup Economics and Planning on behalf of English Partnerships and the Regional Development Agencies.

Your policy and development management officers made the decision to use a likely future redevelopment for business uses as a baseline for establishing a minimum employment requirement; this is because it was considered unlikely that the site would attract a large office occupier seeking the particular format offered, as evidenced by the original unsuccessful marketing of the site and the market research undertaken by the applicant as outlined in the Employment Proposals. Since policy CP20 does not generally support office development in this location, it would be unlikely that the Council would support the redevelopment of the site for a larger office building.

Your policy officers analysed a number of scenarios for different formats to reflect the potential uses the site could be put to within the constraints of policy CP20 of the Core Strategy; the figure of 90 jobs is calculated on the basis of the potential redevelopment of the site for a B1c, B2 or B8 building (or a mix thereof), assuming a plot ratio of 0.45 and an average of estimated jobs generated depending on worker floorspace ratios for those respective use classes of 1:32, 1:34 and 1:50 (Arup Economics and Planning, 2001).

The ratio for the refurbished offices differs from those used to calculate the existing number of workers; the ratio for new office space is taken from the *London Office Policy Review 2009* (LOPR 2009), which has been adopted by the GLA as its benchmark for worker floorspace densities for offices throughout London.

The LOPR 2009 sets an “employment density ratio of 12sqm per worker (net) or 13.8sqm per worker (gross)... The same density ratio is applied uniformly across London.” (Ramidus Consulting, *London Office Policy Review 2009*: para 3.4.8, p51)

This lower ratio reflects the changes in worker densities which are achieved not just by new working practices—for instance new information and communications technologies mean the need for storage space is much reduced—but also from modern, flexible buildings which can more easily accommodate open plan working and are more efficient than older buildings such as the existing McNicholas House buildings, particularly the older block (Ramidus Consulting, *London Office Policy Review 2009*). As such your officers are satisfied with the methodology employed by the Council’s policy officers of applying the higher worker floorspace ratio to the existing office block and the lower for the refurbished block.

(ii) Nature of the proposed managed, affordable workspace

The applicant investigated a number of options for providing the flexible B1 workspace and concludes that a phased fit-out of the building with the land cost and much of the initial construction cost being subsidised by the temple community is “the most prudent and sustainable of the options in that it reduces the risk of heavy up-front expenditure without compromising the overall concept.” (*Employment Proposals*: p27). The space would be available at a reduced rent of £11psf, which is 15% below market rents for a managed centre (*Employment Proposals*, p20). In addition the temple community would seek a reduced return of 15% compared with the industry standard of 25% for a scheme of this nature.

The key figures in the subsidy offered by the applicant in the above proposal are as follows:

1. £760,000 cost of refurbishing the office building
2. £1.4m equivalent cost for the land on which the building is sited
3. Rents of £11 per square foot (15% below market rents)
4. An undertaking to insure the building themselves

Your policy and development management officers find the above generally acceptable but have sought agreement in principle to the provision of the ground floor prior to occupation of the temple, the first floor within one year after occupation and the second floor within two years, to ensure a continuity of employment uses on the site. Moreover, should any floor be not more than 75% occupied for a two year period starting six months after being provided, to pay the Council £100,000 per floor toward local employment land enhancement and training initiatives ('the contingency clause'). This last requirement serves a dual purpose: firstly, the applicant is encouraged to further subsidise the rent for each floor up to a maximum of £100,000, beyond which the clause would be triggered; secondly, if the workspace remains under-occupied, the Council will use the £100,000-300,000 to support and enhance the remaining employment land. The applicants have agreed in principle to these points.

In conclusion, your officers are satisfied that the provision of managed affordable workspace (use class B1) is appropriate for the site and would serve to provide a number of jobs equivalent to redevelopment of the entire site for B1(c), B2 and B8 uses, and sufficient controls have been agreed in principle to ensure its successful delivery; as such, this has potential to meet strategic objectives 2 and 4, thus substantial weight is added to the planning merit of this aspect of the proposed scheme. Without this quantum of workspace, the subsidy provided and the contingency clause, officers would not recommend the release of the land for other uses.

(c) Community uses

Brent has local policy objectives to meet the needs of the borough's diverse community in respect of cultural facilities and sport and recreational activities. This was most recently confirmed by the adoption of the Core Strategy (2010) and in particular strategic objective 6 and policies CP18 and CP23. At the regional level, policy 3A.17 of the London Plan 2008 states the importance of addressing the spatial needs of London's diverse population and boroughs should ensure that they are capable of being met wherever possible; policy 3A.18 states that boroughs should ensure that appropriate facilities are provided within easy reach by walking and public transport of the population that use them and increased provision be sought, both to deal with the increased population and to meet existing deficiencies.

(iii) The temple

In terms of development plan policies, UDP policy CF14 states that the provision of religious meeting places for all denominations is permitted, where there will be no significant loss of residential amenity or unacceptable transport impact (policy TRN1) especially at time of religious festivals. A proposal which conflicts with the plan's priority framework for land uses (former UDP policy STR1, now Core Strategy policy CP1, which like CP20 seeks to protect BEAs for industrial and warehousing uses) may only be permitted where a shortage of places of worship is so serious as to outweigh the potential loss of priority land uses (policy CF14). The UDP also requires that small-scale community facilities should be located in a town or local centre or, if none are available, on a site with moderate or better public transport accessibility (policy CF2).

Starting with policy CF2, your officers consider this to be a small-scale community facility and thus policy CF2 is the appropriate policy to apply in terms of assessing whether the location is

acceptable in principle. Whilst large and small scale facilities are not defined in the UDP, some large facilities such as hospitals and educational facilities are referenced. As a small-scale facility, the site is appropriately positioned in an area of moderate accessibility; the applicant has provided a comprehensive list of alternative sites which they have investigated and dismissed (*Planning Design & Access Statement*: p9) and your officers are satisfied there is no suitable site available within nearby town or local centres.

Turning to policy CF14, the impacts on residential amenity and transport are discussed in sub-sections 3 and 4. The question of shortage of places of worship is discussed below.

Your officers have investigated the question of need themselves by researching the borough's demographics and the number of Hindu temples in the borough. Brent is the most ethnically diverse local authority area in England and Wales (2001 census data) and also one of the most religiously diverse; the population of Brent is 48% Christian, 17% Hindu (45,228 people) and 12% Muslim. This is the second largest percentage of Hindu population in a local authority area in the UK, London Borough of Harrow being the largest, with 20%; this compares with the population of London which is only 4.1% Hindu. Nationally the total Hindu population is 558,342, or 0.98% of the population; thus the 45,228 Hindu residents of Brent represent 8% of the Hindu population of the UK. Combined with Harrow's Hindu population of 40,548 and Barnet's 21,011, this site lies close to 19% of the Hindu population of the UK. The closest wards to the site are Fryent, Queensbury, Welsh Harp, Kenton and Barnhill. The Hindu population of these wards range between 36% (4690, the largest number in the borough) in Queensbury to 17% (2084) in Welsh Harp. Together these five wards have a third of the Hindu population of Brent.

According to the information submitted in the Design & Access statement (figure 2.3: p8), the majority of the temple community live within two miles of the application site; most of those live in Queensbury Ward in Brent or just beyond the boundary in Harrow or in Brent Cross in Barnet.

As acknowledged by the UDP, the "diversity of cultural, ethnic and religious groups within the borough means there is a shortage of adequate premises." (Brent UDP 2004: para 11.11.1, p230). According to the Planning Service's records, Brent has six Hindu temples, of which only one is located in one of the five wards closest to the site, the Mahavir Foundation at 557 Kenton Road, Kenton. Notwithstanding differences in denomination, the six temples in Brent would theoretically serve, on average, 7,538 residents.

The above analysis suggests that there is a shortage of places of worship and as such your officers have given some weight to the planning merit of this aspect of the proposal; however your officers have not attributed significant weight to this aspect as the applicant has not fully addressed the question of whether the shortage of places of worship is so severe as to override policies which define priority land uses (Core Strategy policies CP1 and CP20), and thus that clause of policy CF14 has not been triggered. Moreover this is a relocation of an existing temple, not the provision of a new temple to meet latent need.

(iv) The multi-function community hall

The multi-function community hall has the potential to provide benefits for both the temple community and the various groups—including sports clubs and dancing classes—and the surrounding community and local schools. Brent's Supplementary Planning Document *S106 Planning Obligations* (adopted October 2007) seeks contributions to sports, recreational and community facilities from large developments. In this case the applicant has agreed in principle to a clause in the section 106 agreement to secure a Community Access Plan for not less than 30 hours access a week. The applicant has agreed to the Community Access Plan to include reserving Saturdays (between 09.00 to 16.00) for the wider Brent community, subject to special religious events.

The applicant has submitted a draft timetable for the use of the community hall by the temple's groups, its use as a wedding venue and wider Brent community access in the Consultation Response document received 02/12/10. This will be secured as part of the s106 agreement, with sufficient flexibility to allow the temple to hold their special annual events. Your officers are satisfied that requirements of the temple groups and the wider community/local schools can be accommodated to the satisfaction of all parties. Normal day-to-day activities as set out in the timetable would result in up to 200 people being present on site; the implications of this is included in the Transport Assessment and this is considered acceptable. A draft management plan has been agreed to which means activities with fewer than 200 people on site can be carried out without further planning control provided the community access plan is adhered to.

Your officers have given weight to the benefits the multi-function hall could bring to the local community and nearby schools when judging whether to recommend a departure from the development plan.

(v) Special religious events and weddings

The *Proposals* section, above, outlines the proposed programme of prayer meetings for a typical week and also those occasions when attendance would be higher due to special religious events. Six such events are noted in the Planning, Design & Access Statement (para 5.3.1, p25) and of these two would be particularly large: New Years Day (after Diwali) and the anniversary celebrations, where up to 750 visitors can be expected at peak times. The day New Years falls on varies from year to year, but the anniversary celebrations would be held on a Sunday.

Weddings would be held at the weekend during the summer months between the hours of 09.00-16.00; the total numbers of guests would be similar to the peak temple use, at about 450 visitors, but they may be travelling from further afield and therefore be more likely to use cars. The applicant's transport consultants, Motion, have assumed the ratio of adults to children for weddings would be the same as for the prayer meetings: two-thirds to one-third. Motion has assumed a scenario of all adults driving but with at least one passenger; although assuming no single-occupancy vehicles is not particularly robust it is off-set by the fact Motion have not presumed any visitors would arrive by public transport.

One of the planning merits of the scheme to which weight has been attached in considering whether or not to support the scheme in principle (see sub-section 1(c)(ii), above) has been the offer by the temple community to work with the Council on delivering a community facility which would be open to the wider community for, amongst other things, sporting activities. The Council's standard request is that this be for not less than 30 hours per week and this should include at least one day a weekend, although this could be Saturday morning and then Sunday afternoon, for instance.

The risk from uncontrolled numbers of weddings and larger events is two-fold: (1) the community hall may be regularly unavailable to both the temple community's sports groups and by local residents at weekends and (2) the impact of congestion and overspill parking.

On the first point, harm to community access by not having a specified timetable is clear: lack of continuity means access would not become habitual and the actual use by the wider community would diminish to the point that the planning merit of the scheme would be lost. If temple groups also cannot use the multi-function hall then one of the benefits of relocating from the Golders Green site is lost.

Turning to the second point, congestion and overspill parking has the potential to cause harm both to the operation of the remaining employment land and to residential amenity. This is a

threat at all times when high numbers of visitors are expected but particularly when Monday-Saturday parking controls in the area mean visitors cannot park on Townsend Lane.

It is the amount of potential overspill parking which is the crux of the matter and your officers acknowledge that there will be occasions during the year when overspill parking may well cause nuisance to residents of nearby streets. If these occasions are limited to a small number of recognised religious events then this would be acceptable when balanced with the need to accommodate the special events of people of different faiths. More than that and the cumulative harm to residential amenity would become unacceptable. For this reason, the fact that harm could be caused by weddings on Saturdays—when parking controls are still in place on Townsend Lane and thus overspill parking would go to nearby residential streets or the remaining industrial land, your officers propose to limit weddings to Sundays only. This complements securing the use of the multi-function hall for the wider Brent community on Saturdays.

Furthermore, the main purpose of the temple and the multi-function community hall is as a place of worship and as a community facility respectively: it is not as a function hall and so the site's use for weddings should be ancillary to its main purpose. Moreover, Sunday evenings are the largest weekly prayer evenings; the potential cumulative effect of overspill parking from up to 450 wedding guests from 09.00-16.00 with only a short break before 450 visitors for the 17.00-19.30 prayer meeting would also only be acceptable on a small number of occasions. Your officers believe that large weddings of up to 450 should be limited to twelve Sundays a year, which is the equivalent to one a month; these could be used flexibly so up to two a month could occur during the summer months. The applicants have agreed to this with a clause to be included in the section 106 agreement for a review after one year to allow an assessment to be made of the impact of overspill parking. If the affect of the weddings on overspill parking is acceptable then your officers propose that they be given delegated powers to negotiate an increase on the initial 12 weddings; perhaps for a trial period with a further review after a year of increased wedding numbers. At no time would Saturday weddings be permitted, however.

In the event that the wedding is small enough for all, or close to all, parking to be accommodated on site then that would address the issue of harm from overspill parking either from the wedding itself or the cumulative impact of the wedding and the evening prayer. On the basis of Motion's assumptions, described above, your officers believe weddings with fewer than 300 visitors would be sufficiently small and therefore the hall could be used without limitation on Sundays (between 09.00-16.00) throughout the year.

As mentioned above, there are two events when numbers attending the temple will exceed 600 and peak at 750; your officers have classified these as Special Large Religious Events (SLRE). It is proposed to control these to three SLRE days per year, but these can fall on any day of the week. Although this may cause temporary harm to residents from overspill parking and the industrial land due to congestion, your officers balance this with the limited numbers of days per year and the need to respect the religious calendar of different faiths.

Four Special Small Religious Events (SSRE) are proposed and the numbers are expected to be up to 500 visitors. Due to the fact these could fall on any day of the week as well, your officers propose a separate control category to allow them to fall on Saturdays and disrupt the usual community access arrangement.

Your officers propose that the section 106 agreement contains a clause requiring the submission of a management plan—to include details of the arrangements for its monitoring and implementation, the responsibility of which will rest with the applicant—which imposes the above controls and a stragey within the Travel Plan to managing parking and access issues.

(d) Summary

Your officers have judged the planning merits of the scheme and the specific characteristics of the application site in terms of the ideal characteristics of a site within a BEA in light of recent regional and local policy changes and conclude that the planning merits of the scheme, which include significant retained employment use and the wider community benefits—including to some extent the need for a temple—when weighed with the very special circumstances why this site can be considered for release, mean your officers can support the principle of the proposed scheme despite the fact it represents a departure from the development plans and Core Strategy policy CP20.

2. Impact on Nearby Residential Amenity

Policy CF14 of Brent's UDP 2004 states that the provision of religious meeting places for all denominations is permitted, where there will be no significant loss of residential amenity. The application site is sufficiently far from neighbouring residential uses that the impact on residential amenity would be limited to (a) overspill parking and (b) traffic congestion, particularly at times of special events or potentially when weddings occurs. These matters are discussed in greater detail in sub-section 4, below.

Local residents have objected to the proposal on the basis of, *inter alia*, the noise and disturbance of the construction phase and an increase in litter arising from the temple use; the former is not a material planning consideration, whilst your officers do not believe that there is any evidence to suggest the latter would occur.

Your officers do not believe any material harm would arise in terms of noise & disturbance, particularly since the site is part of a BEA and thus can be used for potentially noisy industrial processes. Despite this, a condition will be imposed to ensure noise not heard beyond the boundaries of the site. Hours of operation of the temple, the community hall and the B1 use will be imposed via condition and the Travel Plan and management plan for special events including weddings will be imposed via the section 106 agreement to ensure neighbouring amenity is not unduly harmed. On the basis of this, your officers believe the proposal is acceptable in terms of its impact on residential amenity and thus would comply with that part of policy CF14.

3. Parking & Access

The scale of this development is such that it is likely to have a significant impact on the local transport network. As such, Policy TRN1 of the adopted UDP 2004 requires the submission of a Transport Assessment and Travel Plan to support the proposal and these documents have been prepared by Motion Transport Planning. Policy CF14 of Brent's UDP 2004 states that the provision of religious meeting places for all denominations is permitted, where there will be no unacceptable transport impact; this would be satisfied if policy TRN1 is complied with.

(a) Parking

Maximum allowances for parking provision are set out in standards PS6 (for businesses) and PS12 (for class D uses) of the adopted UDP 2004.

Being located in an area with moderate accessibility and outside of any town centre, up to one space per 150sqm would be permitted for the employment floorspace; thus up to ten spaces would be allowed for the office building.

Parking standards for the temple and the community hall are based on the peak number of visitors. Figures provided for the temple for a typical week suggest that attendance would peak at about 450 visitors—and ten staff—on a Sunday between about 17.00 and 19.30. During this time the community hall use will be restricted to sports events, which would attract up to 32 visitors plus five staff. This may increase to about 600 people during special religious events on about four occasions each year. For the community hall, the maximum attendance would also total about 450

visitors for Hindu weddings, but these would be timed so as not to coincide with evening prayers in the temple, nor any other activity.

Applying parking standards to these attendance figures gives an allowance of up to about 180 spaces for the temple and about 25 spaces for the community hall. These figures are a maximum standard. The proposed provision of 91 car parking spaces would therefore accord with maximum standards, with the inclusion of five wider spaces for disabled people in a location convenient to each of the three buildings satisfying standard PS15.

TfL have commented that the number of parking spaces on site should be set according to a restraint-based approach. Your officers agree in principle with the restraint-based approach and this is the intention of Brent's UDP, hence the maximum number of 215 spaces (for the office, temple and community hall) the policies could allow is not being sought; in this case consideration needs to be given to the impact of overspill parking on traffic flow and road safety, particularly during larger events at the temple (this is discussed in greater detail below).

The lack of parking controls in the vicinity of the site at peak visitor times means people would not be discouraged from making trips by car as they would be able to park on-street, with attendant highway safety and residential amenity concerns. The applicants have submitted a comprehensive Transport Assessment and this has been analysed by Transportation officers. Your officers believe the parking level proposed will meet most of the demand generated by the site and a more effective reduction in trips by car can be achieved through a well-designed travel plan, as required by policy TRN4 of the UDP.

TfL agree with this approach in an email dated 25 November, subject to a robust Travel Plan and car parking management plan to reduce single occupancy car trips and control vehicle movements. TfL recommend that car parking for the retained office space should be allocated separately from those for the main temple and community building. The 10 spaces allocated for the office will be identified and signage will be erected to ensure the spaces are reserved for the office on Mondays-Fridays and until 16.00 on Saturdays; this will be secured by condition.

Electric vehicle charging points (EVCPs) will be provided for 9 parking bays, in line with emerging best practice and the draft replacement London Plan; this will be secured by condition.

Your officers are satisfied that the amount of parking proposed is acceptable and strikes the right balance between providing on-street parking to prevent the harm of overspill parking, without encouraging excessive car trips.

(b) Cycle parking

In terms of bicycle parking, the provision of 16 spaces to the rear of the office building is sufficient to satisfy standard PS16 for one space per 150m² floorspace. There are no specific standards for the temple or community hall, but the proposed provision of 48 spaces for these uses is welcomed as part of the means by which trips by car could be reduced.

As required by policy TRN11, the cycle parking should be located in a convenient position and be safe, covered and secured with good lighting, further details shall be secured by condition. Showering and changing facilities should be provided for all employees and visitors on site to conform with London Plan policy 3C.22 'Improving conditions for cycling' and draft replacement London Plan policy 6.9 'Cycling'. Employees of the offices and visitors to the temple can use the community hall showers; this will be secured by section 106 agreement, within the Travel Plan.

(c) Servicing

The campus of uses on this site mean parking, servicing and deliveries will to some extent be combined. It is important for the long-term viability of the retained employment function that the

temple and community uses do not hinder its operation or its delivery strategies.

Standard PS19 requires the retained office building to be serviced by 8m rigid lorries. The car park is proposed to accommodate delivery vehicle movements, with a delivery zone being identified on spaces 74-78 for use during weekdays when the car park is expected to be lightly used. The applicant has demonstrated that service vehicles can manoeuvre safely around the car park. The proposed loading area is to be located alongside the proposed refuse store to allow easy collection, although it is not as conveniently located for the offices as possible.

A delivery and servicing plan (DSP), to be secured as part of the section 106 agreement, will be prepared to ensure deliveries are scheduled to avoid peak car park usage, although the peak usage is not expected at the same time as office hours. The DSP will reflect the Special Religious Events strategy to ensure a plan is in place should the Special Religious Event days fall on a weekday. The DSP will also identify efficiency and sustainability measures such as combining deliveries for the office and the other uses to reduce vehicle movements.

Consideration should also be given to accommodating coach journeys to the site for large events to aid the Travel Plan and to comply with policy TRN30 of the UDP. To this end, a commitment to cordon off a section of the car park for coaches when they are expected has been given, in the designated delivery zone. It is expected that most coach journeys would be local schools making use of the community hall and so this would occur during the week but at times of low car park usage. The DSP should therefore include a reserve delivery area when a coach is in place, or ensure deliveries are timed so as not to coincide with coach arrivals.

(d) Vehicular access

The proposed access from Townsend Lane is acceptable in terms of width and sightlines, subject to condition.

(e) Pedestrian access

The footways along both the Kingsbury Road and Townsend Lane frontages of the site would be widened to cater for the predicted increase in pedestrian movements to the site, although a minimum width of 3.5m should be provided along Kingsbury Road, particularly in the vicinity of the bus stop. This would comply with policy TRN10 of the UDP, and Brent Council would wish to see these widened areas of footway adopted as highway maintainable at public expense and the section 106 agreement should reflect this. The applicants have agreed in principle to this.

(f) Traffic Impact

A number of local residents have objected on the basis that the development would result in congestion in the local area. This part of the report looks at numbers of vehicles likely to arrive at and depart from the site, when and how large the peaks would be and the capacity of the local highway network. When considering traffic impact, cognisance should be had of the fact the existing site has up to 97 car parking spaces and would be capable of accommodating a number of larger vehicles, albeit the pattern of use would be different to that proposed.

As the temple is relocating from other premises in North London, it is possible to identify travel patterns of the existing staff and attendees and to apply these to the new site. The Transport Assessment prepared by Motion includes details of a travel questionnaire which was circulated amongst adult visitors to the existing temple in Golders Green, identifying home postcodes, modes of travel to the existing site and likely modes of travel to the proposed site. A total of 184 responses were received from an estimated total attendance of about 400 (incl. children). This response is considered to be good.

The results of this survey showed the average distance of travel to the temple would fall from 3.8

miles to 2.0 miles with the relocation from Golders Green to Kingsbury, thus demonstrating that the new site will sit closer to the heart of its community than the existing premises. The proportion of visitors travelling less than two miles to the temple would also rise dramatically from 11% to 68%, thereby offering plenty of scope to replace car trips with walking and cycling trips.

In terms of the modes of travel used, the questionnaire revealed the following split for the Golders Green temple and the intentions of visitors if the Kingsbury temple is constructed:

Golders Green	Car as driver	46%
	Car as passenger	38%
	Public transport	16%
	Walk	0%
	Cycle	0%
Kingsbury	Car as driver	35%
	Car as passenger	27%
	Public transport	20%
	Walk	15%
	Cycle	3%

This shift in modes of transport can be explained by the relocation of the temple to a site closer to the heart of its catchment area; thus reducing existing car use which, particularly in conjunction with a Travel Plan, which would be of benefit to the road network as a whole.

The questionnaire also assessed when the temple visitors tended to arrive and depart for the main prayer service on Sundays and weekdays; no data was collected for Saturday. Your officers presume this is because the number of visitors is expected to be lower than for the Sunday prayer meeting but the local highway conditions are expected to be the same.

(i) Sunday prayers

Visitors do not tend to stay at the temple throughout the evening prayer period; instead they will typically arrive and depart on a fairly casual basis but try to be present at the temple for a set 15-minute period between 18.30 and 19.00. As a consequence, the peak hour for arrivals on a Sunday is 17.30-18.30 whilst the peak departure period is 18.40-19.40. Peak attendance within the temple is calculated at about 18.30 and is estimated at 450 visitors and 10 staff.

Applying the above intended modal share figures to these arrival and departure profiles produces Sunday evening peak hour vehicular for the temple. Additional journeys were also added for the community hall, however use of the hall during weekend evening worship periods is proposed to be restricted to low key events only (e.g. badminton), so as not to generate too many overall people to the site at any one time. This restriction would be secured by either planning condition or S106 Agreement. The modal share is based on data from Vale Farm and Willesden Sports Centre.

Peak vehicular movements on a Sunday would therefore total 90 arrivals and six departures between 17.30-18.30 and six arrivals and 98 departures between 18.40-19.40.

(ii) Weekday prayers

A similar exercise was undertaken for the weekday evening peak period to coincide with peak movements on the local road network. At this time, the majority of movements out of the site would be associated with staff from the retained McNicolas House building leaving the site at the end of the working day. Minimal temple traffic would be expected, as it would not open until 18.30 on weekdays, whilst only low-key use of the community hall would again be likely at this time. Office movements were based upon likely staff numbers (90), reduced by 40% to allow

for holidays, sickness, working away from the office etc., with modal share being based upon Census data for the local area.

(iii) Conclusion

The above flows were then added to existing flows at the junction of Townsend Lane and Kingsbury Road, as surveyed on Sunday 24th and Tuesday 26th January 2010. The resultant junction capacity was then tested for each period using industry standard software and the results showed the junction to operate well within capacity at all times.

On the basis of this, your officers do not consider the proposed development would result in harmful levels of congestion in the local area when operating at normal levels.

(g) Overspill parking

The other potential traffic impact relating to this proposal concerns overspill parking from the site. Applying the above assumptions regarding the modal split and numbers of vehicles visiting the site, up to 120 cars could be expected to be parked for the temple for a relatively short period during Saturday or Sunday evening prayers. With 91 spaces proposed on site, about 29 cars could be expected to rely on off-site parking in the area, albeit for only a relatively short period.

(i) Parking survey

A parking survey was undertaken by the Transport Consultant to assess the availability of safe off-site parking within a 400 metre radius of the site on Saturday 23rd January 2010 between 19.30-21.00 and Sunday 24th January 2010 between 17.00-19.30.

This survey identified a total of 843 on-street parking spaces in this area and over the course of the two survey periods the occupancy rate for the on-street parking varied from 23% to 26%, leaving between 625-650 spare parking spaces available for overspill parking from this development.

(ii) Normal operation

When consideration is given only to kerbside space within 200 metres of the site (with nearby residential streets such as Burgess Avenue, Coniston Gardens and Mardale Drive excluded from consideration), a total capacity of 142 safe on-street parking spaces was identified (along Kingsbury Road, Townsend Lane and Jubilee Close). Parking on Townsend Lane is restricted by single yellow line between 08.00-18.30 between Mondays and Saturdays but is unrestricted on Sundays.

The surveys showed these spaces closest to the development site to be particularly lightly parked, being constantly less than 5% occupied throughout both survey periods, giving at least 135 available on-street parking spaces. The 24 spaces on Jubilee Close should be discounted and the Travel Plan should include means by which visitors would know not to park there as it is a road within the industrial estate; similarly, visitors should not be allowed to park on Barningham Way. This is to ensure that the remaining industrial land is not interfered with. Omitting these roads there would still be 111 available on-street parking spaces within 200m of the site.

(iii) Weddings and special events

Whilst the above represents a typical weekly situation, this does not account for the proposed wedding events on Sundays or for the Special Small or Large Religious Events, when the overspill parking figures may be greater.

Wedding guests may be travelling from further afield and therefore be more likely to use cars. As such, even though the total number of guests would be similar to the peak temple use, at about 450 visitors the overspill parking is expected to be greater. Motion has estimated this to be in the region of 69 overspill cars, compared with 29 for the Sunday evening prayers. The parking survey identifies up to 111 spaces with 200m of the site. This amount of overspill is thus considered acceptable subject to limiting the number of weddings to no more than 12 a year and the agreement of a bond figure, to be secured in the section 106 agreement, to cover the costs of monitoring parking levels and the possible implementation of a controlled parking zone in the vicinity of the site and a review after one year if the parking impact is proved to be acceptable. The applicants have agreed in principle to this.

There are also about half a dozen special occasions during the year when greater numbers of visitors can be expected, with the peak being quoted as anniversary celebrations, when 750 guests could be expected, although with a maximum of about 600 present on site at any particular time. Up to about 210 cars could therefore be parked for the temple on certain occasions at weekends, giving an overspill of about 120 cars. This exceeds the available on-street spaces on Kingsbury Road and Townsend Lane and there may be some pressure to use the available on-street parking spaces on neighbouring residential roads. As the figures above show, there are up to ca.500 available spaces on these streets. As discussed in sub-section 1(c)(iii), above, the potential disruption is considered acceptable given the mitigating circumstances.

(iv) Conclusion

The applicant has therefore adequately demonstrated that there is sufficient safe on-street parking capacity within a short walk of the site to cater for any overspill parking from the site under normal circumstances, without having to take up parking space in nearby residential streets outside people's houses. The Travel Plan (see below) should restrict parking on Jubilee Close and Barningham Way, to prevent interfering with the remaining industrial land.

The applicant has agreed in principle to a financial contribution (amount to be agreed) for, amongst other things, ensuring the existing waiting restrictions in the area are bolstered as necessary to ensure any overspill parking is confined to safe stretches of road and to eliminate dangerous or obstructive parking and to direct visitors to park on-street in roads where they would not cause a nuisance to local residents. On those occasions when nearby on-street capacity is fully employed there may be a need for a small number (estimated at less than 10) vehicles would need to park on residential streets, but the applicant has shown there to be capacity for this on Sundays, but not on Saturdays. Whilst this would be acceptable on a small number of occasions a year, such as the special events, this cannot be justified for the weddings.

(h) Non-Car Access/Highway Safety

The road accident history in the area was investigated in the Transport Assessment. Road accidents records for the surrounding area over the five year period January 2005 – December 2010 revealed ten accidents within about 120 metres of the site. Five of these occurred at the junction of Townsend Lane and Kingsbury Road and three of those involved pedestrians.

Although there was no particular common cause to these accidents, the width of Kingsbury Road and resultant speed of traffic would have been a major factor, even following the installation of a pelican crossing east of Townsend Lane in early 2007. As such, further improvements to pedestrian facilities in the area would be particularly beneficial; these will be secured in the aforementioned £75,000 financial contribution towards improvements to sustainable transport infrastructure in the vicinity of the site. Typical improvements would include pedestrian crossing facilities, cycle routes, bus stop facilities etc.

(i) Travel Plan

A Travel Plan has been prepared for the temple and community hall and has been appended to the Transport Assessment. This has used the results of the travel survey carried out at the existing premises in Golders Green to establish a baseline against which future car journeys can be measured, with targets being set to reduce the proportion of car drivers further from the initial level over the course of five years. A number of measures have been identified to do this, most prominently promotion and marketing of travel alternatives and promotion of car sharing. However, the level of support for a mooted shuttle bus service between the site and Hendon/Kingsbury stations was not considered to be sufficient to warrant introduction of such a service at the present time, although this can be kept under review.

The Travel Plan was assessed using TfL's ATTrBuTE programme and scored a PASS rating. The Travel Plan should be extended across the whole site to include the retained office floorspace, this will be secured as part of the section 106 agreement. Visitors should be explicitly directed towards safe on-street parking areas away from nearby houses and the remaining industrial land and coach travel amongst larger groups of visitors should where possible be promoted, such as for weddings and the special events; this links to the setting out of an area in the car park where coaches could park. In addition, a management strategy should be developed, including parking and public transport provision and management. This should explain how school parties, large groups and other users of the community facilities will be accommodated. These groups may arrive by mini-buses or coach and should be catered for appropriately. This will ensure general conformity with London Plan policy 3C.2 'Matching development to transport capacity' and draft replacement London Plan policy 6.3 'Assessing transport capacity'

4. Design

The proposal comprises three distinct elements: (a) the traditional, ornate temple faced with carved sandstone; (b) the retained office building with new entrance area; and (c) the multi-function community hall in a modern architectural style.

(a) The temple

The temple would be prominent in the streetscene, located at the junction of two roads and close to the brow of a hill. Although it would be set into the ground by up to 2.5m adjacent to Kingsbury Road, the main part would still appear to be 10m high, rising to 23m at its highest point. Some residents have objected that this scheme would not be in keeping with the character of the area. It would undoubtedly be a dramatic intervention into the streetscene and would have a substantial effect on the character of the area, not only in terms of scale of the proposed temple—the existing office block is generally 8m in height, rising to 10-12m at the ends—but clearly also in terms of the distinctive architecture and stonework.

Your officers do not believe, however, that the effect on the character of the area would be harmful; the proposed temple is a well-proportioned building of high-quality materials that is of a scale and bulk appropriate for its location. Although clearly different to other buildings in the streetscene, the temple is faithful to ancient traditional Hindu architectural styles and has an arrangement and detailing which adheres to the religious symbolism of the community's faith.

The symbolic main entrance to the temple would be via steps to a doorway set within a raised portico; this arrangement has a spiritual connotation as it denotes the transition or journey from human to the spiritual dimension. The GLA note this but have objected that the lack of route for wheelchair users is contrary to policy 4B.5 of the London Plan, which expects all new development to meet the highest standard of accessibility and inclusion, together with the Mayor's Supplementary Planning Guidance 'Accessible London: achieving an inclusive environment'; as such they have requested the inclusion of a ramp or lift to the eastern entrance. Brent's UDP policy BE4 seeks similar inclusive access but allows flexibility where practical considerations dictate

otherwise.

Your officers are of the opinion that the main meeting point would be the public courtyard and not the entrance portico, as the public courtyard will have the space for members of the temple community to mingle before and after prayer meetings. In that respect officers do not think the fact level access is provided via the courtyard fails UDP policy BE4 or London Plan policy 4B.5.

(b) The office building

McNicholas House would be partially demolished and a new entrance area and core would be built to provide a legible access directly from Kingsbury Road and also from the car park. The new core will be constructed and detailed in the same materials as the multi-function hall to provide a consistent language across the site; this is considered acceptable.

(c) The multi-function community hall

A minimalistic approach has been applied to the design of the multi-function building; openings of various sizes are incorporated in the solid building form. The design is of high quality and its built form complements and respects the adjacent temple building: it will be of masonry construction made of semi-glazed brick as well as sandstone that matches the material used for the temple. The design of the multi-functional community building is considered to be of high quality.

Whilst the massing of the multi-function building is similar to that of the temple building, being on average 13m above ground level, due to the topography of the site the three-storey volume would appear a storey below the temple building. Together with its simple yet elegant architectural language, it would appear subservient and acknowledges the rhythm and setting of the main temple.

The building presents a relatively blank wall to the south; however the corner of the building addressed Townsend Lane with a large, projecting bay window. This provides relief to this elevation in conjunction with the reconstituted stone band details and small aluminium windows at regular intervals, with the whole elevation above the stone clad plinth faced in glazed brick. A shadow line between these two materials, accentuated by a projecting stone header above, serves to give further visual interest.

The multi-function building has been designed as a public building in its own right: it would accommodate most hall based sporting activities as well as a number of other community activities. It has its own entrance, reception and a café area, and can be accessed directly from Townsend Lane via the public courtyard. This arrangement would allow other groups of the community to use the facilities at the multi-function building and is therefore supported.

(d) Summary

Your officers are impressed with the quality of the proposed buildings and their setting which meets strategic policies of the UDP STR14 and STR15 and the objectives of Core Strategy policy CP5. Accordingly your officers have given this aspect weight in reaching the recommendation.

5. Landscaping & trees

(a) Landscaping

At present the site lacks any notable landscape features and any planting that does exist would be removed to accommodate the development.

The resulting landscape is dominated by hard surfacing, interspersed with tree planting and raised beds. The boundary of the site is mostly low wall with railings between piers but along the

Townsend Lane boundary this is more difficult to achieve as part of the boundary wall serves as a retaining structure. That part of the wall between the temple steps and the multi-function hall contains a 3m wide double gate and a further 11.5m of 2.2m high railing set into a 3.2m high wall. Both the GLA and the borough's landscape officers have requested further revisions to this boundary so it is more visually permeable. Further details of all boundary walls will be sought—to include details of the railings design—but officers note that the eastern boundary wall has been designed to achieve PAS68 (relating to vehicle impact) on the advice of the Metropolitan Police's Counter-Terrorism Security Advisor (CTSA) and any further design should also achieve this standard; the advice does include, however, the boundaries should be visually permeable with railings (see Planning, Design & Access Statement: p70).

The courtyard is connected to Jubilee Park opposite via these gates and a proposed raised pedestrian crossing over Townsend Lane (to be secured by section 106 agreement). This central space would be surfaced with a mix of high quality materials and planted with new trees. A central water feature would be positioned between the entrances to the temple and the multi-function hall. Structural benches and seats are proposed to break up the space and are clustered to form areas of interest for visiting members of the community. These also serve a dual purpose as a means of preventing vehicles from accessing the courtyard; this aspect has been designed on the advice of the CTSA.

The submitted plans show the footpaths of Kingsbury Road and Townsend Lane widened and resurfaced, with eight proposed new street trees along the edge of Townsend Lane. The applicants have also agreed in principle to a further five street trees to be planted near the back edge of the footpath on Kingsbury Road in order to soften the otherwise hard edge to the boundary there.

Landscape officers raise no objection in principle to the landscape proposal but do have some reservations over the detail of the scheme. In particular officers are concerned about the size of the car park and the lack of planting. Your officers recognise the difficulties in balancing the need to provide a sufficient number of parking spaces with a desire to improve the public and private realm. Further details are to be sought by condition which includes a 300mm deep planting strip along the southern and western boundaries, along the back of the parking spaces. Officers will seek a number of arbours, to cover short runs of three-six parking spaces, over which climbing plants could trail; this would achieve a greater level of soft landscaping in the car park.

As mentioned, standard landscape conditions to secure revisions to the hard and soft landscaping scheme—and a landscape maintenance and management plan—will be imposed. Landscape officers also seek SUDS and more green or brown roofs; these matters have also be sought by sustainability officers and will be included as conditions or requirements of the section 106 agreement.

(b) Trees

An Arboricultural Impact Assessment has been prepared by D F Clark Bionomique Ltd (dated 11 May 2010, refL DFC A 130). This identifies seven individual trees, one young group and shrub planting on site. The report identifies one of these trees (T6) to be in a very poor condition and comments that the remainder of the trees on site are young and as such do not yet contribute fully to the landscape. None of the trees is subject to a tree preservation order (TPO).

It is proposed to remove all trees from the site to facilitate the development, however 14 new trees would be planted. The report also notes that the proposed community building would be closer to street trees T3-5 on Townsend Lane and measures will be taken to protect the roots of these trees during construction; similar measures will be required to protect T15, a street tree on Kingsbury Road, from works to that part of the boundary.

Landscape officers raised no objection to this aspect of the scheme, but a condition will be

imposed requiring a revised selection of trees which could include a more attractive mix of species that compliment the character and scale of the building, add more colour and reflect the stature of the trees in the open space opposite.

6. Response to objectors

Most objections have been addressed in the body of this report.

Loss of employment uses would establish a precedent for other changes of use

The report sets out the special circumstances which mean officers consider this site can be released for other uses where the planning merits of those uses are sufficiently weighty.

Concern about the fact the scheme has to include counter-terrorism measures

It is unfortunately necessary that new public buildings must take sensible precautions, however it is not a reason for refusal.

Traffic impact on highway

Some residents commented that this would affect high safety at Oliver Goldsmith School; the peak use of the site would occur outside of school hours and your officers do not envisage any conflict with the school or harm to pedestrian safety there.

Would result in segregation of communities/benefits only one part of the community

The scheme proposes a Hindu temple but also a multi-function community hall, for which access will be secured for local schools and the wider community, and managed affordable workspace for at least 90 employees; your officers believe there would be benefits to the wider local community from this scheme and have given these benefits significant weight in assessing the principle of the proposal.

Not consulted

Consultation letters were sent to properties far beyond the distance required by statute or the Council's own requirements, and site and press notices were posted.

Noise and disturbance from construction

This is not a material planning consideration.

Impact on Jubilee Park

The scheme proposes a new pedestrian crossing over Townsend Lane, improving access to Jubilee Park and highway safety at that junction. The proposed street trees and widening of the footpath would also improve the setting of the park.

GLA

The following is a summary of the response to the GLA discussed in the report:

1. Urban design: Your officers understand the comments regarding the design of the boundary wall were based on superseded plans, but in any event further details have been secured by condition. Similarly, the applicant has agreed to a condition to revise the landscaping of the car parking layout to increase the amount of planting. A condition is proposed to secure a greenroof to the remaining commercial building to improve the environmental benefits of the site and to mitigate for the large car park, albeit this would not have any visual benefits.
2. Inclusive design: As explained in sub-section 4(a), above, your officers are satisfied with the arguments provided by the applicant regarding the significance of the steps serving the eastern entrance and do not believe this proposal fails to be inclusive for all.
3. Climate change mitigation and adaptation: The applicant have agreed with the GLA that the Stage 1 comments regarding climate change mitigation and adaptation have been addressed satisfactorily in the applicant's Consultation Response document, also provided to the Council. Your officers are also satisfied that any outstanding item can be secured by section 106 agreement.

4. Transport: TfL have since agreed with the Council's approach to the level of parking provided subject to the controls the Council will seek, and the applicant's have agreed in principle too, in the section 106 agreement.

As mentioned above, the applicants have responded to the GLA directly in the Consultation Response document which was also received by the Council. Your officers are satisfied that they have addressed most of the GLA requests for further information and objections; other matters can be secured by condition or within the section 106 agreement.

7. Conclusion

The proposed development does not accord with policy CP20 as it involves the release of protected industrial land for other uses. However, the non-compliance with this policy is considered to be outweighed by the other benefits of the scheme.

In summary it is considered that the negative impacts of the loss of the industrial land are not of sufficient weight to overcome the significant planning merits of the site which include:

- (a) maintaining a significant employment provision on-site in the form of modernised, managed affordable workspace;
- (b) financial contribution to support for the remaining industrial land should demand for the above be lacking;
- (c) helping meet the sporting and cultural needs of the residents of Brent;
- (d) providing a high quality development which makes a positive contribution to the urban environment and enhances the public realm;

and negative impacts such as any impact on the remaining industrial land can be controlled via condition or section 106 agreement. The proposal is in line with central government and London Plan guidance and other UDP and Core Strategy policies.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Brent Core Strategy 2010 (save as set out below)
The London Plan 2008
Central Government Guidance
Council's Supplementary Planning Guidance

The proposed development does not accord with policy CP20 as it involves the release of protected industrial land for other uses. However, the non-compliance with this policy is considered to be outweighed by the other benefits of the scheme.

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c) helping meet the sporting and cultural needs of the residents of Brent;
d) providing a high quality development which makes a positive contribution to the urban environment and enhances the public realm;
and negative impacts such as any impact on the remaining industrial land can be controlled via condition or section 106 agreement. The proposal is in line with central government and London Plan guidance and other UDP and Core Strategy policies.

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
Employment: in terms of maintaining and sustaining a range of employment opportunities
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Tourism, Entertainment and the Arts: the need for and impact of new tourists and visitor facilities
Transport: in terms of sustainability, safety and servicing needs
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):

EX (00) 001 Rev P2; EX (00) 002 Rev P2; EX (00) 003 Rev P2; EX (00) 004 Rev P2;
EX (00) 005 Rev P2; EX (00) 006 Rev P2; EX (00) 007 Rev P2

GA (00) 001 Rev P11; GA (00) 002 Rev P8; GA (00) 003 Rev P8; GA (00) 004 Rev P3

GA (00) 011 Rev P8; GA (00) 021 Rev P2; GA (00) 022 Rev P1

GA (00) 101 Rev P8; GA (00) 102 Rev P9; GA (00) 103 Rev P10; GA (00) 104 Rev P5; GA (00) 111 Rev P4; GA (00) 112 Rev P4; GA (00) 121 Rev P4; GA (00) 122 Rev P2; GA (00) 123 Rev P2; GA (00) 124 Rev P2

GA (00) 201 Rev P7; GA (00) 202 Rev P7; GA (00) 203 Rev P7; GA (00) 204 Rev P4; GA (00) 211 Rev P5; GA (00) 221 Rev P4; GA (00) 222 Rev P4

GA (00) 301 Rev P4; GA (00) 302 Rev P4; GA (00) 303 Rev P4; GA (00) 304 Rev P4; GA (00) 305 Rev P2; GA (00) 306 Rev P2

101392 L01 Rev B; 101392 L02 Rev A; 101392 L03 Rev A; 101392 D01; 101392 D02

Planning Design & Access Statement; Transport Assessment & Draft Travel Plans;

Employment Proposals; Sustainability Appraisal; Energy Statement; Arboricultural Impact Assessment; Consultation Responses

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

- (3) Activities within the temple and the multi-function community hall shall only be permitted between 0800-2200 hours Monday to Sunday, with the premises cleared within 30 minutes after these times, unless otherwise agreed in writing by the Local Planning Authority

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

- (4) Activities within the retained commercial building shall only be permitted between 00.00-24.00 hours Monday to Saturday and at no time on Sundays unless otherwise agreed in writing by the Local Planning Authority

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

- (5) The areas designated for car-parking shall be fully completed in accordance with the details hereby approved and such details to be approved by condition prior to occupation of the development or any part thereof and the car-parking area shall be retained as such.

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

- (6) Any redundant vehicular crossover from the site onto the highway shall be reinstated to footway/verge at the applicant's expense prior to occupation of any part of the development hereby approved.

Reason: In the interests of pedestrian safety

- (7) The retained commercial building shall be used only for the purpose of Use Class B1 (a), (b) or (c) as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written permission of the Local Planning Authority.

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

- (8) No demolition/building works hereby approved shall commence until vehicle wheel washing or road washing facilities have been provided in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development.

Reason: To ensure that the construction of the proposed development does not prejudice conditions of safety and cleanliness along the neighbouring highway.

- (9) 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.

- (10) Prior to the commencement of development, further details of the car parking layout shall be submitted to and approved in writing by the local planning authority. Such details to include:
- (i) electric vehicle charging points at a ratio of one to every five spaces; and
 - (ii) the means by which the ten car parking spaces for the commercial building shall be identified

Furthermore the Car Park Management Plan of the Travel Plan shall set out the means by which the use of car parking spaces allocated to the commercial building will be guaranteed for the use of occupants of the commercial building in core office hours of 08.00-18.00 Monday to Friday, 08.00-16.00 on Saturdays and at no time on Sundays.

Reason: to comply with the draft replacement London Plan and to ensure the car parking spaces allocated to the commercial building are available for the occupants of the office building during core office hours

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

- (i) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (ii) screen planting along the northern site boundary;
- (iii) adequate physical separation, such as protective walls and fencing, between landscaped and paved areas;
- (iv) provision for the satisfactory screening of habitable room windows to the visiting dignitary's flat with defensive planting and screening of facilities such as refuse and cycle stores;
- (v) all planting including location, species, size, density and number to include a revised selection of trees;
- (vi) areas of hard landscape works and proposed materials;
- (vii) a revised car parking layout to include a 300mm strip along the southern and western boundaries at the rear of the parking bays, with arbours over some of the bays.

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.

- (12) Details of a scheme showing those areas to be treated by means of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such details shall include a schedule of materials and samples if appropriate. The approved scheme shall be implemented in full prior to first occupation of the development.

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

- (13) No development shall commence unless a Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the Local Planning Authority. This should comprise a maintenance schedule and any specific management duties and may include any of the following:-

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

The approved management plan shall be fully implemented.

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

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

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

- (15) Details of the provision of a minimum of 60 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the

commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained. Such details shall include the means of construction including materials if deemed necessary.

Reason: To ensure satisfactory facilities for cyclists.

- (16) No development shall commence until details of the proposed vehicular access have been submitted to and approved in writing by the Local Planning Authority, to include a protective kerbed margin alongside the substation and 4m kerb radii onto Townsend Lane. Thereafter the development shall not be occupied until the vehicular accesses have been laid out in full accordance with the details as approved and these facilities shall be retained.

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

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

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

- (18) Suitable and sufficient apparatus for the neutralisation of all effluvia from the processes of cooking, etc., shall be installed in accordance with the approved details prior to commencement of the use of the kitchen and maintained thereafter (details to be submitted to and approved by the Local Planning Authority before works commence on site) and the discharge outlets shall terminate 1m above eaves level.

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

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

Reason: In the interests of preventing localised surface water flooding

- (20) Prior to the commencement of development, details of a greenroof to the retained commercial building shall be submitted to and approved in writing by the local planning authority; such details shall include plans and specifications. The works shall be carried out in accordance with the approved details and retained thereafter.

Reason: in the interests of off-setting the environmental harm of the large car park area

INFORMATIVES:

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

(2) During construction on site:-

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

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

- (3) The loading and transfer of all materials shall be carried out so as to minimise the generation of airborne dust with all material kept damp during handling. Road vehicles loaded with crushed material shall be sheeted or otherwise totally enclosed before leaving the site. In order to prevent dust nuisance to neighbouring properties and residents, there shall be adequate screening and damping-down during all demolition activities, sandblasting, clearance work and other site preparation activities.

Reason: To minimise dust arising from the operation and to safeguard the amenity of neighbouring residents.

- (4) 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, to ensure that the surface-water discharge from the site will not be detrimental to the existing sewerage system. 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.

- (5) Thames Water would recommend that petrol/oil interceptors be fitted in all car-parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local waterways.

REFERENCE DOCUMENTS:

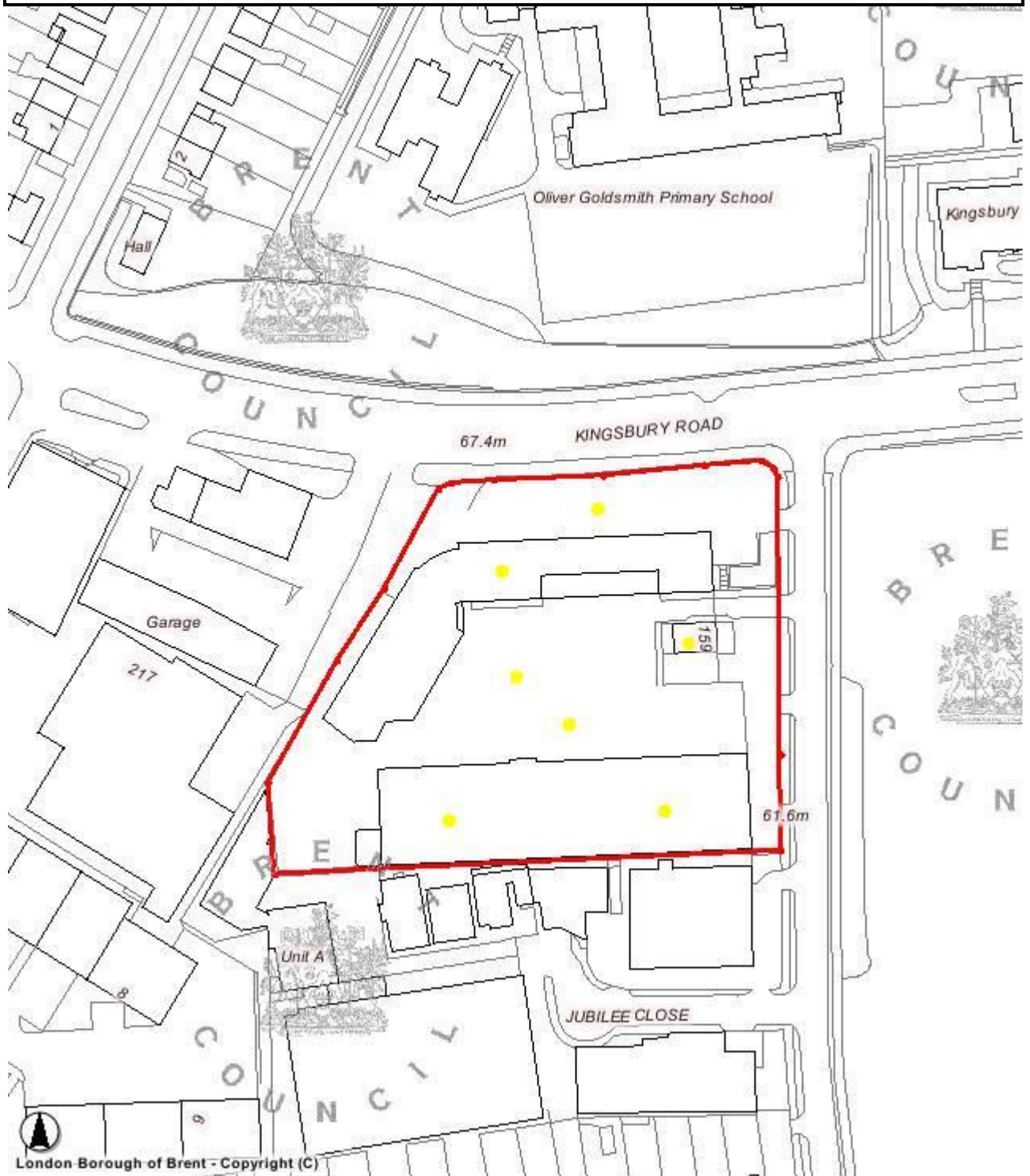
Any person wishing to inspect the above papers should contact Angus Saunders, The Planning



Planning Committee Map

Site address: McNicholas House, Warehouses 1 & 3, Front car park & Yard, McNicholas House, Kingsbury Road, London & 159 Townsend Lane, London, NW9

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This map is indicative only.

Committee Report
Planning Committee on 15 December, 2010

Item No. 7
Case No. 10/2266

RECEIVED: 1 November, 2010

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 63 & 63A Beverley Gardens, Wembley, HA9

PROPOSAL: Works proposed to No. 63 and 63A Beverley Gardens involving the following:

No. 63 Beverley Gardens

Rebuilding of ground and lower ground floor rear extension, raised terrace with steps down to garden level and alterations to garden level together with the removal of one front roof light to dwellinghouse

No. 63A Beverley Gardens

Rebuilding of new dwellinghouse next to No. 63 Beverley Gardens with ground and lower ground floor rear extensions, raised terrace with steps down to garden level and alterations to garden level together with rear dormer window and one front roof light and removal of shed in rear garden.

APPLICANT: Mrs McGarvey

CONTACT: Saloria Architects

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

Grant planning consent

EXISTING

The application site originally contained a semi detached dwellinghouse located on the western side of Beverley Gardens. The site is not situated within a conservation area but the Barn Hill Conservation Area lies to the south and east of the site. This section of Beverley Gardens is classified as a heavily parked street.

Planning permission was granted in 2007 for a new dwellinghouse attached to No. 63 Beverley Gardens. The new house is known as No. 63A Beverley Gardens. The new dwellinghouse (No. 63A) has not built in accordance with the approved planning permission. There is an ongoing enforcement case in relation to the unauthorised works which is discussed in detail within the remarks section of this report.

The original dwellinghouse (No. 63) has been substantially extended with a lower ground and ground floor rear extension, full width rear dormer window and three roof lights on the front roof slope. The works were carried out without the benefit of planning permission. There is an also ongoing enforcement case in relation to these works which is discussed in detail within the remarks section of this report.

PROPOSAL

This application has been submitted to address the concerns raised by both the Council and Planning Inspector in relation to the enforcement appeal (see planning history). The following works are proposed:

No. 63 Beverley Gardens

- Rebuilding of ground and lower ground floor rear extension (no habitable accommodation in the lower ground floor);
- Terrace with steps down to garden level;
- Increase the rear garden level;
- Removal of one front rooflight; and
- Alterations to front garden layout.

Rebuilding of new dwellinghouse next to No. 63 Beverley Gardens (No. 63A Beverley Gardens)

- Rebuilding of ground and lower ground floor rear extensions;
- Reduce the size/floorspace of the lower ground floor (no habitable accommodation in the lower ground floor);
- Terrace with steps down to garden level;
- Increase the rear garden level and side passageway;
- Removal of one front rooflight;
- Reduction in size of the rear dormer;
- Alterations to front garden layout;
- Lowering of eaves on the front elevation;
- Relocation of boiler flue from front to side roof slope; and
- New Chimney stack to main roof.

HISTORY

Relevant Planning History

63 Beverley Gardens

E/10/0312: Enforcement investigation into the change of use of the premises to a House in Multiple Occupation - Further Action awaiting the decision of this planning application.

09/3423: Full Planning Permission sought for retention of lower ground floor and ground floor extensions and rear dormer, removal of front canopy and alterations to front garden layout - Refused, 14/01/2010.

E/09/0520: Enforcement investigation into the erection of a rear dormer window, single and two storey rear extension and front canopy to premises and the formation of a hard surface to the front of the premises without the benefit of planning permission - Appeal dismissed and enforcement notice upheld by the Planning Inspectorate, 18/03/2010.

The enforcement notice required the single and two storey rear extensions to be removed within a period of six months from 18 March 2010. To date no works have been carried out. In the event that members are minded to grant planning permission, officers recommend that the period for

compliance is extended to April 2011, so that the works approved as part of this application can be completed within a reasonable timeframe.

No. 63A Beverley Gardens

E/09/0313: Enforcement investigation into the erection of a part 3/ part 4 storey building attached to No. 63 Beverley Gardens comprising two self contained flats and the erection of a bungalow to the rear of the premises without the benefit of planning permission - Appeal dismissed and enforcement notice upheld by the Planning Inspectorate, 18/03/2010.

The enforcement notice required either (a) the demolition of the part 3/part 4 storey building attached to 63 Beverley Gardens or (b) alter the building to comply with the terms of planning permission 07/3513; and for the bungalow to the rear of the premises to be demolished. The period for compliance was eight months from 18 March 2010. To date the bungalow has been demolished by the Local Planning Authority on 9 October 2010. No works have been carried out to the main house. In the event that members are minded to grant planning permission, officers recommend that the period for compliance is extended to April 2011, so that the works approved as part of this application can be completed within a reasonable timeframe.

07/3513: Full Planning Permission sought for erection of a 3 bedroom dwelling adjoining 63 Beverley Gardens including hardstanding, landscaping and new vehicle crossover to front of both new and existing dwelling and subject to a Deed of Agreement dated 11 February 2008 under section 106 of the Town and Country Planning Act 1990, as amended - Granted, 11/02/2008.

POLICY CONSIDERATIONS

Brent's UDP 2004

BE7 - Public Realm: Streetscape

Hardsurfacing occupying more than half of a front garden area and forecourt parking that would detract from the streetscape or setting of the property, or create a road/pedestrian safety problem would be resisted.

BE9 - Architectural Quality

New buildings, extensions and alterations to existing buildings should be of a scale, massing and height that is appropriate to their setting; and be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other, which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents.

H10 - Containment of dwellings

New residential accommodation should be self contained unless it is designed to meet the known needs of a named institution and suitable management arrangements are secured. Non self contained accommodation should be located within an area of good or very good public transport accessibility.

TRN15 - Forming an access to a road

An access from a dwelling to a highway is acceptable where the location of the access would be at a safe point with adequate visibility; the access and amount of off street parking provided would be visually acceptable; and on a heavily parked street the proposal should not result in the loss of more than one on-street space.

TRN23 - Parking Standards: Residential Developments

Residential development should not provide more parking than the levels listed in standard PS14.

Supplementary Planning Guidance

SPG5 "Altering and Extending Your Home"

Domestic Vehicle Footway Crossing Policy

CONSULTATION

Consultation Period: 10/11/2010 - 01/12/2010

Public Consultation

52 neighbours consulted - 28 letters of objection raised on the following grounds:

- Houses will only be used for commercial letting purposes and multi occupation. This is out of character with the surrounding area which primarily consists of family houses.
- Extensions do not sit comfortably within the environment. It is too large and out of keeping with the character of the area
- Building will have a top heavy rear elevation with four stories in appearance when viewed from Alverstone Road
- Increased numbers of household will have an effect on the amount of refuse generated and increased demand for cars parking on the road
- Terraces will be overbearing and will overlook the properties to the rear
- If permission is granted it will set a precedent for this type of development in the area
- Basements are not in keeping with the other properties in Beverley Gardens
- Appearance from the front elevation is out of keeping with the character of other properties in Beverley Gardens
- These application are intended to delay the requirements of the previous enforcement notices

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

External Consultation

Barn Hill Residents Association - objections raised on the following grounds:

- Current appearance of the property is out of keeping with the character of the streetscene
- Terracing affect makes it appear as a block of flats
- Removal of one roof light will not assist in enhancing the streetscene
- Internal layout is very little changed
- Properties will be rented out as individual rooms or as flats
- Increased parking congestion and rubbish

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

Internal Consultation

Transportation - No objections raised.

Environmental Health - No objections raised.

REMARKS

Site and surroundings

The application site comprises a two storey three bedroom semi-detached dwellinghouse. Prior to the works being carried out to the original property (No. 63), the property had a rear conservatory which sat on an existing raised terrace. Stepped access was provided down to garden level from the terrace and a separate stepped access was also provided to the garden at the side of the dwellinghouse. The use of a terrace and/or stepped access is a common feature to the properties on this side of Beverley Gardens due to the difference in levels from the front to the rear of the site.

The attached neighbour (No. 61 Beverley Gardens), has not been extended to the rear although planning permission has been granted for a 3.0m deep single storey rear extension (LPA Ref: 09/0876). Planning permission has also been granted for a new house attached to No. 61 Beverley Gardens (LPA Ref: 09/1888). To date this permission has not been implemented.

Proposed alterations to No. 63 Beverley Gardens

This application proposes a number of substantial alterations to the dwellinghouse to overcome the concerns raised by the Council and the Planning Inspector with regards to the unauthorised works carried out. These are set out below:

- Removal of window and door to basement (lower ground floor) rear extension and replacement of pitched roof with flat roof to ground floor rear extension
- Raised terrace with steps down to garden level and increase in the rear garden level

As referred to earlier in this report, the properties on this side of Beverley Gardens generally have the use of terraces and stepped access to provide access to the garden level. The garden levels fall towards the rear. The above amendments have been made to reflect the general design principles of properties on this side of Beverley Gardens. The garden level will be built up to be more in line with the levels at No. 61 Beverley Gardens so that the basement level will be obscured by the raised garden level. Stepped access is provided from the centre of the terrace down to garden level.

The roof of the ground floor rear extension will be replaced with a flat roof measuring 2.6m high from terrace level. Sky lights are proposed within the roof of the ground floor extension. The ground floor extension will remain at 3.0m deep. The extension complies with the guidance as outlined in SPG5, and is not considered to have an adverse impact upon neighbouring occupiers, including the properties on Alverstone Road. Similarly, it is not considered that the terrace will have a significant impact upon the amenities of No. 61 Beverley Garden as a result of overlooking to the rear garden and dwellinghouse.

The proposed alterations will alter the appearance of the property when viewed from the rear. The property as altered will have the appearance of a two storey property with a terrace rather than a part 3 part 4 storey building as currently seen. The alterations are considered to overcome the concerns raised by the Planning Inspector as set out in the appeal decision notice.

The alterations will in turn change the internal layout. The habitable rooms within the lower ground floor element will be removed and replaced with a store/utility room and WC. The existing window and door will be removed as a result of the works. Internal access via the main house will only be provided. As the proposed rooms will be non-habitable and used in connection with the main house, the use of the basement space is considered acceptable.

- Retention of rear dormer window and removal of one front rooflight

The rear dormer is to be retained as existing. The rear dormer was removed from the enforcement notice as the Planning Inspector took the view that a dormer similar to the one constructed could be built as permitted development, and thus would not require the benefit of planning permission. The Inspector concluded that it would be unreasonable to refuse planning permission for the

retention of the dormer. As such its retention is proposed as part of this application and considered acceptable.

The front elevation of the property has three roof lights. One of the roof lights is to be removed. SPG5 permits a maximum of two roof lights per roof plane. It is considered that the retention of two roof lights is considered acceptable and meets the guidance as outlined in SPG5.

Proposed alterations to No. 63A Beverley Gardens

It should be noted at this stage that the principle of a new dwellinghouse attached to the side of No. 63 Beverley Gardens has been accepted on the site. This was considered as part of the 2007 application. This application refers to the unauthorised works that have been carried and the proposed alterations that are now being sought to overcome the concerns raised by the Council and the Planning Inspector. The proposed alterations are set out below:

- Extension of basement (lower ground floor) rear extension to act as terrace and reducing the internal space of the basement
- Rebuilding the ground floor rear extension by setting in the flank wall in from the main house by 1.0m and replacing the pitched roof with flat roof
- Raised terrace with steps down to garden level and increase in the rear garden level

As proposed at No. 63 Beverley Gardens, the above amendments to the lower and ground floor rear extensions have been made to reflect the characteristic design feature of properties on this side of Beverley Gardens. As seen at No. 63 Beverley Gardens, the garden level of the new house will be built up to be more in line with the levels of Nos. 63 and 65 Beverley Gardens. The basement level will be extended out by 1.0m to line up with No. 63 Beverley Gardens and act as a terrace to provide access from the ground floor extension to the garden level. The basement itself will be predominantly hidden by the raised garden level and wall of the terrace. Stepped access is provided from the centre of the terrace down to garden level. The side passageway will also be raised to reflect the new ground levels.

The roof of the ground floor rear extension will be replaced with a flat roof measuring 2.6m high from terrace level. Sky lights are proposed within the roof of the ground floor extension. The ground floor extension will remain at 3.0m deep but it will be set in 1.0m from the main flank wall of the house. This is required to break up the bulk of the flank elevation of combined terrace and ground floor rear extension that faces No. 65 Beverley Gardens. The extension complies with the guidance as outlined in SPG5, and is not considered to have an adverse impact upon neighbouring occupiers including those on Alverstone Road.

The proposed alterations will significantly change the appearance of the property when viewed from the rear. The property will have the appearance of a two storey house with a terrace rather than a part 3 part 4 storey building as currently seen. The alterations are considered to overcome the concerns raised by the Planning Inspector as set out in the appeal decision notice.

The alterations will in turn change the internal layout. The one bedroom flat within the lower ground floor element will be removed and replaced with a store/utility room. New internal walls are proposed to reduce the size of this space so that it reflects the size of storage/utility space required for a family house. The existing window and door on the rear elevation and flank elevation will be removed as a result of the works. Glass blocks are however proposed on the flank elevation to allow a limited amount of light to this space. Internal access via the main house will only be provided. As the proposed rooms will be non-habitable and used in connection with the main house, the use of the basement space is considered acceptable.

- Reduction in the size of the rear dormer and removal of one front rooflight

The rear dormer is to be reduced in width from 2.6m to 1.7m. It will be set just below the ridge of the roof and set up 1.0m from the eaves to match the dormer that is to be retained as No. 63 Beverley Gardens. The width has been amended to be less than half the width of the original plane and thus complies with SPG5. Whilst the set down from the ridge does not meet the guidance as outlined in SPG5, given that it will match the dormer window on the neighbouring property, the overall siting and appearance of the dormer window is considered acceptable.

One roof light is proposed to be removed on the front roof plane. One will remain which meets the guidance as outlined in SPG5.

- Other alterations to the front of the property

The eaves on the front elevation will be lowered to match the existing house. It will be in keeping with the design of the existing properties where the eaves are sited directly above the first floor windows.

The boiler flue that projects from the front roof plane of the house will be removed and resited on the flank roof slope. Whilst it still will be visible from the street, it will have an upright appearance rather than project directly out from the front roof plane, and overall is an improvement.

A chimney stack is proposed on the main roof to replicate the existing chimney stack to the original house.

Front Garden Alterations to both properties

There is an existing crossover for the original dwellinghouse (No. 63) located outside the attached dwellinghouse (No. 63A). This whole area would have previously formed the front garden for the original dwellinghouse.

It was observed from the site visit that there is an area of gravel hardstanding for both the original and attached property to accommodate an off street parking space for both properties. However, there is no crossover to gain access from the road to the original property and thus vehicles have been overriding the pavement. The current arrangement is unacceptable and is detrimental to pedestrian and highway safety.

This application seeks to regularise the situation by providing a shared crossover for both properties and provide soft and hard landscaping to the front gardens of both properties. The main area of hard and soft landscaping will be at street level. Stepped access will be provided from street level to the front entrances of the properties which are at a lower level.

One off street parking space is proposed for each property accessed off a shared crossover of 4.2m wide. Officers in transportation have advised that the level of parking proposed is acceptable. The existing crossover that is to be made redundant is required to be build back to kerb and channel. Boundary walls are proposed along the frontage to prevent additional vehicles parking on the front forecourt and to assist in defining the frontage. An area of hardstanding to accommodate a bin store for both properties will be provided screened behind the front boundary wall.

Full details of the front garden layout are recommended to be secured by condition.

Future use of the properties

A number of concerns have been raised regarding the possibility of the property being converted into flats or multi occupation. Your officers can advise that following on from a visit to the properties in October of this year, neither property was in use as flats or multiple occupation.

With regards to this application, the layout of the floor plans do not suggest that the property will be converted into flats, and planning permission would be required to permit the change of use from a single family dwellinghouse. Without prejudicing any future application, officers consider that the change of use of the property to flats would likely be unacceptable as it would fail to comply with the Council's policies for flat conversions in Heavily Parked Streets which requires a minimum original floor area of 140sqm. There would also be other policy concerns with a potential conversion.

Conclusions

In conclusion, it is considered that the proposed alterations to both properties will significantly improve their appearance when viewed from both the front and rear elevations. They will replicate the characteristic design features for the properties on this side of Beverley Gardens. Both properties will be used as single family dwellinghouses, and the alterations to the both the internal layout and means of access reflect the use as a single family dwellinghouse.

The proposal is considered to comply with the requirements as set out in Brent's UDP 2004 and the guidance as outlined in SPG5.

Approval is accordingly recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

CONDITIONS/REASONS:

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

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

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

100509-01-P10
100509-02-P8
100509-03-P3

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

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

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

- (4) No windows or glazed doors 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) Notwithstanding the submitted plans otherwise approved, further details of the front forecourt layout shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this permission. The approved hard landscape works shall be completed within six months of the date of this permission and the approved soft landscape works shall be completed within six months of the date of this permission. The hard and soft landscaping shall be carried out in accordance with the approved scheme.

Such details shall include:-

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

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

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

- (6) The proposed alterations to the vehicular crossover on Beverley Gardens as shown on the approved plans shall be carried out at the applicants expense, in compliance with a scheme to be submitted to and approved in writing by the Highway Authority, with the works carried out and completed in accordance with these approved details within a period of six months following the date of the planning permission hereby approved.

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

INFORMATIVES:

- (1) The applicant is reminded that there are outstanding enforcement notices that is required to be complied with. The applicant is therefore advised to implement this planning permission within the next month and complete the works within a period of four months following the date of this permission. If this planning permission is not implemented within the timescales as set out above or the enforcement notices are

not complied with the Council will take prosecution proceedings or direct action to obtain compliance with the enforcement notices.

REFERENCE DOCUMENTS:

Brent's UDP 2004
SPG5 "Altering and Extending Your Home"
Letters of Objection

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



Planning Committee Map

Site address: 63 & 63A Beverley Gardens, Wembley, HA9

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Committee Report
Planning Committee on 15 December, 2010

Item No. 8
Case No. 10/2582

RECEIVED: 28 September, 2010

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 18 Oxenpark Avenue, Wembley, HA9 9SZ

PROPOSAL: Erection of part single-, part two-storey side extension and single-storey rear extension to dwellinghouse with associated hard and soft landscaping to front garden.

APPLICANT: Mr Viral Mehta

CONTACT: R P Architectural Services

PLAN NO'S:

See condition 2

RECOMMENDATION

Approve

EXISTING

The property is a two-storey semi-detached single family dwellinghouse on the east side of Oxenpark Avenue. It is not in a conservation area nor is the property listed. Surrounding uses are residential. The adjoining property is No. 20. The unattached neighbouring property (No.16), to the south, is a detached property on a different building line than the application property. No. 16 was extended with a two-storey side extension almost to the boundary in 1969 (P8337 6897). The rear elevation of the property is approximately 3m forward of the rear of No. 20; three bedrooms have their sole outlook from the windows on the first floor rear elevation. The ground floor closest to the boundary projects farther back until it is almost level with the rear of No. 18. The window here serves a kitchen, based on the approved plans for a 3.5m extension to No. 16, 04/1916, which was seemingly only partly implemented.

PROPOSAL

The application proposes a two-storey side extension which would replace the existing detached garage and come within 150mm from the boundary with No. 16. It would be set back from the main front wall of the house by 225mm at ground floor and 2.5m at first floor. The first floor element of the side extension would be set back from the rear wall of the house by 300mm. The ground floor element would extend back 3m and wrap around the rear of the house; it would be 100mm off the boundary with No. 20. Steps would descend from the extended reception room, 1m from the boundary with No. 20. Due to the ground levels, the rear part of the extension would be a maximum of 3.5m high, measured above ground level.

The ground floor extension would contain a room marked as a study, an adjoining WC/shower room--served by a high level window--and extended kitchen and reception room. The first floor would provide a further two bedrooms, with outlook to front and rear, taking the total bedrooms to six.

The existing front garden is entirely hard landscaped. Policy BE7 applies as the garage is to be removed, and the applicant has submitted an indicative layout showing half the front garden given over to soft landscaping.

HISTORY

10/0603

Withdrawn

POLICY CONSIDERATIONS

Brent UDP 2004

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

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

- **BE2 Local Context**
 - relates to design within the local context and character and the need to take into account existing landforms and respect and improve existing materials and townscape.
- **BE7 Public Realm: Streetscape**
 - states that a high quality of design and materials will be required for the street environment. Proposals that involve excessive infilling of space between buildings, the loss of paving, front walls and railings and forecourt parking that would detract from the streetscape will be resisted.
- **BE9 Architectural Quality**
 - relates to extensions and alterations to existing buildings and requires them to embody a creative and appropriate design solution specific to the site's shape, size, location and development opportunities. They should be designed to be of a scale, massing and height appropriate to their setting and the townscape location. It also requests that development respects without necessarily replicating the positive local design characteristics and satisfactorily relate to them. The design should exhibit a consistent and well considered application, and be laid out to ensure that building and spaces are of a scale design and relationship to each other that promote the amenity of users, provide satisfactory levels of sun and day light, privacy and outlook for existing and proposed residents.
- **TRN23 Parking Standards - Residential Development**
 - relates to maximum parking standards for residential units, 'car-free' development where public transport accessibility and controlled parking zones allow and on-street parking on outside of Heavily Parked Streets
- **PS14 Residential Parking Standard**
 - 4+ bedroom houses maximum parking standard is 2 spaces

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

SPG

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

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

CONSULTATION

Local consultees

Local residents were consulted on 13/10/10. Three objections have been received, one from the adjoining property No. 20 and two from houses elsewhere on the street; one of these properties is located opposite the application site and claims to be on behalf of two other properties. This has been logged as a petition.

The objections are on the following grounds:

- Out of character with the area
- Overdevelopment
- Too close to the boundary with resulting difficulty in fitting in the eaves
- The roof of the front extension should be pitched
- No openings on the side wall
- Traffic impact
- Applying only so the property can be sold on at an inflated price
- Noise and disturbance from works

These comments will be addressed within the *Remarks* section, below.

Internal consultees

Transportation

The proposal can be supported on the transportation grounds. The landscaping and the hard paving within the forecourt is acceptable as they meet the development standards within the BE7 and the Domestic Vehicle Footway Crossover Policy .

REMARKS

Key considerations

The main planning issues are considered to be

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

Visual impact

The purpose of Supplementary Planning Guidance No. 5 (SPG5) is to ensure that extensions and alterations to homes are well-designed, complement the home and neighbourhood and do not have an unacceptable impact on neighbours (SPG5, p2). In terms of design, it is clearly stated that extensions should be “*positioned and attached to your home in a manner that suits your street, neighbour and garden; is of a size, shape and height which will not unbalance the appearance and character of your existing house (is the extension too big?); complements your existing house – it should take into consideration the design of the existing windows, doors and other features; will not require the removal or building over of existing character features...*” (p3).

Local residents have objected that the extensions represent is overdevelopment and are out of character with the area, too close to the boundaries and the front extension should have a pitched roof. The extensions comply with the objectives of SPG5 and your officers judge the proposal does

not constitute over-development. These types of extensions are common to the borough and are not considered to be out of character with the two-storey, suburban nature of the street. There is no requirement to have a pitched roof to the front extension and your officers do not believe that not having a pitched roof is a reason for refusing the scheme.

Impact on the amenities of neighbouring occupants

The impact of the extensions would be felt by Nos. 20 and 16 in terms of outlook, privacy, daylight & sunlight.

No. 20 does not have a rear extension and due to the ground levels the proposed extension would be 3.5m high above ground level on its boundary, as the ground level is 0.9m lower than the finished floor level of the house. This is higher than normally permitted by SPG5, which seeks a maximum of 3m. Where ground levels change, however, the guidance can be applied flexibly. The impact on the habitable rooms would be no different than if the extension were only 2.6m high since the finished floor level in No. 20 is raised to match that in No. 18. Therefore the impact would be felt on the amenity space only. At this part of the garden, the amenity space is raised in a similar manner to the terrace at the rear of No. 18. The submitted plans show this terrace to be approximately 0.7m high, however the officer's site visit measured this to be approximately 0.4-0.5m high, taking into account the slope. As such the extension is not likely to appear as a 3.5m high wall from the patio of No. 20, and it would be closer to the normal 3m. On balance this is considered acceptable.

Turning to the impact on No. 16, there are no flank habitable room windows. The single storey extension of No. 16 extends to be in line with the rear wall of No. 18; as such the depth of the proposed single storey extension would be only 3m beyond the rear window, which serves a kitchen. Again the ground levels mean the extension would appear higher than the normally permitted 3m above the amenity space of No. 16, but not relative to the kitchen window; the extension to No. 16 is itself higher than 3m to eaves, and then has a lean-to roof above that. No 16 has a raised patio to the other side of the kitchen extension and a ground level patio to the rear of that. Close to the boundary there is a raised element, about 2m wide, which is not obviously used as amenity space and which has a small garden store along the boundary. On balance your officers do not think the height of the extension at this point would cause material harm to the amenity of residents of No. 16.

One high level flank window is proposed facing No.16, which serves the WC/shower room. This is considered acceptable but a condition will be applied to ensure it remains obscured glazed and does not open except above 1.7m.

SPG5 allows two-storey rear extensions where appropriate (p8). Considerations include the visual impact of the extension, its impact on the character and appearance of the property and the impact on neighbouring residential amenity in terms of loss of light and outlook. In particular it seeks to ensure the depth of the extension is not greater than half the distance from the side of the extension to the mid-point of the nearest neighbouring habitable room window. This is referred to as the 2:1 guide.

The impact of the first-floor side extension on No. 16 would be assessed in most part by applying the 2:1 guide to the closest windows serving habitable rooms. All three rear first floor windows are habitable rooms to a bedroom. The closest window is to bedroom four of No. 16, which also has a window to the front. This bedroom was added as part of the side extension of No. 16 in 1969. The proposed first floor side extension would fail the 2:1 guide in respect of this window but the 2:1 guide is not a rule. In instances where a neighbouring property is not in line with the subject property and has been extended and thus removed the possibility of the subject property extending as normal, the Council takes a flexible approach. In this case, bedroom four would also have outlook to the front and as such your officers have measured the 2:1 guide from the middle window, which was originally the closest window to No. 18.

The mid-point of the middle window is approximately 5.5m to the side of the first floor side extension, which is approximately 3m deep, so it does not strictly comply with the 2:1 guide; however the relationship between the houses means the subject property cannot be extended in full compliance with SPG5 and in these cases a more flexible application of the 2:1 guide can be made. In this instance the relationship of the first floor extension is better than the relationship with the ground floor extension, since the first floor extension is also 3m deep but the distance to the middle window is 5.5m. On balance your officers do not believe the proposed extensions would result in unacceptable harm to the outlook of occupants of No. 16.

No raised rear terrace is proposed to the back of the single storey rear extension and thus no undue overlooking is expected from the garden. The applicant has been advised on site that the terrace would likely require planning permission and this is added as an informative.

Parking and landscaping

The proposed side extension involves the demolition of the existing garage; as such policy BE7 applies and a front garden layout showing 50/50 soft/hard landscaping is provided. Further details of the specific planting proposed can be conditioned.

The objection that the extension would result in increased traffic impact is noted, but the proposal includes a plan for two off-street parking spaces within the landscaped front garden. Thus the proposal complies with the relevant UDP policies on parking. Your officers do not expect the proposal would generate a significant increase in traffic.

Response to objectors

Most objections are addressed in the above sections, but two others remain: (1) applying only so the property can be sold on at an inflated price; and (2) noise and disturbance from works. Neither of these are material planning considerations. Noise and disturbance during construction works is covered by Environmental Health legislation.

Conclusion

The proposal complies with policies BE2, BE7 and BE9 of the UDP and SPG5. 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

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):

RPA/18/OPA/100; RPA/18/OPA/101; RPA/18/OPA/102; RPA/18/OPA/103;
RPA/18/OPA/104; RPA/18/OPA/105; RPA/18/OPA/106 Rev A

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

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

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

- (4) The area(s) so designated within the front garden of the site shall be landscaped in accordance with a scheme (including species, plant sizes and planting densities) to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

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



Planning Committee Map

Site address: 18 Oxenpark Avenue, Wembley, HA9 9SZ

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Committee Report
Planning Committee on 15 December, 2010

Item No. 9
Case No. 10/2542

RECEIVED: 4 October, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 74 Harvist Road, London, NW6 6HL

PROPOSAL: Erection of single-storey extension to side of dwellinghouse

APPLICANT: Mr Bramall

CONTACT: Nash Baker Architects llp

PLAN NO'S:
See Condition 2

RECOMMENDATION

Grant Consent

EXISTING

The site is occupied by a mid-terrace dwellinghouse located on Harvist Road. This part of Harvist Road is located within the Queens Park Conservation Area with additional Article 4 (1) Controls.

PROPOSAL

See above.

HISTORY

There are no planning applications relating to this property, although there are a number of other decisions for similar forms of development that are referred to in the "Remarks" section below.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

BE2 Townscape: Local Context & Character
BE9 Architectural Quality
BE25 Development in Conservation Areas
BE26 Alterations & Extensions to Buildings in Conservation Areas.

Queen's Park Conservation Area Design Guide

Supplementary Planning Guidance 5 *Altering and Extending Your Home*

CONSULTATION

Site notice displayed on 15/10/2010 and press notice posted in local paper 21/10/2010. No representations received to date.

Neighbours

A total of 17 properties were consulted about the application, no representations received to date

Statutory consultees

Queens Park Area Residents Association consulted, no representation received.

REMARKS

This site is located in the Queens Park Conservation Area. The proposed development involves the removal of the dilapidated infill extension and the erection of a single-storey side infill extension built along the entire original rear projection. The extension would have a glazed mono-pitched roof sloping upwards from a height of 2m on the joint boundary with 72 Harvist Road to a maximum height of 3m against the flank wall of the outrigger. It is anticipated that this decision, if endorsed by Members, would form the basis for the way that Officers would approach similar extensions within the Queens Park CA. This may of course change in the future in the event that revised planning guidance is issued, but until then this becomes the agreed approach.

As mentioned above, the existing infill extension is in a dilapidated state, projects to 2.65m in depth from the rear elevation wall of the main building, and slopes down from a height of 3m to 2m at its eaves. The neighbouring property is impacted upon by the existing extension in terms of their outlook, more so than if a 2m maximum wall or fence was in place, and this is a material consideration here, given that it is proposed to remove this structure. The matter is discussed further below.

In this case, the main issues relevant to the determination of the current application are the impacts of the proposed development on the outlook of neighbouring occupiers, as well as the impact on the character and appearance of the property and surrounding Queens Park Conservation Area.

Impact on neighbouring Amenity

The Councils adopted Supplementary Planning Guidance SPG5 "Altering and Extending Your Home" states that infill extensions to terraced properties with side returns will not normally be allowed as they cause problems for neighbours who already suffer from restricted light into their homes. This position, however, has been granted some flexibility, reflected in a number of decisions made by the Councils' Planning Committee and by the Planning Inspectorate. Certain types of infill extensions have been considered not to cause harm to neighbouring amenity.

The first such formalisation of a more flexible approach was when the Councils' Planning Committee considered an application (ref: 07/3115) for an infill extension at Victoria Road where the height, design and material limited the apparent bulk and scale of the extension, whilst it also maintained a 4m deep courtyard between the rear elevation wall of the existing dwelling and the beginning of the extension to protect outlook.

This approach has been followed for a number of years and whilst Officers continue to believe that this is an appropriate means of allowing people to extend their home whilst minimising impact on neighbours, a number of recent appeal decisions where applicants were granted permission for full infill extensions to the existing two storey rear sections have required the Planning Service to revisit the issue. This discussion will highlight the views expressed by Inspectors and explain how these relate to proposals at this application property.

In allowing the appeal for a full infill at 39 Hopefield Road (ref: 09/1247) the Inspector stated that the side parapet wall proposed as part of the application would be equivalent in height to the average height of the existing extension. This is pertinent to this application as the proposed infill would have a height at the eaves and boundary less than the average height of the existing

extension, consistent with the Inspectors considerations in allowing this appeal.

In allowing the appeal for a full infill at 11 Donaldson Road, the Inspector noted as a result of the materials chosen to lighten the visual effect, and proposed excavation works to maintain a height of 2m at the joint boundary measured from the neighbours ground floor level, that the impact of the infill extension toward the neighbouring dwelling was reduced to an acceptable level. This current application uses light materials for its roof structure and also maintains a height of 2m at the joint boundary measured from the neighbouring ground floor level, consistent with the above reason put forward by the Inspector for approving the appeal at 11 Donaldson Road. Furthermore, as mentioned above, an existing structure at this current property would be demolished.

It is important to note that precedent is not normally considered to be a material planning consideration. However, given the views expressed when the Councils adopted policy on infill extensions is subject to external scrutiny, and the fact that matters of impact are inevitably similar where the specific site contexts are similar, these decisions can be given weight in the determination of this application.

Impact of infill extension on character of existing dwelling

Officers consider the infill extension to be in character with the existing building, as it is finished in light materials, in particular the glazed roof, and is also subservient to the existing dwelling. These characteristics for infill extensions were highlighted at appeal by an Inspector as reasons for approval for 39 Hopefield Road (09/1247), stating the infill:

".....would be subservient in height, width and bulk to the existing two storey extension and the original 'L' form of the present dwelling would be retained. With its glazed, monopitch roof, it would represent a contemporary approach to design, but not one that would be inappropriate in this context."

Your officers consider therefore that the infill responds to the aims of UDP policy BE26 through being sympathetic to the original design of the dwelling.

Impact of infill extension on the character of the Queens Park Conservation Area

Members will be aware that Officers have previously adopted the view that an argument could be made that a full length infill extension, filling the gap between the building and the boundary, could be considered to be out of character with the Queens Park Conservation Area. Members have also been recently informed at a recent meeting that an appeal against a refusal of planning permission at 30 Hopefield Avenue (Ref: 10/0290), where the sole objection related to the impact of the full infill on character and appearance, was allowed.

The Inspector at 30 Hopefield Avenue stated that:

"Overall, I do not find that the area of this proposed addition has any particular significance with regard to the conservation area and it would have no impact on its character or appearance".

Additionally, the Inspector at 24 Carlisle Road (09/3228) although he dismissed the appeal on impact grounds, concluded that he did not consider the infill proposal to be detrimental to the character of the conservation area, as it would not be visible from public view.

In terms of character and appearance, Officers do remain of the view that the spaces between the two-storey rear projections are defining characteristics of the properties within the Queen's Park Conservation Area and other similar Conservation Areas in Brent. However, as explained above, during recent appeal decisions Inspectors have been inclined not to dismiss appeals on the grounds of the impact on the character and appearance of the Conservation Area. This is based largely on their limited visibility and given that the specific site context here is similar to those appeal sites, it is considered that it would be difficult to construct an argument based on the

proposals detrimental impact on the character of the locality.

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

Existing Floor plans # 101, Existing Elevations # 102, Location Plan # 100, Proposed floor plans # 201 Revisiosn B, Proposed elevations # 202 revision B.

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

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

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

INFORMATIVES:

- (1) The applicant is informed that planning permission is granted here on the condition that the height of the extension is restricted to a maximum of 2 metres in height at the boundary with No.72 Harvist Road when measured from the ground level at No.72. Consent is only granted on this basis.

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



Planning Committee Map

Site address: 74 Harvist Road, London, NW6 6HL

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Committee Report
Planning Committee on 15 December, 2010

Item No. 10
Case No. 10/2536

RECEIVED: 24 September, 2010

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 117 Victoria Road, London, NW6 6TD

PROPOSAL: Erection of single-storey side extension to outrigger and installation of sliding/folding doors to rear elevation of dwellinghouse.

APPLICANT: Mr Thorsten Schumacher

CONTACT: Mr Jules Turner

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The property is a single dwelling house on the northern side of Victoria Road, NW6. The site is not within a conservation area, nor is it a listed building.

PROPOSAL

See above.

HISTORY

There are no planning decisions that relate specifically to this building, but there are a number of planning applications that are mentioned in the "Remarks" section of this report. These applications put this proposal in context.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

BE2 Townscape: Local Context & Character
BE9 Architectural Quality

Supplementary Planning Guidance 5:- Altering & Extending Your Home

CONSULTATION

Neighbouring occupiers were consulted on 12th October 2010. No comments have been received at the time of drafting this report.

REMARKS

This site is not located in a Conservation Area. The proposal envisages a single storey extension along the full length of the 2-storey outrigger, totalling 7.6 metres in length. Measured from ground level, which is shown as equal between the two properties that face onto the space between the outriggers, the extension is 2.7m high at its highest point meeting the flank wall and 2m at the boundary.

The boundary treatment is currently approx. 1.8m high, but as Members will be aware "permitted development" allows a means of enclosure to be 2m in height without needing planning permission. In spite of this, for clarity, the Council's adopted guidance for householder extensions in SPG5 does not support the infilling of this space between dwellings due to the potential impact on access to light and outlook to neighbouring occupiers within this restricted space.

Having said that, this application is recommended for approval, for the reasons set down in the discussion below and it is anticipated that this decision, if endorsed by Members, would form the basis for the way that Officers would approach similar extensions outside of Conservation Areas. This may of course change in the future in the event that revised planning guidance is issued, but until then this becomes the agreed approach.

In this case, the main issues relevant to the determination of the current application are the impacts of the proposed development on the outlook of neighbouring occupiers, as well as the impact on the character and appearance of the property.

Impact on neighbouring Amenity

The Councils adopted Supplementary Planning Guidance SPG5 "Altering and Extending Your Home" states that infill extensions to terraced properties with side returns will not normally be allowed as they cause problems for neighbours who already suffer from restricted light into their homes. This position, however, has been granted some flexibility, reflected in a number of decisions made by the Councils' Planning Committee and by the Planning Inspectorate. Certain types of infill extensions have been considered not to cause harm to neighbouring amenity.

The first such formalisation of a more flexible approach was when the Councils' Planning Committee considered an application (ref: 07/3115) for an infill extension at Victoria Road where the height, design and material limited the apparent bulk and scale of the extension, whilst it also maintained a 4m deep courtyard between the rear elevation wall of the existing dwelling and the beginning of the extension to protect outlook.

This approach has been followed for a number of years and whilst Officers continue to believe that this is an appropriate means of allowing people to extend their home whilst minimising impact on neighbours, a number of recent appeal decisions where applicants were granted permission for full infill extensions to the existing two storey rear sections have required the Planning Service to revisit the issue. This discussion will highlight the views expressed by Inspectors and explain how these relate to proposals at this application property.

In allowing the appeal for a full infill at 39 Hopefield Road (ref: 09/1247) the Inspector stated that the side parapet wall proposed as part of the application would be equivalent in height to the average height of the existing extension. This is pertinent to this application as the proposed infill would have a height at the eaves and boundary consistent with the Inspectors considerations in allowing this appeal.

In allowing the appeal for a full infill at 11 Donaldson Road, the Inspector noted as a result of the materials chosen to lighten the visual effect, and proposed excavation works to maintain a height of 2m at the joint boundary measured from the neighbours ground floor level, that the impact of the infill extension toward the neighbouring dwelling was reduced to an acceptable level. This current application uses light materials for its roof structure and also maintains a height of 2m at the joint

boundary measured from the neighbouring ground floor level, consistent with the above reason put forward by the Inspector for approving the appeal at 11 Donaldson Road.

Furthermore, in this instance for the first 4m of the extension (based on the area that Officers have previously suggested should be an open courtyard) the roof is proposed as fully glazed with slender glazing bars resulting in a lightweight appearance, rather than leaving a courtyard. Given its limited height and sensitive design it is not considered that this would cause harm to the neighbouring occupier. Beyond this 4m depth the roof is proposed as slate but still includes 2 large rooflights. Although things will inevitably change for the adjoining property, particularly as they have windows along the flank wall at ground floor facing the new extension, it is considered that this change would not be sufficiently detrimental so as to justify refusing consent.

It is important to note that precedent is not normally considered to be a material planning consideration. However, given the views expressed when the Councils adopted policy on infill extensions is subject to external scrutiny, and the fact that matters of impact are inevitably similar where the specific site contexts are similar, these decisions can be given weight in the determination of this application.

Impact of infill extension on character of existing dwelling

Officers consider the infill extension to be in character with the existing building, as it is finished in light materials, in particular the glazed roof, and is also subservient to the existing dwelling. These characteristics for infill extensions were highlighted at appeal by an Inspector as reasons for approval for 39 Hopefield Road (09/1247), stating the infill:

".....would be subservient in height, width and bulk to the existing two storey extension and the original 'L' form of the present dwelling would be retained. With its glazed, monopitch roof, it would represent a contemporary approach to design, but not one that would be inappropriate in this context."

Your officers consider therefore that the infill responds to the aims of UDP policy BE9 being sympathetic to the original design of the building.

Conclusion

There are no specific site characteristics here that mean that a different approach to the generic one set out above should be taken. There is no change in levels between buildings and nor is the neighbours level of amenity particularly sensitive. The appearance of the full length side extension is deemed acceptable, on balance, and is recommended for approval in accordance with policy BE9 of the UDP 2004.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

Proposal first floor & Elevation REVISED
Proposal ground floor and and section
First floor family bathroom REVISED
Proposal side elevation REVISED
Existing rear elevation
Existing floor plans

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

- (3) The roof-lights shall be detailed to be flush with the roof covering.

Reason: In the interest of visual amenity of the the locality.

- (4) Glazing to the roof of the extension shall be obscured.

Reason: In the interest of privacy between neighbouring occupiers.

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

(a) glazing bar details of roof

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

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

- (6) Prior to the development hereby approved commencing, further details of the guttering proposed for the extension shall be submitted to, and approved in writing by, the Local Planning Authority. Once approved, the details shall be fully implemented and permanently maintained.

Reason: In order to ensure a acceptable standard of design detailing, given the fact that no guttering should extend beyond the application site and the design of the extension may be needed to be amended to deal with this specific point.

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: 117 Victoria Road, London, NW6 6TD

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Committee Report
Planning Committee on 15 December, 2010

Item No. 11
Case No. 10/2806

RECEIVED: 29 October, 2010

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

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

PROPOSAL: Retention of hoarding to the rear of the site and the erection of heras style fencing on the front boundary.

APPLICANT: Genesis Housing Group

CONTACT: Savills

PLAN NO'S:
See condition 1

RECOMMENDATION

Approval

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

HISTORY

E/10/0076 Enforcement Notice served
Erection of hoarding to perimeter of premises.

This relates to the hoarding currently on the site.

10/0677 Refused 1st July 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

This decision has been appealed and is due to be considered at a hearing on 15th February 2011.

POLICY CONSIDERATIONS

UDP 2004

BE2 Townscape: Local Context & Character

BE6 Public Realm: Landscape Design
BE7 Public Realm: Streetscape
BE9 Architectural Quality

Supplementary Planning Guidance Note 17: Design Guide for New Development

CONSULTATION

Neighbouring occupiers were consulted on 16th November 2010, 4 objections have been received raising the following concerns:

- Existing hoardings are a blight to the area generally and are not in keeping with its character
- The retention of any of the hoarding is not suitable
- The existing "temporary" hoarding deteriorated because of its poor construction and lack of weather proofing, it is unsightly. How long a term will temporary be?
- The hoarding means the back door and passage to the side of the adjacent property are completely hidden from view and invites criminal activity.
- The hoarding reduces visibility generally from surrounding streets and properties, antisocial or criminal activities will still be able to take place unseen.
- Particularly unhappy that the hoarding runs along the front garden boundary of 75 St Pauls Avenue,
- The empty land needs cleansing to remove problem with mice.
- Proposing to retain the hoarding next to the garage suggests an intention to damage the business.
- For a number of years previously fencing was in place and there was no graffiti and fewer security risks.

REMARKS

Members will be aware of this site having considered an application for 20 flats on 30th June 2010. The site is in the ownership of Genesis Housing Group but the garage to the northeast benefits from a "right of access" through the middle of the site. This was considered to be a fundamental constraint on what can be built on the site. The existing hoarding marks out the areas to which there is no right of access.

The hoarding was erected without the benefit of planning permission and there is a valid enforcement notice requiring its removal, this notice requires the hoarding to be removed by 2nd January 2011. The current application proposes to partly replace the hoarding with heras type fencing. Prior to the erection of the hoarding the site was unlawfully used for used car sales and the boundary was treated with heras type fencing.

The hoarding in its current extent has led to a number of undesirable effects, primarily a reduction in visibility through the site and subsequent increase in fly tipping and perception of unsafety and criminal activity, accompanied by graffiti on the solid hoardings. The applicants are understandably very keen to retain boundary treatments for health and safety reasons, to secure the site and for the demarcation of the "right of access" which is unacceptable in its current form.

The current treatment of the boundary along St Pauls Avenue and Park Avenue North will be replaced with Heras type fencing, this will continue along the front garden boundary of no. 75 St Pauls Avenue. Also, the hoarded area next to 75 St Pauls Avenue will have its southern elevation replaced with fencing. The fencing is proposed to be 2.4m high, metal coloured and will consist of mesh fencing fitted to the existing posts on site which currently support the hoarding.

The result will be a significant improvement in terms of the streetscene, there will be visibility into the site discouraging anti-social behaviour including fly-tipping and no possibility for graffiti on the street frontage. The heras fencing will also lessen the dominating impact of the hoarding on the residential neighbour's front garden.

The hoarding away from the frontage will be retained. Neighbour's have expressed a wish for the hoarding to be replaced in its entirety, however officers consider that the proposal will sufficiently improve the appearance of the site from the street and will overcome the concerns raised.

As the site is currently vacant officers do consider it appropriate for it to be secured and while the proposed hoarding and fencing may not be appropriate elsewhere in the area this site does not share the character of the surrounding residential roads. The applicant's intention is to secure a residential scheme on the site rather than leaving it vacant in the long term but in the mean time officer's consider that the heras fencing and hoarding will be acceptable. Approval is recommended and it is suggested that the permission last for 5 years as the fencing and hoarding is envisaged as a temporary measure, necessary until planning permission is secured for a development on the site. If this does not occur within 5 years it is considered that a boundary treatment, with a quality of design suitable for a permanent development should be sought.

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 17

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

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

CONDITIONS/REASONS:

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

GHG/813/X11 Revision H
GHG/813/X12 Revision D

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

- (2) This permission shall be for a limited period of 5 years only expiring on 15th December 2015 when (unless a further application has been submitted to and approved in writing by the Local Planning Authority) and the works hereby approved shall be removed.

Reason: The fencing and hoarding are of a temporary appearance not expected for a permanent feature and as such the Local Planning Authority would not be prepared to approve this other than for a limited period.

INFORMATIVES:

- (1) This permission shall be implemented by 2nd January 2011 otherwise the Council will consider pursuing Enforcement Action.

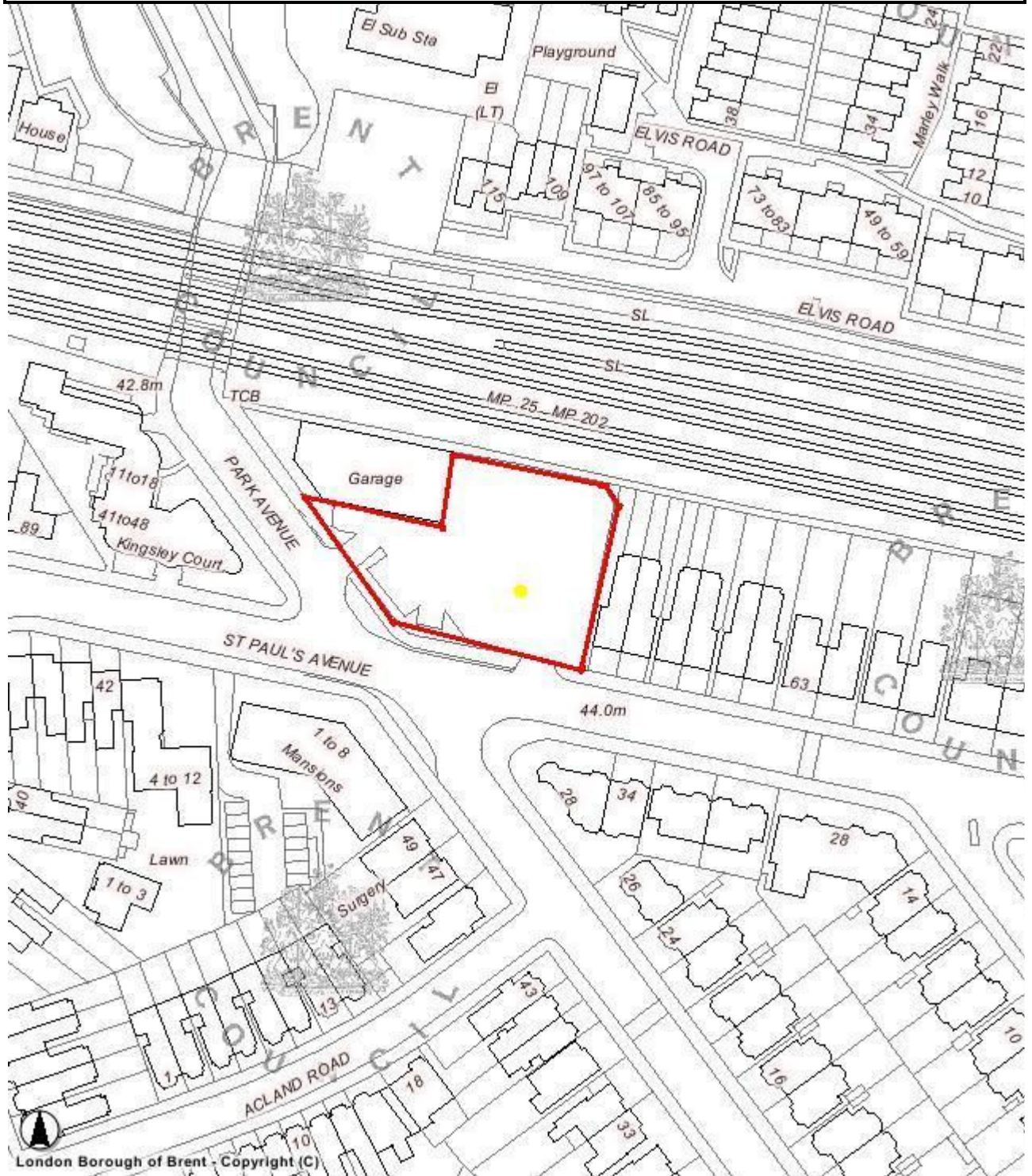
Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



Planning Committee Map

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

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Committee Report
Planning Committee on 15 December, 2010

Item No. 12
Case No. 10/2484

RECEIVED: 30 September, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 66 Wrentham Avenue, London, NW10 3HG

PROPOSAL: Change of use from House in Multiple Occupation (HMO) (Sui Generis) to two self-contained flats (1x 2-bedroom and 1x 3-bedroom), removal of side door and two side windows and formation of three new side windows and rear door, installation of replacement windows and formation of landscaping to front and rear gardens

APPLICANT: L&Q Beacon Homes

CONTACT: Churchill Hui

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The subject site, located on the south-eastern side of Wrentham Avenue, is occupied by a part two, part three-storey property. The main loft space has been converted and the property is currently used as a House in Multiple Occupation (HMO) providing approximately 9-10 bedrooms. The subject site is located within a designated Area of Distinctive Residential Character

PROPOSAL

See above

HISTORY

On the 27th April 1989, planning permission (89/0918) was approved for the conversion of the loft space and the change of use of the property to a "Group Shared Home". The permission was subject to a condition which meant that the approved accommodation could only be used by Ujima Housing Association, or any other registered Housing Association, for the purposes of providing dispersed hostel accommodation for not more than 9 people. As Members may be aware, Ujima Housing Association no longer exists and the property has been inherited by the current applicants, London & Quadrant (L&Q) Housing Association.

The applicants have stated that the property has been vacant of Housing Association clients since the last tenants of the shared hostel moved out in June 2009. At present the property is partially occupied on a temporary basis by Adhoc Property Guardians who have been brought in to occupy

the property on a temporary basis in order to protect the property from vandalism and squatting. The current application seeks to convert the property into larger self-contained accommodation to help meet the demand of L&Q's main business which is providing family housing.

POLICY CONSIDERATIONS

London Borough of Brent Core Strategy 2010

CP2 Population & Housing Growth
CP21 A Balanced Housing Stock

London Borough of Brent Unitary Development Plan 2004

BE6 Public Realm: Landscape Design
BE7 Public Realm: Streetscape
BE9 Architectural Quality
BE29 Area of Distinctive Residential Character
H6 Protection of Existing Affordable Housing (Including HMO's)
H12 Residential Quality - Layout Considerations
H18 The Quality of Flat Conversions
H19 Flat Conversions Access and Parking
TRN23 Parking Standards - Residential Developments

Supplementary Planning Guidance 17:- Design Guide For New Development

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

EXTERNAL

Consultation letters, dated the 14th October 2010, were sent to 17 neighbouring owner/occupiers. In response 7 letters of objection have been received. The primary concern of the objectors relates to the proposed installation of an external spiral staircase to the rear of the property which formed part of the original submission. Particular concerns related to the impact of the stairwell on adjoining occupiers, in terms of overlooking and noise disturbance, and the impact on the character and appearance of the surrounding area. However, on the advice of Officers, the applicant has revised the scheme to now omit both the spiral staircase and the second set of stairs in the lightwell from the proposals which is considered to address these concerns. The other concerns of the objectors include:-

- the impact of the proposal on parking and traffic conditions in the surrounding area.
- the increased requirement for the storage of refuse generated by the development
- whether the proposal would involve the installation of suitable sound insulation between the subject and adjoining properties
- the installation of a boiler flue to the first floor flat would harm the character and appearance of property.
- The proposed shared use of the garden would cause disturbance to neighbouring occupiers (revisions to the scheme mean that the garden is no longer shared)

INTERNAL

Transportation Unit

The Council's Transportation Unit do not consider that the proposal would generate an unacceptable demand for on-street parking within the locality of the site and have raised no objection to the proposals. Conditions requiring further details of refuse/recycling/cycling storage have been recommended.

Landscape Design Team

The Council's Landscape Design Team have raised no objection to the proposals in principle.

REMARKS

CONVERSION OF EXISTING HMO TO FLATS

As discussed in the 'History' section of this report, the property has been used as a Group Shared Home or House in Multiple Occupation (HMO) since 1989 when planning permission was granted to Ujima Housing Association to assist with meeting an identified demand, at that time, for hostel type accommodation. However, the property has since been transferred to L&Q Housing Association who now apply to convert the property, now vacant, into two self-contained flats.

The applicants have stated that they seek to convert the property into two self-contained units in order to help meet the current demand for the provision of affordable family accommodation. Whilst the applicants have not provided specific evidence of this demand alongside their application, it is noted that these claims are broadly in line with the Council's recently adopted Core Strategy which also identifies the demand across the Borough for accommodation suitable for family occupation. As such, it is considered that, in principle, the proposed conversion of the property would constitute an appropriate substitution of one form of affordable accommodation for another and that subject to general planning considerations the development should be accepted. Practical consideration of the conversion is considered below.

RESIDENTIAL QUALITY

The proposed development would see the conversion of the property into a self-contained two-bedroom garden flat with an internal floor area of approximately 70m² and a first and second floor 3-bedroom maisonette with an internal floor area of approximately 125m². Both units exceed the Council's minimum internal floor space standards, set out in SPG17, and the vertical stacking relationship between the proposed units is generally good. The ground floor flat would enjoy sole use of the rear garden (in excess of 180m²) and although the first and second floor maisonette would not benefit from external amenity space it is considered that this adequately compensated for by the generous internal space (approximately 43m² above the minimum standard). The proposed layout ensures that all habitable rooms are provided with sufficient outlook and daylight.

At present refuse/recycling bins are stored in the front garden of the property although not within the existing purpose built store which is no longer of a sufficient size. The proposal indicates that refuse/recycling bins will continue to be stored within the front garden and that the existing store will be demolished which is generally considered acceptable in principle. However, the proposal indicates the treatment of the front garden with an excessive area of hardstanding, beyond what would reasonably be required to store and manoeuvre the refuse/recycling bins, and without any form of screening to the bins storage area. As such, it is recommended that any permission should be subject to a condition requiring the submission of further details with respect to the layout of the front garden and the storage of refuse/recycling bins.

EXTERNAL ALTERATIONS

The proposed conversion of the property would also involve a number of external alterations and the general refurbishment of the property. The proposed external alterations would generally involve the blocking/opening up of new window/door openings and the replacement of existing windows. An originally proposed installation of a short stairway providing access from the ground floor flat to the garden has been deleted from the scheme.

The proposed alterations to the window/door openings to the property would generally reduce any overlooking towards the neighbouring properties from existing levels as a number of existing side facing habitable room windows would be replaced with obscure glazed bathroom windows. All original windows to be replaced will be replaced with double glazed painted timber sash windows which would be in keeping with the character of the existing property. The adjoining property at 68 Wrentham Avenue has two existing habitable room windows which overlook the side passage, a rear facing window to the main body of the property at the higher level and a side facing window kitchen window set at the lower level. Views into both of these windows from the garden of the subject site are already possible and the proposal is unlikely to cause detrimental harm to the privacy of occupiers of the adjoining property. An existing pedestrian door will be removed from the side wall of the building and access to the garden will instead be via the bedroom to the rear.

Other more minor works include repointing and cleaning of the existing brickwork, renewal of existing roofing materials and the renewal of existing rainwater goods. The proposal would also involve the installation of a new boiler flue to the roof of the property for the first floor flat. All of these works are considered to have relatively minor impact on the character and appearance of the property which is not located within a Conservation Area.

TRANSPORTATION

The subject site is located on Wrentham Avenue, a local access road, which is defined as being heavily parked. The location of the site enjoys a moderate public transport accessibility level (PTAL3) and on-street parking is controlled in the surrounding area between 08:00-18:30 on Monday to Friday.

The maximum parking standard for the existing HMO is relatively low given that car ownership amongst occupants of an HMO is generally expected to be low. The proposed conversion of the property into self-contained accommodation would result in a general increase in the overall maximum parking standard for the site. Where a proposed flat conversion would result in an increase demand for on-street parking in a heavily parked street, policy H19 of the UDP sets out to restrict the number of units permitted within the conversion scheme to one unit per 75m² of original floor area that the property possesses. In this case, the original property would have an original, unextended, floor area of approximately 180m² which is sufficient to satisfy the provisions of policy H19 in terms of the proposed conversion of the property into two flats. As such, it is considered that the proposed conversion would constitute a reasonable balance between making the most effective use of the site for providing housing whilst maintaining a reasonable impact on parking and highway conditions within the locality of the site.

No dedicated cycle storage has been identified for the flats but it is considered that should occupants of the ground floor flat require storage for cycles that this could be accommodated by erecting a small shed in the rear garden. Whilst it is acknowledged that no dedicated cycle storage is indicated for occupiers of the first floor flat, this is not considered to be uncommon in this type of conversion scheme. Whilst dedicated cycle storage could be provided in the front garden of the property there are concerns that this could result in additional clutter which would harm the streetscene.

IMPACT ON ADJOINING OCCUPIERS

In general, it is considered that the proposed development would encourage a less intensive occupation of the building than the existing use as a 9-10 room HMO. The proposals would be subject to Building Regulations which would include provision of sound insulation to the units. Furthermore, the scheme has been amended since submission to remove the shared access to the rear garden of the property. The direct impacts of the external alterations to the property on the amenity of adjoining occupiers have been discussed above.

CONSIDERATION OF OBJECTIONS

The concerns raised by the objectors have been addressed in the report above.

CONCLUSION

Overall it is considered that the proposed development would result in the provision of a form of residential accommodation for which there is an identified demand within the Borough. The proposed accommodation would generally meet with the Council's standards in terms of residential quality and has been designed to respect the amenity of future and neighbouring occupiers. As such, approval is recommended.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17 - Design Guide for New Development

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

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

CONDITIONS/REASONS:

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

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

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

- 4601-E01
- 4601-E02
- 4601-E03
- 4601-W01A

- 4601-W02
- 4601-W03B

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

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

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

- (4) The three new window openings on the flank wall of the building shall be constructed with obscure glazing and be non-opening or with openings at high level only (not less than 1.7m above floor level). These windows shall be permanently maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

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

- (5) Notwithstanding the approved plans, further details for the landscaping of the front garden area, including details of soft and hard landscaping and screening of an area for the storage of refuse/recycling bins, shall be submitted to and approved in writing prior to the commencement of works. The approved landscaping details shall be implemented in full prior to the occupation of the development, hereby approved.

Reason: To ensure a satisfactory setting for the development

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent Core Strategy 2010

London Borough of Brent Unitary Development Plan 2004

Supplementary Planning Guidance 17:- Design Guide For New Development

7 letters of objection

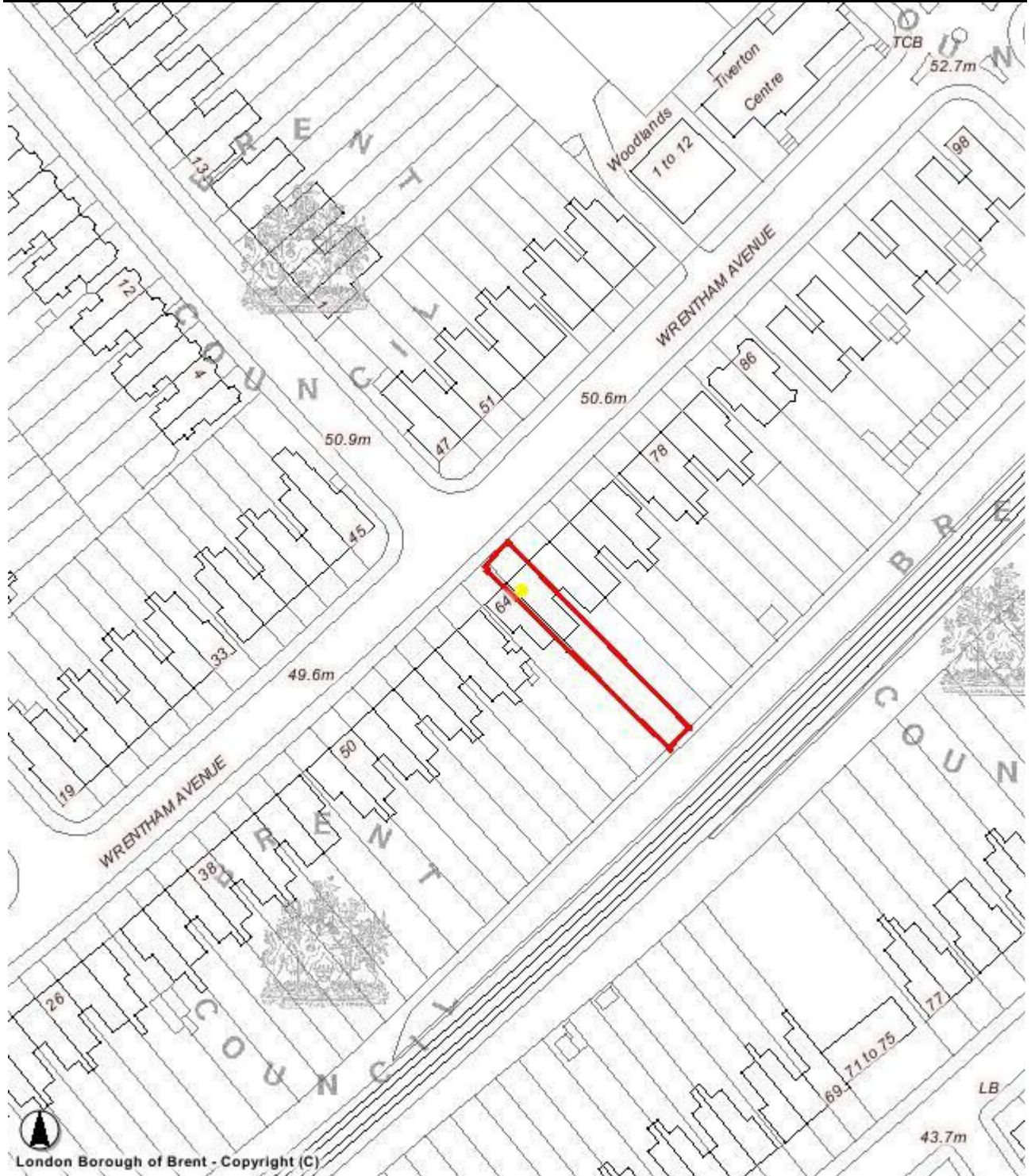
Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



Planning Committee Map

Site address: 66 Wrentham Avenue, London, NW10 3HG

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Committee Report
Planning Committee on 15 December, 2010

Item No. 13
Case No. 10/2389

RECEIVED: 20 September, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Islamia School Centre, 129 Salusbury Road, London, NW6 6PE

PROPOSAL: Erection of a part two-storey and part three-storey primary school building with a playground at roof level

APPLICANT: Mrs Zahida Shaheem

CONTACT: Marks Barfield Architects

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:-

- Prior to Occupation submit, gain approval for and adhere to a Community Access Plan, which includes details of community accesses to the development, particularly the Gym facilities which shall be made available to any community groups for not less than 20 hours a week, at rates covering administration costs only and not more than other Council facilities.
- A financial contribution towards the highway works required to mitigate the impact of the development on local transport infrastructure and provide street tree planting, index-linked from the date of committee and due on Material Start. (See 'Remarks' section of the report)
- Sustainability – BREEAM Excellent Construction Assessment and Certificate shall be submitted prior to occupation; achieve 50% on the Brent Sustainable Development Checklist, demonstrated through submission of a Detailed Sustainability Implementation Strategy prior to construction; compliance with the ICE Demolition protocol, demonstrated by submission of an independent report detailing demolition and new build material use and recycling; and 20% on site renewable energy details to be submitted and approved, which shall be maintained throughout the lifetime of the development.
- Join and adhere to the Considerate Constructors scheme.
- Prior to Occupation, submit gain approval for and adhere to a Travel Plan.
- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance

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

EXISTING

The subject site, located towards the northern end of Salusbury Road on the eastern side of the street, is currently occupied by both the Islamia Primary School and the Islamia Girl's Secondary School. The existing school buildings on the site comprise of the original part two, part three storey Victorian school building located generally towards the northern side of the site and along the north-eastern boundary, and a more modest single-storey building, with an 'H' shaped footprint, accommodating the dining, kitchen and storage facilities, located towards the southern side of the site. The central area of the site is generally occupied by the existing playground with a small car-park located on the southern tip of the site.

Due to the expansion of pupil numbers in 2007, the Islamia Primary School also currently lease classroom accommodation at nearby Winkworth Hall, located on the western corner of the junction between Salusbury Road, Chevening Road and Brondesbury Park, some 100m to the north of the site. At present all pupils are dropped off and collected from the main school site with pupils escorted in groups to the overspill classrooms as necessary. The lease on the accommodation at Winkworth Hall is due to expire in July 2012. Winkworth Hall also provides the accommodation for the Hopscotch Nursery whose lease expires in July 2013.

The site fronts on to Salusbury Road, a local distributor road running from north to south connecting the largely residential area of Brondesbury Park to the north with Queen's Park town centre in the south. The opposite side of Salusbury Road, facing the subject site, has a predominately residential character, underpinned by a terrace of three storey Victorian properties. Beyond the rear of these properties lies the Queen's Park Conservation Area, a Victorian residential estate arranged around a centrally located park. Towards the rear, the subject site adjoins the boundary with Paddington Cemetery, a Registered Park and Garden and Conservation Area, at the centre of which lies two Grade II Listed chapels. To the south of the subject site lies the Vicarage and the domed Inter-faith Centre/Church of St Anne's. Towards the north lies the Quadrant Business Centre, comprising of a mixture of office and light industrial uses.

For the avoidance of doubt, although located in close proximity to both the Paddington Cemetery and Queen's Park Conservation Areas, the subject site and other properties along Salusbury Road are not located within a Conservation Area.

PROPOSAL

The proposal would involve the erection of a new part two, part three-storey primary school building on the existing school site. The proposed building would adjoin the existing main school building which would otherwise be largely unaffected by the proposals. The proposed building would be constructed on the site of the existing playground and the single-storey dining hall, which would be demolished. As the proposal would involve building over the existing playground, the proposal involves the formation of a new playground on the roof of the proposed building.

HISTORY

The planning history for the site consists primarily of planning applications for minor extensions to the main school building (02/0981, 02/0586, 99/0202 & 92/0327)and the siting of a temporary classroom (00/0626), which has since been removed from the site. Most recently planning permission (10/1534) was approved on a temporary basis for the erection of a single-storey canopy structure to provide a covered play area.

POLICY CONSIDERATIONS

London Borough of Brent Core Strategy 2010

The following policies in the recently adopted Core Strategy are considered relevant to the current application.

- CP17 Protecting and Enhancing the Suburban Character of Brent
- CP19 Brent Strategic Climate Mitigation and Adaptation Measures
- CP23 Protection of existing and provision of new Community and Cultural Facilities

London Borough of Brent Unitary Development Plan 2004

The following saved policies contained in the Unitary Development Plan are considered relevant to the current application.

- BE2 Townscape: Local Context & Character
- BE3 Urban Structure
- BE5 Urban Clarity & Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm Streetscape
- BE9 Architectural Quality
- BE12 Sustainable Design Principles
- BE25 Development in Conservation Areas
- TRN1 Transport Assessment
- TRN3 Environmental Impact of Traffic
- TRN4 Measures to Make Transport Impact Acceptable
- TRN11 The London Cycle Network
- TRN22 Parking Standards - Non-Residential Developments
- PS12 Parking Standards: Non-Residential Institutions (Use Class D1) and Hospitals (Use Class C2)
- CF8 School Extensions

Supplementary Planning Guidance 17:- Design Guide For New Development

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

Supplementary Planning Document:- s106 Planning Obligations

The London Plan (Consolidated with Alterations Since 2004)

PPS5: Planning & the Historic Environment

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) and, as such, the applicant has submitted a Sustainability Checklist as part of the application. The submitted checklist indicates that the development would score 78% which would give the development an 'excellent' sustainability rating. However, Council's Sustainability Officer has reviewed the checklist and has recommended that further evidence would be required to adequately demonstrate that this score could be achieved. 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 positive' rating. It is recommended that 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.

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 ground and air source heat pumps and solar PV panels 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 44.7% reduction in overall CO² emissions in comparison to the notional building which would comfortably exceed the London Plan target of achieving a minimum 20% reduction in CO² emissions. The applicant has also stated that they intend for the development to achieve a BREEAM 'excellent rating' 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 PUBLIC CONSULTATION

In terms of statutory consultation on the planning application, consultation letters, dated 28th September 2010, were sent to 417 local address, Ward Councillors and the Queen's Park Residents Association. The application was also advertised as being 'In the Public Interest' by way of a number of site notices, dated 8th October 2010, displayed outside of the site and by way of a press notice, published on the 7th October 2010.

The applicants have also undertaken their own programme of consultation which has involved attending a local fun day, arranging meetings with key stakeholder's, including the local residents association, publishing an article on the proposals in the Brent Magazine and setting up a website to provide information on the proposals. Full details of the consultation to date have been provided in a consultation report submitted as part of the application.

In response to the consultation, 179 letters of support and 249 letters of objection have been received. The objections include letters from the Queen's Park Residents Association and an action group called 'We Love Queen's Park'. In summary the concerns of the objectors include:-

- The proposed development, and absence of stop and drop facilities, would exacerbate existing parking and traffic problems within the vicinity of the school, particularly during school pick up/drop off times, and would harm pedestrian/highway safety.
- The site location is not suitable for a school intended to serve the entire Borough
- There is inadequate public transport for an enlarged school
- The proposed building would have an overbearing appearance, would overshadow Salusbury Road and would not be in keeping with the character of the surrounding area, including nearby Conservation Areas and Listed Buildings
- The increase in pupil numbers would exceed those stated in the planning application
- The proposal would constitute an overdevelopment of the site
- The proposed building would have a poor relationship with the neighbouring vicarage and Inter-faith/Church buildings causing harm to existing views, outlook and daylight.
- The proposed rooftop play area would cause unreasonable noise disturbance
- The proposed rooftop play area would be unsafe for pupils
- The use of the rooftop play area for ball games would require increased enclosure or would cause highway safety problems.
- There has not been adequate consultation on the proposals
- The proposed school will be used as a place of worship outside of school hours
- The proposed building will not provide community access for those outside of the Islamic community.
- The proposals will harm existing trees
- The close proximity of a plant room to the Vicarage could cause problems of fumes and noise to neighbouring occupiers.

The majority of the letters of support received highlight the existing shortage of school places across the Borough and welcome the refurbishment and expansion of the existing school. Practical problems with the existing split site arrangement and the existing sites lack of facilities, particular for pupils with special needs, have been set out as grounds of support for the application.

A recent letter, dated 1st December 2010, was sent to all 821 original consultees and other registered objectors/supporters to inform them of minor design alterations to the proposals. Revised plans indicating these alterations have been displayed on the Planning Service website.

As the subject site shared a joint boundary with Paddington Cemetery both The Friends of Paddington Cemetery and the Garden History Society have been consulted. No response has been received.

INTERNAL CONSULTATION

TRANSPORTATION UNIT

The Council's Transportation Unit have considered the proposals in detail and have stated that they would not object to the application provided that the applicant enter into a s106 agreement confirming the adoption of the new Travel Plan. The Council's Transportation Unit would also expect the redundant vehicular crossover to be reinstated at the applicants expense and that the remaining vehicular access would comply with the Council's normal standards.

URBAN DESIGN & CONSERVATION OFFICER

The Urban Design and Conservation Officer has considered the proposals within the context of the surrounding area and has expressed support for the application subject to agreement of suitable materials for external finishes. The Council's Urban Design & Conservation Officer has also informally discussed the proposals with English Heritage (see 'Remarks' section of the report).

LANDSCAPE DESIGN OFFICER

The Landscape Design Officer raises no objection in principle to the proposed development

TREE PROTECTION OFFICER

The Tree Protection Officer is satisfied that the development could go ahead with little or no impact to surrounding trees, provided that adequate tree protection measures are taken. The planting of three new street trees along Salusbury Road is welcomed.

ENVIRONMENTAL HEALTH

The Council's Environmental Health Officer has raised the noise from the playground and disturbance from construction works as potential issues. These issues will be addressed in the main report.

SUSTAINABILITY OFFICER

Is satisfied that the development would exceed the minimum sustainability requirements for such developments. Has recommended that this is secured by way of a s106 legal agreement (See 'Sustainability' section of this report).

CHILDREN & FAMILIES DIRECTORATE

The pupil admissions unit have confirmed that the proposal is for a 2 form entry school accommodating a maximum of 420 pupils and that the capacity to accommodate a higher number is not being considered due to the site restrictions and resource constraints. The admissions unit have also confirmed that the school will be subject to a catchment area, south of the North Circular Road and bound by the Borough boundary. Applications from pupils residing within this catchment area will be given a higher priority than those residing outside. The Local Authority are able to monitor the implementation of this admissions policy to ensure that this is applied before any offers of places are made.

STREETCARE

No response received.

BRENT CEMETERIES

No response received.

REMARKS

SCHOOL EXPANSION

The Council's development policies, contained in the UDP and Core Strategy, set out a general presumption in favour of the expansion of existing school facilities, particularly where this is required for the Council to meet their statutory obligations. Across Brent, as of the 29th July 2010, there were 164 unplaced primary school pupils and it is generally acknowledged that the existing demand for school places is most acute towards the south of the Borough. The proposed redevelopment and expansion of the Islamia Primary School is part of the planned expansion of five Borough Primary Schools which seek to address the current shortage of primary school places. The proposed development seeks to secure the permanent expansion of the Islamia Primary School to a two form entry school with 420 pupils.

In terms of previous expansion of pupil numbers at the school, in 2007, under the statutory process, the pupil numbers at the school were expanded from 210 to 350 pupils. This expansion was partly in response to the closure of the nearby Avenue School. For the current academic year, in response to the on-going lack of school places, the Council have requested the school to further increase their pupil numbers to 390 places. In order to accommodate these extra pupils the school has had to sacrifice their dedicated ICT suite. The current pupil population of 390 are accommodated within the existing school buildings and through the use of temporary accommodation at the nearby Winkworth Hall.

The proposed development would provide a new primary school building on the site which would allow the existing 390 pupils to be relocated from within the existing school building (299 pupils), currently shared with the independent Islamia Girls Secondary School, and from the temporary accommodation at Winkworth Hall (91 pupils). The redevelopment would also allow the existing pupils to be joined by an additional 30 pupils taking the overall number of pupils attending the Islamia Primary School to 420.

Whilst, it is acknowledged that the proposed development would only increase the overall primary school pupil numbers by 30 places, from the current 390 to a proposed 420, the potential to accommodate further pupils within the vacated accommodation also requires consideration. The accommodation in the existing school building could provide the potential to expand pupil numbers at the Islamia Secondary School in the future although it has been stated by the applicant that there are currently no plans to do so. However, given this potential, it is considered that any future expansion of pupil numbers on the school site would need to be controlled in order to ensure that

the impact of any further expansion is properly considered and controlled through the planning process. As such, it is recommended that any permission for the proposed erection of a new primary school building should be subject to a condition limiting the existing number of pupils across the site to 580 pupils, equivalent to the current capacity of the Secondary school, stated to be 160 pupils, combined with the capacity of the proposed Primary School (420 pupils). In order to ensure that this condition can be effectively applied to the site, Officers have required the applicants to amend the application site to include the entire school site as opposed to just the land on which the proposed school building would be built. The temporary accommodation at Winkworth Hall is currently leased to the school by Brent Council, and this arrangement is due to end in July 2012. Beyond this the proposed future use and/or redevelopment of the site would be at the discretion of the Council. The impact of any future development of Winkworth Hall, would be considered under the provision of any necessary planning applications.

TRANSPORTATION

The site is accessed from Salusbury Road, a local Distributor Road, and lies within Controlled Parking Zone “KQ”, which operates between 8am and 6.30pm Mondays to Fridays during which time on-street parking is generally restricted to permit holders only. There are also a limited number of pay-and-display spaces available both along Salusbury Road and in the nearby side streets.. Public transport access to the site is good (PTAL 4), with Brondesbury Park and Queen's Park stations and two bus services within walking distance of the site. The subject site has an existing car-park that provides 18 spaces, 10 allocated to the Islamia Girls School and 8 allocated to the Islamia Primary School. The schools are also currently allocated a total of 22 business parking permits which are used to allow staff to park in on-street permit holder bays.

As with any proposal for the provision of a new or expanded school, the impact of the development on highway conditions, particularly during drop-off and collection times, is a key consideration. The proposed development would also result in the loss of the existing on-site parking facilities for staff and the impact of this on-street parking conditions in the surrounding area will also be an important consideration

The majority of objectors to the application have raised concerns regarding existing parking and traffic problems that are associated with the dropping off and collection of pupils from the school. Objectors are concerned that the proposed increase in pupil numbers will only seek to exacerbate existing problems. However, whilst it is considered inevitable that there will be some traffic and parking impact associated with the operation of a school, the applicants have indicated a willingness to improve the current situation and mitigate the impact of the additional pupil numbers through a number of measures set out in a new school Travel Plan.

A travel survey carried out in January 2010 indicated that at present approximately 76% of pupils and 54% of staff travel to the school by either car or carshare. If the proportion of pupils and staff travelling to school by car/carshare were to remain constant then it is expected that the proposed development would generate, on an average school day, an additional 26 trips to the school by car/carshare. The measures contained in the revised travel plan seek to reduce congestion around the school site during drop off/collection times and reduce the overall proportion of pupils and staff that travel to the school by private car in accordance with the targets set out below.

Pupil/Staff Travelling by car/carshare

	September 2010	3 Year Target (2013)	5 Year Target(2015)
Pupils*	76% (297)	66% (277)	58% (244)
Staff*	54% (30)	49% (30)	44% (27)

*note that from 2013 onwards total staff numbers increase from 57 to 61 and total pupil numbers increase from 390 to 420

These targets have been worked up in consultation with the Council's Transportation and are considered to be realistic and achievable provided that the measures set out in the Travel Plan are

fully implemented. These measures include:-

- The implementation of an admissions catchment area, defined as being the area south of the North Circular Road, bound by the Borough boundary. This policy would seek to increase the proportion of pupils living locally to the school. Applications for potential pupils living within the catchment area would be given a higher priority than those who do not. The Council's Admissions Unit have confirmed that they are able to ensure that this policy is effectively applied (see 'Consultation').
- The school will actively promote sustainable methods of transport to the school through a number of programmes.
- A School Patrol will be set up whereby members of staff will help manage the drop off and collection of pupils from outside of the site.
- Carsharing database
- The introduction of a wide range of breakfast and after-school clubs. This initiative seeks to spread the arrival/departure of pupils across a greater period of time.

Following consultation with the Council's Transportation Unit, it is considered that the proposed Travel Plan should, at very least, mitigate the impact of the increase in pupil numbers on parking and traffic within the locality of the site in the short term, and would be likely to improve on the existing situation in the medium to long term. The Travel Plan would be subject to on-going review to ensure that the measures set out are sufficiently meeting the targets. If the targets are not met then the school will be required to consider further measures that can be incorporated to address any failings. It is recommended that in order to ensure that the Travel Plan is fully implemented and the targets met that any permission should be subject to the applicant entering into a s106 legal agreement containing an undertaking to implement and carry out an on-going review of the school Travel Plan.

In terms of the loss of the existing on-site parking facilities, it is clear, given the on-street parking restrictions in the surrounding area, that some staff will need to seek alternative means of transport to and from the school and the measures set out in the Travel Plan will assist with this process. The Council's Transportation Unit have confirmed that they would not permit additional on-street parking permits to be issued to compensate for the loss of the existing parking facilities and this can be secured through the school Travel Plan. However, due to the absence of on-site parking, it is also noted that there would be no dedicated disabled parking provision for staff. If required, the Council would consider suitable proposals for providing such facilities on-street.

Concerns have been raised regarding the impact of the proposed development on highway safety within the locality of the site. An inspection of the personal injury accident data available for a 500 metre radius around the subject site shows that there have been two accidents within the vicinity of the site in the past three years. Neither of these incidents makes reference to school related traffic and, in fact, one of these incidents occurred at the weekend. As discussed above, it is not considered that the proposals will result in a significantly increase of traffic and therefore it is considered that highway safety is also unlikely to be significantly affected.

The proposed school building would also be used for a range of community uses outside of the standard school hours (see the 'COMMUNITY USE' section of this report). However, these would generally be of a small scale and provide that they are incorporated into the Travel Plan it is considered that they would be unlikely to have a significant impact on the local highway conditions.

Ten secure bicycle parking spaces are proposed which would be double the Council's minimum standards for the Primary School. As the site is a primary school it is considered that pupils would be unlikely to use these spaces and that staff would be more likely to benefit from their provision.

Refuse bins will be stored within a dedicated store, located close to the main vehicular access to the site. The Council's Transportation Unit consider these arrangements to be satisfactory

The Council's Transportation Unit have recommended that financial contributions are secured from the development in order to provide adequate infrastructure to mitigate the impact of the development. This would include contributions to provide street trees, reinstate redundant crossovers and amend road markings along Salusbury Road. The Transportation Unit have also suggest to the applicant that a contribution towards traffic calming measures in nearby residential streets may also be appropriate. However, contributions to some of the traffic calming measures proposed have been questioned by the applicant in terms of their relevance to mitigating the direct impact of the proposed development. Whilst there is general agreement between Officers and the applicant that a contribution towards highway infrastructure is required, Officers are of the view that, dependent on the agreed infrastructure, that the contribution should be no less than £10,000

URBAN DESIGN & CONSERVATION

The proposal envisages the construction of a part-two, part three storey school building, adjoining the existing school building which is also generally two to three storeys in height. The footprint of the building would generally take the form of a perimeter block set around a central courtyard. Towards the southern side of the site, the wings of the block are staggered to narrow the space between them and reduce the impact on the adjoining Vicarage building. Fundamentally, the main body of the building has a rather straightforward form with the interest and architecture expressed mainly through the elevational detailing and finishes. The most notable element of the proposed design is the angled prayer hall, located towards the north western side of the building. The angle of the prayer hall is designed to ensure that worshipper's are orientated to face Mecca during prayers, a requirement of the Muslim faith, and this design element underpin's the Islamic identity of the school. Furthermore, the dislocation of the prayer hall from the normal axis of the building is considered to add visual interest to the building. The main elevations of the prayer hall have been staggered in order to introduce a rhythm which will allow the prayer hall to sit more comfortably with the elevations to the main body of the building and reduced the perceived mass of this element. The building would primarily be finished externally with yellow stock bricks which is considered a wholly appropriate material within the context of the surrounding area.

In terms of the overall scale and massing, it is noted that the streetscene along Salusbury Road, with the exception of the Vicarage building, is generally characterised by buildings of two to three storeys in height. As such, it is considered that in scale and massing terms that the proposed development would respect the generally form of the existing streetscene. Whilst, it is acknowledged that the scale of the proposed building could be considered at odds with the adjacent Vicarage building, particularly in terms of its forward projection, it should be noted that the scale of the Vicarage itself is at odds with the general character of the streetscene and it is considered that the general difference in scale is further justified on the basis of the civic nature of the proposed building. On balance, although it is clear that there will be a significant change to the existing streetscene as a result of the proposed development, it is considered that this change would have an acceptable impact on the character and appearance of the surrounding area.

The subject site is located adjacent to Paddington Cemetery which is a Conservation Area and Registered Park and Garden. The character of the cemetery is under pinned by the Grade II Listed Chapels located at its centre. Whilst the subject site itself does not fall within a Conservation Area nor are any of the buildings on site Listed, it is important that the impact on the setting of these historic assets is considered as part of the assessment of the application. As such, the applicant has submitted a Heritage Assessment as part of the planning application.

The proposed development has been designed in order to avoid the need to carry out works to the cemetery wall which form part of the listing on the site. Instead, play walls will be erected within the break out play areas located adjacent to the cemetery wall, in order to provide a narrow separation between these play spaces and the cemetery wall. As well as preserving the character of the cemetery wall this would also avoid any damage to the wall as a result of the use of the proposed play spaces. As discussed above, the scale and massing of the proposed building is considered in keeping with the surrounding area and it is noted that the cemetery is surrounding by a number of

other developments, both historic and modern, which could be considered to affect the setting of the cemetery in a similar, or in some cases, greater way. The impact of the proposed development on the setting of these historic assets has been thoroughly inspected by the Council's Conservation Officer who considered that the proposed development, due to its scale, siting and materials, would have an acceptable impact on the setting of the Conservation Area and Listed Buildings.

As the proposal is not considered by the Council's Conservation Officer to have an adverse impact on the setting of these historic assets it is not considered that statutory consultation with English Heritage is required in this instance. However, as this has been raised as a concern by the objectors the Council's Conservation Officer has contacted English Heritage for their views on the proposal. The informal advice given by English Heritage is that if the building elevations are treated with an appropriate contextual-stock brick, given its scale and siting, that they would be unlikely to object to the impact of the development on the nearby historic assets.

LANDSCAPING/PLAY AREAS

At present the play space for the existing primary school is provided by way of a dedicated hard surfaced play area and a larger tarmac playground, which is shared with the Secondary School. The existing total provision of play space is 1199m². The play areas for the proposed Primary School would be provided primarily by way of a roof top play area, a ground floor courtyard, smaller break out areas to the front and rear of the building whilst the pupils of the Secondary School would use the Morning Entrance Courtyard for recreational activities. Overall, the proposed provision of play areas would occupy an area of 1867.9m², whilst other external areas including a staff garden would bring the overall provision of external space to 2109m², As such, it is considered that in quantitative terms the proposed development would improve the overall provision of amenity and play areas.

Whilst it is acknowledged that the concept of a roof top play area is relatively uncommon within the Borough it should be noted that there are several examples across London of where the utilisation of roof spaces to provide play areas have been successfully achieved. The provision of a play area at roof level also has the added benefit of providing a more effective use of the available site.

A detailed landscaping scheme for the proposed development has been submitted as part of the application and this has been inspected by the Council's Landscape Design Team who consider the proposals suitable. In particular, the proposed rooftop play area would incorporate three character/activity zones that would allow pupils to run, play and climb safely. The school have confirmed that the roof top play area would not be used for ball games and this would need to be secured by way of a planning condition if the planning permission were to be granted. The roof terrace would be enclosed by balustrade panels which are of a suitable height to ensure the safety of the pupils whilst respecting the character and appearance of the proposed building.

As discussed in the 'consultation' section of the report, the proposals have been inspected by the Council's Tree Protection Officer who is satisfied that, subject to suitable tree protection measures during construction, that the development would not harm existing trees. The applicant has agreed in principle to make a provision for the planting of new street trees and a contribution to enable this would be secured as part of any s106 agreement.

IMPACT ON ADJOINING OCCUPIERS

In terms of the impact of the proposed development on nearby residential properties, the applicants have submitted a daylight and sunlight report, carried out in compliance with BRE guidance, which analyses the impact of the proposed building on the daylight and sunlight to the properties at 110-130 Salisbury Road, located opposite the site, and the adjoining Vicarage at 125A Salisbury Road. In terms of the impact on 110-130 Salisbury Road the report confirms that the potential impact on light would be in general compliance with the BRE standards. It is also

noted by Officers, that a number of these properties are currently used to provide more temporary forms of residential accommodation. In considering the impact on the existing Vicarage, which is much closer to the proposed development the report noted that the proposed development would have a noticeable impact on the daylight to two side facing windows, one serving a kitchen on the ground floor and one serving a bedroom on the first floor. However, as the layout of the Vicarage is known, it has been confirmed that the rooms of that are served by these windows are also served by at least one other window with acceptable daylighting conditions. As such, the submitted daylight and sunlight report concludes that the proposed building would have an acceptable impact on the daylight to habitable room windows of neighbouring properties. In terms of sunlighting it is noted that the Vicarage is located towards the south of the proposed building and therefore unreasonable overshadowing would not occur.

Whilst it is noted that objectors have also raised concerns regarding the impact on daylight into the Inter-faith centre/Church it is noted that the centre is located to the southern side of the Vicarage building. As such, the proposed school building, being located to the north of the Inter-faith Centre, could not affect the sunlight to this building. It is also considered that the relationship between the proposed building and existing side windows to the Inter-faith centre, although not covered in the daylight/sunlight report, would comply with the Council's guidance contained in SPG17 and therefore any impact on daylight would be acceptable.

In terms of outlook, it is considered that the properties on the opposite side of Salusbury Road would not be unduly affected as the distance between the existing frontage and proposed building would be at least 23m. In terms of outlook to the Vicarage it is acknowledged that outlook from side facing windows would clearly be affected although as mentioned before these windows are generally secondary and do not provide the sole means of outlook to a single room. The wings of the proposed building have been pulled in towards the centre of the site to minimise the forward and rearward projection beyond the front and rear of the Vicarage and the proposal has been amended to provide screens which will allow the provision of climbing plants along the boundary.

Whilst it is acknowledged that concerns have been raised regarding the impact of the proposals on existing views from a number of locations, as Members will be aware, the right to any particular view is not normally a material planning consideration.

In terms of noise disturbance, the impact of pupil play areas has been raised as potential issue as it would be with any school proposal. However, in this case it should be noted that there is already an existing school on the site which contains a relatively large playground areas directly exposed to Salusbury Road, which itself generates substantial noise. Whilst, the proposed development would increase the overall provision of play space it is noted that this would take the form of several smaller separate play areas. As such, it is considered that the form of the proposed play spaces would only serve to distribute the noise generated by children's play and that any noise disturbance would be unlikely to significantly exceed existing levels. In terms of external noise generated by plant machinery, the applicants have included an assessment of this in a submitted noise report. The report acknowledges that some noise attenuation, such as insulation to plant rooms, may be required to ensure that appropriate levels are met and it is recommended that post installation testing and any further attenuation should be controlled by condition.

COMMUNITY USE

The facilities created by the proposed development will allow the school to open up and expand their current community use programme. A Community Use strategy has been submitted alongside the application which sets out an indicated programme including adult education classes, keep fit classes and meeting and lectures. The particular facilities that will be available for community use include the Prayer Hall, the Dining Hall/Gym and the classrooms. As a Brent funded school it is expected that the school should provide inclusive community access to all members of the wider community regardless of faith. Whilst, clearly the potential for the Prayer Hall to be used for wider community use will be limited, it is considered that the dining hall/gym and classroom would

provide suitable facilities for wider community use. It is recommended that should planning permission be granted that this should be subject to a s106 legal agreement requiring the school to make available least 20 hours of general community access per week for any community group.

CONSIDERATION OF OBJECTIONS

The concerns of objectors relating generally been addressed in the above report. However, a number of objectors have also raised concerns that there have been inadequate consultation on the proposals. The statutory consultation undertaken by the Planning Service on the application, as set out in the 'Consultation' section of this report. is considered to be in accordance with the standard approach to consultation on planning applications of this nature. Furthermore, the applicants have also undertaken a substantial consultation programme, which is not a statutory requirement, in order to further engage and seek the views of local residents on the proposals. Given the large number of response both in favour and against the application, it is the opinion of Officers that despite criticism of the consultation undertaken that it is clear that a large number of local residents are aware of the planning application and the proposals contained therewith. As such, it is not considered that any further consultation is required in order for Members to make an informed decision on the application taking into account the concerns of the objectors.

CONCLUSION

Overall, Officers consider that the proposed development would make an effective use of subject site, in terms of maximising potential pupil numbers, which are in severe demand across the Borough. Whilst, acknowledging that there are significant highways concerns from local residents, Officers consider that the provisions made within the new school Travel Plan will ensure that the additional pupil capacity will not exacerbate any existing problems and that in the longer term may help change attitudes towards more sustainable forms of transportation. It is also considered an important factor that the development, if permitted, would allow the imposition of condition on the site which would allow greater consideration and regulation of any further proposed expansion of pupil numbers through the planning process. The building is considered to respect its setting and context, particularly in terms of conservation and heritage, being of an appropriate design, scale and massing to the site whilst maximising the potential of the site to provide high quality facilities, including innovative external play spaces, for future pupils. On balance, whilst acknowledging local concerns, it is considered that the proposed development has set out appropriately address these concerns and that the proposals are in general compliance with the Council's Development Plan, As such, approval is recommended.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

- Brent Core Strategy 2010
- Brent Unitary Development Plan 2004
- Central Government Guidance
- The London Plan (consolidation with alterations since 2004)
- Council's Supplementary Planning Guidance 17:- Design Guide for New Development
- Council's Supplementary Planning Guidance 19:- Sustainable Design, Construction & Pollution Control
- Council's Supplementary Planning Document:- s106 Planning Obligations

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

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

- (a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (b) proposed walls and fences indicating materials and heights;
- (c) adequate physical separation, such as protective walls and fencing between landscaped and paved areas;
- (d) existing contours and any proposed alteration to ground levels such as earth mounding;
- (e) areas of hard landscape works and proposed materials;
- (f) details of the proposed arrangements for the maintenance of the landscape works.

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

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

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

- | | |
|--------------|--------------|
| 451_A_010_PL | 451_A_100_PL |
| 451_A_120_PL | 451_A_130_PL |
| 451_A_131_PL | 451_A_140_PL |

451_A_141_PL 451_A_101_PL Rev C
451_A_210_PL RevA 451_A_211_PL Rev A
451_A_212_PL RevA 451_A_213_PL Rev A
451_A_310_PL RevA 451_A_311_PL RevA
451_A_312_PL RevA 451_A_313_PL RevA
451_A_320_PL RevA 451_A_321_PL RevA
451_A_333_PL RevA 451_A_335_PL RevA

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

- (4) Following first occupation of the primary school building, hereby approved, the pupil roll for the site shall not exceed 580 pupils, including no more than 160 secondary school pupils and no more than 420 primary school pupils, unless agreed in writing with the Local Planning Authority

Reason: To ensure proper consideration of the impact on amenity and highway conditions of any further expansion of pupil numbers on the site

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

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

- (6) The proposed refuse/recycling storage area, indicated on the approved plans, shall be constructed and maintained for the purposes of storing refuse/recycling unless agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate facilities for the storage and collection of refuse/recycling are maintained.

- (7) The roof top play area, as indicated on the approved plans, shall not be used for any form of play that involves the use of balls or any other projectiles unless agreed in writing with the Local Planning Authority

Reasons: In the interests of health and safety.

- (8) An acoustic report including:-

- the location of the nearest residential windows that may be affected by noise from the proposed plant room, indicating the distance of the window from the source in metres
- the proposed operational hours of the plant room
- the background-noise level assessment (L_{A90} , 15 minutes) over the proposed hours of operation, including the time, date and weather conditions, instrumentation and calibration, noise-sampling locations and a copy of the noise survey data
- manufacturer's specifications: octave or 1/3 octave band analysis of noise for the proposed plant
- calculations for the predicted noise level 1 metre from the window of the nearest residential property
- details of any proposed attenuation measures to ensure a level of 10dB below the lowest measured background-noise level (L_{A90} , 15 minutes), as measured one metre from the nearest affected window of the nearest affected residential property

shall be submitted to and approved in writing to the Local Planning Authority within 3 months from first occupation of the development and the development shall be carried out and completed in accordance with the details of the acoustic report.

Reason: To ensure that the plant room would not cause unreasonable disturbance to neighbouring occupiers.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent Core Strategy 2010

London Borough of Brent Unitary Development Plan 2004

The London Plan (Consolidated with Alterations Since 2004)

Supplementary Planning Guidance 17:- Design Guide For New Development

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

Supplementary Planning Document;- s106 Planning Obligations

247 letters of objection

179 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: Islamia School Centre, 129 Salusbury Road, London, NW6 6PE

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Committee Report
Planning Committee on 15 December, 2010

Item No. 14
Case No. 10/2740

RECEIVED: 22 October, 2010

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: King Edward VII Park, Park Lane, Wembley, HA9 7RX

PROPOSAL: Erection of a Multi-Use Games Area to be located in the centre of the Park, with an approximately 3-metre-high surrounding fence and provision of 3 cycle stands

APPLICANT: Brent Parks Service

CONTACT: Brent Sports Service

PLAN NO'S:
(See Condition 2 for the approved plans)

RECOMMENDATION

Grant planning permission.

EXISTING

The application site is the King Edward VII Public Park, situated on Park Lane. It is designated as a public open space within Brent's Unitary Development Plan. The park is laid out for formal and informal recreation.

PROPOSAL

Erection of a Multi-Use Games Area (MUGA) to be located in the centre of the Park, with a 3-metre-high surrounding fence and provision of 3 cycle stands.

HISTORY

No recent development control history.

POLICY CONSIDERATIONS

National Policies

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

Brent's Core Strategy (July 2010)

CP18 Protection of Open Space
CP23 Protection of Community Facilities

Brent's Unitary Development Plan 2004

BE2 Townscape: Local Context & Character
BE4 Access for Disabled People

PS16 Cycle Parking Standards
OS6 Public Open Space
OS8 Protection of Sports Ground

Considerations:

Impact on public open space
Existing sports provision/any impact?
Visual impact on surrounding area

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Consultation period 12/11/20 - 03/12/10
Further consultation with Sport England who were notified on 26/11/10

Residents

108 local residents were notified, including households on Castleton Avenue, Keswick Gardens, Kingsway, Park Lane and St Johns Road.

Three objections received which make the following grounds for objection;

- The proposal will be an eyesore in the park.*
- This will add to traffic congestion on Park Lane.*
- This will add to pollution and parking problems in the local area.*
- With the proposed coalition government spending cuts money could be better spent elsewhere rather than on a MUGA.*
- Erecting cycle stands may increase the level of crime in the area.*

Statutory consultees

Landscape

No objection but request further details of how paths will be constructed through root protection area's.

Ward Councillor's

No representations made

Sport England

No formal response has been received yet. Sport England has advised verbally that they are unlikely to raise any objection as the facility will meet policy exception test e5) of the *Sporting Future for Playing Fields in England Policy*.

Formal comments from Sport England will be reported in the Supplementary report.

REMARKS

Site Context and Surroundings

This application seeks planning permission for a Multi Use Games Area (MUGA) within the King Edward VII Park. The park can be accessed from Park Lane and St Johns Road with footpaths running through the park. The park currently has football pitches, tennis courts and a children's play area. There is also a pavilion and a band stand, both are located in the centre of the park but will remain unaffected by this proposal.

The surrounding uses are entirely residential to the north, east, south and west. Park Lane Primary School does border the park to the south side.

The MUGA will be located within the centre of the park in a location which is parallel to existing football pitches in an area which is used for informal recreation. Footpaths run to the north and south sides of the proposed MUGA.

Proposal and layout

This proposal entails a single court tarmaced area, with sports markings, measuring 30m x 20m. The MUGA will be surrounded by a 3m high perimeter fence, this is a mesh fence to be finished in a dark green powder coating. The fencing and overall scheme follows the approach already taken on other MUGA's across the Borough in Roe Green, Gladstone Park, Kingsbury, Sudbury Court and Tenterden Sports Ground (Preston Road).

Use of the proposed facilities

The addition of a MUGA at King Edward VII Park would increase and improve the recreational activity on offer to the local community and will also offer facilities to a wider age and user group to include those with disabilities. The MUGA will enhance the sports offer by increasing the facilities available. Markings and goal equipment will offer predominantly two sporting options; basketball and football. It will enable local people to participate in these activities as well tennis.

The applicants state that other similar MUGAs in the borough are popular with young people for informal sports. The need for such a facility was identified as part of the Borough's Planning for Sport and Active Recreation Strategy (2008-2021).

Landscaping

There are no landscaping proposals as part of this submission, neither will the installation of the MUGA result in the loss of any existing landscaping features or trees. The closest trees to the MUGA will be 22m away and will remain unaffected by its installation.

Two paths will be constructed to the MUGA, branching off from the main pedestrian footpath. As these new pathways would pass close to the mature trees along the path then Landscape Officer's wish to see further details of how these paths will be constructed through the Root Protection Area's (RPA) of the existing mature trees, so as to avoid any root damage. A condition is recommended requiring the submission of further details to satisfy this request for additional information.

Access

Access to the MUGA has been designed to accommodate both able bodied and disabled users, access to the MUGA wbe level from the footpath.

A 3m high perimeter fence, with gates will provide a safe, semi-enclosed environment for users.

Floodlighting

The applicant has stated that there is no proposal to floodlight the sports area. This is to minimise recreational noise during hours of darkness.

Transportation

Three cycle stands are proposed next to the entrance of the MUGA. Tubular cycle stands are proposed. Given the age groups that the MUGA is intended for, the majority of users of the MUGA are likely to visit the site by non car modes. Nevertheless, there is a public car park accessed off St Johns Road which can be used.

Impact upon residential amenity

The location of the MUGA has been carefully chosen to keep the impact to residential properties minimal. The closest residential properties are approximately 90m away. Given that no floodlighting is proposed it is not considered that the MUGA is likely to have any more of a noticeable impact than the existing playing pitches. The existing playing pitches will remain which are in fact located closer to residential properties on Castleton Avenue than the proposed MUGA would be.

The MUGA is going to be visible to people passing through the park and is close to existing footpaths. This will allow natural surveillance of this space from users of the park, and those passing through it.

Response to objections received

The MUGA will increase the number of park visitors consequently causing parking problems for residents and further congestion.

The MUGA will provide improved facilities for park users, but this is unlikely to lead to a marked increase in the number of visitors to the park in the first instance, or indeed the number coming by car. The users will be mostly children and teenagers who unless accompanied by an adult would not travel by car.

In any event there is a dedicated car park for park users, accessed from St Johns Road.

This will be an eyesore in the park.

The MUGA will not result in the loss of existing landscaping features or mature trees. It is not considered to represent a harmful addition, this is no different to a tennis court or children's play facility being sited within a park.

The MUGA will devalue property in the local area.

Officers do not see how this could be a consequence of the MUGA being installed, in any event this is not a material planning consideration.

Due to coalition Government funding cuts money would be better spent elsewhere.

This is not a material planning consideration. However the provision of a MUGA here would assist in meeting Brent's Planning for Sport and Active Recreation Facilities Strategy (2008-2021). This Borough wide strategy seeks to ensure the parts of the Borough with the greatest population density of young people are served by a MUGA, and identifies King Edward VII Park as lacking in such provision.

Erecting cycle stands may increase the level of crime in the area.

There is no firm evidence to suggest a direct link between cycle stands and an increase in crime. Furthermore the location of the stands means they will benefit from good natural surveillance both from users of the MUGA and the nearby footpath.

Summary

The proposal accords with policies in the UDP (2004) and Core Strategy, is an appropriate use of public open space, will not result in the loss of formal pitches, will not be harmful to the visual amenity of the area and will enhance the existing sports offer in this locality.

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
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

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 (Appendix 1-6)

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

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

Reason: in the interest of safeguarding local amenity and the character of the Public Open Space.

- (4) Notwithstanding the plans hereby approved, further details (drawings as necessary) to demonstrate how the proposed footpaths will be constructed through the root protection area's of existing mature trees along the footpath without causing root damage, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any construction work on the site.

Such details shall also include:-

- (i) The tracking location of vehicles to avoid root protection area's.

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent, UDP 2004
Brent Core Strategy - July 2010

Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



Planning Committee Map

Site address: King Edward VII Park, Park Lane, Wembley, HA9 7RX

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Committee Report
Planning Committee on 15 December, 2010

Item No. 15
Case No. 10/2738

RECEIVED: 22 October, 2010

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

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

PROPOSAL: Erection of a temporary primary school in the grounds of Preston Manor High School, to be accessed from Ashley Gardens, comprising a single-storey modular building incorporating two classrooms, assembly hall, staff room, medical area and ancillary office and storage space, as amended

APPLICANT: Children & Families Department, London Borough of Brent

CONTACT: Watts Group PLC

PLAN NO'S:
Please refer to condition 2

RECOMMENDATION

To:

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Submit a Travel Plan to the Council for approval and to implement this plan, the purpose of the plan being to manage the transport needs of staff/ visitors to the Development so as to minimise car usage and promote alternative modes of transport.

A financial contribution of £25,000 towards highway safety improvements in Preston Road index linked from the date of committee

EXISTING

The site comprises approximately 2900 square metres of the existing school grounds of Preston Manor High School. This part of the school grounds adjoins Ashley Gardens, a cul-de-sac that currently provides access to residential properties fronting the highway and Ashley Pavilion, a building that houses BACEs and a children's nursery. There is also a pupil referral unit located in a temporary building in the grounds of Ashley Pavilion. The proposed site is to the north of Ashley Pavilion, and borders the back gardens of dwellings facing Ashley Gardens and Preston Road. The site also adjoins an existing electricity substation, which is to remain. Within the site is a large oak

tree, which is to be retained.

Access to the site is via Ashley Gardens.

The site is not situated within a conservation area.

PROPOSAL

Erection of a temporary primary school in the grounds of Preston Manor High School to be accessed from Ashley Gardens and comprising a single storey modular building incorporating two classrooms, assembly hall, staff room, medical area and ancillary office and storage space. The temporary school will accommodate a maximum of 60 children.

HISTORY

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

10/01/08 – Ref: 07/3033 – approved

Erection of a single-storey block comprising of 14 new classrooms, toilets and office space; the erection of a new sports hall; the relocation of outdoor hard play area and the relocation of 2 existing mobile classroom buildings and removal of 1 mobile as accompanied by Design Statement received 11/10/07; Flood Risk Statements dated 11/10/07 and 28/11/07 addendum and emails dated 21/12/07 and 03/01/08; Traffic Impact Assessment Report received 11/10/07; Sustainability Checklist dated 28/11/07; and Mercian Lighting details received 28/11/07 and subject to a Deed of Agreement dated 10th January 2008 under Section 106 of the Town and Country Planning Act 1990, as amended.

04/0575 - Ref: 01/06/2004 - granted

Erection of two single storey portable buildings for use as classrooms to replace recently fire damaged portable building.

POLICY CONSIDERATIONS

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

Planning Policy Statement 25 – Development & Flood Risk

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

Brent' s Unitary Development Plan 2004

BE2- Townscape- Local Context and Character

BE5 – Urban Clarity & Safety

BE8 – Lighting and Light pollution

BE9- Architectural quality

BE12 – Sustainable Design Principles

BE17 – Building services equipment

EP2 – Noise & Vibration

EP6- Contaminated Land

H22 – Protection of Residential amenity

TRN3 – Environmental Impact of Traffic

TRN4 – Measures to make Transport Impact acceptable

TRN11 – The London Cycle Network

TRN22 – Parking standards- non-residential developments

TRN34 – Servicing in New development

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

CF2- Location of small scale Community Facilities

CF10 – Development within school grounds

Brent's Core Strategy 2010

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

CP19 – Brent Strategic Climate Mitigation and Adaptation Measures

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

SPG17 - Design Guide for New Development

SPG12 – Access for disabled people, designing for accessibility

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Consultation letters were sent out on the 04/11/10 to 233 properties including properties on Ashley Gardens, Aylands Close, Carlton Avenue East, (odds,) Forty Avenue, Perrin Grange, Highfield Avenue, Hollycroft Avenue, Keysham Court, Preston Road, Orchid Court and Carlton Parade.

On 08/11/10 a further 86 letters were sent to properties in Carlton Avenue East, (evens,) Forty Avenue and Preston Road

3 Site notices 05/11/10

Press notice 18/11/10

1 letter of support

16 objection letters received raising the following issues:

- Traffic congestion from the additional; children being dropped off and picked up.
- The existing high school is already bloated, with only capacity for 350 children for lunch time, with the rest of the children walking to local fast food establishments, causing congestion and eating whilst walking back
- The delivery and collection of additional children will lead to grid locks,
- Confusion about multiple consultation dates regarding planning application and the School's own consultation
- The contractor's noise report omits the noise generated by the proposed catering facilities for 60 extra children. The catering will need to be located away from the classrooms
- Where will catering take place? A kitchen will disturb pupils, who will all have to rely on a packed lunch? There appear to be insufficient toilets proposed.
- The Traffic Assessment refers to 2 other schools, but these aren't likely to be similar to the proposed school at Ashley Gardens

- The school does not educate children to keep the noise down, and not to litter, and does not responsibly erect boundary fences
- The primary school is to meet shortfall in the Borough, and it is likely that the children attending will not be local and will be driven to the site. This is generate significant drop-off and collection traffic twice a day leading to bottle necks at the road junction, especially with vehicles trying to turn right. Does not encourage children to walk to school.
- Preston Road is a busy main road with fast-flowing traffic. The visibility of cars exiting Ashley Gardens is poor, and the proposal could lead to road traffic accidents.
- Objections raised from BACEs, conflict with car park, and increased car park pressure will be a problem for users, safety concerns for visiting children is also an issue, problems with car park, problems with parents studying at the centre and new users.
- There are few unplaced children here in comparison with other places in Brent.
- There is already a public transport problem in the area exacerbated by the new school at Wembley Park.
- The description does not refer to toilets or kitchen facilities. Is this a way to get more classrooms once the idea has been officially accepted?
- There is already a school on Ashley Gardens and traffic has increased steadily over the years, causing disruption. The temporary school is a precursor for a permanent structure. The access for a permanent school must be via Carlton Avenue East.
- The opportunity of providing more education to pupils is welcomed, but concerns about Ashley Gardens are raised, in particular, how the school will prevent parents from using Ashley Gardens to drop-off and pick up. Ashley Gardens is a narrow road with parking bays on both sides.
- Ashley Garden's congestion and parking would prevent fire appliances and ambulances attending the site and cause difficulties for refuse collections.
- The increase in noise levels of 60 children will impact on local residents.
- There is insufficient parking spaces for staff of the proposed school.
- Inadequate parking for parents and emergency vehicles on Ashley Gardens, compounded with inadequate policing.
- Preston Manor High School has built extensively and recently erected a massive eyesore, (the sports hall.). A temporary school proposed will soon become a permanent school.
- Raise opposition to the further erosion of the open space.
- Raise concerns about the confusion over the consultation being undertaken regarding the school from the Council as an Education authority and as a Planning authority and the confusion that this is raising with local people regarding different consultation dates.
- The introduction of more children in a second location on Carlton Avenue East, will impact twice a day on CAE, Princess Avenue and Elmstead Avenue, which are already used as a rat-run through to Forty Lane where commuters are not willing to pay to park at the station. This will make the Council consider a CPZ, or one-way roads, which local residents do not want.

- Could the existing school entrance be used and a path built between the schools, to prevent further parking issues?
- The Council should have made provision for the 4 years olds without provision years ago.
- All local residents should have been included in the local consultation, there appear to have been many omissions
- Chalkhill Primary School Head Teacher expressed an interest in taking children and expansion, which is in easy reach of Preston Ward.
- The government's cut announcements make it hard to believe that the Council has an enormous amount of money to build a new school from scratch.
- Preston Manor's OFSTED was in the past outstanding. This has recently been downgraded to good. Will this continue to decrease with further expansion?
- Parents with pupils already at the school have voted against the expansion.
- Raise concerns about the government's Welfare and Housing Reforms with the proposal to build more houses at Wembley Link. The proposed expansion at Preston Manor is unlikely to be enough. People moving into the Wembley regeneration areas will need even more school places.
- The D&A Statement online contains errors such as referring to Wood lane.
- If the school has excess land, it should be made publicly accessible.
- Currently hiring of facilities out of hours does not appear to be sufficiently supervised, as there is often noise after 11pm at night.

Environmental Health – no objections. The details submitted regarding proximity to the electricity substation are satisfactory. The Temporary Noise Impact Assessment confirms that the development will not cause noise nuisance

Landscape Design – the report by Landscape Planning is comprehensive and subject to adhering to the protection specification by condition, this is acceptable and will protect the oak. It is recommended that a hedge and 2 new oaks are planted in the locality.

Highways- initially raised objections to the proposal which was submitted with an inadequate Travel Plan, and failed to provide safe walking routes to the temporary school through a safe path drop-off area and appropriate signs and pedestrian crossings through s106 payment. Revised drawings have now been received to address these concerns. The applicant will be asked to make a s106 contribution towards Preston Road improvements

Environment Agency – the site has been assessed as low environmental risk. No comment.

Sport England -raised initial objections to the site on a potential playing field pitch. They raise no objections to a temporary 2-year permission, after which the site will be returned to playfield.

REMARKS

Introduction

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

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

Demand for Primary Places

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

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

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

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

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

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

Preston Manor High School

The Local Authority has asked the governing body of Preston Manor High School to consider the proposal to expand the school by creating a new permanent two form of entry primary school to open in September 2011.

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

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

*January 2010 Census Data

Preston Manor High School has agreed to accommodate two Reception classes (60 places) on a temporary basis from January 2011 until the end of the academic year. The temporary accommodation is the subject of this planning application, and is to be sited adjacent to Ashley Gardens.

A further planning application is likely to be submitted in the near future for the creation of the proposed permanent primary school. The proposed accommodation for the two form of entry primary provision would be of a permanent high quality modular construction and is expected to be situated at the north end of the school site with its own dedicated access from Carlton Avenue East. The proposed position is on land currently little-used by Preston Manor High School. If this future planning application were to be accepted, Preston Manor would offer two form of entry primary provision from September 2011. This would mean that the school would admit two form of entry (60 students) in the reception year from January 2011 and this cohort would progress to Year 6 by September 2016, after which they would transfer to the high school.

The proposed use

The application proposes the erection of a temporary primary school in the grounds of Preston Manor High School to be accessed from Ashley Gardens and comprising a single storey modular building incorporating two classrooms, assembly hall, staff room, medical area and ancillary office and storage space. The use of an existing school site for the provision of education facilities is acceptable and complies in principle with Policy CF10.

The proposed siting within the school playing field

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

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

The "Brent Outdoor Sports Audit" by Ashley Godfrey Associates 2008 revealed that the school currently benefits from two Senior Football Pitch, (74% + 73%,) one Junior Football Pitch (61%), and 3 Tennis courts (78%.) Since that survey a new sports hall have been provided on site.

The applicants have provided revised drawings that demonstrate that the existing pitches on site are to be retained. They confirm that the proposed temporary primary school site has not been used by the High School for recreation recently. They have provided information that demonstrates that the school still has an appropriate level of play area. The supporting documents demonstrate that the current operation of the school will not be harmed by the application. The applicants have confirmed that the proposed siting of the temporary school will not impinge upon the High School's ability to expand in the future in compliance with Policy CF10 of Brent's Unitary Development Plan 2004. It is therefore not considered appropriate to refuse the current children's centre application on the grounds of harm to the schools potential future expansion.

The site is in an area not currently used for sports or recreation and is not marked out as a pitch at any time of the year. The application does not result in the loss of a pitch but nevertheless will take up land that has potential to from a pitch. In order to comply with PPG17 the applicants would need

to demonstrate that the playing fields are surplus to requirements. Whilst the site area is not actively used by the school, there is a deficient of pitches within the Borough of Brent. This deficient is identified within the Council document "Planning for Sport and Active Recreation Facilities Strategy 2008."

Furthermore Sport England has issued a PPS that prevents building on pitches or playfields with the potential to form pitches. In order to comply with Sport England's policy guidelines, the applicants would need to demonstrate that the proposal is one of the 5 identified exceptions to building on playing pitches. Sport England raised objections to the proposal as originally submitted, and comment that the proposal cannot be considered as one of the 5 exceptions. However, Sports England have confirmed that as the school is to meet a dire need in the Borough to provide education to children currently out of school, they will consider removing their objection if the planning permission granted is only temporary, for up to 2 years and thereafter the site would be returned to playing fields. The applicant has agreed to this condition and Sport England have now removed their objection. It should be noted that the proposed temporary school is likely to bring permanent drainage improvements to the area, which are considered to improve the quality of the playing field locally after the temporary school has been removed.

Design

The proposed new buildings are single storey and with two number 68sqm classrooms and one 97sqm multifunction hall presented in an L-Shape. The building's external skin will be plastic coated steel laminated exteriors. The cladding proposed is in a beige and green finish. This is a standard approach on school sites, and is acceptable for a temporary building. The building is designed with a pitched felt roof. The applicants were asked to consider a green roof, to improve the building's sustainability. However the applicants have advised that given the budget and timeframes required to implement this temporary accommodation this is not feasible.

Impact of the building upon neighbouring residential amenities

The proposed building complies with SPG17 in terms of the building massing in relation to neighbouring gardens. It is closest to properties fronting Ashley Gardens and Preston Road. The applicants have suggested a green palisade fence to the boundary of the residential properties. Your officers have requested that the applicants consider a more substantial boundary treatment, as an alternative to the palisade fencing. It is used around the Pavilion in the vicinity of the site, but it is not considered to be very neighbour-friendly immediately adjoining residential gardens.

A hedge is seen to be a more robust boundary treatment as there is not a standardised boundary finish along this site edge. Feathered whips (Hornbeam, Beech and Dogwood) planted in a double-staggered row at 500mm centres, protected by chestnut pale fencing would suffice. With regards to the additional oak trees, it is considered that future tree stock in appropriate positions (5m-10m from boundaries) will not incur onto future pitches as the existing oak tree and substation are located here. The applicants have requested that this be dealt with by way of condition, which is acceptable.

Any external proposed lights will be restricted by condition to ensure that there is no light back-spill into the residential gardens in accordance with Policy BE8. This ensures that neighbouring amenities are not harmed by the development.

Noise

The applicants have submitted a noise assessment. This demonstrates that proposed noise levels arising from the temporary accommodation will result in noise levels 5-25dB below the prevailing background noise levels with the windows open, and with the windows shut would be even lower, and at least 10dB below the background noise level. This would not result in noise nuisance to adjoining residences. The Noise Assessment further states that if noisy activities levels are high, windows could be closed to reduce levels lower. This is not considered reasonable. The consent would be limited to 2 years, so there would only be the higher noise levels in this part of the

grounds associate with a temporary primary school on a short-term basis. The neighbouring properties are already adjacent to the school field and will experience some level of external noise from the existing High School. Furthermore the temporary school is unlikely to generate a sufficiently high level of noise to cause nuisance, and will wish to maintain a good relationship with adjoining properties, and so would react to any complaint. In any case this could be monitored by the Council's Environmental Health team, which has powers to enforce reasonable noise levels should this become a problem. A condition will restrict any noise-generating equipment such as air conditioning in order to avoid machinery noise nuisance to neighbouring dwellings in accordance with policies H22 and EP2.

Transportation issues

The site lies at the end of Ashley Gardens. On-street parking in Ashley Gardens is generally unrestricted, although the area is within the Wembley Stadium event day protective parking scheme, whereby on-street parking on event days is restricted to residents' permit holders only. Public transport access to the site is moderate (PTAL 2), with Preston Road Underground station (Metropolitan line) within 960 metres (12 minutes' walk) and four bus services within 640 metres (8 minutes' walk).

Car parking allowances for educational uses are set out in standard PS12 of the adopted UDP 2004. This allows up to one space per five staff, plus an additional 20% for visitors. As such, no more than two spaces should be provided for this temporary school. Use is proposed to be made of two standard spaces and one disabled space within the existing BACES 31-space car park. This approach is acceptable in principle and will also satisfy requirements for disabled parking policy TRN35. Standard PS16 requires the provision of at least one bicycle parking space per ten staff, so at least one such space will be required. Further details of bicycle parking provision are therefore required as a condition of any approval. The applicant has provided an indicative area where cycles will be stored.

Refuse and recycling collection will be managed through the extension of the service already being provided to the BACES Adult Education Centre and Nursery. Appropriate receptacles will be housed within the school boundary in the area indicated on the revised plan. This complies with policy TRN34 of Brent's Unitary Development Plan and the provision of the bin store will be required as a condition of any approval.

The Council's Highway Engineers require that the remainder of the BACES car park be made available for parents that do bring children to the school by car to use to set them down and collect them at the start and finish of the school day in order to minimise congestion in Ashley Gardens, particularly since the road does not benefit from a turning head. The applicants have confirmed that this setting down area will be created, and this will be a condition of approval.

Given the sensitivity of this proposal, a Transport Statement has been prepared by Capita Symonds Ltd. and submitted in support of the application. This has assessed the likely trip generation and modal split for journeys to and from the school. This assessment has been based on data held on the TfL database (TRAVL) for two schools in Northwest London (Maple Walk in West Kensington and nearby Wembley Manor in East Lane). However, only the latter of these is considered suitably representative of this site, as Maple Walk has all the locational characteristics of an inner London school, rather than an outer London school such as this. As such, the Highway & Transport Delivery Unit has discarded the data from Maple Walk School in vetting this application and has instead applied only data from Wembley Manor School to this site.

The Wembley Manor Primary School survey (undertaken in 2006) showed 50% of staff driving and 32% of pupils being driven to the school by car. Applied to this proposal, three staff could be expected to travel as car drivers and 19 pupils to arrive and depart as car passengers, which is considerably greater than the estimated figures given in the Transport Statement. Nevertheless, even these more robust estimated traffic flows are not considered to be large enough to give rise to any capacity problems at the junction of Ashley Gardens and Preston Road (given that Ashley

Gardens is otherwise very lightly trafficked), so the proposal is still considered generally acceptable in traffic generation terms by the Council's Highway Engineers.

However, it should be noted that the junction of Ashley Gardens onto Preston Road, being on the inside of a bend, has substandard sightlines (2.4m x 35-40m) in either direction. The accident history of the junction has therefore been examined for the last 36 months, which shows just one personal injury accident over that period relating to a bus braking sharply and thereby injuring a passenger. Nevertheless, the junction is considered unsuitable for use to serve a major school in the future and for this reason, this permission should be very strictly capped at a maximum of 60 pupils for a temporary two-year period only. Pupil numbers will be restricted by a condition.

Pedestrian access to the site has been given very little consideration in the Transport Statement, even though the figures supplied suggest that walking trips to the school could make up more than 50% of total trips to the site. All that was shown on the original site layout plan is a footpath from the BACES car park that emerges at the rear of a line of car parking spaces, which would be likely to be obstructed. Furthermore, the lack of existing continuous pedestrian routes into and through the BACES car park makes the provision of the pedestrian access in this location unacceptable in pedestrian safety terms. Aside from this, the addition of extra vehicular traffic into and out of the BACES Centre would also be likely to compromise pedestrian safety at the site entrance amongst visitors (particularly nursery children).

To address this, a revised site layout plan has been submitted that includes a pedestrian footpath directly from the end of Ashley Gardens into the school building. This is welcomed and will avoid any need for pedestrians travelling to the school to walk through the BACES Centre car park or its narrow access gates. This revised plan is considered acceptable by the Council's Highway Engineers.

Further afield, the lack of pedestrian crossing facilities on Preston Road at the Ashley Gardens junction causes the Council's Highway Engineers to be concerned. At present, there are traffic islands on either side of the staggered crossroad junction with Ashley Gardens and St. Augustine's Avenue, but these do not have dropped kerbs or tactile paving so are not currently suitable for use by parents with children and pushchairs. It is essential that this is rectified if a school is to be accessed from Ashley Gardens, even for only a temporary period. In addition, school warning signage will be required on Preston Road to give warning of the presence of schoolchildren. To cover the likely cost of these works, a financial contribution of £25,000 will be required. The applicants have indicated that they will pay this £25,000 through a head of term of an associated s106.

Finally, to help to minimise the traffic impact of the proposal, a School Travel Plan has been prepared. This includes information on the site (based on the information set out in the Transport Statement) and includes a set of measures to be introduced to help to reduce car use amongst parents and staff, to be implemented by a Travel Plan Co-ordinator. However, the proposed measures are limited in extent (no mention of season ticket loans for staff or car parking management), whilst the plan is also particularly weak in terms of setting targets for future car use, or stating how the plan will be secured or funded. As such, it has scored a FAIL using TfL's ATTrBuTE assessment programme. An improved Travel Plan is therefore required and the applicants have agreed that this will be secured as a s106.

Flood Risk

The site area is less than a hectare within Flood Zone 1. In accordance with PPS25 on Development and Flood Risk, the development only needs to consider good practice on drainage. The Environment Agency raise no comments to this specific proposal.

Other matters

The site is close to an electricity substation; accordingly the applicant has been asked to clarify whether electromagnetic radiation has been considered. The Health Protection Agency has

confirmed that the magnetic fields around local area substations are measured at a maximum of 10 microtesla, which is much less than the ICNIRP reference level of 100 microtesla which is regarded as the safe limit for public exposure. It also states that at a distance of between 5- 10m from the substation boundary fence, magnetic fields from substations were undetectable. The proposed temporary school building is set at 14 metres away from the substation and is therefore not considered to be at risk. The statement suggests that there is absolutely no risk to occupants of the school and no special measures are needed, On the advice of the consultant the applicants have agreed to ensure that the boundary fence is set 5 metres from the edge of the substation to safeguard children at play.

The site incorporates a large, established oak tree. The Council's Arboricultural Officer has assessed the submitted tree report by Landscape Planning that is considered to deal comprehensively with all the details relating to protection of T1 Oak. He concludes that provided Landscape Planning's tree protection specification is adhered to, the tree should not be at risk. The tree protective measures specified in the report will be conditioned. A new tree will also be required, in order to provide a future replacement for the existing sizeable tree and contribute to local visual amenity.

Local residents have raised concerns about the number of consultations and contradictory dates that they have been consulted upon. This is because the Council is statutorily required to consult neighbouring residents under the Town and Country Planning Act 1990, as amended, regarding the planning application 10/1738 for a proposed temporary school in the grounds of the High School.

The document entitled "Statutory Notice" is notice under the Education and Inspections Act 2006 of the changes to the school from the School Governors. There have been three public forums where parents and residents have been invited to air their views by the Schools and Families department. Two of these sessions (parents and residents) took place at Preston Manor School on 13th October 2010, the third at the Wembley Area Forum on 20th October 2010 and a fourth on 29th November 2010 at Preston Manor School. These sessions have been arranged to address both the temporary and permanent proposals from an education perspective. The Council's Children and Families department has also provided the following response to the specific question regarding consultation on the temporary proposal. *"The Local Authority has a statutory duty to provide sufficient school places in the borough. As stated above, 72 Reception aged and 29 Year 1 aged children are currently without a school place. Where permanent expansion is not feasible or whilst waiting for such an expansion to be completed, it is necessary to provide temporary places to ensure that all children in the borough are allocated a school place. Borough wide consultation on such schemes is not always feasible due to the urgent need associated with such additional provision, however, an agreement with the expanding school and its governing body is always sought. This includes the schools which have an Academy, Foundation or voluntary aided status."*

Local residents have raised concerns about the proposed catering strategy for the school. The applicants have confirmed that meals for the temporary reception classes would be produced in the main High School kitchens and moved to Ashley Gardens by Brent Transport, where they will be served to pupils in the multi-function hall using retractable tables. All pupils will either eat school meals or bring a packed lunch. The catering proposal is to prepare meals in the main school kitchens and transport to Ashley Gardens by Brent Transport. The multi-function hall will have retractable seating for use during meal times. Being of reception age, all children will be kept within the confines of the site during break times. It is proposed that existing arrangements for the BACES Centre at Ashley Gardens will be extended to cover the waste and recycling created by the temporary school

Conclusion

The proposed temporary school is for a finite period only, (maximum 2 years,) in order to meet a recognised need to provide education for primary school aged children within the Borough. The proposed temporary school is on balance considered acceptable provided it is for a temporary

period only, allowing the playing field to be reinstated following the temporary school's removal. The applicants have demonstrated that subject to a legal agreement, the proposal will not harm the local highway network as contributions will be made towards pedestrian crossing improvements on Preston Road, and signage, in addition to providing a new pedestrian footway to the site from Ashley Gardens. In order to ensure that the impact of the temporary school is acceptable on local amenities and the highway network, the number of students who may attend the school will be limited by condition to 60. The applicants have demonstrated that the proposal will comply with local and national planning policies, and accordingly approval is recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Planning Policy Guidance 17 – Planning for open space, sport and recreation
Planning Policy Statement 25 – Development & Flood Risk
Planning Policy Statement – A sporting future for the playing fields of England
Brent Unitary Development Plan 2004
Brent Core Strategy 2010
SPG17 - Design Guide for New Development
SPG12 – Access for disabled people, designing for accessibility

CONDITIONS/REASONS:

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

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

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

Arboricultural Method & Materials Statement - Sept 2010
Design & Access Statement
Temporary Accommodation Noise Assessment
Preston Manor Temporary Reception School Travel Plan received 16/11/10
Preston Manor Temporary Scgool Transport Statement received 16/11/10
113130/001RevB
113130/002RevB
2K1009-11/P(C) plan
2K1009-11/P(C) elevations
2K1009-11/RP
Letters from Watts dated 26/11/10
Elite Systems samples

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

- (3) No more than 60 children shall be present on the site at the same time unless the Local Planning Authority agrees in writing to an increase.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties or harm the local highway network

- (4) This permission shall be for a limited period of 2 years only, expiring on 17/12/2012 or until any new Primary School is opened at Preston Manor, whichever arises first. Thereafter all buildings, all hard standing areas and any temporary boundary treatments no-longer required by the High School shall be removed from the site, and the playingfield grass shall be made good across the site, in the positions that it is currently, unless otherwise agreed in writing by the Local Planning Authority

Reason: The building are temporary in nature only and would be contrary to design, highway and playingfield protection policies and therefore could not be supported on a permanent basis

- (5) Within 3 months of the date of this decision, the applicants shall submit details of at least 3 secure cycle stands in the area detailed on the approved drawings. This shall be submitted to and approved in writing by the Local Planning Authority and thereafter be installed in the position shown for use by staff/students

Reason: To ensure the adequate provision of cycle-parking to promote the use of non-car modes of access to the site.

- (6) Within 3 months of the date of this decision the refuse/recycling area shall be installed in the position shown on the approved drawing for use by staff/students and thereafter maintained.

Reason: To ensure the adequate provision of waste and recycling storage and prevent harm to local amenity.

- (7) No external lights shall be erected unless otherwise agreed in writing by the Local Planning Authority through the submission of details, which shall then only be implemented in accordance with the approved details

Reason: In order to safeguard local residential amenities

- (8) Within 3 months of the date of this decision, the applicants shall submit to and have approved in writing by the Local Planning Authority the following site layout details. Thereafter they shall be constructed and permanently marked out for the temporary school use in accordance with the approved details
- a) the provision of 2 standard parking spaces
 - b) the provision of 1 disabled parking space
 - c) the proposed pedestrian access path and gate
 - d) the access footpath clearance area (between the proposed parking spaces)
 - e) the potential drop-off area

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

- (9) No new plant machinery and equipment (including air conditioning systems) associated with the proposed development shall be installed externally on the building without the prior written approval of the Local Planning authority. Details of the equipment and the expected noise levels to be generated, shall be submitted to and agreed in writing by the Local Planning Authority prior to installation, unless agreed otherwise in writing by the Local Planning Authority, and thereafter shall be installed in accordance with the approved details and maintained in accordance with the relevant manufacturer's guidance

The noise level from this plant 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".

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 and to safeguard the amenities of adjoining occupiers and future occupiers

- (10) Any development on site including construction of buildings/ paths/ hard surfacing and/or demolition shall comply with the measures set out within the approved Arboricultural Statement. This includes provision for supervision of tree protection by a suitably qualified and experienced arboricultural consultant.

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

- (11) The temporary buildings shall be constructed in the approved submitted materials from elite systems in beige and green, with white fenestration and a felt roof unless otherwise submitted to and approved in writing by the Local Planning Authority before any work is commenced

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

- (12) Within 3 months of the date of this decision, the applicants shall submit to and have approved in writing by the Local Planning Authority a plan, indicating the positions, design, materials and type of boundary treatment to be erected or retained to the front, sides and rear of the site. This shall include:
- a) the planting of a least one replacement oak (*Quercus robur*,) 12-14cm girth, stake and tied, and protected with a satrimmer guard or and/or tree guard as necessary
 - b) a secure and nature-enhancing boundary treatment along the western boundary of the site, between the site and the nearest neighbouring properties
 - c) boundary treatments around the site
 - d) a method of separating the pedestrian access footpath from the car park
 - e) a method of separating the site from the EDF substation, providing at least 5m separation

The boundary treatments shall be completed before occupation of the buildings, 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. 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 safeguard the character of the area and the reasonable residential amenities of local residents.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

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

Planning Policy Statement 25 – Development & Flood Risk

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

Brent Unitary Development Plan 2004

Brent Core Strategy 2010

SPG17 - Design Guide for New Development

SPG12 – Access for disabled people, designing for accessibility

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



Planning Committee Map

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

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This map is indicative only.

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Committee Report
Planning Committee on 15 December, 2010

Item No. 16
Case No. 10/2033

RECEIVED: 3 August, 2010

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: Park Lane Primary School, Park Lane, Wembley, HA9 7RY

PROPOSAL: Erection of a part 1, part 2 and part 3 storey rear extension, extension to existing basement and erection to decking area to Park Lane side of school

APPLICANT: Mrs Christine Moore

CONTACT: Frankham Consultancy Group

PLAN NO'S:
See Condition 2

21/1 - Existing Block 1 - Ground Floor Plan
21/2 - Existing Block 1 - Basement Floor Plan
21/3 - Existing Block 1 - First Floor Plan
21/4 - Existing Block 1 - Second Floor Mezzanine Floor Plan
223776/A/EX01 Revision 01 - Existing Site Location Plan
223776/A/EX02 Revision 01 - Existing Site Plan
223776/A/EX03 Revision 01 - Existing Site Section A-A & B-B
223776/A/EX04 Revision 01 - Existing East, West, North and South Elevations
223776/A/EX05 Revision 01 - Existing Park Lanr Plan
223776/B/PL01 Revision 1 - Proposed Basement Level Layout Plan
223776/B/PL02 Revision 1 - Proposed Ground Level Layout Plan
223776/B/PL03 Revision 1 - Proposed First Floor Level Layout Plan
223776/B/PL04 Revision 1 - Proposed Second Floor Level Layout Plan
223776/B/PL05 Revision 1 - Proposed Site Layout Plan
223776/B/PL06 Revision 1 - Proposed Access Ramp Layout Plan
223776/B/PL07 Revision 1 - Proposed East and West Elevations
223776/B/PL08 - Proposed Park Lane Elevation
223776/B/PL09 - Proposed Sections
223776/B/PL10 Revision 1 - Proposed North and South Elevation
223776/B/PL11 Revision 1 - Proposed Elevations Finishes Sheet One
223776/B/PL12 Revision 1 - Proposed Elevations Finishes Sheet Two
223776/G/01 - Topographical Survey
-Un-numbered A3 Size South Elevation Materials Plan
-Phase One Environmental Review by Frankham Consultancy Group Limited
-BREEAM:Education Pre-Assessment by Frankham Consultancy Limited
-Design & Access Statement by Frankham Consultancy Group Limited
-Education Statement

RECOMMENDATION

Grant Planning Permission

EXISTING

Park Lane Primary School in Wembley is currently a one form of entry community primary school and nursery. It fronts onto Park Lane and has boundaries with King Edward VII Park to the north and west, and the rear gardens of 36-41 Princes Court to the south. The main school building is a three storey rectangular building, constructed in red brick in a mock Queen Anne style before the start of the First World War. As is common with schools of this age it has had a number of alterations and additions carried out over the years.

The school buildings currently occupy most of the site. It does have a traditional asphalt play ground but no playing field. It does however have by agreement with Brent's Park Service use of the adjoining King Edward VII Park.

The school is not listed but it is in the Keswick Gardens / Princes Court Area of Distinctive Residential Character.

PROPOSAL

Erection of a part 1, part 2 and part 3 storey rear extension, extension to existing basement and erection to decking area to Park Lane side of school

HISTORY

The main school building was opened in 1911. Over the years and it has been altered and extended a number of times.

The most recent relevant planning history is as follows:

- | | |
|------------|--|
| 06/10/2010 | Planning permission granted for the installation of replacement white aluminium-framed, double-glazed windows to main school building (Ref: 10/0254). |
| 20/06/2003 | Planning permission granted for the demolition of existing temporary classroom to rear and erection of a single-storey building to provide a nursery (Ref: 03/1238). |
| 14/02/1997 | Planning permission of installation of replacement aluminium windows in front elevation (Ref: 96/2156). |

POLICY CONSIDERATIONS

London Borough of Brent Core Strategy 2010

The following policies in the recently adopted Core Strategy are considered relevant to the current application.

- | | |
|------|---|
| CP17 | Protecting and Enhancing the Suburban Character of Brent |
| CP19 | Brent Strategic Climate Mitigation and Adaptation Measures |
| CP23 | Protection of existing and provision of new Community and Cultural Facilities |

London Borough of Brent Unitary Development Plan 2004

The following saved policies contained in the Unitary Development Plan are considered relevant to the current application.

- | | |
|-----|--------------------------------------|
| BE2 | Townscape: Local Context & Character |
| BE3 | Urban Structure |
| BE5 | Urban Clarity & Safety |

BE6	Public Realm: Landscape Design
BE7	Public Realm Streetscape
BE9	Architectural Quality
BE12	Sustainable Design Principles
BE25	Development in Conservation Areas
TRN1	Transport Assessment
TRN3	Environmental Impact of Traffic
TRN4	Measures to Make Transport Impact Acceptable
TRN11	The London Cycle Network
TRN22	Parking Standards - Non-Residential Developments
PS12	Parking Standards: Non-Residential Institutions (Use Class D1) and Hospitals (Use Class C2)
CF8	School Extensions

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

The London Plan (Consolidated with Alterations Since 2004)

PPS5: Planning & the Historic Environment

SUSTAINABILITY ASSESSMENT

This proposal is not a major application and therefore the Council's SP19 requirements do not correctly apply. However the newly adopted core strategy does require all non residential development (including non-major development) to achieve a BREEAM rating of excellent. A pre-assessment of the two options for extending the school indicates that BREEAM excellent can be achieved. A condition is proposed requiring the school to achieve the excellent rating.

The existing school, as part of the BREEAM assessment will incorporate recommendations for improving thermal performance through window replacement, lighting, heating and fabric improvements that may be implemented within project budgets.

CONSULTATION

The following have been consulted on the proposal:

- Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, Park Court
- Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 31, 33,34, 37, 35, 36, 38, 39, 40, 41, Princes Court
- Nos. 65, Bright Beginning Pre-School, Large Hall Methodist Church, Park Lane Primary School, Park Lane Methodist Church and 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 105, 107, 109, 103, 111, 113, 115, 117, 119, 121,123, 125 at South Meadow, Park Lane
- Ward Councillors

Two separate letters have been received from individuals representing the Board of South Meadows (Wembley) Ltd, the company that manage the small private residential estate located on the opposite side of Park Lane to the School. They object to the proposal on the grounds that they already suffer from the constant trespassing of school children and visitors to the school including illicit parking from parents dropping off and picking up children, this sometimes includes parents driving over the estates grass areas. The expansion of the school will increase traffic in Park Lane, increasing noise and pollution for residents. The Council is proposing controlled pedestrian crossings in Park Lane which will cause further disturbance. Many of the residents of South Meadows are elderly and vulnerable and unable to deal with confrontations that occur with parents.

Thames Water - No objection

Landscape - There is no objection to the development in principal, subject to the normal landscape conditions for this type of development.

Transportation - No objection subject to conditions requiring an amendment to the School's current Travel Plan, additional cycle parking and the submission of a construction method statement.

REMARKS

Summary/Background

Park Lane is a community primary school that currently offers one form of entry. This proposal will turn it into a two form of entry primary school, requiring an additional 7 classes. This will increase the number of children from approximately 255 three years ago to 450 on completion of the proposed development. This can be achieved by internal alterations and an extension that will create an additional 750 square metres of floor space.

The school are still looking at two options for extending the school. This application considers both options but only one will be implemented. Provided that both options are acceptable in planning terms the final decision on which option will be built will be made before the Committee site visits take place. Both options require up to three storeys of extension.

Educational Need

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.

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. 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 Council has 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 Brent, the current forecast of student numbers and feedback from schools. Subsequently, the Council has 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. These discussions have resulted in the proposed expansion of Park Lane Primary School to increase the number of reception to year 6 places from 1 form of entry (FE) to 2FE. This expansion will provide the extra classrooms required for a 2FE school and also improve the quality of accommodation through additional specialist provision. This will include a food science classroom, library resource, a new hall, staff room and the installation of a lift.

The provision of new facilities, which can be easily separated from the main body of the school, if required, will provide easily separated access for community use and maintain the security of the school. This will provide opportunities for extended provision by way of a breakfast/after-school club and opportunity for letting out of the hall for sport and wider community use.

The proposals have been assessed against the Government's guidelines for new school accommodation – Building Bulletin 99. The exercise established that the proposed extension and modification of the school will comply BB99 standards and recommendations.

Playing Field/ Sport Provision

The school, located within an inner city, has limited playground area and no playing fields, as is typical of schools of a similar period located in London boroughs. In keeping with the project brief that any development should cause the minimum impact on the existing playground, the proposal is to therefore locate the new-build extension between the south boundary and nursery and furthest away from the main playground. In addition, an agreement has been reached between the school and Brent Parks for the school to have access to the former tennis court areas in King Edward VII Park, leading directly off the school's west boundary for supervised play and recreation.

Transport Impacts

There are two main gated entrances to the school, one being on Park Lane and only for pedestrian use. Entrance through this gate is for staff, parents as well as visitors to the school. The other gated entrance is through King Edward Park and is both vehicular and pedestrian. Vehicular access through this entrance is mainly for delivery purposes during out of school hours as staff and visitors no longer park on site, although it does also provide access for disabled visitors.

The proposal will retain no car parking spaces. Staff are encouraged by the school's existing travel plan to use public transport or no car modes of travel. With parking space unavailable along Park Lane and with surrounding streets located within a CPZ there is no scope for vehicles to park on-street in the area. Some teachers do have permits to park within the CPZ. Refuse and delivery vehicles will continue to service the site via the existing vehicular access from the Park.

As with most of Brent's schools the dropping and picking up of children by car is a problem. The school recognise that some parents do use the private estate on the opposite side of Park Lane to park their vehicles. The existing school travel plan is to be amended in consultation with Council officers and with clear targets to ensure that the number of children and staff currently arriving by car does not increase. The latest survey revealed that 50 children and 14 staff currently come to school by car.

Layout

The proposed extension is situated to the side and rear (south and west) of the existing school building. It attaches to the western corner of the building, and projects towards the boundary with the rear gardens of Nos. 40 and 41 Princes Court and into the playground, toward the rear of the school site.

Two options have currently been put forward for the design, siting and layout of the extension. The applicants have indicated that they will confirm which option will be selected for determination prior to the Committee site visit. Both options will therefore be discussed within this report. Confusingly they are referred to as option 2 and option 3.

Option 2 looks to retain the existing single storey nursery building and build around it whilst option 3 includes the re-provision of the nursery within the extension. Option 3 makes a more efficient use of this constrained school site by opening up more of the school grounds for play and sports and it re-provides the nursery within a more efficient building that will achieve a BREEAM Excellent. Option 2 is a cheaper option as amount of the floorspace that would need to be constructed is smaller. Option 2 retains 2,085 sqm of grounds whilst option 3 includes 2,134 sqm in a more open layout.

Design and appearance

The proposed extension is set well back from the main building and incorporates an modern design approach that looks to contrast rather than replicate the design and detailing of the main building. Your officers consider this approach to be appropriate as the siting and skewed nature of the extension in relation to the main building is such that it would be difficult to design an extension in this location that replicated the existing building.

The extension appears subservient to the main building and maintains its prominence within the street whilst providing a new and prominent entrance feature.

The success of this design approach will rely on the quality of materials and detailing which can be secured through condition.

Relationship with adjoining properties

The extension is situated a minimum of 3.2 m (option 2) or 3.9 m (option 3) from the boundary with the adjoining gardens. A 1.2 m wide external stairwell is proposed within the space between the extension and boundary. The height of the extension in relation to the boundary varies significant due to the slope of the surrounding land. It reaches 8.4 m for option 2 and 8.65 m for option 3 to the hand rail that surrounds the "outdoor teaching terrace". This significantly exceeds the 45 degree line set out within Supplementary Planning Guidance No. 17 (by 2.35 to 2.8 m), even if the angle was taken from the 2.4 m height of the existing fence rather than the 2 m. This height would also need to be increased to allow a screen to be incorporated to ensure the privacy of adjoining residents. The presence of a garage in the rear garden of No. 41 Princes Court significantly reduces the impact on the adjoining garden. However, this is limited to the element of the extension that is adjacent to the garage and the proposed extension projects significantly to the west of the garage.

The applicants have agreed to revise the drawings to address this issue, which is likely to result part or all of the building being set approximately 2 to 3 m further back from the boundary to improve this relationship. Further detail regarding the relationship between the adjoining gardens and the site will also be provided.

All windows that face the adjoining residential gardens and are within 10 m of the boundary will be obscure glazed and fixed closed (or high level opening). The "open outdoor teaching terrace" (as discussed above) is considered to result in significant overlooking in its current form. However, the applicants will revise this and will either remove this feature or proposed screening around it to address this issue, and will also provide further detail the means by which the stairs and platform lift can be provided whilst ensure the privacy, light and outlook of the adjoining residents.

Conclusion

The proposed extension along with others identified at schools around the borough is part of a strategy to accommodate Brent's burgeoning primary school population. As well as increasing the schools capacity it will also improve facilities within the existing school will hopefully increase the standard of education available to pupils. Subject to the amendments set out in the report, and subject to the schools existing travel plan being amended with clear targets to prevent any increase in car usage above current levels, the proposed extensions are considered acceptable.

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 No. 17
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
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):

223776-A-000 Rev 01	223776-A-114 Rev 02
223776-A-001 Rev 00	223776-A-115 Rev 01
223776-A-002 Rev 00	223776-A-116 Rev 01
223776-A-003 Rev 00	223776-A-117 Rev 01
223776-A-004 Rev 00	223776-A-210 Rev 00
223776-A-100 Rev 00	223776-A-211 Rev 00
223776-A-101 Rev 00	223776-A-309 Rev 01
223776-A-102 Rev 00	223776-A-310 Rev 01
223776-A-103 Rev 00	223776-A-311 Rev 02
223776-A-104 Rev 00	223776-A-312 Rev 02
223776-A-110 Rev 02	223776-A-EX03 Rev 01
223776-A-111 Rev	223776-A-EX04 Rev

01	01
223776-A-112 Rev	223776-A-EX05 Rev
01	01
223776-A-113 Rev	223776-G-01
01	

Education Statement

BREEAM Pre-assessment, dated 17/6/2010

Phase One environmental review, reference 223776, Issue 1, dated 22/3/2010

Park Lane Primary School, School Travel Plan 2010, reference 3042038

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

- (3) Prior to the completion of the works hereby approved, the applicants shall submit details of cycle storage within the school grounds. This shall be submitted to and approved in writing by the Local Planning Authority and thereafter be installed in the position shown for use by staff/students within 6 months of approval being given.

Reason: To ensure the adequate provision of cycle-parking to promote the use of non-car modes of access to the site.

- (4) Prior to the completion of the works hereby approved, the applicants shall submit details of refuse/recycling storage. This shall be submitted to and approved in writing by the Local Planning Authority and thereafter be installed in accordance with the approved details within 3 months of approval being given.

Reason: To ensure the adequate provision of waste and recycling storage and prevent harm to local amenity.

- (5) No external lights shall be erected unless otherwise agreed in writing by the Local Planning Authority through the submission of details, which shall then only be implemented in accordance with the approved details

Reason: In order to safeguard local residential amenities

- (6) No new plant machinery and equipment (including air conditioning systems) associated with the proposed development shall be installed externally on the building without the prior written approval of the Local Planning authority. Details of the equipment and the expected noise levels to be generated, shall be submitted to and agreed in writing by the Local Planning Authority prior to installation, unless agreed otherwise in writing by the Local Planning Authority, and thereafter shall be installed in accordance with the approved details and maintained in accordance with the relevant manufacturer's guidance

The noise level from this plant 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".

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 and to safeguard the amenities of adjoining occupiers and future occupiers

- (7) 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.

- (8) The development hereby approved shall not be occupied unless a review by a BRE approved independent body which verifies that the development has met or exceeded a BREEAM excellent 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.

- (9) The applicants will comply strictly in accordance with the measures set out within the submitted 2010 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.

INFORMATIVES:

None Specified

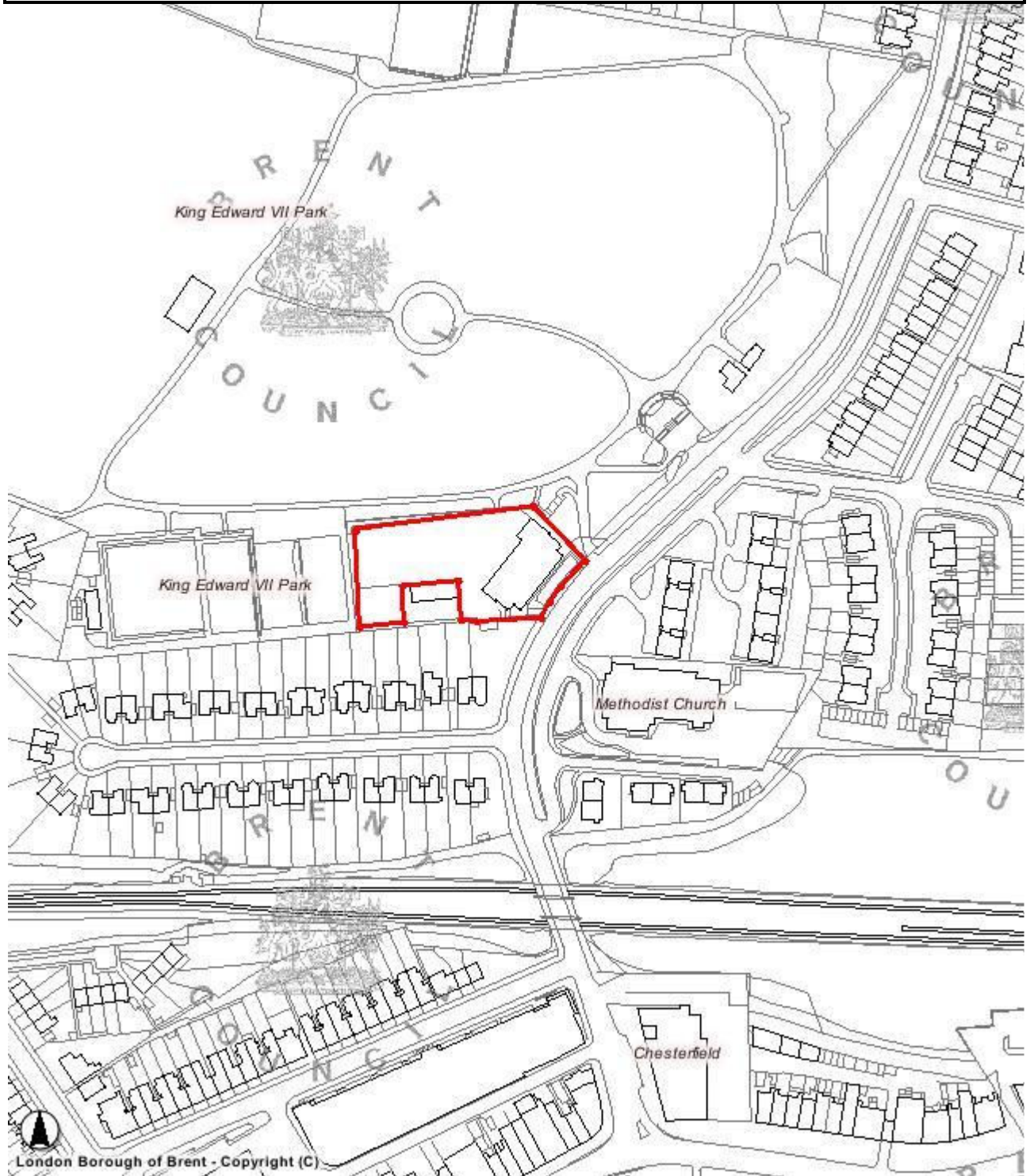
Any person wishing to inspect the above papers should contact Mumtaz Patel, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5244



Planning Committee Map

Site address: Park Lane Primary School, Park Lane, Wembley, HA9 7RY

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Committee Report
Planning Committee on 15 December, 2010

Item No. 17
Case No. 10/2041

RECEIVED: 20 August, 2010

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: Shree Saibaba Mandir, Union Road, Wembley, HA0 4AU

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

APPLICANT: Shirdi Sai Baba Temple

CONTACT: ASK Planning

PLAN NO'S:
2010-02 303
2010-02 302 Rev A
Design and Access Statement July 2010

RECOMMENDATION

Refuse planning permission

EXISTING

Situated on Union Road, the subject site contains a single storey building with a steep pitched roof formerly in use as a social club/assembly hall for the British Legion. To the west of the site is Coronet Parade a three storey terrace fronting Ealing Road with commercial units occupying the ground floor and residential units above. The residential units are accessed to the rear of the parade from a servicing road which is adjacent to the site. To the east is a line of traditional two storey dwellinghouses. The property is not situated in a conservation area nor is it a listed building.

PROPOSAL

Retrospective application for change of use from British Legion Hall (Use Class Sui Generis) to a Place of Worship (Use Class D1) and proposed erection of a single storey rear extension, erection of a full length canopy to one of the side elevations, the erection of two porch canopies to the front elevation and the installation of UPVC windows

HISTORY

E/10/0096 - Without planning permission, the change of use of the premises from a hall (Use class Sui Generis) to a temple/place of worship (Use Class D1), the erection of a canopy structures to the side and front of the premises, the erection of a marquee to the rear and the installation of signage to the premises

Enforcement Notice Served.

Appeal lodged - pending consideration

The enforcement appeal has been made under ground (a) - that planning permission should

be granted, ground (c) - that a material change of use has not occurred at the premises, ground (f) - that the steps to comply with the notice are excessive and ground (g) - that the time limit for compliance is too short.

09/1152 - Demolition of existing hall and erection of a part one, part three and part four storey childrens residential care home

Application Withdrawn - 12/08/2009

02/1481 - Erection of portakabin to rear of premises

Refused - 30/08/2002

22955 5666 - Extension

Granted - 19/06/1957

POLICY CONSIDERATIONS

Local

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan (Consolidated with Alterations since 2004).

Brent's Unitary Development Plan - 2004

BE2 - Townscape: Local Context & Character

BE9 - Architectural Quality

TRN3 - Environmental Impact of Traffic

TRN4 - Measures to Make Transport Impact Acceptable

CF2 - Location of Small Scale Community Facilities

CF4 - Community Facilities Capable of Holding Functions

CF14 - Places of Worship

Brent Core Strategy 2010

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

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

The following spatial policies are considered relevant to this application:

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

Regional

London Plan 2008

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

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

Policy 3A.18 of the London Plan concerns the protection and enhancement of social infrastructure and community facilities.

National

Planning Policy Statement 1 – Creating Sustainable Communities (2005)

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

Planning Policy Guidance 13 – Transport (2001)

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

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Standard three week consultation period carried out between 15 September 2010 and 06 October 2010 in which 99 properties were notified. Ward Councillors have also been notified regarding the proposal.

The application has received a significant response including:

- 185 individual letters of support from the surrounding area
- 467 individual letter of support from other parts of London, the UK and internationally together with support from unspecified addresses.
- A petition in support of the application with 534 signatures
- A petition of objection to the application with 156 signatures
- 17 standard form letters have been received which states the person signing has been

approached by the family residing at 22 Union Road to support the temple in finding larger premises for the Temple. The wording of this letter is ambiguous and it is uncertain whether the individuals who have provided their details are in support of or object to the scheme.

- Letters of support have also been received from the Hindu Forum of Britain and Barry Gardiner MP.

28 letters of objection with addresses, one councillor objection and one objection with no postal address. These objections raise the following concerns:

- Noise and disturbance to neighbouring residential amenity beginning early in the morning and continuing into the late evening (after 9pm)
- Noise disturbance from ceremonial parades
- Crowding in the street around the temple before and after events.
- Littering of food packaging and rats
- Processions result in Union Road being closed to traffic which results in congestion in the surrounding area and prevents buses being able to pass through Union Road
- Increased traffic congestion from visitors
- Visitors block private driveways to residential properties
- No dedicated coach parking for the use which results in further road blockages
- Cumulative impact of three religious institutions within a small area
- Health and safety hazard from burning substances within the premises
- Increased anti-social behaviour caused by crowds outside temple - including urination against neighbouring walls
- Impact on Wembley Brook running along the rear of the site

It should be noted that one of the addressees who submitted a letter of support through the Council's website has contacted officers to advise that her details have been used by an unknown individual and she has no comments regarding the application. This letter of support has therefore not been counted.

Internal Consultees

Transportation - No objections, subject to conditions

Thames Water - No objections

REMARKS

Background

This application seeks to regularise the existing use of the premises as a temple. The operation of the Shree Saibaba Mandir commenced at the beginning of 2010 and has been the subject of an enforcement investigation which has resulted in an enforcement notice being issued to rectify the breach in planning control. The notice includes a number of unauthorised structures; a marquee at the rear, a canopy along the side elevation, two canopies fixed to the front elevation and signage. These have now been removed from the site. In their place, the application seeks approval for new UPVC windows to improve noise insulation, a single storey rear extension to improve the existing facilities within the building, the erection of a canopy along the western side elevation to provide shelter for visitors whilst removing shoes and new canopies above the front entrance doors.

The material planning considerations relevant to this application are the principle of the use, the impact on neighbouring residential amenity, the scale and design of the extensions proposed and their impact on the character of the area and transportation implications. In particular, as the use is existing and has been observed by officers and objectors, it is necessary to consider whether the use can be adequately controlled by conditions to address officers concerns. This issue has been discussed with the applicants who have supplied further information. This will be discussed later in the report.

Principle of the Use

The building has previously been used as a British Legion Hall which falls within the Sui Generis Use Class as the organisation is a network of social clubs for members. This conclusion is supported by decisions from other authorities, appeal decisions and legal advice. Nevertheless, it is clear from the design of the original building that the building was intended as a function hall which facilitates large groups of people meeting. As a result, the council does not object to the proposed change of use to D1 for a religious institution subject to the intensity of the use being appropriate for the site. This approach is consistent with policy CF14 of the adopted Unitary Development Plan which considers the provision of religious meeting places for all denominations acceptable provided there is no significant loss of residential amenity or unacceptable transport impact, particularly at the time of religious festivals.

Impact on neighbouring residential amenity

The site is surrounded by residential neighbours. The closest of these are 22 Union Road and the flats on the upper two floors of Coronet Parade. As a result, careful scrutiny of the intensity of the use is required to ensure that the impact to residential amenities is acceptable. The enforcement record, property database and objections highlight a large number of issues since the commencement of the use early in 2010. These include issues such as the transfer of noise from within the building to neighbouring residential properties and noise and disturbance from processions outside the building which includes the banging of drums and the use of a public address system. In addition the marquee to the rear appears to have been used to facilitate food being served which has resulted in complaints that there are an increase in rats in the area and neighbours have reported smoke from burning substances being a further problem. A site visit also revealed that the canopy along the side of the building which has now been removed was previously used as a waiting area when the Temple is at capacity during peak times which presents a risk that this would continue to be used for these purposes if consent were to be granted for a new canopy to be erected. These issues have been discussed with the applicants who have expressed a desire to work with the council to control the use within acceptable limits.

Within the building, the transfer of noise will be mitigated through the installation of new glazing. In addition, a condition could be attached requiring a noise mitigation strategy which shows means of ventilation which prevent the need for opening any windows and provide suitable door controls/an external lobby. This is consistent with the approach recommended by officers when considering the retention of the mosque on Harrow Road which was also in close proximity with residential uses.

The applicants have advised of the circumstances surrounding the use since its commencement in January 2010. It has been indicated that the success of the Temple has been unprecedented and as such, the management of the use to address concerns of neighbours has evolved over time. The Shree Sai Baba Mandir is the only Temple in the UK devoted to this saint and as such, the catchment area for worshippers attending services at the Temple is larger than would generally be expected for a place of worship. In response to this, the applicants have advised that other venues have been set up in East London, Milton Keynes and Leicester which alleviate pressure on the Temple in Wembley. No quantitative evidence has been submitted confirming how these new facilities have impacted on visitor numbers at the application site. The applicants highlight and state that there are 4 prayer times every day which stagger the arrival of numbers and that during peak times, stewards are based permanently at the site entrance to divert worshippers. A condition could be attached to any consent restricting the number of people within the Hall at any one time however in light of the intensity of activity observed previously, your officers feel that a more detailed management plan should be provided prior to the granting of permission in order to ensure that these conditions would be complied with. This would seek to deal with suitable locations where devotees might be diverted to in the event that the hall was at capacity. Currently it has not been specified where any overspill might congregate and as such officers remain

concerned regarding noise and disturbance from crowds congregating outside the premises. Further support for this approach is set out within policy CF14. This policy requires the impact of major festivals to be considered. It should be noted that a significant amount of complaints were received regarding a major festival held on 25 July 2010 which involved a significantly larger activity than is typically generated (approximately 1000 visitors over a 13 hour period). The applicants have advised that the Temple celebrates 6 festivals throughout the course of a year which need a greater degree of management to minimise the impact to neighbouring residential amenity. The lack of a detailed management plan does not provide the reassurance needed for officers to recommend approval at present.

As a further commitment to work with the Council, the applicants have advised that the use of the public address system for the procession outside of the premises has ceased and food is now served in takeaway boxes removing the need for the marquee at the rear and reducing the time spent at the Temple. The applicants have advised that the procession, which is a weekly activity undertaken on a Thursday evening, is an essential part of the worship and would need to continue. This activity involves a group of around 50 people leaving the site, processing along the pavement and crossing the road to Pavitt Hall, continuing to process around the Hall and before crossing Union Road again and returning to the site. The group of worshippers sing devotional songs and play musical instruments such as small hand cymbals and drums. This activity is completed by 9pm and is managed by stewards who seek to ensure that traffic continues to move freely along Union Road. The discontinuation of the public address system is welcomed and helps limit the disturbance to neighbouring properties. Nevertheless this issue is a frequently cited complaint as the practice does result in disturbance both to residential neighbours and to the free and safe flow of traffic along Union Road. It is uncertain how this associated activity can be controlled to address these issues.

Objectors have also raised issues with an increase in littering and anti-social behaviour associated with Temple users. Your officers believe that measures to deal with the issues arising from Temple worshippers can be written in to the management so that the impact to neighbouring residential amenity is adequately mitigated. However in the absence of a detailed management plan which satisfactorily deals with all of these issues, the change of use is currently considered contrary to policy CF14. These issues are considered to warrant a refusal of the application at the present although your officer to consider if possible for these concerns to be overcome.

Scale and Design of Proposed Extensions

The application proposes 2 small cantilevered canopies over the two front entrances which have been designed to respect the character of the building. These are minor additions which do not raise any significant concerns although samples of materials and structural details of supports to show a good quality finish would need to be conditioned in the event that the scheme could be approved.

It is also proposed to reinstate a canopy along the side of the building for shelter whilst worshippers remove footwear and to provide covered access from the side of the building around to the front of the site. Given the previous use of this area for worshippers to queue whilst the temple is at capacity and the absence of an indicative management plan, your officers have requested that the scale of this extension be reduced. A significant setback which would result from a reduction in scale would also significantly improve the appearance of this addition within the street scene and address officers concerns regarding its impact on the character of the building. The applicants have declined to make this amendment however as the access is used as a form of fire escape. Your officers do not consider this to be a reasoned justification as a covered area is not necessary to ensure a suitable fire escape.

A further extension to the rear is proposed which extends the original rear elevation by 4.1m. This structure extends along the boundary shared with 22 Union Road, a residential property, and projects 4.3m beyond the rear elevation of this property with a height of 3m. The physical impact of

this extension would be more detrimental than can be considered reasonable and officers would require the depth to be reduced and the separation between the extension and boundary to be increased. The extension exceeds the limits put forward by officers however the agent has declined to amend this. Accordingly the rear extension is considered unacceptable due to the unduly detrimental impact to the amenities of the immediate neighbour in terms of outlook and overbearing impact and is considered contrary to policy BE9.

Whilst there are issues with the physical form of the extensions proposed in terms of impact on neighbouring amenity and design, your officers consider these issues could be overcome with amendments. Nevertheless your officers would need to be satisfied that the management of the use is controlled appropriately prior to any increases to the building which would typically be associated with a more intensive use than the existing building is capable of supporting. Accordingly, this issue is included as a reason for refusal.

Transportation Implications

Policy CF2 which deals with the location of small-scale community facilities states that such uses should be located in or adjoining a town or local centre. This is in order to ensure such activities are situated where access to public transport is moderate or better. The site has good accessibility to public transport with a PTAL rating of 4 due to its close proximity to Wembley Central Station and local bus routes. As such the location is, in policy terms, considered appropriate for the use proposed.

Nevertheless, the site has no potential for parking or servicing. Furthermore the reports from objectors regarding problems with inconsiderate parking by temple users and coaches parking and blocking Union Road must be considered together with concerns regarding increased congestion in surrounding streets. These concerns have been highlighted to the applicants as similar applications (such as the mosque on Harrow Road ref 08/1847, and the application to redevelop McNicholas House being considered at this committee, ref 10/2390) have required the submission of a detailed Travel Plan which indicate traffic management measures prior to the granting of planning permission. In response to this, initial information regarding existing systems which are in place have been provided. The agent has declined to provide this document prior to the granting of planning permission however and has instead requested that a detailed travel plan should be dealt with through condition (or in the case of a travel plan, a legal agreement).

The initial measures provided by the applicant include the following:

- Arrangements with Auto Point on Coronet Parade adjacent to the site for the use of up to 6 spaces for visiting devotees
- Arrangements with Shivam Nursing Home on Chaplin Road to allow use of up to 8 spaces for visiting devotees
- Encouraged use of the private car park on Curtis Road
- Advanced warning system for coach parking who would be directed to the Curtis Road Car Park
- Signage at the premises advising not to park outside the premises

Whilst the information provided demonstrates that the applicants have put in place some traffic management systems, it is not clear how the arrangements with neighbouring sites would not impede these other uses from having sufficient parking arrangements. It is also noted that although the applicants state they are encouraging devotees to the Curtis Road Car Park, it is not clear how this is done. In reviewing the Temple's website, it is noted that no such information is provided if people were considering worshipping at the Temple having travelled some distance.

It is noted from a site visit that stewards are also in place outside the hall to discourage people from parking in a manner which is inconsiderate to neighbouring residents. However at the time of observing the use, your officers were asked to move on despite being parking within a legitimate

parking space whereas others who had parked inconsiderately were ignored. Therefore it is uncertain whether this practice is undertaken in a consistent manner in order to effectively protect vehicular accesses belonging to neighbouring residents.

As a result your officers do not consider there to be any justification for the submission of a fuller travel plan to be dealt with by legal agreement or condition given the amount of objection received regarding this matter from local residents and officers observations. Furthermore as the use is continuing to operate, it is considered appropriate to insist that a full travel plan be developed in advance of any consent being issued. Accordingly in the absence of a full travel plan which demonstrates that the existing harm to residential amenity in terms of increased parking pressure, congestion and noise and disturbance from vehicle and coach parking, your officers consider it necessary to recommend the application for refusal.

Response to other objections

Objectors have raised concerns regarding smoke and smell from substances being burned on site. This matter is traditionally dealt with through Environmental Health controls. Discussions with Environmental Health Officers have revealed that an abatement notice has been served on the premises on the 17th September 2010 following concerns from neighbours regarding this matter. Since this date, officers have received correspondence from the Temple Trustees confirming that extraction arrangements have been put in place to direct smoke upwards. The nature of the extraction equipment put in place is unknown and further investigation in to whether this would require formal planning permission is pending however the issue of burning substances is being addressed through other legislation.

Concerns have been raised regarding the impact on Wembley Brook. Confirmation regarding the location of Wembley Brook has been sought from the Environment Agency who have confirmed that the extension works proposed would not impact the culverted brook and as such, no specific measures are required in this instance.

Conclusion

Whilst the original building lends support for a D1 use, your officers do not consider the applicants to have demonstrated that the use currently operated can be managed in a way which has a reasonable impact on neighbouring and nearby residents in terms of acceptable levels of noise and disturbance and adequate transport management measures. In the absence of further supporting information in the form of a robust management plan the proposal is, on balance, considered to be contrary to policies CF14 and TRN1 of Brent's Unitary Development Plan adopted in 2004 and is accordingly recommended for **refusal**.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) In the absence of a detailed management plan to satisfactorily control numbers of worshippers and traffic impacts, this application fails to demonstrate that the change of use would not result in an unduly detrimental level of noise and disturbance to neighbouring and nearby residents or conditions prejudicial to the free and safe flow of traffic and pedestrians on the local highway network contrary to policy CF14 and TRN1 of Brent's Unitary Development Plan adopted in 2004.
- (2) The proposed rear extension, by virtue of its depth, height and close proximity with the boundary would result in an unduly detrimental impact to the amenities of 22

Union Road in terms of outlook and overbearing impact. Furthermore in the absence of a detailed management plan demonstrating that the change of use can respect the amenities of neighbouring properties, the intensification of the use of the existing building through extensions is likely to lead to unduly detrimental level of noise and disturbance to neighbouring and nearby residents contrary to policies BE2 and BE9 of Brent's Unitary Development Plan adopted in 2004.

- (3) The proposed side extension, by virtue of its scale, design and inadequate setback from the main front elevation is considered detrimental to the character and appearance of the existing building. Furthermore in the absence of a detailed management plan demonstrating that the change of use can respect the amenities of neighbouring properties, the intensification of the use of the existing building through extensions is likely to lead to unduly detrimental level of noise and disturbance to neighbouring and nearby residents contrary to policies BE2 and BE9 of Brent's Unitary Development Plan adopted in 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

The London Plan Consolidated with Alterations since 2004
Brent's Unitary Development Plan - 2004
Local Development Framework Core Strategy 2010

Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



Planning Committee Map

Site address: Shree Saibaba Mandir, Union Road, Wembley, HA0 4AU

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This map is indicative only.

Received PLANNING Appeals between 1-Nov-2010 and 30-Nov-2010

Planning Committee: 15 December, 2010

Application Number: 09/2474 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 02/11/2010 **Appeal Against:** Refusal of planning permission
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: 10/0167 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 19/11/2010 **Appeal Against:** Refusal of planning permission
Location: J J House rear of 243-247, Edgware Road, Kingsbury, London, NW9 6LU
Proposal:

Retrospective change of use from warehouse to community centre (Use class D1)

Application Number: 10/0542 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 04/11/2010 **Appeal Against:** Refusal of planning permission
Location: Land adjacent 23, Bolton Gardens, London, NW10
Proposal:

Demolition of three existing garages and erection of a 3-storey three bedroom detached dwellinghouse

Application Number: 10/1036 **Team:** Northern Team **Application Type** Other TLF
Appeal Received: 29/11/2010 **Appeal Against:** Refusal of planning permission
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 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 05/11/2010 **Appeal Against:** Refusal of planning permission
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 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 30/11/2010 **Appeal Against:** Refusal of planning permission
Location: 8 Station Terrace, London, NW10 5RT
Proposal:

Retention of single storey infill extension to rear of premises

Application Number: 10/1839 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 29/11/2010 **Appeal Against:** Refusal of planning permission
Location: 1 Mildrose Court, Malvern Mews, London, NW6 5PT
Proposal:

Erection of a mansard-roof extension to the dwellinghouse to form an additional storey at second-floor level

Application Number: 10/1840 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 25/11/2010 **Appeal Against:** Refusal of planning permission
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)

Received PLANNING Appeals between 1-Nov-2010 and 30-Nov-2010

Planning Committee: 15 December, 2010

Application Number: 10/1853 **Team:** Northern Team **Application Type** Other CLD
Appeal Received: 17/11/2010 **Appeal Against:** Refusal of planning permission
Location: 12 Bulmer Gardens, Harrow, HA3 0PA
Proposal:

Certificate of lawfulness for 2 proposed outbuildings in the rear garden of the dwellinghouse

Application Number: 10/1896 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 17/11/2010 **Appeal Against:** Refusal of planning permission
Location: 69 Girton Avenue, London, NW9 9UE
Proposal:

Retention of a single-storey rear extension to the dwellinghouse

Application Number: 10/1911 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 30/11/2010 **Appeal Against:** Refusal of planning permission
Location: 72 Norwood Avenue, Wembley, HA0 1LY
Proposal:

Erection of a single storey attached garage to side of dwellinghouse

Application Number: 10/2214 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 17/11/2010 **Appeal Against:** Refusal of planning permission
Location: Ground, First & Second Floor Flats, 89 Walm Lane, London, NW2
Proposal:

Demolition of existing garages and stores to the rear of 89 Walm Lane and erection of a single-storey, detached, wheelchair-accessible dwellinghouse with associated landscaping and front cycle-parking spaces

Application Number: 10/2340 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 16/11/2010 **Appeal Against:** Refusal of planning permission
Location: 83 Torbay Road, London, NW6 7DT
Proposal:

Erection of single-storey outbuilding in rear garden of dwellinghouse

Application Number: 10/2357 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 19/11/2010 **Appeal Against:** Refusal of planning permission
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: 10/2405 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 24/11/2010 **Appeal Against:** Refusal of planning permission
Location: 17 Brampton Grove, Wembley, HA9 9QX
Proposal:

Retrospective application for development comprising a part single-storey, part two-storey side and rear extension to the dwellinghouse, with the following modifications:

Replacement of the ground-floor and first-floor windows on the front elevation of the side extension
Removal of front rooflights
Alterations to the pitch angle of the roof over the side extension
Reduction in the width of the first-floor rear extension

Received ENFORCEMENT Appeals between 1-Nov-2010 and 30-Nov-2010

Planning Committee: 15 December, 2010

Application Number: E/08/0827 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 10/11/2010

Location: 116 Kingsbury Road, London, NW9 0AY

Description:

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/10/0096 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 15/11/2010

Location: British Legion Hall, Union Road, Wembley, HA0 4AU

Description:

Without planning permission, the change of use of the premises from a hall (Use class Sui Generis) to a temple/place of worship (Use Class D1), the erection of a canopy structures to the side and front of the premises, the erection of a marquee to the rear and the installation of signage to the premises.

Application Number: E/10/0327 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 11/11/2010

Location: 27 Preston Road, Wembley, HA9 8JZ

Description:

The unauthorised erection of a part single, part two storey side extension, a part single and part two storey rear extension, a hip to gable roof extension and rear dormer window to the dwellinghouse.

("The unauthorised development")

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Decisions on PLANNING Appeals between 1-Nov-2010 and 30-Nov-2010

Planning Committee: 15-Dec-2010

Application Number: 09/2328 **PINSRefNo** A/10/2130742/NWF **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 02/11/2010

Location: 10 Dagmar Avenue, Wembley, HA9 8DE

Proposal:

Erection of a single-storey rear extension to the dwellinghouse (retrospective planning consent)

Application Number: 09/3406 **PINSRefNo** X/10/212932 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 24/11/2010

Location: 32 Beechcroft Gardens, Wembley, HA9 8EP

Proposal:

Certificate of lawfulness for proposed single-storey pitched roof detached outbuilding in rear garden of dwellinghouse

Application Number: 10/0049 **PINSRefNo** A/10/2125857/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 08/11/2010

Location: 300 High Road, London, NW10 2EN

Proposal:

Demolition of flat-roofed, first-floor front extension and conversion of building into 6 one-bedroom flats, with provision of 2 retail units at ground-floor level, 2 side rooflights to each roof slope and insertion of windows and alterations to existing windows to front and both side elevations at ground-floor, first-floor and second-floor level

Application Number: 10/0139 **PINSRefNo** A/10/2130931/NWF **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 10/11/2010

Location: 1 Pine Mews & 104-106, Chamberlayne Road, London, NW10 3JN

Proposal:

Erection of an upper ground floor rear extension to estate agents and installation of new access door to lower ground floor flat at rear of estate agents

Application Number: 10/0251 **PINSRefNo** A/10/2131375/NWF **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 10/11/2010

Location: 72 Lancaster Road, London, NW10 1HA

Proposal:

Erection of two-storey side extension to bed & breakfast property

Application Number: 10/0335 **PINSRefNo** A/10/2129023/NWF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 26/11/2010

Location: 105A Dartmouth Road, London, NW2 4ES

Proposal:

Part demolition of existing single-storey rear extension, erection of new single-storey rear extensions, conversion of extended ground-floor flat into 2 flats (1 x two-bedroom & 1 x one-bedroom) and erection of new fence to rear garden to provide private amenity space for each proposed unit

Application Number: 10/0399 **PINSRefNo** A/10/2130282/WF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 29/11/2010

Location: 64 Woodhill Crescent, Harrow, HA3 0LY

Proposal:

Erection of a two-storey, four-bedroom dwellinghouse to rear of 64 Woodhill Crescent (fronting Southwell Road), including formation of one off-street front parking space with associated landscaping and rear garden

Decisions on PLANNING Appeals between 1-Nov-2010 and 30-Nov-2010

Planning Committee: 15-Dec-2010

Application Number: 10/0441 **PINSRefNo** H/10/2133671 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 25/11/2010

Location: Travis Perkins, 763 Harrow Road, London, NW10 5NY

Proposal:

Retrospective application for installation and display of 1 x 48 sheet wall-mounted advertisement sign on flank wall of building

Application Number: 10/0459 **PINSRefNo** A/10/2130167 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 17/11/2010

Location: 120 Church Road, London, NW10 9NG

Proposal:

Demolition of existing single storey garage and erection of a single storey extension with basement level to rear of shop

Application Number: 10/0489 **PINSRefNo** D/10/2139434 **Team:** Southern Team

Appeal Decision: Technically Deleted Record **Appeal Decision Date:** 01/11/2010

Location: 5 Manor House Drive, London, NW6 7DE

Proposal:

First-floor side extension to dwellinghouse

Application Number: 10/0569 **PINSRefNo** A/10/2131777/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 17/11/2010

Location: 141-153 High Street, London, NW10 4TR

Proposal:

Outline application for erection of 3- and 4-storey building with basement to provide 20 affordable flats, consisting of 1 one-bedroom, 12 two-bedroom and 7 three-bedroom flats (matters to be determined: access, appearance, layout and scale)

Application Number: 10/0591 **PINSRefNo** A/10/2130906/NWF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 04/11/2010

Location: 29 Dorchester Way, Harrow, HA3 9RQ

Proposal:

Demolition of detached garage and erection of a single storey outbuilding to rear of dwellinghouse to be used as a beauty therapy business (revised description)

Application Number: 10/1404 **PINSRefNo** A/10/2134298/WF **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 11/11/2010

Location: 92A Wrentham Avenue, London, NW10 3HG

Proposal:

Installation of dormer window to rear projection of first floor flat

Application Number: 10/1445 **PINSRefNo** D/10/2137909 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 09/11/2010

Location: 178 Salmon Street, London, NW9 8NX

Proposal:

Retention and alteration of single storey detached outbuilding in rear garden of dwellinghouse

Decisions on PLANNING Appeals between 1-Nov-2010 and 30-Nov-2010

Planning Committee: 15-Dec-2010

Application Number: 10/1511 **PINSRefNo** D/10/2137350 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 09/11/2010

Location: 4 Tintern Avenue, London, NW9 0RJ

Proposal:

Erection of an open sided canopy to the front of the existing outbuilding in rear garden of dwellinghouse facing Tintern Avenue (revised description)

Application Number: 10/1548 **PINSRefNo** D/10/2137436 **Team:** Northern Team

Appeal Decision: Appeal part dismissed / part allowed **Appeal Decision Date:** 04/11/2010

Location: 17 Winston Avenue, London, NW9 7LA

Proposal:

Erection of single-storey side and rear extension to bungalow

Application Number: 10/1681 **PINSRefNo** D/10/2136532 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 18/11/2010

Location: 46 Crundale Avenue, London, NW9 9PL

Proposal:

Retrospective application for erection of a single storey front and side extension to dwellinghouse as revised by plans received 05/08/10

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Decisions on ENFORCEMENT Appeals between 1-Nov-2010 and 30-Nov-2010

Planning Committee: 15 December, 2010

Application Number: E/09/0094 **PINSRefNo** C/10/2125137 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 24/11/2010

Location: 96 and 98, Beverley Gardens, Wembley, HA9 9RA

Proposal:

The erection of two, single storey dwellinghouse, which do not comply with the plans submitted and approved under ref 06/0689 granted by the Planning Inspectorate under ref.: APP/T5150/A/06/2022467 dated 11th December 2006.

Application Number: E/09/0298 **PINSRefNo** C/10/2124789 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 24/11/2010

Location: 83 Llanover Road, Wembley, HA9 7LW

Proposal:

Without planning permission, the erection of a single storey rear extension to the rear of the premises.

Application Number: E/09/0312 **PINSRefNo** C/10/2125533 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 24/11/2010

Location: 19 Compton Avenue, Wembley, HA0 3FD

Proposal:

Without planning permission, the erection of a building in the rear garden of the premises and the use of that building as a separate dwelling.

("The unauthorised development")

Application Number: E/09/0675 **PINSRefNo** C/10/2127390 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 30/11/2010

Location: 22 Kinch Grove, Wembley, HA9 9TF

Proposal:

Without planning permission, the erection of a rear extension to the existing garage and the change of use of the garage into to a self-contained studio.

("The unauthorised development")

Application Number: E/09/0805 **PINSRefNo** C/10/2130046 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 09/11/2010

Location: 269 Salmon Street, London, NW9 8YA

Proposal:

Without planning permission, the erection of a building in the rear garden of the premises.

("The unauthorised development")

Application Number: E/09/0815 **PINSRefNo** C/10/2125503 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 24/11/2010

Location: 1 Fernbank Avenue, Wembley, HA0 2TT

Proposal:

Without planning permission, the erection of a two storey rear extension, a rear dormer window and the increase in height of the parapet wall of the premises.

("The unauthorised development")

Decisions on ENFORCEMENT Appeals between 1-Nov-2010 and 30-Nov-2010
Planning Committee: 15 December, 2010

Application Number: E/10/0014 **PINSRefNo** C/10/2128308

Team: Southern Team

Appeal Decision: Appeal Allowed

Appeal Decision Date: 29/11/2010

Location: 22 Harlesden Gardens, London, NW10 4EX

Proposal:

Without planning permission, the change of use of the premises from a single family dwellinghouse to eight self-contained flats.

**PLANNING SELECTED appeal DECISIONS between
1-Nov-2010 and 30-Nov-2010
Planning Committee: 15 December, 2010**

Introduction

In order to keep Members fully informed of Planning Appeal decisions, copies of Inspector's decision letters concerning those applications that have been allowed or partly allowed on appeal, are attached to the agenda. These include the following:

Our reference: 10/0139	Appeal Decision: Appeal Allowed	Appeal Decision Date: 10/11/2010
Team:	Southern Team	
Location:	1 Pine Mews & 104-106, Chamberlayne Road, London, NW10 3JN	
Proposal:	Erection of an upper ground floor rear extension to estate agents and installation of new access door to lower ground floor flat at rear of estate agents	
Our reference: 10/0251	Appeal Decision: Appeal Allowed	Appeal Decision Date: 10/11/2010
Team:	Northern Team	
Location:	72 Lancaster Road, London, NW10 1HA	
Proposal:	Erection of two-storey side extension to bed & breakfast property	
Our reference: 10/1404	Appeal Decision: Appeal Allowed	Appeal Decision Date: 11/11/2010
Team:	Southern Team	
Location:	92A Wrentham Avenue, London, NW10 3HG	
Proposal:	Installation of dormer window to rear projection of first floor flat	
Our reference: 10/1511	Appeal Decision: Appeal Allowed	Appeal Decision Date: 09/11/2010
Team:	Northern Team	
Location:	4 Tintern Avenue, London, NW9 0RJ	
Proposal:	Erection of an open sided canopy to the front of the existing outbuilding in rear garden of dwellinghouse facing Tintern Avenue (revised description)	
Our reference: 10/1548	Appeal Decision: Appeal part dismissed / part allowed	Appeal Decision Date: 04/11/2010
Team:	Northern Team	
Location:	17 Winston Avenue, London, NW9 7LA	
Proposal:	Erection of single-storey side and rear extension to bungalow	

Background Information

Any persons wishing to inspect an appeal decision not set out in full on the agenda should check the application details on our website or contact the Technical Support Team, Planning and Development, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email tps@brent.gov.uk

Chris Walker, Assistant Director - Planning and Development

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**ENFORCEMENT SELECTED appeal DECISIONS between
1-Nov-2010 and 30-Nov-2010**

Planning Committee: 15 December, 2010

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/09/0094	Appeal Decision Date: 24/11/2010
Team: Northern Team	Appeal Decision: Appeal Allowed

Location: 96 and 98, Beverley Gardens, Wembley, HA9 9RA

Proposal:

The erection of two, single storey dwellinghouse, which do not comply with the plans submitted and approved under ref 06/0689 granted by the Planning Inspectorate under ref.: APP/T5150/A/06/2022467 dated 11th December

Our reference: E/09/0675	Appeal Decision Date: 30/11/2010
Team: Northern Team	Appeal Decision: Appeal Allowed

Location: 22 Kinch Grove, Wembley, HA9 9TF

Proposal:

Without planning permission, the erection of a rear extension to the existing garage and the change of use of the garage into to a self-contained studio.

Our reference: E/10/0014	Appeal Decision Date: 29/11/2010
Team: Southern Team	Appeal Decision: Appeal Allowed

Location: 22 Harlesden Gardens, London, NW10 4EX

Proposal:

Without planning permission, the change of use of the premises from a single family dwellinghouse to eight 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. Telephone 020 8937 5210 or email: tps@brent.gov.uk.

Chris Walker, Assistant Director - Planning and Development

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Appeal Decision

Site visit made on 14 October 2010

by Julie Dale Clark BA (Hons) MCD DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 November 2010

Appeal Ref: APP/T5150/A/10/2130931 106 Chamberlayne Road, London NW10 3JN

- 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 Kish Popet, Harris & Company against the decision of the London Borough of Brent Council.
 - The application Ref 10/0139, dated 20 January 2010, was refused by notice dated 7 April 2010.
 - The development proposed is the erection and extension of a single storey rear extension to estate agents, and the refurbishment / re-configuration of the flat in 1 Pine Mews.
-

Application for Costs

1. An application for costs was made by Mr Kish Poppet, Harris & Company against the London Borough of Brent Council. This application is the subject of a separate decision.

Procedural Matter

2. The address of the appeal site is referred to as Chamberlayne Road in some documents and Chamberlyne Road in others. Chamberlayne Road seems to be the accurate spelling so I have referred to the road thus.

Decision

3. I allow the appeal, and grant planning permission for the erection and extension of a single storey rear extension to estate agents, and the refurbishment / re-configuration of the flat in 1 Pine Mews at 106 Chamberlayne Road, London N10 3JN in accordance with the terms of the application, Ref 10/0139, dated 20 January 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 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local
-

planning authority. Development shall be carried out in accordance with the approved details.

- 3 The upper level window in the single storey rear extension overlooking the residential courtyard shall be fitted with obscure glazing and retained in that condition.
- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Plans dated 10.2009 – EX.00; EX.01;
 - Plans dated 01.10 – S.00; EX.02; EX.03; GS.00; GE.01;
 - Plans dated 03.2010 – GA.00; GA.01; GA.02; GE.00;

Main Issue

4. I consider that the main issue is the effect of the proposal on the living conditions of the occupiers of the basement flats at Nos 104 and 106 Chamberlayne Road, No 1 Pine Mews and Mews Cottage.

Reasons

5. This is a very closely built urban environment and the extension could potentially result in a loss of daylight, sunlight and outlook to the flats at Nos 104 and 106 Chamberlayne Road, No 1 Pine Mews and Mews Cottage together with their courtyard areas. However, the appellant has produced reports based on Building Research Establishment (BRE) guidance addressing the impact of the proposal on daylight and sunlight to No 106 Chamberlayne Road, Mews Cottage and No 1 Pine Mews. Overall these indicate very minor losses of daylight / sunlight. No 104 Chamberlayne Road is not included in the studies but given the position of this flat and the results of the studies I see no reason why this flat would be any more affected than the other properties.
6. Policy BE9 of the London Borough of Brent Unitary Development Plan 2004 (UDP) establishes that new buildings, extensions and alterations to existing buildings, should embody a creative and appropriate design solution and meet a set of criteria. Amongst other things a satisfactory level of sunlight, daylight, privacy and outlook for existing and proposed residents should be provided. Reference is also made to Supplementary Planning Guidance *Design Guide for New Development* (SPG 17). Although the document itself gives little indication of the level of consultation prior to adoption, the Council confirm that it was subject to widespread consultation and subsequently adopted. Accordingly, I consider it to carry significant weight. Amongst other things SPG 17 aims to avoid unnecessary loss of sunlight / daylight and advises that studies for the winter and summer months may be necessary to assist in assessing the impact of new schemes.
7. Whilst the loss of daylight and sunlight may be within the BRE tolerance levels and therefore acceptable, I am mindful that these properties already experience limited light, especially the basement flats at Nos 104 and 106 and the lower level of Mews Cottage. The Council has also expressed concern about outlook and due to the height of the extension it would have some impact. However, from the evidence submitted I am satisfied that, on balance, the

effect of the extension would not result in a significant harmful effect in terms of loss of daylight, sunlight or outlook.

8. The existing flat, No 1 Pine Mews, would be altered as a result of building the extension above it. Most particularly its main source of natural light from roof lights would be lost. The proposal addresses this by reducing the size of the flat, creating an enlarged courtyard area and putting in new windows facing the courtyard. The flat would also have a new window in the elevation facing Pine Mews, a narrow passage way which provides access to the flat. The character of this flat would be changed by the proposed works but I am satisfied that the occupiers of this property would not experience inadequate daylight, sunlight or an unduly adverse loss of outlook.
9. SPG 17 provides guidance on the size of dwellings in terms of floor area and the internal space would be slightly less than the standard for a two bedroom four person flat. However, I do not consider that the resulting flat would be of a size that would create a substandard level of accommodation and the enlarged courtyard, although narrow and surrounded by walls, would make up for the loss of internal space at least to some degree.
10. In this close urban environment I am satisfied that the living conditions of the occupiers of the flats at Nos 104 and 106 Chamberlayne Road, No 1 Pine Mews and Mews Cottage would not be harmed by the proposal and no conflict with UDP policy BE9 or the aims of SPG 17 would occur.
11. I have considered the Council's suggested conditions in the light of Circular 11/95 *The use of conditions in planning permissions*. Two conditions relating to materials are suggested. These would be met by a single condition as set out in the model condition for the submission and approval of materials in the Circular. I consider such a condition necessary to ensure a satisfactory external appearance. A condition requiring obscure glazing to the window to the extension to the estate agents that would overlook the inner residential courtyard would help ensure an actual and perceived level of privacy.
12. Also, otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning and I impose a condition accordingly. However, two of the plans were revised during the course of the application although no revision had been identified on the drawing numbers but the plans are dated differently and I refer to this in the condition. Dates and drawing numbers are referred to as they do on the plans.

J D Clark

INSPECTOR



Costs Decision

Site visit made on 14 October 2010

by Julie Dale Clark BA (Hons) MCD DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 November 2010

Costs application in relation to Appeal Ref: APP/T5150/A/10/2130931 106 Chamberlayne Road, London NW10 3JN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Kish Popet, Harris & Company for a full award of costs against the London Borough of Brent Council.
- The appeal was made against the refusal of planning permission for the erection and extension of a single storey rear extension to estate agents, and the refurbishment / re-configuration of the flat in 1 Pine Mews.

Decision

1. I refuse the application for an award of costs.

Reason

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. The appellant has relied heavily on the BRE reports to demonstrate that the proposal would not have a harmful effect on the living conditions of the occupiers of the basement flats at No 106 Chamberlayne Road, Mews Cottage and No 1 Pine Mews. These provide useful technical information for a decision on the proposal to be made. However, I do not agree that the Council must disprove the calculations or conclusions of the reports. The Council has substantiated its reasons for refusal in its statement and whilst I do not agree with the Council, it did not have to accept the BRE reports as the sole determining factor in assessing harm.
 4. Notwithstanding that I came to a different view of the proposal to that of the Council, with regard to No 1 Pine Mews, the Council fully explained why it considered the loss of the roof lights and the alterations and new window openings unacceptable. With regard to the basement flats at Nos 104 and 106 Chamberlayne Road and Mews Cottage, the Council also explained why it considered the extension to have a harmful effect. I am satisfied that the
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Council qualified its views by reference to an appropriate development plan policy and SPG.

5. I note that the appellant forewarned the Council that costs would be applied for if it was necessary to proceed with the appeal. However, the appellant lodged the appeal as is his right and the Council defended its decision in accordance with the appeal procedure.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009, has not been demonstrated.

J D Clark

INSPECTOR



Appeal Decision

Site visit made on 13 October 2010

by Julie Dale Clark BA (Hons) MCD DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 November 2010

Appeal Ref: APP/T5150/A/10/2131375 72 Lancaster Road, London NW10 1HA

- 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 IFDC Properties Ltd against the decision of the London Borough of Brent Council.
 - The application Ref 10/0251, dated 5 February 2010, was refused by notice dated 1 April 2010.
 - The development proposed is two storey side extension.
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Decision

1. I allow the appeal, and grant planning permission for a two storey side extension at 72 Lancaster Road, London NW10 1HA in accordance with the terms of the application, Ref 10/0251, dated 5 February 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 3. The development hereby permitted shall be carried out in accordance with the following approved plans: E'x'01; E'x'02; E'x'03; P'X'01; P'X'02; P'01; P'02; E'01; E'02; and E'03.

Reasons

2. Nos 70 and 72 Lancaster Road are a pair of semi-detached properties; No 70 is a dwelling house and No 72 provides bed and breakfast accommodation. Both properties have been previously extended and No 70's extension runs flush with the front wall of the house. The two properties sit on a triangular plot on a turn in the road. I consider that the main issue is the effect of the extension on the character and appearance of the area.
 3. Policy BE9 of the London Borough of Brent Unitary Development Plan 2004 (UDP) sets out broad principles of architectural quality for new buildings,
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extensions and alterations to existing buildings. Amongst other things extensions should be of a scale, massing and height appropriate to their setting and have attractive front elevations. The Council refer to Supplementary Planning Guidance *Altering and Extending Your Home* (SPG5). This has been adopted and the Council state that it was subject to widespread consultation although there is nothing in the document itself that states this. Whilst SPG5 is not strictly relevant as the appeal site provides bed and breakfast accommodation and is not a dwelling, the area is a residential one and the property has the appearance of a dwelling. I have therefore given it modest weight.

4. SPG5 provides guidance on the width of a two-storey extension and advises that they should be set back from the front wall of the house to prevent filling in gaps between buildings and creating the appearance of a row of terraced houses. The ground floor of the proposed extension would be slightly set back and the first floor more so although not as much as suggested in SPG5. The resulting extensions, taking into account the previous one and that proposed, would also be wider than advised in SPG5.
5. However, due to the position of this semi-detached pair of properties in relation to other properties in the road, the turns in the road and the presence of a footbridge over the railway line close by, the extension would not close in a gap between properties and would not create the appearance of terraced houses. The scale, massing and height of the extension would not be out of place in this setting.
6. Although No 72 would be wider than No 70, the proposed extension would be set back in a similar fashion to the extension to No 70 and although the difference in widths affects the symmetry of the pair I do not consider that they would appear unduly unbalanced and the character and appearance of the area would not be harmed. As such no conflict with the aims of UDP policy BE9 or SPG5 would arise.
7. I have considered the conditions suggested by the Council in the light of Circular 11/95 *The use of conditions in planning permissions*. Other than the standard time limit, a condition requiring the materials of the extension to match the existing building would be required in order to ensure a satisfactory appearance. Also, otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning and I impose a condition accordingly.

J D Clark

INSPECTOR



Appeal Decision

Site visit made on 25 October 2010

by **Sue Glover BA (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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Decision date:
11 November 2010

Appeal Ref: APP/T5150/A/10/2134298 92A Wrentham Avenue, London NW10 3HG

- 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 Ms Michele Lonergan against the decision of the Council of the London Borough of Brent.
- The application Ref 10/1404, dated 3 June 2010, was refused by notice dated 23 July 2010.
- The development proposed is the insertion of a dormer inside the rear flank elevation.

Decision

1. I allow the appeal, and grant planning permission for the insertion of a dormer inside the rear flank elevation at 92A Wrentham Avenue, London NW10 3HG in accordance with the terms of the application, Ref 10/1404, dated 3 June 2010, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: the site plan and drawing nos. E'01, E'02, P'02, E'x'01, E'x'02, P'x'01 and P'x'02.
 - 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development 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.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. No. 92A is an upper flat in one of a pair of buildings centrally positioned between 2 other pairs of a similar appearance with steeply pitched roofs. The roofs of the buildings are largely unchanged except for the installation of roof lights at the front and rear. Whilst not part of a conservation area or having any special designation, the buildings make a positive contribution to the character and appearance of the area because of their distinctive roofs and largely uniform character.

4. The proposal is a roof dormer positioned within a flank elevation on the lower part of an inner facing roof at the rear of the building. The proposed position is unusual and it is not covered in detail in the guidance set out in *Altering and Extending Your Home, SPG 5*. The proposed dormer would not be visible from public viewpoints at the front of the building on Wrentham Avenue, and the appearance of the roof from these vantage points would remain unchanged.
5. The dormer would be visible from limited viewpoints close to the railway bridge on Tiverton Road where there is a gap between the high bridge wall, an intervening garage and boundary screening. However, all 3 building pairs cannot be seen together from this viewpoint. At this point, the proposed dormer would be set back some 45m distance from Tiverton Road. It would appear small and discrete on the lower part of the roof, appropriate to its setting and not unduly prominent. There would be no significant impact on the distinctive shape of the roof sufficient to cause harm to the character and appearance of the area.
6. In this respect, there is no conflict with saved Policies BE2 and BE9 of the *London Borough of Brent Unitary Development Plan 2004*, and to the guidance contained within SPG 5. To ensure a satisfactory finished appearance, I have imposed a condition requiring details of external materials.

Sue Glover

INSPECTOR



Appeal Decision

Site visit made on 25 October 2010

by **Sue Glover BA (Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

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**Decision date:
9 November 2010**

Appeal Ref: APP/T5150/D/10/2137350

4 Tintern Avenue, Kingsbury, London NW9 0RJ

- 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 Ramniklal Chudasama against the decision of the Council of the London Borough of Brent.
- The application Ref 10/1511, dated 10 June 2010, was refused by notice dated 13 August 2010.
- The development proposed is an open sided canopy to the side of the rear of an outbuilding as shown on the submitted plan.

Decision

1. I allow the appeal, and grant planning permission for an open sided canopy to the side of the rear of an outbuilding as shown on the submitted plan at 4 Tintern Avenue, Kingsbury, London NW9 0RJ in accordance with the terms of the application, Ref 10/1511, dated 10 June 2010, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: the location plan and drawing nos. TP 1, TP 2, drawing titled "present outbuilding" and an untitled drawing stamped received by the Council on 14 June 2010.
 - 3) No development shall take place until details of the materials to be used in the construction of the canopy roof have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matter

2. Although the description on the application to the Council is a canopy extension to an outbuilding / garage, the outbuilding is not a garage and there is no vehicular access to it. The application indicates that no new access from the public highway is proposed. For the purposes of clarity I have therefore omitted the term "garage" from the description of the proposal.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, and on the living conditions of nearby residents in respect of outlook.

Reasons

Character and appearance

4. The existing detached outbuilding is set back from the street in the rear garden close to the side boundary with no. 6. The proposed open sided canopy extension would be forward of the outbuilding and closer to the street but with a similar building line to the house and garage at no. 6.
5. The rear and side gardens to the appeal dwelling are entirely enclosed by a hedge and /or a fence with a wall and gate at the front of the house. The proposed canopy with its low flat roof would therefore be barely visible from the street scene. At most the roof of the building would be visible from only limited public viewpoints.
6. Given the large garden of this corner plot and the substantive boundary screening, the enlarged outbuilding would not appear unduly obtrusive. It would be satisfactorily assimilated into the suburban setting without material harm to the character and appearance of the area. In this respect the proposal does not conflict with saved Policies BE2 and BE9 of the *London Borough of Brent Unitary Development Plan 2004* (UDP) and to *Core Strategy* (CS) Policy CS 17.

Outlook

7. The canopy extension would be sited close to the side of no. 6's garage, but there is a high wall separating the garage and driveway at the front of no. 6 from the appeal site. The 2 flank wall first floor windows of no. 6 overlooking no. 4 are both glazed in obscure glass, but in any event the canopy roof would be positioned at a much lower level and would not therefore appear obtrusive or overbearing.
8. There would be a significant separation distance from the canopy extension to the attached house at no. 2, which is set back and bounded by a high wall. The proposed canopy extension would be visible from no. 2's windows and from dwellings on the opposite side of the street. However, views would be from a distance, so that the proposed canopy would not appear unduly obtrusive.
9. I conclude that the proposal would not harm the living conditions of nearby residents in respect of outlook. It is therefore in accordance with UDP Policies BE2 and BE9, and to CS Policy CS 17 in this respect. As the external finish of the plastic roof covering is unclear from the information provided, I have imposed a condition requiring details to ensure a satisfactory finished appearance to the development.

Sue Glover

INSPECTOR



Appeal Decision

Site visit made on 26 October 2010

by **Andrew Jeyes** BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 November 2010

Appeal Ref: APP/T5150/D/10/2137436

17 Winston Avenue, Kingsbury, London NW9 7LA

- 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 Ms Francesca Severn against the decision of the Council of the London Borough of Brent.
 - The application Ref 10/1548, dated 14 June 2010, was refused by notice dated 6 August 2010.
 - The development proposed is a single storey side and rear extension.
-

Decision

1. I dismiss the appeal insofar as it relates to the rear extension to bedroom 3. I allow the appeal insofar as it relates to the side extension and I grant planning permission for a single storey side extension at 17 Winston Avenue, Kingsbury, London NW9 7LA in accordance with the terms of the application, Ref 10/1548, dated 14 June 2010, so far as relevant to that part of the development hereby permitted and subject to the following conditions:-
 - 1) The materials and finishes to be used in the construction of the external surfaces of the side extension hereby permitted shall match those used in the existing building.
 - 2) The side extension hereby permitted shall be carried out in accordance with the following approved plans: CHM/3006/1/A1 SHEET 1 and CHM/3006/1/A1 SHEET 2.

Main Issue

2. I consider the main issue to be the effect of the rear extension on the living conditions of the residents of 19 Winston Avenue by reason of loss of light, overshadowing and overbearing appearance.

Reasons

3. The property is, with 19 Winston Avenue, one of a pair of semi-detached bungalows and is situated at the corner of Winston Avenue and Rannock Avenue. The land slopes down to the north so that the rear garden of No 19 is considerably lower than the garden of No 17, although the floor levels of the bungalows are the same. A rear extension is proposed to infill the gap between an existing rear wing of the bungalow and the boundary with No 19.
4. The proposed flat-roofed rear extension, which has been constructed to DPC level, would extend some 2.8m along the boundary and would have a height of around 3.7m above the garden level of No 19. At present, there is no fencing or landscaping adjacent to the extension. The extension would appear in the outlook

- from the rear living room of No 19, but would not unacceptably harm living conditions, as the floor level of No 19 is the same as that of No 17, with the floor level of the extension set at a lower level using internal steps.
5. However, the outlook from the garden immediately outside of the bungalow would be severely compromised through the overbearing appearance of the high blank wall along the boundary. In addition, the extension lies to the south of the garden and living room window of No 19 and would overshadow and reduce the amount of light reaching the garden area.
 6. The appellant has pointed to a number of properties in the area that have rear extensions along common boundaries. However, each case must be decided on its individual merits taking account of specific site circumstances and these extensions do not therefore provide a precedent for this proposal.
 7. For the reasons given, I conclude that the proposed rear bedroom extension would harm the living conditions of the residents of No 19 as it would have an overbearing appearance and lead to overshadowing and loss of light to the rear garden. This would be contrary to saved Policy BE9 of the London Borough of Brent Unitary Development Plan 2004 [UDP] and conflict with guidance within SPG5: *Altering and Extending Your Home* [SPG] that has been adopted following public consultation and which carries substantial weight. These aim to ensure that extensions are of a scale, massing and height appropriate to their location and provide satisfactory levels of light and outlook to existing residents.
 8. A side extension is also proposed, and has largely been completed, at the south end of the bungalow to which the Council raise no objections. This extension is of a design that complements the character of the existing bungalow and does not have any adverse effect on the living conditions of adjoining residents. As such, I conclude that the side extension meets the requirements of both saved UDP Policy BE9 and SPG.
 9. I consider that the rear extension and the side extension are both physically and functionally independent. I therefore propose to issue a split decision in this case. For the reasons given, I conclude that the appeal should be allowed in respect of the side extension and dismissed in respect of the rear bedroom 3 extension.
 10. I have considered the conditions submitted by the Council having regard to the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. A condition is necessary relating to materials to ensure a suitable matching external appearance to complement the existing bungalow. A condition in relation to the plans approved is attached because, otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

Andrew Jeyes

INSPECTOR



Appeal Decision

Site visit made on 16 November 2010

by Brian Cook BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 November 2010

Appeal Ref: APP/T5150/C/10/2125137

96 and 98 Beverley Gardens, Wembley, London HA9 9RA

- 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 Ms M V Dwek against an enforcement notice issued by the Council of the London Borough of Brent.
 - The Council's reference is E/09/0094.
 - The notice was issued on 8 February 2010.
 - The breach of planning control as alleged in the notice is the erection of two, single storey dwellinghouse which do not comply with the plans submitted and approved under ref 06/0689 granted by the Planning Inspectorate under ref: APP/T5150/A/06/2022467 dated 11 December 2006.
 - The requirements of the notice are:
 - i) STEP 1: remove the container and associated building materials from the premises.
 - ii) STEP 2: alter the layout to reflect that is shown on the plan DS/479 attached to the notice.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (f) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. I allow the appeal and direct that the enforcement notice be quashed.

The Notice

2. In a letter from the Planning Inspectorate dated 5 November 2010, my concerns about the way the notice had been drafted were drawn to the attention of the Council. The Council was also invited to consider whether it might be better in the circumstances to withdraw the notice and re-issue it specifying both the alleged breach of planning control and the steps to remedy it more precisely. In a response dated 8 November 2010 the Council explained why it did not consider this to be necessary and I have taken account of the views expressed. I have also had regard to the appellant's letter dated 15 November 2010.
3. The court has established that a notice must tell the person on whom it is served fairly what he has done wrong and what he must do to remedy it¹. On its face, the allegation and step 2 are apparently clear. However, it is difficult to see how step 1 relates to the allegation since this would appear to be a remedy for an unauthorised storage use that is not alleged. I am satisfied

¹ *Miller-Mead v Minister of Housing and Local Government* [1963] 2 QB 196

that, had the notice been upheld, I could have corrected it using the powers available under s176(1) of the Act since there would have been no injustice to either party in doing so. In any event, the container has now been removed from the land.

4. Otherwise, I consider the notice to be clear in that the requirements relate to the allegation which itself is comprehensible. However, when the reasons for issuing the notice are studied, it is clear that neither address the matter of concern to the Council. This is even more obvious from the evidence but I deal with this when considering the appeal on ground (c).

The appeal on ground (c)

5. The gist of the appellant's case is that:
 - (a) There is little or no linkage between the alleged breach of planning control and the reasons for issuing the notice;
 - (b) Step 2 does not suggest any alteration to the dwellings is required;
 - (c) In the absence of any planning condition to require the implementation of specific features shown indicatively on plan DS/479 the omission of them cannot constitute a breach of planning control.
6. In summary the Council's case is that:
 - (a) A dwellinghouse amounts to more than just a building-it includes the driveways, gardens and boundary treatments which form part of that dwelling;
 - (b) These elements cannot be separated out and the enforcement regime must allow local planning authorities to require developers to comply with a set of approved plans irrespective of whether conditions to that effect have been imposed;
 - (c) It is not just a case of the developer not yet fully implementing the permission since other works, such as a hardstanding and kerbs, have been laid out where the approved plan shows 'garden'.
7. The court has held that where a full planning permission is clear on its face it is unnecessary to go outside the permission itself and the approved plans when interpreting its meaning². Where permission is granted following an appeal to the Secretary of State it is the formal decision of the Inspector that forms the planning permission, not the decision letter as a whole.
8. In this case, planning permission was granted on appeal on 11 December 2006 (ref:APP/T5150/A/06/2022467) for 'the erection of two, single-storey dwelling houses, 3 parking bays and new replacement vehicular and pedestrian access' in accordance with the terms of the application, Ref 06/0689, and the plans (not specified) submitted with it. The permission, which is set out in paragraph 12 of the decision letter, is subject to two conditions in addition to that imposing the standard time limit of three years. One required prior approval of the materials to be used and the other removes the permitted development rights available to alter or enlarge the roofs. Neither party has supplied a copy of the application nor the approved plans other than the one attached to the notice.

²*Barnett v Secretary of State for Communities and Local Government and East Hants DC* [2009] EWCA Civ 476

9. In my view the permission is perfectly clear both in terms of the development permitted and the conditions that need to be met. One of these is a pre-commencement condition and the other has continuing effect. The allegation does not attack the whole development; it refers only to the two dwellinghouses and alleges that these do not comply with the approved plans. The remedy for this alleged breach is set out in step 2 and requires the layout to be altered to reflect that shown on the numbered approved plan. This plan is the approved site layout and the only detail shown of the dwellings is their position within the development site. The only reasonable conclusion (in the *Miller-Mead* sense) that can be drawn from the notice therefore is that the dwellings are alleged to have been built in a materially different place to that approved.
10. However, on the Council's own evidence, this is not the case. In fact, the Council raises no issue with regard to the construction of the dwellings themselves. Therefore, the matters alleged do not constitute a breach of planning control and the appeal on ground (c) must succeed.
11. Even if my analysis of the meaning of the notice is wrong and the Council's interpretation (for which no case law is cited) is correct, the appeal would still succeed on ground (c). There is no condition attached to the permission linking the implementation of the features shown on plan DS/479 to any event (such as occupation of the dwellings) or any date (say, within a number of months of the substantial completion of the dwellings). Moreover, even if those features shown on the plan, such as the parking bays, planting and boundary treatments, had been laid out in accordance with it, there is no condition requiring their retention thereafter. The claimed absence of these elements of the approved development cannot therefore amount to a breach of planning control.
12. I saw during my site inspection that, in places, the development on the ground is different to that shown on plan DS/479. While the provision of certain of the works now present may, depending on the evidence, amount to a breach of planning control that is a separate matter and in any event is not the breach of planning control alleged in the notice.

Conclusions

13. For the reasons given above I conclude that the appeal should succeed on ground (c). Accordingly the enforcement notice will be quashed. In these circumstances the appeal under the various grounds set out in section 174(2) to the 1990 Act as amended and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended do not need to be considered.

Brian Cook

Inspector



Appeal Decision

Inquiry held on 16 November 2010

Site visit made on 16 November 2010

by **G P Bailey MRICS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 November 2010

Appeal Reference: APP/T5150/C/10/2127390

22 Kinch Grove, Wembley, HA9 9TF

- 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 Mrs I V Birmingham against an enforcement notice issued by the Brent London Borough Council.
- The Council's reference is E/09/0675.
- The notice was issued on 15 March 2010.
- The breach of planning control as alleged in the notice is, without planning permission, the erection of a rear extension to the existing garage and the change of use of the garage into a self-contained studio.
- The requirements of the notice are (i) to cease the use of the former garage as a self-contained studio, remove the extension to the former garage and remove all associated items, materials and debris associated with the unauthorised use from the premises; and (ii) to restore the former garage back to its original condition before the unauthorised development took place.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c) and (d) of the Town and Country Planning Act 1990 (as amended). The application for planning permission deemed to have been made under section 177(5) of the 1990 Act (as amended) also falls to be considered.

Summary of Decision: The appeal is allowed following correction and variation of the enforcement notice in the terms set out below in the Formal Decision.

Procedural Matters

1. Oral evidence at the inquiry was given on oath or by sworn affirmation.

The Enforcement Notice

2. At the start of the inquiry, the Council indicated that it no longer wished to pursue that part of the allegation in the notice that pertains to a change of use of the land to which the notice is directed and, in essence, seeks to withdraw that part of the allegation. Accordingly, I am able to correct the notice by deleting reference to the change of use and to vary the requirements of the notice commensurately. I can do so without causing injustice to the appellant.

Background

3. The appeal site comprises one of a pair of inter-war semi-detached houses (Nos.20/22) that stands in a rectangular plot on the north side and towards the end of a residential cul-de-sac. Other pairs of semi-detached houses lie

adjacent and opposite. The appellant and one of her daughters also own No.24 adjacent.

4. Astride the boundary with No.24 stands a semi-detached, pitched-roof garage structure of long-standing, each separate "half" served by contiguous driveways passing alongside the flank walls of the adjoining houses. A single-storey flat-roofed side extension at No.22, permitted in 2008, now occupies the site of the former driveway of that house, thereby removing the vehicular access to the garage; the former garage doors have been replaced by a window and the garage is now used for other domestic purposes, served by a side access door from the rear garden. Although the boundary fence between the rear of this extension and the garage structure is pierced by a gate, wide enough for pedestrians, bicycle or motorcycle, access to it from the road can be obtained only from across the driveway of No.24.
5. The allegation in the notice (as I intend to correct and vary) is directed at another, flat-roofed extension situated wholly within the curtilage of No.22 that forms a rearward projection of the pitched-roof garage structure. That extension is of the same width as that part of the garage within the curtilage of No.22 and undisputed measurements undertaken by the Council in October 2009 indicate that it has a height of about 2.35m and it projects 4.6m beyond the garage structure.

The Appeal on Ground (b)

6. The appeal on this ground is that the extension to which the notice (as I intend to correct and vary) is directed has not been built as a matter of fact. There is a dispute about the length of time that this extension at the rear of the garage structure has existed, but that is a matter for the appeal made on ground (d).
7. There are also disputes about whether this extension comprises a pre-existing building that has been subject to repairs; or whether the pre-existing building has been repaired and incorporated into a larger, extended structure; or whether the pre-existing building has been wholly replaced by another larger structure. These are matters pertinent to the appeal made on ground (c).
8. But, indubitably, an extension to the rear of the garage exists, as a matter of fact, and the appeal made on ground (b) will fail.

The Appeal on Ground (c)

9. In any of the legal grounds of appeal¹, the Courts have held that the onus is placed firmly on the appellant to provide the evidence necessary to refute the allegation in the notice (as I intend to correct and vary)². The test of the evidence is that of the "balance of probability".
10. However, paragraph 8.12 of Annex 8 to Circular 10/97 points out that, in many cases, an appellant will be best placed to produce information about the present and any previous activities on the land and acknowledges that some information, especially about the history of any alleged unauthorised activity on the land, will be peculiarly within the appellant's knowledge.
11. Furthermore, paragraph 8.15 of the same Annex adds that the appellant's own evidence does not need to be corroborated by "independent" evidence in order

¹ That is, appeals made on the grounds contained in s.174(2)(b), (c), (d) and (e) of the 1990 Act (as amended).

² See *Nelsovil v Minister of Housing and Local Government* [1962] 1 WLR 404. See "Enforcing Planning Control: Good Practice Guide for Local Planning Authorities" (1997) – Chapter 6, paragraph 6.18.

- to be accepted³; if the Council has no evidence of its own, or from others, to contradict or otherwise make the appellant's version of events less than probable, there is no good reason to turn away the appeal, providing the appellant's evidence alone is sufficiently precise and unambiguous to justify allowing an appeal made on legal grounds, on the balance of probability.
12. The pitched-roofed garage is finished in pebbledashed render. The evidence available indicates that prior to the appellant's acquisition of the appeal property in or about 1986, the garage had power and water and contained a WC compartment.
 13. A letter from Mrs E Lane, a former neighbour, avers that "*...the brick shed build (sic) on to the end of the garage ... existed when we moved into (No.24 adjoining) in 1962...*". No doubt it is that same structure whose presence is attested by the appellant to have existed when she purchased the appeal site. And Mrs P Champness states in her letter, from her knowledge of staying at No.22 weekly for 24 years, that "*...originally there was a garden shed...attached to the end of the garage...*".
 14. Hence, there is no dispute that, in addition to the garage, for very many years, a brick-built structure of some description has stood attached to, or at the very least, abutting the rear wall of the garage. It is also said by those with first hand knowledge of the appeal site that that structure, which has been referred in oral and written evidence variously and as a "garden shed", "an attached area" and "an extension", contained two doors in its end (northern) elevation (facing towards the rear boundary wall of the rear garden).
 15. In addition, the evidence indicates the presence at one time of a separate structure accommodating coal. This stood in an area between the end (northern) wall of the "extension" and the rear boundary of the site. Descriptions vary of its form, but, from the evidence of its remnants, now laid to form a pathway in the rear garden, it was comprised of pre-cast concrete sides, ends and roof that would be best described as a free-standing pre-fabricated coal bunker.
 16. The appellant, supported by her two adult daughters, her brother and a family friend, all who gave evidence at the inquiry, recalls that the extension was used to accommodate more coal, together with a kennel and a rabbit hutch; Ms Champness refers to two hens having once been kept there. There had been an internal connection between the garage and the extension, blocked by a wooden board which Miss F Birmingham recalled was easily removed, but against which, Mr Braithwaite recalled, the coal was stored.
 17. All the witnesses attesting in support of the appellant's case aver to the state of disrepair of the extension. In particular, the roof leaked such that it was necessary to apply corrugated-plastic sheeting on to its surface and to tape plastic bags or other sheeting to the underside. Witnesses recalled pieces of plasterboard falling down inside.
 18. It is the appellant's belief that an aerial photograph, taken in 2006 or 2007 by Google Maps when such were first available from this source, shows what is said to be the present extension. It is her further evidence that she has only improved the condition of both the garage and the extension, both of which have been refurbished to provide accommodation used by herself, her adult

³ See *F W Gabbittas v Secretary of State for the Environment and Newham LBC* [1985] JPL 630.

- daughters (who live elsewhere and visit from time-to-time) and her three other children presently aged sixteen, fourteen and eight.
19. It is the appellant's belief that the extension to which the notice (as I intend to correct and vary) is directed has merely been maintained as such, including the application of pebbledashed render to the external brickwork of its original construction. The appellant's photograph, taken in 2003 or 2004 shows the endmost part of the side elevation of the pebbledashed-rendered garage and, at the least, part of the side elevation of the brick-built extension.
 20. In answer to my questions, the appellant averred that no walls had been taken down and that they were the same height and length as those before – a like-for-like replacement. However, the appellant's photograph of the structures shows, albeit not conclusively, but on the balance of probabilities, that the height of the brickwork of the extension was formerly lower, by several courses of brickwork, than that of the flank wall of the garage up to its eaves; the present structure is about the same height as that of the eaves of the garage. The appellant maintained that the heights were always about the same, but, in cross-examination by Mr Wicks, she was unable to explain the apparent discrepancy in heights of the two structures that appears to be the case in the photograph.
 21. Moreover, neither she nor any of the witnesses appearing in support of her case were able to be precise about what has occurred here. In answer to questions put to her by Professor Wilkin, the appellant stated that the ground area of the extension was exactly the same area "*...as far as I am aware...*". That adds uncertainty about what her builder had undertaken on her behalf. Although Miss Z Birmingham expressed her belief in cross-examination by Mr Wicks that the size and height of the extension were, "*...or seemed to be...*", the same as those of the previous structure, she accepted that she had not seen the works under construction and "*...didn't get involved...*".
 22. In evidence-in-chief, Mr Braithwaite sought to respond to the questions arising about the apparent discrepancy in the heights of the garage and its extension in the *circa*-2003 photograph, but then singularly failed to do so; indeed, he added to the uncertainties arising by maintaining that it "*...looked bigger after the roof had been replaced...*".
 23. Mr J Andrews visits the appeal site two or three times a week. He did not understand the accusations that the extension had been made bigger, but opined that it was "*...the same size, pretty much...*" and recalled the builder trying to make good the brickwork; in cross-examination by Mr Wicks he further described the deteriorating state of the original brickwork and in answer to my questions, he averred that although the extension had been the same height as that of the garage, the roof was made good and now "*...looks a bit higher...*", but was unable to give any further explanation.
 24. From the rear garden and upper floor windows of an adjoining property, Professor Wilkin has views across the rear garden of the appeal site, partly interrupted by small trees and shrubs in and adjoining these rear gardens. In contrast to the uncertainties arising from the evidence of the appellant's case, it is his written evidence that, in 2009, "*...a significant extension ... was made at the back of the garage where previously there had been a small and low coal shed...*" and in sworn evidence to the inquiry, he averred that the "*...small brick shed was taken down...*" and that "*... another larger building (was erected) in its place...*". In answer to my questions, it is his estimate that the previous

- structure projected up to about 1.5m beyond the garage and he was definite that it was less than the current projection which he estimates to be about 4.5m.
25. The Council has no evidence of its own that would throw further light on events surrounding the presence of the structure to which the notice is directed. Although Professor Wilkin is aggrieved about the perceived impact of the extension on his living conditions, nevertheless, the certainty of his evidence contrasts markedly with the uncertainties and vagueness of other evidence presented in support of the appellant's case and I am able to give Professor Wilkin's evidence substantial weight, which runs counter to that adduced by and on behalf of the appellant.
26. That is not to say that the appellant and those who gave evidence on her behalf have deliberately sought to disguise what has happened in this case. The crux of the appellant's difficulties is the imprecision of the evidence adduced for and on her behalf and therefore less weight can be ascribed to it. For example, no documentary evidence, such as invoices for materials and labour, has been produced in evidence that would assist in demonstrating the extent and nature of the works undertaken. There are no plans. Moreover, although it was said at the inquiry that her builder spends the winters in the Caribbean, nevertheless, it is surprising that, on a matter so critical to her case, evidence of the nature and extent of the works has not been obtained from him, whether by letter, or by sworn affidavit. Nor was he called by the appellant to give evidence at this inquiry.
27. Planning permission is required for the carrying-out of any "development" of land⁴. The meaning of the term "development" includes the carrying out of building operations in, on, over or under land, including structural alterations of, or additions to, buildings and other operations normally undertaken by a person carrying on business as a builder, but excluding, among other matters, the carrying out for the maintenance, improvement or other alteration of any building or works which do not materially affect the external appearance of the building⁵.
28. In the light of the test described in paragraph 8.15 of Annex 8 to Circular 10/97, the case made by the appellant is insufficiently precise and unambiguous to demonstrate, as a matter of fact and degree and on the balance of probability, that the works undertaken to the extension to the garage would be those solely comprising maintenance, improvement or other alteration which would not materially affect the external appearance of the building, hence would be excluded from the definition of "development". Rather, I have found that those works, whether they comprise a completely new building, or the incorporation of the former building into an extended structure, would comprise the carrying out of building operations and comprise "development" requiring planning permission.
29. Accordingly, it remains to be considered whether, in law, the development to which the notice (as I intend to correct and vary) is directed would amount to a breach of planning control.

⁴ S.57(1) Town and Country Planning Act 1990 (as amended).

⁵ S.55(1), (1A) and (2) Town and Country Planning Act 1990 (as amended).

30. By Article 3(1) and Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended)⁶ (the 'GPDO'), planning permission is granted for certain development, referred to as "permitted development", within the curtilage of a dwellinghouse.
31. By Class E of Part 1 of Schedule 2 to the GPDO, "permitted development" includes:-
- "the provision within the curtilage of a dwellinghouse of – (a) any building...required for a purpose incidental to the enjoyment of the dwellinghouse as such, or for the maintenance, improvement or other alteration of such a building; or (b)..."
32. There is no dispute in this case that the land to which the notice is directed includes a dwellinghouse within its limited meaning as defined in the GPDO and that the development in question lies within its curtilage. However, such permission is governed by the limitations set out in paragraph E.1(a)-(i) of Class E and others contained in paragraphs E.2 and E.3. The Council is satisfied that the development to which the notice is directed would not breach any of those limitations and I see no reason to disagree. Nevertheless, the Council is of the view that the use made of the combined garage and its extension is not one that would be "...required for a purpose incidental to the enjoyment of the dwellinghouse as such..." and, as a consequence, would not fall within the ambit of Class E.
33. For the purposes of Class E, paragraph E.4 of Class E defines "*purpose incidental to the enjoyment of the dwellinghouse as such...*" as:-
- "includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse".
- That is an inclusive definition which, as such, not only would have embraced, in earlier years, the keeping of hens and rabbits and the accommodation of a kennel as referred to in evidence, but it would not have excluded the storage of coal and other items of domestic use.
34. The appeal site includes a semi-detached house, originally of two storeys, but with additional accommodation provided in the roof space and which, together with the side extension, now contains six bedrooms, occupied by the appellant and three of her children all of school age. She is a school teacher by profession. The works undertaken to the former garage and its extension included converting it, internally, into a single composite area and fitting it out with the intention of improving the standard of accommodation, described by the appellant as making it "... more user friendly...".
35. It is the appellant's evidence that the garage and its extension, both before and after the works undertaken in 2009, has not and does not contain a bed and is not used as additional sleeping accommodation. The garage and its extension had contained a sink or a kitchen unit, described as being "broken" and which has been replaced. The appellant's witnesses recall using the facilities in the garage for cooking and eating temporarily when No.22 was first acquired in or about 1986 and whilst the house was being refurbished, but the cooker has been removed. It had also once contained a freezer and washing machine and

⁶ Substantial amendments were made to Part 1 of Schedule 2 of the GPDO by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (SI 2008/2362) with effect from 1 October 2008. As the development in question commenced in 2009, it is to be considered in the light of these amendments to the GPDO.

- had been used for storing tools. The toilet was replaced by another. Heating controls and an electricity meter have always remained in the main house.
36. It is the appellant's evidence that the garage and its extension had been used by all members of her family for leisure purposes. Before the Council commenced enforcement action, the appellant avers that the garage and its extension, inasmuch as parts were useable, were used as a children's play area and as a utility room; an exercise bike was kept there. Miss Z Birmingham used it at times as an "escape" from the younger children.
 37. Since the enforcement notice was issued, such use has been curtailed; currently domestic items are stored, including papers associated with the appellant's profession. There remains a small sofa/easy chair, a few other chairs, cupboards, sink, television (said to be non-working) and the WC compartment. No replacement cooker, or alternative microwave oven has been installed.
 38. It is no longer the Council's case that a separate dwellinghouse has been formed from the combined outbuildings, but rather, the Council argues that their use is for purposes that would be regarded as adding to the normal day-to-day living accommodation as part-and-parcel of the use of the main dwellinghouse, hence would not be regarded as being "incidental".
 39. However, as a matter of fact and degree, this combined structure is not one that contains one or more bedrooms or other facilities that would extend the living accommodation of the main house as such. Whilst it might be utilised from time-to-time as a useful adjunct to the main house for household activities, nevertheless, the extent of the uses described would be no more than those which would be dependant on the continuing presence of, and entirely parasitic upon, the continuing use of the main dwellinghouse as a dwellinghouse. Such activities would be those which would be reasonably regarded as connected with the leisure and domestic activities of the householder which would be incidental to and distinguishable as such from those primary residential uses comprising an integral part of ordinary residential use, such as that as a bedroom or kitchen.
 40. Furthermore, the building must be "required" for purposes incidental. The test is that of being "reasonably required" for purposes incidental to the enjoyment of No.22. As a matter of fact and degree, there would be nothing extraordinary or unusual about the nature of the use made of the garage and its extension; given also the size and facilities provided by the main house, the garage and its extension would not be so large, commodious or disproportionate in scale, or separated from it by some considerable distance, such that it would be beyond all sense of reasonableness as one that is required for incidental purposes. Moreover, case law indicates that a building within the curtilage including a study or music room and WC and shower facilities would not be outside the provisions of Class E.
 41. Class E would not include a building designed at the outset for the provision of primary residential accommodation. However, drawing matters together, in the present case, it is concluded that the purpose of undertaking the works to which the notice (as I intend to correct and vary) is directed is designed to accommodate activities that would be incidental to the enjoyment of the dwellinghouse as such. Accordingly, planning permission is granted for the development by the provisions of Class E of Part 1 of Schedule 2 to the GPDO. The appeal will succeed on ground (c).

Conclusions

42. From the evidence to the inquiry and for the reasons given above, I conclude that the part of the allegation in the notice that refers to a change of use of the garage into a self-contained studio is no longer correct, in that the Council seeks to withdraw that part of the allegation. Accordingly, I shall exercise the powers transferred to me and I shall correct the allegation in the notice and vary its requirements.
43. As to the appeal on ground (c), I am satisfied on the evidence that no breach of planning control has arisen and the appeal on this ground should succeed in respect of those matters which, following correction and variation of the notice, are stated in it as constituting the breach of planning control. In view of the success on ground (c), the appeal on ground (d) and the application for planning permission deemed to have been made under s.177(5) of the 1990 Act (as amended), do not fall to be considered.

Decision

Appeal Reference: APP/T5150/C/10/2127390

44. I direct that the enforcement notice be:-

(A) corrected by, in Schedule 2 of the notice, after the word "*garage*" (where it first occurs), the deletion of the whole of the following text up to and including the word "*studio*" without replacement thereof; and

(B) varied by, in Schedule 4 of the notice, without replacement thereof:-

(a) in "STEP 1", the deletion of the words:-

(i) "*cease the use of the former garage as a self-contained studio,*";
and

(ii) "*and remove all associated items, materials and debris associated with the unauthorised change of use from the premises*";

and

(b) the deletion of the heading "STEP 1"; and

(c) the deletion of the whole of the text in "STEP 2", including its heading.

Subject to this correction and this variation, I allow the appeal, and direct that the enforcement notice, as corrected and varied, be quashed.

G P Bailey
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mrs I V Birmingham	the appellant.
She called:	
Miss Z Birmingham	the appellant's eldest daughter;
Miss F Birmingham	the appellant's second eldest daughter;
Mr P Braithwaite	the appellant's brother;
Mr J Andrews	a friend of the appellant.

FOR THE LOCAL PLANNING AUTHORITY:

Mr N Wicks	of Enforcement Services Ltd., consultants to Brent LBC.
He called:	
Mr M Wood BSc	Planning Enforcement Officer, of the same Council.

INTERESTED PERSONS:

Professor C Wilkin	local resident.
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PLANS VERIFIED AT THE INQUIRY

A with the enforcement notice.

ADDITIONAL PHOTOGRAPHS PUT IN AT THE INQUIRY

- 1 aerial photograph of appeal site, 2008, and cover sheet, put in for the Council;
- 2 aerial photograph of appeal site, 2007/2008, put in for the Council;
- 3 aerial photograph of appeal site, 2010, put in for the Council;
- 4-9 internal taken through windows and external, taken by Council 8.10.09, put in for the Council.



Appeal Decision

Inquiry held on 9 November 2010

Site visit made on 9 November 2010

by Sara Morgan LLB (Hons) MA Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 November 2010

Appeal Ref: APP/T5150/C/10/2128308
22 Harlesden Gardens London NW10 4EX

- 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 Phillip Harvey against an enforcement notice issued by the Council of the London Borough of Brent.
 - The Council's reference is E/10/0014.
 - 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 dwelling house to eight self-contained flats.
 - The requirements of the notice are to cease the use of the premises as eight 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 6 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.
-

Decision

1. I allow the appeal and direct that the enforcement notice be quashed.

Application for costs

2. At the Inquiry an application for costs was made by Brent Council against Phillip Harvey. This application is the subject of a separate Decision.

Preliminary

3. All oral evidence to the Inquiry was given on oath. Mrs Kablak's evidence was translated into English by her son Yuriy Vyshnivskyy and by Magdalena Kotyza of MZA Associates Ltd (agents for the appellant).

The ground (d) appeal

4. The main issue is whether the change of use alleged took place more than four years before the date when the enforcement notice was issued (ie by 31 March 2006) and has continued since that date, so as to be immune from enforcement action. The burden of proof is on the appellant, and the relevant test of the evidence is the balance of probability.

5. The appeal property is a semi-detached building which now comprises 8 separate units of accommodation, each containing its own bathroom and cooking facilities. All of the flats are accessed mainly through the front door of the building, and the common parts comprise hall, stairs and landings.
6. The Council has referred to the Court of Appeal decision in *Doncaster Borough Council v SOSE and Dunnill and Van Dyck v SOSE and Southend Borough Council*¹ in which Lord Justice Simon Brown commented that a material change of use comprising the use as two or more separate dwelling houses of any building previously used as a single dwelling house occurs not when the physical conversion has taken place but when the separate dwelling houses actually come to be used as such.
7. Mr Harvey told the Inquiry that he and his wife had purchased the appeal property on 2 December 2005, and immediately the purchase had been completed he began to convert the property into eight flats. The works that were carried out included the installation of central heating, replacement of electrics, building of partitions for showers in each room, redecorating and the installation of Velux windows in the roof. He had employed a builder, now deceased, to carry out the work. He had no invoices from the builder for his work, as payments had been made in cash. However, he produced a number of invoices for the purchase of materials from various builders' merchants and other suppliers, and dated between 5 December 2005 and 27 February 2006, which he said had been given to him by the builder and which related to the conversion works at the appeal site.
8. According to Mr Harvey, the building works took approximately 2 months. He said that everything was completed by 11 February, apart from a bit of painting, and that it was completely finished by the beginning of March. He said that the first tenant moved in on 28 February 2006 at the top of the house, before works had been completed on lower floors. He produced tenancy agreements for all eight flats. The first, relating to a room on the second floor, was dated 28 February 2006, and the last was dated 31 March 2006. Mr Harvey said that the dates on the agreements were the dates on which the tenants had moved in. Subsequently, he said, the building had been fully occupied throughout the four year period up to the date when the enforcement notice was served. He thought the longest void he had ever had was one week.
9. Miss Metcalfe said that when the first tenant moved in they were very much at the end of the project and that the only works remaining to be carried out were a few bits and pieces such as painting the hallway. She said they were anxious to get tenants and have the property occupied as soon as possible. She also said that the date on the tenancy agreement for the beginning of the tenancy was the date on which the tenant moved in, because that was the day on which the tenancy started.
10. Mr Floume said that he had visited the property in early February 2006 and looked at all of the flats, although three had already been let. He said all of them at that time had kitchens and bathrooms, but some needed some work to be carried out. When he moved in to his flat on 10 March 2006, the day after he had signed the tenancy agreement, there were two other flats already occupied. He thought the remainder of the flats were occupied during March,

¹ Court of Appeal 21 December 1992

although he accepted in cross-examination that he could not remember exactly when the whole house was occupied.

11. Mrs Kablak's tenancy agreement was dated 29 March 2006. She said twice, when asked when she had moved to the property, that it was 29 April, but corrected this when shown her tenancy agreement. She could not remember whether she had signed the tenancy agreement the same day that she had moved in, as she had been on anti-depressants at the time. A friend, Phindile Matsebula, (the first occupier of a flat at the property according to the other witnesses and her tenancy agreement), had recommended it to her. Mrs Kablak said that Phindile had moved into her flat probably not long before she herself had moved in.
12. Mrs Kablak clearly spoke very little English. I am satisfied that she was trying her best to give honest and accurate evidence, but my impression of her evidence is that her recollection of events was not good, because of her circumstances at the time. In addition, the need for questions and answers to be translated introduced an element of confusion into her evidence. For these reasons, I attach only limited weight to what she told the Inquiry. Although her evidence as to which flat Phindile occupied was very clear, it was contradicted not only by Mr Harvey but also by Mr Floume, as well as by Phindile's tenancy agreement, and I consider on balance that they are more likely to be correct on this point. I also consider, on the balance of probability, that she moved into her flat on the date when the tenancy agreement was signed ie 29 March 2006.
13. Mr Harvey was asked why one of the invoices, dated 27th February 2006, was for 60 m of sawn wood, when he said that all of the works apart from some painting were finished by 11 February. He suggested that this related to the construction of one of the shower rooms. Miss Metcalfe suggested that it could have related to fencing in the garden, the garden having been the last area to be dealt with. Given Mr Floume's evidence of the state of the property when he first visited in early February Mrs Metcalfe's explanation seems to me to be more probable.
14. The Council has acknowledged that the outcome of the ground (d) appeal is dependent on whether or not I believe the evidence of the appellant and his wife. It has no evidence of its own to indicate when the flats were occupied, or to contradict the evidence given by Mr Harvey and Miss Metcalfe. Whilst the evidence suggests that they had a somewhat cavalier approach to the business of converting properties into flats, it does not go as far as showing that they knowingly behaved in a fraudulent manner either in obtaining a residential mortgage for the property (where they acted on the advice of their mortgage broker) or in failing to obtain planning permission and to declare the conversion for Council tax purposes (both of which are sins of omission rather than commission). It suggests a careless disregard for rules and regulations, which does not reflect well on them. But it does not mean that their evidence under oath to the Inquiry should be disbelieved, particularly where there is no evidence to contradict it.
15. The invoices produced in support of the appellant's case are highly suggestive of works taking place at 22 Harlesden Gardens before 31 March 2006, but they do not shed any light on the date when the flats in the converted property became occupied. Of far more relevance are the tenancy agreements relating to each flat. These were produced in two stages, four at the date for

submission of evidence for the Inquiry, and four around a fortnight later. But there is no evidence that these documents are not genuine or that there is a sinister explanation for the late appearance of four of the documents. Indeed, of the four tenants named in the second batch of agreements three were remembered by Mr Floume or Mrs Kablak or both. The fourth agreement related to the room above Mr Floume, which he says was already occupied when he moved into the property, although he does not recall meeting the occupier.

16. Both Mr Harvey and Miss Metcalfe said in evidence that the dates on the tenancy agreements were the dates on which the tenants moved in. If this is correct then the last of the tenants would have moved in on 31 March 2006. That would be consistent with Mr Floume's impression. There is no evidence to contradict the evidence of Mr Harvey and Miss Metcalfe in respect of any of the tenants other than Mr Floume, who said he moved in the day after the first day of his tenancy. There is also nothing to contradict Mr Harvey's evidence that the flats have all been continuously occupied since then.
17. My conclusion, therefore, is that, on the balance of probability, all of the flats were occupied by 31 March 2006. Consequently the change of use of all of the flats to single dwelling houses occurred more than four years before the enforcement notice was issued, and has continued since that date, so as to be immune from enforcement action. Therefore the appeal on ground (d) succeeds and I shall quash the enforcement notice.
18. In view of my finding on the ground (d) appeal, there is no need for me to go on to consider the appeals on grounds (f) and (g).

Sara Morgan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

William Innes	Solicitor
He called	
Phillip Harvey	Appellant
Sarah Metcalfe	Wife of the appellant and co-owner of the appeal property
Timmy Floume	Former occupier of the appeal property
Liliya Kablak	Former occupier of the appeal property

FOR THE LOCAL PLANNING AUTHORITY:

Nigel Wicks MRTPI	Director, Environmental Services Ltd
He called	
Victor Unuigbo	Planning Enforcement Officer
BSc(Hons) MSc	

DOCUMENTS

- 1 Official copy of Land Register entries relating to 22 Harlesden Gardens
- 2 *Doncaster Borough Council v SOSE and Dunnill and Van Dyck v SOSE and Southend Borough Council* Court of Appeal 21 December 1992

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Supplementary Information
Planning Committee on 15 December, 2010

Item No. 3
Case No. 10/2053

Location Former Blarney Stone, Blackbird Hill, London, NW9 8RR
Description Proposed mixed-use redevelopment of the Blarney Stone Public House, Kingsbury, with the erection of two 3-storey houses and 34 flats in 3/4/5 storeys above a retail unit of 470m² and parking partly at basement level, with associated landscaping

Agenda Page Number: 17

The applicants Transport Consultant has advised that a problem with the traffic counting mechanism has led to discrepancies in the results which may affect the conclusions in the Supplementary Transport Assessment. As such, it is recommended that the application be deferred to allow an opportunity to review the results and provide an updated Transport Assessment.

Recommendation: Deferral

DocSuppF

Supplementary Information
Planning Committee on 15 December, 2010

Item No. 4
Case No. 10/2046

Location 139 Coles Green Road, London, NW2 7HH
Description Erection of a single- and two-storey side extension, single-storey rear extension, erection of a rear dormer window and formation of vehicular access to rear garden of dwellinghouse to provide an additional off-street parking space (revised plans received 27/10/2010)

Agenda Page Number: 41

Your officers sought amendments to the parking and landscaping proposals to reduce the amount of hard surfacing in the rear garden to the minimum required to park one vehicle. Although a revised plan has been received (3-10-007 Reb B), this does not fully address the changes which your officers deem necessary. An amendment to condition 4 (landscaping) is suggested accordingly.

In addition, revised plans were received before the committee report was written but the plan numbers were not changed to reflect this. This is rectified below.

Amendments to condition 4

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

include:-

- (i) a revised rear garden layout which reduces the amount of hard surfacing (with the exception of the existing patio) to the minimum required to safely park one vehicle off-street;
- (ii) proposed boundary walls, fences and gates indicating materials and heights to include a 3m wide vehicular access from Kelceda Close and visibility splays;
- (iii) planting to the front garden over at least 50% of the area, to comply with policy BE7;
- (iv) screen planting along the boundary with Coles Green Road and Kelceda Close including the area between the new flank wall and the boundary; and
- (v) areas of hard landscape works and proposed materials

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 extension and ensure that it enhances the visual amenity of the area.

Changes to plan numbers

3-10-002 Rev A; 3-10-003 rev A; 3-10-004 Rev A; 3-10-005 Rev A; 3-10-006 Rev A; 3-10-007 Rev B; 3-10-008 Rev B

Recommendation: Grant planning conditions subject to conditions.

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Supplementary Information	Item No.	6
Planning Committee on 15 December, 2010	Case No.	10/2390

Location	McNicholas House, Warehouses 1 & 3, Front car park & Yard, McNicholas House, Kingsbury Road, London & 159 Townsend Lane, London, NW9
Description	Redevelopment of McNicholas House for mixed use to provide a temple building (Use Class D1); multi functional community facility (Use Class D2); the retention and refurbishment of part of existing office building to provide flexible accommodation for business (Class B1 Use); landscaped courtyard; alterations to the existing vehicular access point onto Townsend Lane and provision of surface parking for 91 cars.

Agenda Page Number: 57

Site visit

Members visited the site on Saturday 11 December at 11.40. Members of the temple community were present, but no objectors. Members of the committee raised a number of points on the following topics:

1. Parking and access

- (i) How does the site accommodate coaches and refuse vehicles?

For refuse, please see sub-section 3(c) *Servicing* of the *Remarks* section. An area of parking spaces is reserved for deliveries, refuse collection and coach parking. The section 106 and Travel Plan will require a Delivery & Servicing Plans which will include either a reserved area when coaches are present or shall time deliveries and servicing to avoid those occasions when coaches are expected; this is likely to be when local schools come to the site during weekdays, when car park usage would be low. The applicant has demonstrated that large vehicles can manoeuvre safely around the car park.

(ii) Where is the binstore location and its capacity sufficient?

A store for general and recyclable waste is located in the multi-function hall building, adjacent to the reserved servicing area; it would contain three eurobins for recycling and seven for general waste and has been sized to accord with BREEAM standards. It is envisaged that caretakers/cleaners of each facility would collect waste each day and take it to the central store for weekly collection.

(iii) How many disabled parking spaces should be provided?

The UDP requires 5% of parking spaces be dedicated for disabled use, thus the 5 proposed complies with standard PS15. Your officers recommend condition 10 is revised to ensure one of the disabled parking bays is provided closer to the entrance to the retained employment building (see below).

2. *Management of events*

(i) Where would Diwali fit into the various hierarchy of festivals?

Diwali is one of the special religious events, the day before New Years Day, and thus falls within the three no. Special Large Event Days (see clause (g)(vi) in the *Section 106 Details* section of the main report).

3. *Section 106 agreement*

(i) Where does £100K come from to go towards local employment & training?

Sub-section 1(b)(ii) of the *Remarks* section explains the background to this figure which is part of the contingency clause; it would only be payable if less than 75% of a floor is occupied for a two-year period after six months of the floor being provided. This is to ensure that the managed affordable workspace is subsidised by the applicant. Your officers believe it is required to ensure that an employment function is retained on-site and that the employment function is properly supported in the short and longer term. If the contingency clause is triggered the site would then provide a contribution to supporting employment functions elsewhere in the borough.

(ii) Financial contribution to off-site highway works "to be agreed"? What amount?

The sum was originally quoted as £75,000 for non-car access/highway safety improvements and/or parking controls in the vicinity of the site, including the new pedestrian crossing. The sum for parking controls may be covered by the bond sum in clause (l) and so your officers proposed to renegotiate the original £75,000 so it reflects the matters to be covered by the bond clause.

4. *Current activities on site*

(i) There is parking to the front of the site and some activity in the warehouse

The temple community, which are a Charitable Trust, currently let the front car park to a Japanese car centre at below market rent to help offset some of the cost of maintaining the site. Similarly, the temple community have let one third of the warehouse for a storage business, again at below market rent and on a short-term lease, to cover the cost of maintaining the otherwise vacant site and to provide some on-site security. Your officers do not believe that these are commercial activities which would be interested in letting the whole site at market rents; therefore this does not change your officer's opinion that there

is no effective demand for the site in its current format or for suitable redevelopment.

Additional objection

One further letter was received, from a resident on Burgess Avenue, objecting to the proposal on the grounds that the temple would be out of character with the area, the traffic would cause congestion and disruption during the construction period. These matters are addressed in the main committee report.

Amend conditions

Condition 10:

In addition to the amendment to condition 10 discussed above, the borough solicitor has requested a minor amendment. Officers recommend condition 10 now reads:

Prior to the commencement of development, further details of the car parking layout shall be submitted to and approved in writing by the local planning authority. Such details to include:

- (ii) electric vehicle charging points at a ratio of one to every five spaces; and*
- (iii) the means by which the ten car parking spaces for the commercial building shall be identified*
- (iv) one of the dedicated disabled bays shall be relocated closer to the retained employment building or other such plan to be agreed in writing with the local planning authority."*

Furthermore the Car Park Management Plan of the Travel Plan shall set out the means by which the use of car parking spaces allocated to the commercial building will be guaranteed for the use of occupants of the commercial building in core office hours of 08.00-18.00 Monday to Friday, 08.00-16.00 on Saturdays and at no time on Sundays.

Reason: to comply with the draft replacement London Plan and to ensure the car parking spaces allocated to the commercial building are available for the occupants of the office building during core office hours

Recommendation: Remains grant planning permission subject to referral to the Mayor of London and the Secretary of State and subject to the completion of a satisfactory Section 106

DocSuppF

Supplementary Information	Item No.	7
Planning Committee on 15 December, 2010	Case No.	10/2266

Location 63 & 63A Beverley Gardens, Wembley, HA9
Description Works proposed to No. 63 and 63A Beverley Gardens involving the following:

No. 63 Beverley Gardens

Rebuilding of ground and lower ground floor rear extension, raised terrace with

steps down to garden level and alterations to garden level together with the removal of one front roof light to dwellinghouse

No. 63A Beverley Gardens

Rebuilding of new dwellinghouse next to No. 63 Beverley Gardens with ground and lower ground floor rear extensions, raised terrace with steps down to garden level and alterations to garden level together with rear dormer window and one front roof light and removal of shed in rear garden.

Agenda Page Number: 97

Letters of objection

23 additional letters of objection have been received reiterating previous objections. Additional objections have been raised on the grounds of noise. It is unclear whether this is noise from construction works or from activities in the houses. This is a residential area and no further units are proposed above the previous approved scheme. Construction noise is covered by environmental health legislation.

Further comments have also been received from one of the previous objectors in relation to the revised plans. These issues are discussed below:

Whether all of the pipes that jutted out of the roof could be diverted internally to the new chimney

The boiler flue that currently projects out of the front roof slope of the new house is to be relocated on the flank roof slope - refer to main committee report. The other pipes project out from the rear roof slope and would not normally require planning permission.

Time limit on the building works

Please see comments provided below.

Parking arrangements for Nos. 63 and 63A

The crossover will be extended as part of this proposal to allow vehicular access for both Nos. 63 and 63A Beverley Gardens.

Amendments to condition(s)

Conditions 1, 5 and 6 have been amended following the recommendation of the Borough Solicitor and revised timetable for carrying out the works (see below). These conditions are recommended to be worded as follows:

Condition 1

The development to which this permission relates must be begun not later than the 1st March 2011 and all approved works completed by 1st July 2011.

Reason: In the interests of the amenities of the surrounding area and neighbouring properties.

Condition 5

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

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

Condition 6

Notwithstanding the submitted plans otherwise approved, further details of the front forecourt layout shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this permission. The approved hard and soft landscape works shall be completed prior to the occupation of the development hereby approved. The hard and soft landscaping shall be carried out in accordance with the approved scheme.

Such details shall include:-

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

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

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

Time scales for carrying out the works

The applicant's agent has been in discussion with officers in relation to the timescales for completing the works proposed as part of this application. This timetable proposes to commence works at the beginning of March 2011, with a period of four months after this date to complete the works (beginning of July 2011). The suggested timetable is considered reasonable by your officers, enabling adequate time for the building regulations application to be submitted, and avoiding the winter months for building works (January and February).

Recommendation: Remains approval subject to the recommended amendments to the conditions as provided above.

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Supplementary Information	Item No.	10
Planning Committee on 15 December, 2010	Case No.	10/2536

Location 117 Victoria Road, London, NW6 6TD
Description Erection of single-storey side extension to outrigger and installation of sliding/folding doors to rear elevation of dwellinghouse.

Agenda Page Number: 123

Condition 4 shall be amended to read:

The roof-lights shall be detailed to be flush with the roof covering and permanently retained as such unless the prior written consent of the Local Planning Authority is obtained.

Reason: In the interest of visual amenity of the the locality.

Recommendation: Remains approval

DocSuppF

Supplementary Information	Item No.	13
Planning Committee on 15 December, 2010	Case No.	10/2389

Location Islamia School Centre, 129 Salusbury Road, London, NW6 6PE
Description Erection of a part two-storey and part three-storey primary school building with a playground at roof level

Agenda Page Number: 141

SITE VISIT

During the Member's site visit, a number of comments were raised and clarification was sought on a variety of issues. General concerns were raised regarding the design and scale of the proposed building which have already been addressed in the main report. It was suggested that more effort should be made to re-use the existing building, or extend it, as an alternative to the current proposal. However, a more modest redevelopment of the existing site would be unlikely to provide sufficient capacity for the relocation of the pupils currently taught at Winkworth Hall back to the main school site whilst also providing essential modern school facilities in an accessible (DDA compliant) and highly sustainable (BREEAM 'Excellent') building. Concerns were raised regarding the accuracy of the 3-D computer generated images (CGI) although having been inspected by Officers it is considered that these provide a useful interpretation of the proposed building in its realised form. In any case, Members will be aware, whilst acknowledging the usefulness of CGI images, that the proposals should be considered on the basis of the plans listed in condition 3, recommended on the main Committee Report.

Concerns were raised that the proposed railings would allow people to climb into the site. However, it is considered that the railings will be just one of many measures used to secure the school and that amending the design may lessen the attractiveness of the proposed boundary treatment

Concerns were again raised that proposed building would overshadow the neighbouring Vicarage. This issue has already been considered in the main Committee report ('IMPACT ON ADJOINING OCCUPIERS' - page 150) and again attention is draw to the fact that the proposed building would be located to the north of the Vicarage meaning that the proposed building could not interfere with direct sunlight and cause overshadowing to the Vicarage.

Concerns have been raised regarding the impact of the proposed development on property prices within the vicinity of the site. Whilst this is an understandable concern for local residents, paragraph 29 of 'The Planning System: General Principles' sets out that Paragraph 29 of 'The Planning System: General Principles' set out that in determining planning applications "The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest". As such, it is not considered that the potential impact of the development on property prices is a material planning consideration.

TRANSPORTATION UPDATE

As discussed in the 'Transportation' section of the main report (page 149), Officers have been in negotiation with the school regarding the level of financial contribution to be made towards highway infrastructure improvements required to mitigate the impact of the development on local highway conditions. An in principle agreement has been reached, whereby a contribution of £10,000 would be secured on material start which would be used by the Council to plant street trees, reinstate the redundant vehicular crossover and relocate the existing bus cage along Salisbury Road. The applicants have also agreed to incorporate a £20,000 penalty clause into the proposed Travel Plan which will be paid should the school fail to meet the targets set in the Travel Plan. The penalty clause would be split so that £10,000 would be required should the school fail to meet the 3 years targets with a another £10,000 required should the 5 years targets also fail to be met. Officers consider that this indicates a firm commitment by the school to ensuring the successful implementation of the Travel Plan and a willingness to improve the existing impact of the school at drop off and collection times on local highway conditions. These monies could go towards local highway improvements.

Concerns were raised at the site visit regarding the proposed introduction of a school catchment area and objectors have plotted the residence of the current pupils highlighting that many live outside of the proposed catchment area. It is acknowledged that currently there is no catchment area for the school and this, in part, has led to the dispersal of the current pupils. However, it has been confirmed by the Council's Admissions Officer that a catchment area will be applied to school applications from September 2011 giving priority to those pupils applying from residences within the south of the Borough (south of the North Circular Road). Whilst, this catchment area would not affect existing school pupils, it would over the course of time seek to increase the proportion of the pupils that live locally to the school thus reducing the need to travel to the school by car.

It was suggested at the recent site visit that the school should consider the use of mini-buses in order to reduce the number of pupils being brought to the school by car. The applicants have confirmed that they have made initial enquires although at present the provision of a bus service is likely to be unviable due to funding issues and therefore this has not been included as one of measures with the current Travel Plan. However, following the implementation of the catchment area this may be a measure that could be given further consideration in the future.

As discussed in the main report, the proposal would not involve the provision of any on-site parking. The Council's Transportation Unit have confirmed that they would not increase the current number of staff parking permits issued to the school and that they would expect the school to assist staff with their future travel arrangements through measures set out in the Travel Plan, including a car-sharing database.

CONSULTATION UPDATE

Concerns have been raised by objectors with regards to the reported figures, in terms of letters of support for the application, contained in the main report. The Planning Service will aim to acknowledge all letters received either in support or against planning applications and whilst every effort is made to ensure that the reported figures represent an accurate reflection of the degree of public support and/or objection to an application invariably, where there are a large number of responses, there is likely to be a marginal degree inaccuracy in the reported figures. Having been reported to Officers, a small number of duplicate letters of support have been removed from the consultation figures. Having inspected the responses Officers do not consider that there has been any deliberate attempt to significantly alter the reported public response to the application. The current figures held on the consultation response database indicate that there have been approximately 178 letters of support and 249 letters of objection. Officers would also like to clarify to Members that the majority of the letters of support received have come in the form of a standard letter where the main text is replicated but the letters are signed and addressed individually by the sender.

Objectors have mapped the location of public consultation responses which indicates that generally the objections received have come addresses clustered around the subject site whereas letters of support have generally been received from a wider area.

It has been suggested that Sport England should have been consulted on the planning application as a statutory consultee. Sport England is a statutory consultee on all planning applications affecting playing fields, including applications affecting any land that has been used as a playing field in the last five years and any replacement of a grass pitch with a synthetic surface. A playing field is defined as the whole of a site that encompasses at least one playing pitch. Officers do not consider that the existing playground meets with the definition of a playing pitch, both in terms of use and in terms of size, and therefore it is not considered that statutory consultation with Sport England is required as part of the application. The Planning Manager at Sport England has (14 December 2010) endorsed this view.

SITE PLAN & PLAN NUMBERS

It is noted that there is an error on the site plan issued with the main Committee Report. The incorrect site plan indicates the site as encompassing only the land on which the proposed development would be constructed. However, as discussed in the section of the main report on 'School Expansion' (page 147 of the agenda), the application site has been expanded to encompass the entire school site in order to allow the Council to impose a condition on the entire site limiting the total number of pupils should planning permission be approved. A revised site plan is appended to this Supplementary Report which supersedes the original site plan attached to main Committee Report.

It is also noted that under the heading 'PLAN NO's' on the main Committee Report (page 141), that the text below should be amended to read 'See condition 3'.

CONDITIONS

On the advice of the Borough Solicitor condition 6 should be amended to read:-

The proposed refuse/recycling storage area, indicated on the approved plans, shall be constructed *prior to the first occupation of the building and shall be maintained* for the purposes of storing refuse/recycling unless agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate facilities for the storage and collection of refuse/recycling are maintained

Recommendation: Remains approval subject to a s106 legal agreement

DocSuppF

Supplementary Information	Item No.	14
Planning Committee on 15 December, 2010	Case No.	10/2740

Location	King Edward VII Park, Park Lane, Wembley, HA9 7RX
Description	Erection of a Multi-Use Games Area to be located in the centre of the Park, with an approximately 3-metre-high surrounding fence and provision of 3 cycle stands

Agenda Page Number: 157-164

Brent Sports Service has provided a plan of King Edwards VII Park to confirm where the existing formally laid out pitches are. The siting of the MUGA will require the re-positioning of an existing mini football pitch, however there is ample space to re-configure the pitch layout to ensure there is to be no overall pitch loss. For this reason the Football Association has confirmed to Brent Sports Service, and to Sport England that there is no objection.

Since the completion of the Committee Report Sport England has written with confirmation that they raise no objection to the proposed MUGA. The reason for no objection is that the proposal is considered to meet policy exception test e) 5, of Planning Policy Statement 'A *Sporting Future for the Playing Fields of England*'. The reason this policy applies in the first place is that Sport Englands definition of a "playing field" is the whole of a site which encompasses at least one playing pitch.

Policy exception test e) 5 reads "*the proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field of playing fields*".

Comments from Legal Services:

Condition 4: add 'and the construction of the footpaths to be carried out in accordance with the approved details'

Recommendation: Approval subject to revisions to condition No. 4

DocSuppF

Supplementary Information	Item No.	15
Planning Committee on 15 December, 2010	Case No.	10/2738

Location	Preston Manor High School, Carlton Avenue East, Wembley, HA9 8NA
Description	Erection of a temporary primary school in the grounds of Preston Manor High School, to be accessed from Ashley Gardens, comprising a single-storey modular building incorporating two classrooms, assembly hall, staff room,

medical area and ancillary office and storage space, as amended

Agenda Page Number: 165

At Members site visit, objectors expressed concerns about the following:

Traffic safety

Objectors have raised concerns about the traffic arising from the temporary school, particularly with the existing difficulty in making right turns out of Ashley Gardens. Residents specify that there have apparently been two accidents at this junction in the last year. The Council's Highway Engineers have examined the accident statistics but have found details of just one personal injury accident in three years involving a bus passenger falling inside the vehicle as it braked sharply. If the accidents that have been observed were 'damage-only' and did not result in personal injury, then they would not be reported to the Council. The applicants have agreed to the payment of a financial contribution of £25,000 towards highway safety improvements in Preston Road. This sum will contribute towards new pedestrian crossings and signage such as Slow! School on Preston Road. It is anticipated that this will reduce the speed of cars travelling along Preston Road, resulting in improvements to the safety of the junction with Ashley Gardens. The improvement measures proposed are considered sufficient for the Council's Highway Engineers to remove their objections to the proposal.

Parking and congestion in Ashley Gardens

Officers have visited the existing High School at school closing time, and are aware of the numbers of children leaving at one time with associated pedestrian and vehicular congestion. Objectors have raised concerns about the temporary school creating additional congestion within Ashley Gardens, particularly as the BACES site's carpark is always full up on weekdays, meaning that there is no capacity for the proposed school drop-off and parking. Officers have conditioned that a space be made available for a drop-off facility and parking spaces dedicated to the temporary school be provided within 6 months of the date of this decision. This revised layout will be accompanied by appropriate signage. There is currently an over-provision of parking spaces for BACES, (in relation to current Unitary Development Plan guidelines,) which is also a Council-run institution. This allows co-operation within Children and Families department in a One Council approach for the temporary period that the school is insitu. The number of temporary school children will be strictly limited to 60, to limit congestion. In addition, the temporary school starting and finishing times have been varied to ensure that times are staggered not to interfere with events/ courses at BACES.

Children will be coming from too far away to walk

As detailed in the Watts Design and Access Statement, Revision A. Section 2, Site Selection refers to the recommended maximum walking distance of pupils up to the age of 8 as being 2 miles (3 miles for pupils over the age of 8). The Capita Symonds reference to a walking distance of 750 metres merely refers to the distance between the Ashley Gardens site and Preston Road London Underground Station. The Council's Children and Family department have provided details of the addresses of the potential students. Two-thirds of the children will come from HA0 and HA9 postcodes. Whilst some children will be beyond the recommended 2 mile walking distance, the Council is statutorily required to offer the spaces, even if the expectation is that the spaces will not be taken up because of the distances involved.

How will the class rooms be heated?

The heating system is proposed to be electrically powered air conditioning. The air

conditioning system will provide heating and cooling. The system will be placed on elevations away from adjacent residencies, to avoid any potential complaints. Officers also propose an additional condition in order to ensure no noise nuisance arises from the site.

Are there enough toilets?

The toilet provision in the temporary accommodation has been designed to exceed the minimum requirements of *'at least one toilet for every 20 pupils aged 5 to 11...the number of washbasins should equal the number of sanitary fittings in each washroom'* as stipulated in the DfES Building Bulletin 99. The staff toilet will also be an accessible toilet to service disabled staff, pupils and visitors. The provision of 4 standard toilets and 1 disabled toilet is double the amount required under Building Regulations guidelines BS6465-1 on Sanitary Installations – 1994.

There is a temporary class room at the secondary school that has been there for over six years

The temporary school only has 2 classrooms and is conditioned to have a maximum of 60 children, and only to be erected for a maximum of 2 years. The permanent provision of a school on this temporary school site would not be acceptable, as it would be contrary to planning policies that seek to safeguard school playingfields for sports and recreation and therefore its removal would be monitored by officers. The planning application pertaining to the permanent school has just been received by the Local Planning Authority.

This land was bequeathed to the school by United Dairies on the proviso that it be retained as open space.

This is a legal matter that cannot be considered under this planning application. This information has been passed to the School Project Manager to look into.

Is the retained substation so close to the school acceptable?

The Health Protection Agency has confirmed that the magnetic fields around local area substations are measured at a maximum of 10 microtesla, which is much less than the ICNIRP reference level of 100 microtesla which is regarded as the safe limit for public exposure. The substation will be at least 5m from any play area and is further still from the proposed school building.

Proposed condition changes:

Condition 4 –remove reference to High School

Condition 5 – add time limit for the installation of the cycle stands

Add new condition:

No new plant machinery and equipment (including air conditioning systems) associated with the proposed development shall be installed externally on the building without the prior written approval of the Local Planning authority

Recommendation: Approve subject to conditions and s106

DocSuppF

Location	Park Lane Primary School, Park Lane, Wembley, HA9 7RY
Description	Erection of a part 1, part 2 and part 3 storey rear extension, extension to existing basement and erection to decking area to Park Lane side of school, including the demolition of the existing single storey nursery building and incorporation of the nursery into the extension

Agenda Page Number: 183

Selection of an option:

As discussed within the Committee Report, the applicants have selected the option that they wish to be assessed (Option 3) and have submitted revised drawings, visualisations and supporting documents which amend the extension, moving it further from the boundary with the gardens of Princes Court properties, and including associated revisions to the extension.

Amendment to description:

The following should be added to the end of the description to reflect the selection of this option “including the demolition of the existing single storey nursery building and incorporation of the nursery into the extension”

Siting of the extension

The south-western wall of the proposed extension is now 5.5 m to 6.1 m from the boundary with the Princes Court properties. When interpreting the 45 degree line set out within SPG17 as referred to in the report, your officers consider it reasonable to consider the relationship with the existing 2.4 m high fence (covered by thick vegetation at present) rather than the 2 m height set out within SPG17. The ground level within some adjoining gardens (Nos. 40 and 41) also appears to be approximately 0.5 to 0.7 m higher than the levels in the adjoining school site.

Whilst the main element of the extension remains below the 45 degree line, the 1.8 m high parapet that surrounds the “outdoor teaching terrace” has been set 2 m from the south-western edge of the roof to ensure that this also remains below the 45 degree line.

The applicants have also incorporated screening along the edge of the external stairs to address concerns regarding overlooking, whilst the raised platform and platform lift have been sited adjacent to the garage.

Committee site visit

During the site visit, members requested clarification regarding the number of school places to be provided and the current Borough-wide short fall.

Provision of school places

This proposal will result in an increase of 115 places at Park Lane Primary School, from 305 to 420. The total increase within the current school expansion project is 5 Forms of Entry, resulting in 150 additional places being available in the year commencing September 2011. This corresponds to a total of 1,050 places in total (5 FE x 7 years), which will be filled in a yearly progression basis.

Shortfall of school places

The current and projected shortfall of school places was set out within a report to the Executive on 15 November 2010. This specified that:

Demand for primary school places is forecast to exceed the supply of places. 1680 new primary places are required by 2015-16 including a 5% planning margin, according to GLA

school roll projections 2010, which equals approximately four new 2FE primary schools (420 places).

Amendment to condition 8

This condition should refer to a BREEAM rating of “Very Good” rather than “Excellent” as this is a Minor rather than Major application.

Additional condition, No 10

Your officers recommend that a condition is attached that requires obscure glazing within the “ground” and “first” floor windows within the south western wall of the extension.

Comment from Legal Services

Condition 8: add that the compensatory measures are implemented prior to occupation

Condition 9: add after ‘School Travel Plan’ in the second line ‘for Park Lane Primary School submitted with the planning application’

Recommendation: Remains approval subject to amended condition 8 and additional condition 10.

Revised Drawing Numbers:

223776-A-003 Rev 03

223776-A-004 Rev 03

223776-A-114 Rev 05

223776-A-115 Rev 04

223776-A-116 Rev 04

223776-A-117 Rev 04

223776-A-211 Rev 02

223776-A-311 Rev 03

223776-A-312 Rev 04

223776-A-911 Rev 02

Visualisation 1 Option 3 Revision 01

Visualisation 2 Option 3 Revision 01

Visualisation 3 Option 3 Revision 01

Education Statement

Design and Access Statement, ref: 223776 Rev 1, dated December 2010

BRUKL Output Document Option 3, dated 22 November

Park Lane Primary School Basis of Calculations – Option 3, ref: 223776/R10K222AJH, Dated November 2010-12-14 Project Method Statement Rev 1, dated 10/12/2010

BREEAM: Education Pre-assessment Issue 2 dated 7/12/2010

DocSuppF

Location Shree Saibaba Mandir, Union Road, Wembley, HA0 4AU
Description Retrospective application for change of use to a place of worship (Use Class D1), and proposed erection of a single-storey rear extension and a canopy to the side elevation

Agenda Page Number: 193

Additional representations received

222 additional emailed letters of support have been received from both UK wide and international addresses. A total of 12 of these are from addresses within Brent. The case officer has been informed that one of these letters of support (from 122 Fernbank Avenue) has been sent without the knowledge of the occupier of this property. This is therefore not included in the total number of emailed letters received.

In addition one objection letter received originally from 17 Copland Road has been reported to have sent without the knowledge of the occupier of this property.

Committee Site Visit

During the site visit, members sought clarification on the following issues:

Use of outside area to the rear:

The outside area to the rear of the property could be controlled through a condition restricting people from using this area other than for specific ancillary purposes. However, there can be difficulties in defining activities which would not also contribute to potential nuisance.

Control through the construction of a larger extension:

Your officers would consider a larger extension to have a significant detrimental impact on the amenities of the adjacent property, 22 Union Road in terms of light and outlook.

Status of extensions to the adjacent property:

The 5.6m single storey rear extension at 22 Union Road was approved in 2004 (ref: 04/0022). The nearest ground floor window in the rear elevation serves an open plan kitchen/reception room. The proposed extension projects 4.3m beyond the rear wall of the extension to number 22 and thus 9.9m from the original rear wall of the property.

Parking:

It is uncertain where worshippers park vehicles after dropping off. Although this information has been requested in the form of a management plan, this has not been provided by the applicant. Your officers have observed that any available on-street parking is utilised by worshippers. In the absence of satisfactory detail within a management plan, your officers do not consider sufficient mechanisms to be in place to manage parking in a way which does not adversely affect neighbouring residential properties.

Recommendation: Remains Refusal

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