



Planning Committee

Tuesday, 25 October 2011 at 7.00 pm

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

Membership:

Members

Councillors:

Sheth (Chair)
Daly (Vice-Chair)
Baker
Cummins
Hashmi
Kabir
McLennan
Mitchell Murray
CJ Patel
RS Patel
Singh

First alternates

Councillors:

Thomas
Long
Kansagra
Cheese
Castle
Oladapo
J Moher
Van Kalwala
Lorber
Gladbaum
Hossain

Second alternates

Councillors:

R Moher
Naheerathan
HB Patel
Allie
Beck
Powney
Moloney
Butt
Castle
Harrison
Mashari

For further information contact: Joe Kwateng, Democratic Services Officer
joe.kwateng@brent.gov.uk, (020) 8937 1354

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

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

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

Please note that there are no site visits for this meeting.

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. Extract of Planning Code of Practice		
2. Minutes of the previous meeting held on 28 September 2011 NORTHERN AREA		5 - 10
3. 66 Springfield Mount, London, NW9 0SB (ref. 11/2182) SOUTHERN AREA	Fryent	11 - 18
4. 14 Creighton Road, London, NW6 6ED (ref. 11/1835) WESTERN AREA	Queens Park	19 - 26
5. 1-4 inc, Holmfield, Crawford Avenue, Wembley, HA0 2HT (ref. 11/2083)	Sudbury	27 - 36
6. Land next to 14 Juniper Close, Juniper Close, Wembley (ref. 11/2048)	Tokington	37 - 50
7. Service Yard, Haynes Road, Wembley, HA0 4BW (ref. 11/1340)		51 - 58
8. Northwick Park Hospital, Watford Road, Harrow, HA1 3UJ (ref. 11/2127)	Northwick Park	59 - 68
9. 218 Preston Road, Wembley, HA9 8PB (ref. 11/2118)	Preston	69 - 84
PLANNING APPEALS		
10. Appeals 1 - 30 September 2011		85 - 104
11. 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.		

Date of the next meeting: Wednesday, 16 November 2011

As the next meeting will consider reports on policy issues only, there will be no site visits on the preceding Saturday.



Please remember to ***SWITCH OFF*** your mobile phone during the meeting.

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

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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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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday, 28 September 2011 at 7.00 pm

PRESENT: Councillors Sheth (Chair), Daly (Vice-Chair), Baker, Cummins, Hashmi, Kabir, McLennan, Mitchell Murray, CJ Patel, RS Patel and Singh

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

None.

2. **Minutes of the previous meeting held on 6 September 2011**

RESOLVED:-

that the minutes of the previous meeting held on 6 September 2011 be approved as an accurate record of the meeting.

3. **The Crest Boy's Academy & The Crest Girl's Academy, Crest Road, London, NW2 7SN (Ref: 11/1698)**

PROPOSAL:

Phased development comprising enabling works including demolition of existing temporary structures, formation of new access road from Dollis Hill Lane and car park (44 spaces), erection of temporary school accommodation (2.5 year permission); Phase 1: erection of new school buildings comprising four no. four-to six-storey blocks with four-storey linking structures, associated hard and soft landscaping works and car park providing 61 spaces (6 accessible spaces), 238 no. cycle spaces, internal service road from Crest Road, grading, cutting and filling of ground, provision of building mounted mobile telephone antennae; and Phase 2: demolition of permanent school buildings, associated hard and soft landscaping works including one no. Multi Use Games Areas and one no. all-weather pitch with floodlighting (as amended by plans received 31/08/11)

RECOMMENDATION: To delegate authority to the Head of Area Planning to approve the application subject to consideration of any new substantive comments received and any associated conditions from the Greater London Authority and Transport for London.

Rachel McConnell, Area Planning Manager referred to the following queries raised by residents at the site visit: new access road; footpath from Dollis Hill Lane, service road from Crest Road; and visual impact of the new blocks to the of their amenities. She submitted the following responses;

- (i) The road had been narrowed and the path moved during negotiations, to enable more existing trees to be retained and more new trees to be planted. Officers did not consider the limited impact on local amenity of this path would merit further alteration to this part of the proposal. She added that the Borough Highway and Transportation officer accepted the gradient of the access road and considered it acceptable.
- (ii) The service road would be 4m at its closest points, from the garden edge of the properties at Vincent Gardens.
- (iii) She was satisfied that the development would be in keeping with the character of the area and would not cause unacceptable harm to local amenity including visual impact.

Rachel McConnell informed Members that new lighting plans received had been assessed by the borough Environmental Health officer who confirmed the floodlights would not have an unacceptable impact on neighbouring residential amenity. The Area Planning Manager then referred to consultation responses from the Greater London Authority (GLA) and Transport for London TfL and in addressing the comments by the GLA, recommended additional conditions and amendments to conditions 2, 10, 20, 26 and 28 as set out in the tabled supplementary report. In respect of the negotiations with TfL she recommended that authority be delegated to the Head of Area Planning to approve the application subject to consideration of new substantive comments received and any associated conditions from the GLA and TfL.

Mrs R Garland, an objector, alleged that she was not consulted on the revised plans for the academy. She continued that the traffic impact assessment for the application was flawed as it failed to recognise the impact of traffic from Staples Corner, Brent Cross and Wembley. She also considered the noise study as irrelevant and called for an independent research into the noise study and traffic impact. Mrs Garland urged members to reject the application until the above issues had been addressed.

Mr Tim Keogh in objecting stated that the proposal which would up to a six storey block would be excessive in height and out of character with the area. This would lead to loss of privacy to the rear gardens particularly for the residents of Vincent Gardens whose boundary with the Academy. Mr Keogh considered that residents would suffer from noise pollution during late hours. In urging the Committee to refuse the application, Mr Keogh stated that a refusal precedent had been set when the Committee refused an application for 73-83 Draycott Avenue which was rejected for reasons of significant loss of residential amenity and loss of privacy.

Mr Allan Gunne-Jones the applicant's agent submitted that the applicant had been responsive to concerns and comments made by residents and (TfL) and amended the scheme within the financial, educational and physical constraints of the proposed development. He clarified that issues about traffic, noise, access road and floodlighting had been addressed by submitting amendments to the scheme

which had been considered acceptable as the scheme complied with the Council's Supplementary Planning Guidance 17 (SPG 17). He added that issues raised by residents about drainage, construction hours, traffic movements and bin stores and comments made by Sport England had been addressed. Mr Gunne-Jones concluded that the applicant had responded satisfactorily to all critical issues and urged members to endorse the recommendation for approval.

In response to members' questions, Mr Gunne-Jones stated that adequate measures including the provision of a screened receptacle would be put in place to address issues on waste and refuse collection. He added that issues about loss of privacy had been fully addressed and that the scheme complied with SPG17.

Rachel McConnell in response to Members' questions clarified that the additional consultation was primarily in respect of the multi-use games area (MUGA) which did not involve substantial revisions to other elements of the scheme. She also clarified that the scheme at Draycott Avenue to which the objector referred was a backland residential development which raised issues that were substantially different from those raised by the current application, adding that each application was decided on its own merits. She continued that careful consideration had been given to issues about privacy and residential amenity and on balance the scheme was acceptable. The Director of Planning in endorsing the Manager's views added that the scheme as revised and as amplified in the report had addressed all key issues.

In bringing the discussion to a close, the Chair suggested that an informative be added on construction hours of work as a further measure to minimise impact during construction.

DECISION: Delegated authority to the Head of Area Planning to approve the application subject to additional conditions on green roof, internal alterations and blue badge spaces, revised conditions 2, 10, 20, 26 and 28 and subject to consideration of any new substantive comments received and any associated conditions from the Greater London Authority and Transport for London.

4. Tiverton Youth & Community Centre, Wrentham Avenue, London, NW10 3HN (Ref: 10/3199)

PROPOSAL:

Erection of single storey glazed extension to the Wrentham Avenue frontage, external seating area, inclusion of a swimming pool (use class D2) within the building (in place of the originally approved hall area) and other alterations, including tree planting, erection of boundary wall and provision of a green wall at ground floor level fronting Wrentham Avenue.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

5. Zomba Records, Maybury Gardens, London, NW10 2NB (Ref: 11/1813)

PROPOSAL:

Demolition of the existing recording studio and erection of a single-storey-to-4-storey and excavation of basement, mixed-use development, comprising office and commercial use and storage on the basement level, commercial use on the ground floor and part of the first floor, with 6 flats (1 studio, 3 one-bedroom and 2 two-bedroom) on the upper floors ("car-free" scheme).

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.

Andy Bates Area Planning Manager in reference to the tabled supplementary informed members about a comment received from Councillor Janice Long regarding damage to the pavement on Maybury Gardens caused by trees within the site adjacent to the application site and queried whether a condition could be put on the application to require the pavement to be re-laid following the building work. In response, Andy Bates stated that that the request was beyond the scope of this application, however, he had passed the information to the Council's Highway and Transport Delivery Section to be considered by a traffic engineer. In reiterating the recommendation for approval, he referred members to an amended condition 4 on the advice of the Director of Legal and Procurement and as set out in the tabled supplementary report.

In response to members' queries, Andy Bates clarified that there would be no resulting loss of employment and although an extant permission for the development was in place, a further condition had been added to remedy any contamination issues that may arise. He also clarified the location of the lightwell which he added would receive sufficient light, drawing attention to a condition recommended to enhance the appearance of the building.

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

6. Preston Manor High School, Carlton Avenue East, Wembley, HA9 8NA (Ref: 11/2158)

PROPOSAL:

Variation of Condition 13 (details of external lighting) of planning permission 10/3203 to allow restricted light spillage to neighbouring gardens in accordance with the submitted lighting plans and specifications (maximum 8.1m high columns to MUGA, 4m high columns to school/carpark areas and 1m high light bollards elsewhere) and installation of all external lighting within 18 months of commencement of development.

RECOMMENDATION: Grant variation of condition 13 and Planning Permission, subject to the original s106 legal agreement associated with 10/3203.

Officer introduction

With reference to the tabled supplementary, Neil McClellan, the Area Planning Manager responded to additional letters of objection which raised issues about restrictive covenant, loss of wildlife and loss of property values. He clarified that the restrictive covenant did not prohibit the erection of buildings within the school grounds and in addition as the proposed external lights were not buildings the covenant was not applicable. He continued that the new primary school incorporated an extensive landscaping scheme including at least 53 new trees and a nature conservation area which would encourage wildlife. He advised the Committee that potential loss of property values was not a material planning consideration. He informed the Committee that the applicant had submitted details of the non-MUGA external lighting times, and consequently recommended an amendment to condition 7 as set out in the tabled supplementary

DECISION: Variation of condition 13 and planning permission granted subject to the original s106 legal agreement associated with planning reference 10/3203 as amended in condition 7 on lighting times.

7. Unit 7, Forum House, Empire Way, Wembley, HA9 0AB (Ref: 11/0239)

PROPOSAL:

Change of use of part of ground-floor unit 7, a live-work unit (Use Class Sui generis) from office (Use class B1a) to flexible financial and professional services/Office (Use Class A2/B1a).

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

8. Unit 8, Forum House, Empire Way, Wembley, HA9 0AB (Ref: 11/0238)

PROPOSAL:

Change of use of part of ground-floor unit 8, a live-work unit (Sui Generis), from office (Use class B1a) to flexible financial and professional services/Office (Use Class A2/B1a)

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

9. Planning and enforcement appeals August 2011

Noted.

10. Date of next meeting


The next meeting will take place on Tuesday 25 October 2011.

11. Any Other Urgent Business

None.

The meeting closed at 8.08 pm

K SHETH
Chair

	Planning Committee Map
Site address: 66 Springfield Mount, London, NW9 0SB	
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This map is indicative only.

RECEIVED: 19 August, 2011

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 66 Springfield Mount, London, NW9 0SB

PROPOSAL: Variation of condition 4 (personal consent for use of garage as living accommodation exclusively by Mr Teden or Mrs Teden) of full planning permission 99/1724, dated 24/04/2000, for conversion of a garage into living accommodation, in order to remove the restriction on this use by specific named individuals, to enable the garage to form living accommodation in conjunction with the main dwellinghouse

APPLICANT: Mr & Mrs McAteer

CONTACT: Mel-Pindi Constructional Services Ltd

PLAN NO'S:
N/A

MEMBERS CALL-IN

PROCEDURE

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

Name of Councillor

George Crane

Date and Reason for Request

5th October 2011. Local councillors have been involved in supporting both the current and previous applications together with the local residents association SERA.

Details of any representations received

None

Name of Councillor

Jim Moher

Date and Reason for Request

5th October 2011. Local councillors have been involved in supporting both the current and previous applications together with the local residents association SERA.

Details of any representations received

None

Name of Councillor

Ruth Moher

Date and Reason for Request

5th October 2011. Local councillors have been involved in supporting both the current and previous applications together with the local residents association SERA.

Details of any representations received

None

RECOMMENDATION

Refuse Consent

EXISTING

The application site comprises a garage within the rear garden of No. 66 Springfield Mount. The garage is currently used as living accommodation (see details below). The rear garden of this property lies to the side of the main house rather than to the rear fronting Springfield Mount.

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

PROPOSAL

Variation of condition 4 (personal consent for use of garage as living accommodation exclusively by Mr Teden or Mrs Teden) of full planning permission 99/1724, dated 24/04/2000, for conversion of a garage into living accommodation, in order to remove the restriction on this use by specific named individuals, to enable the garage to form living accommodation in conjunction with the main dwellinghouse.

HISTORY

11/0488: Full Planning Permission sought for conversion of a garage (currently in use as living accommodation under a personal consent) to provide separate dwellinghouse to 66 Springfield Mount with associated works to divide curtilage - considered by the Planning Committee on 06/07/2011 who resolved to refuse planning permission. The decision was issued on 07/07/2011 and refused for the following reasons:

1. The subdivision of the site to provide a new self-contained dwelling, would result in a substandard form of accommodation detrimental to the amenities of future occupiers of the new dwelling, by reason of the sense of enclosure and severely restricted outlook from the bedroom and kitchen/living room; and the insufficient quality of external amenity space. As such the application is contrary to Brent's adopted Unitary Development Plan 2004 policy BE9 and the guidance as outlined in SPG17 "Design Guide for New Development".

2. The subdivision of the site to provide a new self-contained dwelling, by reason of the significant changes in land levels across the site, result in significant overlooking from the existing dwellinghouse, first floor balcony and garden into the garden area and habitable room windows of the new dwelling. This is contrary to Brent's adopted Unitary Development Plan 2004 policy BE9 and the guidance as outlined in SPG17 "Design Guide for New Development".

3. The proposal involving a separate dwelling fronting Springfield Mount is considered to be out of keeping with the character of the surrounding, harmful to the amenities of the surrounding area. This is contrary to policy CP17 of Brent's Core Strategy 2010 and policies BE2 and BE9 of Brent's

4. In the absence of a legal agreement to control the matter, the development would result in an increased demand for school places within the Borough, without providing any contribution to building new school classrooms or associated facilities; pressure on transport infrastructure, without any contribution to local highway improvements or sustainable transport improvements in the area; and increased pressure for the use of existing open space, without contributions to enhance that open space or make other contributions to improve the environment. Furthermore, a s278/s35 has not been secured through the legal agreement requiring the reinstatement of the redundant crossover onto Springfield Mount to footway. As a result, the proposal is contrary to policy CP18 of Brent's adopted Core Strategy 2010, policies CF6, TRN2, TRN3 and TRN11 and the adopted S106 Planning Obligations Supplementary Planning Document.

11/0501: Variation of condition 4 (personal consent for use of garage as living accommodation exclusively by Mr Teden or Mrs Teden) of full planning permission 99/1724, dated 24/04/2000, for conversion of a garage into living accommodation, in order to remove the restriction on this use by specific named individuals, to enable the garage to form living accommodation in conjunction with the main dwellinghouse - Refused, 26/04/2011. This application was refused for the following reason:

Without a special circumstance, the continued use of the garage as additional living accommodation to be used in connection with No. 66 Springfield Mount, represents a form of development that is out of keeping with the character of the surrounding area as it would appear from the streetscene as a separate dwellinghouse evident by its domestic appearance and result in an intensification of uses within the site harmful to the amenity of the surrounding area. As such it would be contrary to policy CP17 of Brent's Core Strategy 2010 and policies BE2 and BE9 of Brent's Unitary Development Plan 2004.

10/1303: Variation of condition 4 (personal consent for use of garage as living accommodation exclusively by Mr Teden or Mrs Teden) of full planning permission 99/1724, dated 24/04/2000, for conversion of a garage into living accommodation, in order to remove the restriction on this use by specific named individuals, to enable the garage to form living accommodation in conjunction with the main dwellinghouse - Refused, 19/07/2010.

99/1724: Full Planning Permission sought for conversion of garage into living accommodation - Granted, 24/01/2000.

Condition 4 states:

This permission allows use of the garage as living accommodation by Mr Teden and Mrs Teden only and cannot be transferred with the land or used by any person or persons obtaining an interest in it and the accommodation should revert back to a garage when it ceases to be occupied by either Mr Teden or Mrs Teden.

Reason: This consent would not normally be granted and is given due to the special circumstances of the applicant.

95/0773: Full Planning Permission sought for erection of detached double garage - Granted, 11/07/1995.

91/0824: Outline Planning Permission sought for erection of dwellinghouse in land adjacent to No. 66 Springfield Mount - Dismissed on Appeal, 19/09/1991.

POLICY CONSIDERATIONS **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.

CP17: Protecting and Enhancing the Suburban Character of Brent

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
BE9: Architectural Quality
TRN23: Parking Standards - Residential Developments

CONSULTATION

Consultation Period: 27/09/2011 - 18/10/2011

Public Consultation

7 neighbours consulted - no comments received.

External Consultation

Fryent Ward Councillors - email received confirming that they support the application.

REMARKS

This application has been called in under the Members call-in procedure.

Background

The application relates to a garage within the garden of No. 66 Springfield Mount. The garden of No. 66 Springfield Mount is located to the side of the property (east of the property) fronting Springfield Mount.

The garage itself is a large structure that was granted planning permission in 1995 (LPA Ref: 95/0773). It is approx. 9m deep and 6m wide. When built, it was designed with a garage door fronting Springfield Mount and two dormer windows on the front roof slope and flank roof slope facing the garden of the application property. When planning permission was granted for its conversion to living accommodation in 2000 (LPA Ref: 99/1724), the garage door was replaced with a window and door, and a window on the flank elevation facing the rear garden of the application property was replaced with double sliding doors.

The planning permission to convert the garage into living accommodation in 2000 included a condition which restricted the use of the living accommodation for Mr or Mrs Teden only. Planning permission was only granted given the particular and special caring needs in this case. The permission was granted on a temporary basis and required the building to be converted back to a garage for vehicles once it was no longer required for the needs of Mr and Mrs Teden.

Recent planning history

Members may recall a recent application being called in for the conversion of the garage to provide separate dwellinghouse to 66 Springfield Mount with associated works to divide curtilage. This application was refused by the Planning Committee at the meeting held on 6th July 2011. There

have also been two previous applications to vary condition 4 of planning permission ref: 99/1724 to remove the personal consent for use of the garage as living accommodation by Mr and Mrs Teden only and allow the unrestricted use of the garage as living accommodation to be used in connection with the main dwellinghouse (No. 66 Springfield Mount). Both of these applications were refused. Further details can be found within the planning history section above.

Assessment

This application is seeking to vary Condition 4 of planning permission ref: 99/1724 to remove the condition restricting the personal use of the garage as living accommodation by Mr and Mrs Teden only to allow the unrestricted use of the garage as living accommodation to be used in connection with the main dwellinghouse (No. 66 Springfield Mount).

It is important to note that the use of the garage as living accommodation was previously granted due to the exceptional circumstances of the case due to the care needs of Mr and Mrs Teden. The accommodation has allowed Mr and Mrs Teden to live with some independence but in close proximity to family members. The accommodation can continue to be used in this capacity in accordance with the conditions of the planning permission. This application is seeking to allow the general use of the garage as living accommodation which is not specifically restricted to a named person(s) to be used in connection with the main house. Such a use is generally not supported by the Council as it raises a number of issues. These are discussed below:

1. The additional living accommodation may be occupied by a number of unnamed people. This could result in a significant intensification of use within the site compared to the current use as a single family household where a personal permission has been in place allowing the building to be occupied by elderly relatives of the family. Such a change could result in increased noise and additional demand for on street parking which have not been apparent with the named occupiers. Unrestricted use would be difficult to monitor and enforce without such clear restrictions to its use in place.
2. Permitted development rights now allow a property to be converted from use class C3 (dwellinghouse) to use class C4 (Houses in Multiple Occupation) without the need for planning permission. This means that the main house and garage accommodation at No. 66 Springfield Mount could be rented out to six unrelated individuals. This could result in similar problems of intensification as described above.
3. The main house at No. 66 Springfield Mount benefits from permitted development rights. This would allow additional extensions to further increase the level of accommodation provided within the main house, further intensifying the use of this property and reducing available amenity areas.
4. There is also the real risk that the garage could be used as an independent accommodation which is not used in connection with the main house. This is because it has its own facilities such as a kitchen and bathroom and independent access from the main road. Once again this would result in intensification of use within the site.

In the event that members are minded to grant planning consent, it is recommended that the following conditions are secured as part of any forthcoming planning consent:

1. Removal of permitted development rights for the main house within classes A, B, C and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

This is to prevent an uncontrolled increase of living accommodation to the main house without full consideration of the impacts of such an increase in living accommodation through the submission of a formal planning application

2. Restriction of the first floor level within the roof space of the garage to be used as additional living accommodation. The reason for this condition is similar to that described above to prevent an uncontrolled increase of living accommodation without full consideration of the impacts of such an increase in living accommodation through the submission of a formal planning application.

3. Removal of the kitchen within the garage. The reason for this condition is to prevent the garage being used as independent living accommodation that is not ancillary to the main house.

4. Requirement for the drop kerb in front of the garage to be reinstated to footway. This will increase on street parking along Springfield Mount.

Conclusions

Allowing the garage to be used as ancillary living accommodation which is not specially restricted to a named person(s) would lead to difficulties in the future with regard to the building potentially being used as independent accommodation (e.g. tenanted) and the enforceability, resulting in a significant intensification of use of the site compared with the current use as a single family household. As referred to in the previous application that was considered by the Planning Committee, the Council would however consider an application for continued use as ancillary living accommodation to the main house in the future if it was restricted to a named person(s) and where exceptional circumstances are demonstrated.

Whilst conditions have been suggested above, the use of conditions will not fully overcome the problems that can arise with allowing the garage to be used as ancillary living accommodation which is not specially restricted to a named person(s). Furthermore, the conditions are dependant on continuous monitoring from the enforcement team.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) Without a special circumstance, the continued use of the garage as additional living accommodation to be used in connection with No. 66 Springfield Mount, would result in an intensification of uses within the site harmful to the amenity of the surrounding area. As such it would be contrary to policies BE2 and BE9 of Brent's Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:


Brent's Core Strategy 2010
Brent UDP 2004

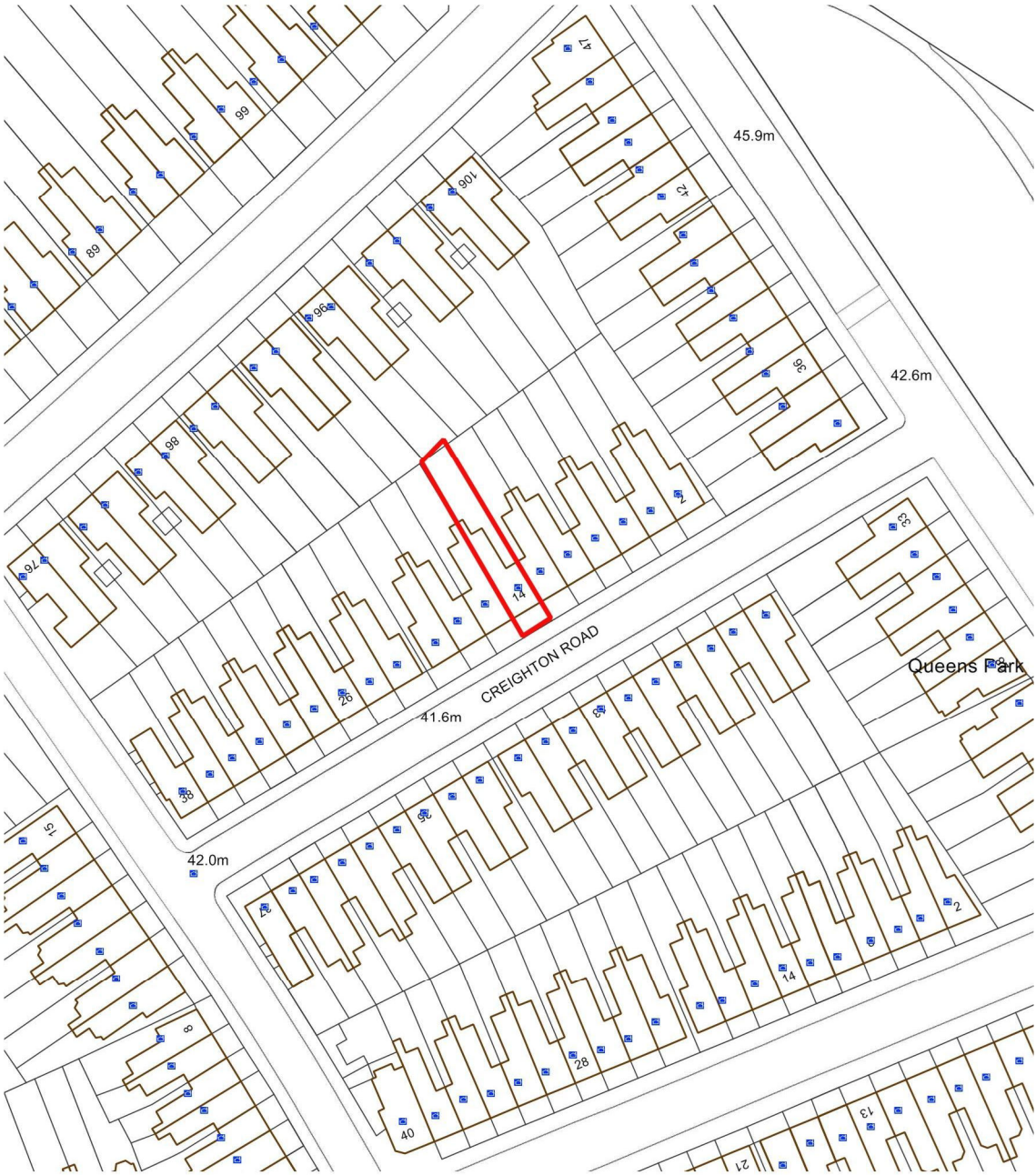
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337

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Committee Report
Planning Committee 25 October 2011

Case No. 11/1835

	Planning Committee Map
Site address: 14 Creighton Road, London, NW6 6ED	
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This map is indicative only.

RECEIVED: 13 July, 2011

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 14 Creighton Road, London, NW6 6ED

PROPOSAL: Creation of basement beneath existing dwellinghouse with associated light well to front and rear

APPLICANT: Mr Rob Eker

CONTACT: Peek Architecture + Design

PLAN NO'S:
See condition 2.

RECOMMENDATION

Grant consent.

EXISTING

The property is a two storey terraced dwellinghouse located on Creighton Road. It is in the Queens Park Conservation Area with additional Article 4 (1) Direction restrictions. It is not listed.

PROPOSAL

See above.

HISTORY

10/1815 Permission granted for single-storey side and rear extension to dwellinghouse
10/1821 Permission granted for erection of a rear dormer window, installation of a rear rooflight and 1 front rooflight to the dwellinghouse.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

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

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

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

screening of access roads and obtrusive development from neighbouring residential properties.

BE7 – The street environment should be enhanced.

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

BE26 – Alterations and extensions to buildings in conservation areas should, as far as is practicable retain the original design and materials or be sympathetic to the original design in terms of dimensions, texture and appearance having regard to any design guidance issued by the planning authority. Characteristic features such as doors, canopies, windows, roof details and party wall upstands should be retained. Extensions to buildings in conservation areas should not alter the scale or roofline of the building detrimental to the unity or character of the conservation area and be complementary to the original building in elevational features.

Supplementary Planning Guidance Note 5: "Altering and extending your home"

Queen's Park Conservation Area Design Guide

CONSULTATION

Neighbours/Representees

10 neighbouring owner/occupiers consulted, site notice put up 08/08/2011 and advert placed in local newspaper 25/08/2011. 11 letters of objection have been received to date - whilst a petition with 29 signatures was received 15/09/2011 (for clarity 8 of the objectors had already sent in individual letters). Main points of concern related to;

- overdevelopment of the site, potentially straining existing parking in the street
- noise and dust disturbance arising from works
- risk of subsidence where the water table beneath the properties are impacted
- the proposals contravene the Queens Park Conservation Area Design Guide and are not in keeping with the character of the Conservation Area
- no site notice
- tree in front of property potentially affected by works

In response to the representations made above;

The development will not result in an increase in the parking standard for the property as set out in standard PS14 in the Councils Unitary Development Plan which will remain 1.2 spaces.

Issues of noise and disturbance are acknowledged by Officers - an informative will be placed on this permission advising whomever carries out the works of their obligations to comply in full with the standards set out in s60 of the Control of Pollution Act 1974 and the British Standard Codes of practice 5228:1997 Parts 1 to 4.

Where concerns of subsidence have been raised, this is acknowledged although is not a consideration to be dealt with under Planning, rather it is a matter to be addressed under Building Regulations - further to this an informative will be placed on this permission advising applicants of their obligation to comply with the Party Wall Act 1996 etc in full.

In terms of concerns that works are not in keeping with the Queens Park Conservation Area and the design guide in particular, Officers note that the Design Guide does not deal with basement extensions and until what time guidance is produced with that in mind, the Council deal with such applications on a case by case basis. Further to this the report below sets out that measures have been taken in so far as landscaping and planting to mitigate the impact of the lightwell. Also the proposed front garden would improve significantly the front gardens contribution toward the character of the Conservation Area and so is considered an improvement.

Officers put up a site notice adjacent to the site 18/08/2011.

In terms of concerns regarding the impact on trees in front of the property, at the request of Officers applicant has carried out tree protection survey and arboricultural method statement in accordance with BS5837 2005 *Trees in relation to construction*. Notwithstanding a further arboricultural method statement required as a condition of this permission before works commence, Officers are satisfied with the content of the report in relation to the welfare of the trees during construction.

Statutory Consults

Landscape Officers consulted and have stated that alternative measures to the Protective barrier fencing of the type illustrated in report drawing 11520/TPP/01 should be used around T4 Whitebeam (existing street tree) as this would obstruct the public footpath. Other methods must be used to define the root protection area of the existing street tree and protect this tree from damage. This will be sought through condition. Also further detail of front garden evergreen species has been submitted at the request of Landscape Officers.

Sue Arnold of QPRA has objected to the proposals on grounds that the proposals would cause structural instability and a disturbance for neighbours.

REMARKS

As Members may be aware, there is currently no adopted, or emerging, policy or guidance that discourages the development of basements, as a matter of principal. Such developments must, therefore, be assessed on their individual merits, and their effect on the character and appearance of the conservation area needs to be considered as the main issue.

Amendments

The applicant submitted revised plans showing;

- revised plans with additional section lines on for extra sections and notes on railings, rear lightwell, front lightwell and other items
- revised elevations showing more detail to front grille and rear railings
- revised section AA with more detail on lightwell, grille and planting to front
- new section BB showing a section through the lightwell.

Principle/Design

The proposal is to create a basement level with a front light well and rear light well. The basement follows the form of the existing building, including the rear and side addition granted planning permission under ref:10/1815. These extensions have already been built on site.

The proposed use of the space as shown on the submitted plans are as follows; guest bedroom, shower room, utility/store room, gym and media/study room.

The bedroom is positioned at the front end of the basement extension so is served by the front light well, whilst the media/study room also benefits from a light well positioned next to the media/study room.

As a domestic extension that provides additional ancillary space for the dwelling house, the principle is acceptable. In terms of the scale of the extension, it is mostly set within the existing envelope of the building so is not considered excessive. Also as the side and rear extensions it is set beneath are lawful under ref:10/1815, this form is acceptable.

Impact on character of Conservation Area

Front elevation

Members will be aware of the sensitivity with which Officers treat basement extensions in terms of the emphasis placed on measures to mitigate the impact on the established street character. In pursuit of this revised plans were requested to show how this would be achieved.

The revised plans show the front light well projecting 0.8m from the front of the bay window within the front garden which is a maximum of 2.9m deep and 2m at the bay window. The existing timber sash ground floor front bay window is replicated in the proposed basement window, which would in any event not be easily viewed from street level. A walkable grille over the front light well is proposed, set flush with the existing ground level and following the profile of the bay window at the front. Officers find that these aspects are in keeping with the property and also as set out below, the front garden is successful at effectively screening it from the street.

The front garden, which currently does not comply with the Queens Park Design Guide or Policy BE7 by nature of the extent of hard surfacing, would be enhanced by new soft landscaping scheme and will also mitigate the visual impact of the light well and grille.

Evergreen/hedge planting is proposed directly in front of the front light well and behind the front boundary wall. There will be adequate space provided for the storage of refuse and recycling bins, and a new tiled pathway is proposed from the gate to the front door. The landscaping approach as such would, in the context of the constrained front garden space, satisfy the Councils aspiration for 50% soft landscaping in front gardens and importantly, effectively screen the light well from the street.

It is acknowledged that the front garden here is not large, but it is similar to other properties where front lightwells have been approved both by Officers and at Planning Committee (eg: a similar scheme at No.32 Creighton Road was approved at the Committee meeting on 12 January 2011). It is inevitable given the restricted site here that the potential impact of a lightwell will, relatively speaking, increase as compared to a larger plot, but as explained above, it is considered that, on balance, a range of measures have been proposed that successfully mitigate any visual impact.

Rear elevation

The light well at the rear is 1.1m x 2.85m and set against the side of the existing rear extension. It has a fence set on its edge perpendicular to the boundary. It is set lower than the boundary wall so is not visible from the neighbours side - hence it is of no concern with regard to impact on neighbouring amenity. Also the material and treatment are in keeping with the property.

Impact toward neighbouring amenity

The basement level would not create a new dwelling, any noise impact once complete would be minimal and at a domestic scale. Also by virtue of its subterranean character, it does not have an overbearing impact toward the visible residential scale of the building itself nor toward the

neighbouring properties, as could be associated with an extension of the same depth were it to be provided at ground floor level.

Conclusion:

As explained above, although the concerns of residents as far as the construction of basements are understood, these concerns fall outside the remit of planning control. Therefore, where basements are not original features, the appropriate test is whether they can be designed so as to not over dominate the front garden or building and allow other enhancements to the property frontage where these are appropriate. In pursuit of this, it is considered that the proposal maintains the integrity of the frontage and so is considered to comply with policies BE2 and BE7 of the UDP, SPG5 and the Queens Park Conservation Area Design Guide. Approval is therefore recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

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

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

CONDITIONS/REASONS:

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

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

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

EX00, EX301, EX302 revision B, PL303, PL302 rev D, PL303 rev B Proposed ground & basement plan, PL303 rev B proposed section AA, PL304 revision B, 11520/TPP/01, Trees and Construction BS5837 Arboricultural report, proposed planting for front garden

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

(3) Planning permission is granted for use of the basement incidental to the existing dwellinghouse as as shown on plan no PL303. The basement will not be used as a self contained residential unit. Any change, or intensification of use of the basement will require planning permission.

Reason: To ensure the basement is not subject to unregulated intensification or change that could result in an unsatisfactory level of amenity for future occupiers.

- (4) The landscape works and planting shown on the approved plans shall be carried out:-

(a) prior to the occupation of the basement extension;

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.

- (5) All works to be carried out with regard for submitted arboricultural report prepared by Indigo surveys, and with specific reference to T4:B3 shown on approved plan 11520/TPP/01 an arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site.

Reason: To ensure works are carried out without prejudicing the well-being and survival of identified trees on and adjacent to the site shown on approved plan 11520/TPP/01.

- (6) Details of materials for external work as specified below, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced, including:

(a) Samples of the proposed hardstanding ie quarry tiles of 2 or more colours such as black and white, accompanied by a plan showing the pattern in which they will be laid

(b) Details of the proposed grille.

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

Reason: To safeguard the character of the Conservation Area.

INFORMATIVES:

- (1) Whoever carries out the works is reminded of their obligation to comply in full with s60 of the Control of Pollution Act 1974 and the British Standard Codes of practice 5228:1997 Parts 1 to 4 which states that Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of: Monday to Friday 08:00 to 18:00, Saturday 08:00 to 13:00 and at no time on Sundays or Bank Holidays.
- (2) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk


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

Committee Report

Planning Committee 25 October 2011

Case No.

11/2083

 **Planning Committee Map**

Site address: 1-4 inc, Holmfield, Crawford Avenue, Wembley, HA0 2HT

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100025260



This map is indicative only.

RECEIVED: 9 August, 2011

WARD: Sudbury

PLANNING AREA: Wembley Consultative Forum

LOCATION: 1-4 inc, Holmfield, Crawford Avenue, Wembley, HA0 2HT

PROPOSAL: Extension to roof to create 1 x 2-bedroom self-contained flat (Revised Scheme)

APPLICANT: Mr N Patel

CONTACT: Whymark & Moulton

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, 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:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £6,000 (£3,000 per bedroom), due on material start and index-linked from the date of committee for Education, Sustainable Transportation or Open Space & Sports in the local area

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

EXISTING

Situated on Crawford Avenue, the subject site comprises a two storey building containing four purpose-built maisonettes. The building dates from the 1960s. The property is not situated within a conservation area. Surrounding uses are predominantly residential. Properties in Crawford Avenue are a mixture of styles and ages and sizes. The general housing stock on the western side of Crawford Avenue consists of large blocks containing a number of residential units or large detached dwellinghouses with generous plot sizes.

The application site has previously been granted consent for a new residential block to the rear of the main frontage buildings. This building will contain 6 flats.

PROPOSAL

The applicant proposes the re-construction of the roof to create a two bedroom flat, including raising the eaves height by 300 mm and the ridge by 500 mm (excluding ridge tiles), construction of two side and two rear dormer windows, two roof lights within the front roof plane, internal alterations to one existing first floor maisonette and other associated changes to the site and

building including the provision of a refuse storage area within the frontage, cycle storage within the rear garden and changes to the layout of the external amenity spaces for existing and proposed dwellings.

HISTORY

10/2144 – Refused 1/10/2010. Appealed. Appeal dismissed.

Extension to roof to create 2 self-contained flats (Scheme 1).

Reasons for refusal:

1. The proposed roof extension to form a mansard roof would, by virtue of its design, bulk and massing, result in an incongruous addition which has a significant detrimental impact on the character of the existing building and the street scene, contrary to policies BE2 and BE9 of Brent's Unitary Development Plan 2004.
2. The proposed vehicular crossovers, by virtue of excessive width and loss of on-street parking spaces, is considered prejudicial to the free and safe flow of traffic and pedestrians on the adjoining highway and footpath contrary to policy TRN3 and TRN15 of the Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 3 'Forming an access onto a public road'.
3. The proposed parking area by virtue of an excessive amount of hardsurfacing to the site frontage and the loss of the existing grass verge would be detrimental to the setting of the property and the visual amenity and character of the street scene contrary to policies BE2, BE7 and TRN15 of the Brent Unitary Development Plan 2004.
4. In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places and increased pressure for the use of existing open space, without contributions to enhance open space or sports, or to towards the improvement the environment. As a result, the proposal is contrary to policies TRN3, TRN4, TRN10, TRN11, CF6 and BE7 of Brent's adopted Unitary Development Plan 2004.
5. In the absence of a legal agreement to ensure that future residents are not eligible for on-street parking permits, the development would result in additional pressure on on-street parking that would prejudice the free flow of traffic and conditions of safety along the neighbouring highway. As a result, the proposal is contrary to policies TRN3 and TRN23 of Brent's adopted Unitary Development Plan 2004.

10/2132 – Refused 18/10/2010. Appealed. Appeal dismissed.

Extension to roof to create 2 self-contained flats (Scheme 2)

Reasons for refusal: Identical to those for 10/2144 save for the reference to the roof type within reason no. 1.

09/3080 – Granted 16 November 2009

Proposed erection of two-storey residential block at rear of site, forming 6 two-bedroom flats at ground- and first-floor level and rear balconies with provision of 6 additional car-parking bays and 6 cycle spaces to side, with landscaping and associated amenities, subject to a Deed of Agreement dated 13/11/2009 under Section 106 of the Town and Country Planning Act 1990 (as amended)

POLICY CONSIDERATIONS

NATIONAL

Draft National Planning Policy Framework

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 12 – Local Spatial Planning

Planning Policy Guidance 13 – Transport

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation

REGIONAL

The Mayor of London

The London Plan 2011

Local

Brent Local Development Framework Core Strategy 2010

CP 1 Spatial Development Strategy

CP 2 Population and Housing Growth

CP 5 Placemaking

CP 6 Design & Density in Place Shaping

CP 15 Infrastructure to Support Development

CP 18 Protection and Enhancement of Open Space, Sports and Biodiversity

CP 21 A Balanced Housing Stock

Brent Unitary Development Plan 2004

Strategy

Policies

BE2 Local Context & Character

BE3 Urban Structure: Space & Movement

BE4 Access for disabled people

BE5 Urban clarity and safety

BE6 Landscape design

BE7 Streetscene

BE8 Lighting and light pollution

BE9 Architectural Quality

H12 Residential Quality – Layout Consideration

H13 Residential Density

H14 Minimum Residential Density

TRN3 Environmental Impact of Traffic

TRN11 The London Cycle Network

TRN23 Parking Standards – Residential developments

TRN34 Servicing in new developments

Appendix TRN2 Parking and Servicing Standards

CF6 School Places

Brent Council Supplementary Planning Guidance and Documents

SPG17 Design Guide for New Development

SPD Section 106 Planning Obligations

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

Consultation letters sent: 26 August 2011

Consultation letters were sent to 88 adjoining and nearby owners and occupiers.

Two letters of objection were received, noting the following issues:

- 6 flats are to be built in the garden. What more does he want?
- Overdevelopment of site;
- Detrimental to character of area;
- Building will be too high and too close to existing properties. Will be higher than surrounding properties;
- Impact on privacy. Windows in roof will give occupants direct view of properties on opposite side of Crawford Avenue;
- Impact on parking and congestion as Crawford Avenue is a busy cut through road and it is already difficult to find parking spaces;
- Road is becoming a concrete jungle and has changed substantially since the objector first moved to their property;

- Impact on already stretched local services and facilities (healthcare and education);

Internal and external consultees:

Transportation: No objection (Transport comments are discussed in more detail in the Remarks section of the report).

Landscape Design: The scheme is acceptable in principle, but a full landscaping scheme is required.

REMARKS

This application follows the refusal of two previous applications for extensions to the roof of this building to provide additional residential units. Those two applications were appealed and both appeals were dismissed.

2010 applications: First reason for refusal

The primary reasons for refusal related to the design, appearance and massing of the roof as reconstructed to provide the flats.

The previous proposals looked to create a Mansard type of roof (reference 10/2144) or a pitched roof with half hip roof ends (sometimes referred to as Dutch hips), increasing the ridge height of the roof by 0.75 and 1.0 m and also increasing the visual mass of the roof through the proposed form.

In relation to the proposed form of the roof, the Inspector specified:

In both cases, the designs would look out of proportion with the existing simple elevations of the building. Due as well to the width of the building, both alternative designs would substantially increase the bulk of the roof which would have an uncomfortable appearance in the street-scene, adjoining the two smaller-scale neighbouring dwellings. Although the ridge height in both schemes would be lower than that of Oak Lodge nearby (but not adjoining) to the south, the building would become higher and much bulkier than the immediately adjoining buildings.

The applicant looked to address these issues by proposing a hipped roof, increasing the ridge height by approximately 1 m. However, following discussion with your officers, the applicant has reduced this to 0.5 m above the existing ridge (excluding the ridge tiles), reducing the number of units proposed from 2 to 1.

The retention of a hipped roof form (albeit with raised eaves and ridge) significantly reduces the visual mass of the proposal from that proposed within the 2010 applications.

In terms of the height of the ridge, your officers have compared the proposal with the heights shown within the Streetscene elevation from the 2010 applications and the 2009 application relating to the adjoining property, No. 6 Crawford Avenue. The previous applications relating to the site show the maximum height of properties on this side of Crawford Avenue (from south to north) at 9.97 m (Oak Lodge), 8.5 m (2 Crawford Avenue), 8.9 m (subject site) and 9.4 m (6 Crawford Avenue). The application for No. 6 Crawford Avenue details the height of No. 6 at 9.4 above ground level, with ground level for No. 6 Crawford Avenue shown as 0.3 m above ground level of Holmfield.

The proposal would increase the height of the building, including the ridge tiles, to 9.6 m, which would result in a building that likely to be below the height of Oak Lodge and No. 6 Crawford Avenue, but an increase in the height above No. 2 Crawford Avenue from 0.4 m at present to 1.1 m as proposed (including ridge tiles).

The proposal still increases the building to a height that is above that of one of the immediately adjoining properties, but the maximum height would be approximately equivalent to that of No. 6 Crawford Avenue. This, in conjunction with the change to a hipped roof design which significantly reduces the visual mass from that previously proposed, results in a scheme that your officers

consider to be acceptable with regard to the general massing of the roof.

The increase in eaves height results in a space of approximately 0.3 m from the top of the first floor windows to the bottom of the eaves. Your officers consider that this is acceptable in principle, but requires careful attention to the selection of materials (to be secured through condition).

A side dormer window is proposed on each side roof plane and two dormers are proposed at the rear of the property. The size and design of these dormers is considered to be acceptable, with the rear dormer windows half the average width of the new rear roof plane, and the side dormers acceptable in their size, siting and design.

In terms of the first reason for refusal from the 2010 applications, your officers consider that the proposal is now appropriate with regard to the design, bulk and massing of the roof as proposed.

2010 applications: second and third reasons for refusal

The applicant no longer proposes parking spaces within the frontage (and the associated hard surfacing, access to the highway and so forth). As such, your officers consider that the proposal adequately addressed the second and third reasons for refusal.

2010 applications: fourth and fifth reasons for refusal

These were included previously due to the absence of a Section 106 agreement for the site as planning permission was refused. The fifth reason for refusal was withdrawn by the Council prior to the determination of the appeal following discussion with Transportation.

Quality of accommodation

The applicant now only proposes one unit within the roofspace due to the reduced floorspace associated with the revised roof design.

The floorspace for this unit meets the minimum standards set out within the recently adopted London Plan 2011, which are more onerous than the SPG 17 requirements.

The proposal results in a reduction in floorspace for one first floor flat. However, this is considered to be acceptable by your officers.

Whilst the side dormer windows will be obscured glazed with high level openings only, outlook is provided to the front and rear, ensuring adequate outlook and maintaining an acceptable level of privacy as defined within SPG17.

The proposal results in an element of the living room being above the bedroom of one first floor flat. This relates to the living element of the living room rather than the kitchen part of it. The applicants have committed to the incorporation of insulation in excess of Building Regulations to address this stacking issue. This approach has been accepted previously in situations where it relates to a relatively small element of the bedroom below, and where the stacking issue does not relate to the kitchen or bathroom which are likely to be associated with higher noise levels associated with toilets, washing machines etc. Further details are to be secured through condition.

The proposal demonstrates that the external amenity space for the existing and proposed units will be above the 20 square metre per unit minimum set out within SPG17. This involves private space for the ground floor units (to ensure their privacy) and communal space to the rear of this.

Adequate levels of cycle storage are proposed adjacent to this amenity space.

Refuse storage is provided in the frontage to ensure compliance with the Council's guidance in relation to waste collection. Details of screening for the bin storage area will be secured through condition.

Transportation

The proposal now only provides one 2-bedroom unit within an area with good public transport accessibility (PTAL of 4) and a CPZ. As such, the proposal increases the parking standard by 0.7 spaces. Crawford Avenue has not been designated as a Heavily Parked Street. Your officers do not consider it necessary to secure a “parking permit restriction” for the site.

As discussed previously, cycle storage is to be provided adjacent to the external amenity area (and accessed via this area). Your officers consider this to be acceptable and recommend that further details are required through condition to provide cycle storage for the existing and proposed units.

Landscaping

The application no longer proposes significant changes to the frontage of the site. However, a bin storage area is incorporated and the rear of the site is to be reconfigured to provide the amenity space. Your officers accordingly recommend that a condition is attached regarding the details of landscaping.

Discussion of objections

6 flats are to be built in the garden. What more does he want?

This application proposes the provision of an additional unit within the roof. Your officers cannot comment on any other applications that may or may not be submitted. Your officers have considered this application having regard to approved scheme for the rear of this site and No. 2 Crawford Avenue.

Overdevelopment of site

Your officers consider that “overdevelopment” is manifested primarily in built form in relation to the context of the site. The form of the proposed development has been discussed previously in this report. The LDF Core Strategy 2010 introduced a policy regarding the importance of the suburban character of Brent. However, you officers do not consider that this proposal compromises that character.

Detrimental to character of area

This has been discussed previously in relation to the form of the proposed development and the layout of the site.

Building will be too high and too close to existing properties. Will be higher than surrounding properties.

The height of the proposed development has been discussed previously. The proposal does not bring the development any closer to the site boundaries.

Impact on privacy. Windows in roof will give occupants direct view of properties on opposite side of Crawford Avenue.

The windows that are no obscured face the front and rear of the site. The objector is concerned about the impact on privacy across Crawford Avenue. There are already windows in the front of the existing property, albeit at ground and first floor level, and this is typical of developments throughout the country. The distance between Holmfield and the buildings on the opposite side of Crawford Avenue is approximately 30 m and as such, this exceeds the distance set out within SPG17 in relation to rear windows of properties which is more onerous than that relating to front windows.

Impact on parking and congestion as Crawford Avenue is a busy cut through road and it is already difficult to find parking spaces.

This has been discussed previously.

Road is becoming a concrete jungle and has changed substantially since the objector first moved to their property.

The new elements of the building are to be situated directly above the existing building and do not increase the footprint of the building.

Impact on already stretched local services and facilities (healthcare and education).

Section 106 contributions are sought towards local infrastructure (physical and social) to help address the potential impacts of the development.

Conclusion

The applicant has made significant amendments to the proposals that were previously refused by the Council, including a change in the roof form proposed, reduction in the height of the extensions from that previously proposed and the removal of the hard surfacing (parking etc) within the frontage that was previously proposed.

Your officers consider that the proposal now addresses the previous reasons for refusal and that the proposal is now acceptable subject to conditions and section 106 contributions.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004

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

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

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

11/077-01;
11/077-02A;
11/077-03A

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

- (3) The windows on the proposed side dormers of the building shall be constructed with obscure glazing and non-opening and shall open at high level only (not less than 1.8m above floor level) and shall be permanently returned and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

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

- (4) The area(s) so designated within the site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

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

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

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

- (6) No development shall commence until the applicant submits, for written approval and prior agreement by the Planning Authority, a Sound Insulation Scheme that will adequately noise transmission between dwellings. The approved Scheme shall be implemented thereafter in accordance with the agreed details.

Prior to the occupation of the proposed flats the applicant shall submit in writing to the Local Planning Authority the results of post-completion testing undertaken for review and approval. Where noise transmission between dwellings exceeds levels permitted the applicant shall submit a further noise mitigation scheme and provide verification of the efficacy of each measure.

- (7) Notwithstanding the details referred to in the submitted application, further details of the provision of a minimum of 6 secure and weather proof cycle parking spaces, and also bin-storage, arrangements, including screening 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, and bin storage arrangements have been laid out/implemented in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists, and the interests of residential amenities neighbours.

INFORMATIVES:

- (1) In light of the proposed stacking arrangement (and the potential for noise nuisance from transmission between dwellings) the applicant will be required to submit an insulation scheme which exceeds Part E of the Building Regulations.

It is likely that a successful Scheme/ mitigation plan will be compliant with Robust Details or similar. Where the applicant proposes a different approach they must verify that this will achieve a standard of sound insulation similar to that of Robust Details.


The applicant should be advised that they will be required to undertake all of the above BEFORE the dwellings can be occupied. As a result early communication with the Pollution Team regarding the exact requirements would be prudent if delays are to be avoided.

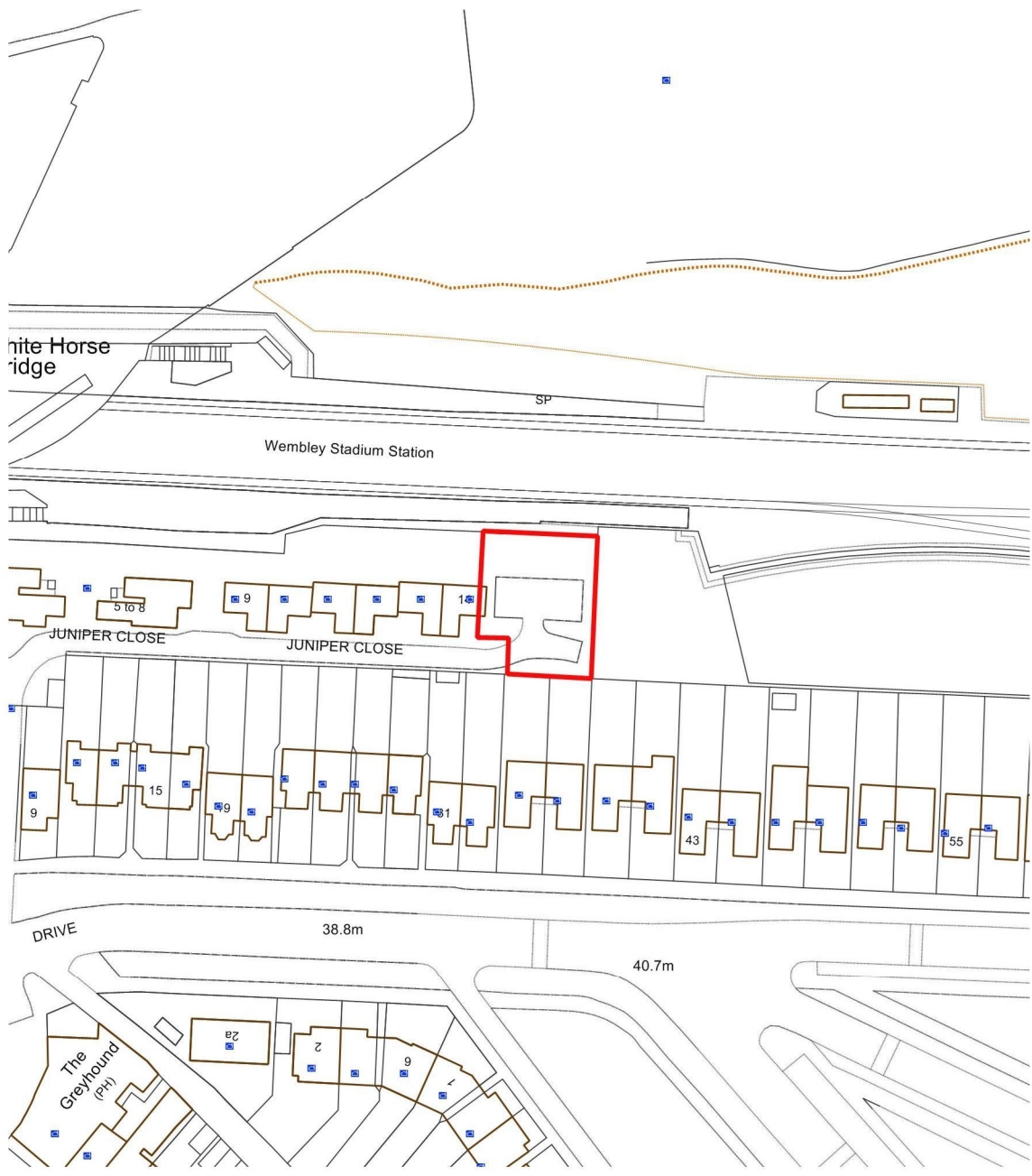
REFERENCE DOCUMENTS:

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

Committee Report Planning Committee 25 October 2011

Case No. 11/2048

 **Planning Committee Map**
Site address: Land next to 14 Juniper Close, Juniper Close, Wembley
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This map is indicative only.

RECEIVED: 5 August, 2011

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Land next to 14 Juniper Close, Juniper Close, Wembley

PROPOSAL: Erection of 4 three bedroom family dwellings with associated landscaping and car parking

APPLICANT: Family Mosaic Housing

CONTACT: Signet Planning Ltd

PLAN NO'S:
See condition 2

RECOMMENDATION

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £3,000 per bedroom (£36,000 total) due on material start and, index linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports in the local area.
- An additional contribution of up to £5,300 towards the provision of Open Space & Sports in the local area.
- Join and adhere to the Considerate Contractors scheme.
- Removal of the rights of residents to apply for parking permits.

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

EXISTING

The application site is a 0.05 hectare area land located at the eastern end Juniper Close, a short cul-de-sac located between the rear gardens of 9 to 37 Oakington Manor Drive and Wembley Stadium Station.

The site was last used to provide car parking for the mixture of bungalows and 2-storey flats that formed the original Juniper Close development. These have now been demolished having been vacant and subject to anti-social behaviour for a number of years. The construction of a terrace of 15 three storey town houses is now underway following the grant of planning permission earlier this year.

Juniper Close is accessed from Oakington Manor Drive.

PROPOSAL

Planning permission is sought for the erection of a terrace of 4 three storey town houses. The proposed houses are very similar to the design and appearance of the 15 town houses currently under construction in Juniper Close and the proposal is in effect an extension to this development.

The proposed development comprises a terrace of three dwellinghouses (House Type C) on the northern boundary of the site. Each house will provide 3 No. bedrooms and is proposed to accommodate up to five people. Private amenity space for each dwelling is provided on the southern aspect, in the form of private terraces.

A further dwellinghouse (House Type D) is set slightly forward of the other three properties due to a maintenance strip at the rear that is set aside for access by London Underground only. This dwellinghouse also consists of three bedrooms and can accommodate up to five people. It has a 13 sqm private garden to the rear of the property. A lawn area is also provided to the front in addition to a private terrace also with a southerly aspect.

Each dwellinghouse has its own car parking space and includes timber enclosures for bin storage and cycle parking, accommodating up to two cycles each.

HISTORY

The recently demolished housing in Juniper Close was erected in the 1980s.

- 30.03.11 Planning permission granted for the erection of a 3-storey terrace comprising 15 x 3-bedroom dwellinghouses with associated landscaping, car parking and infrastructure and subject to a Deed of Agreement dated 29/03/2011 under Section 106 of the Town and Country Planning Act 1990, as amended.(Ref: 10/1362). Currently under construction..
- 18.06.09 Planning application for the demolition of all buildings along Juniper Close and the erection of three 4- and 5-storey residential blocks and one 5- and 22-storey mixed-use tower with basement and ground-floor parking, comprising 112 flats, and a mix of commercial, retail, leisure uses withdrawn (Ref 09/0767).
- This application also incorporated the vacant triangular plot of land adjacent to White Horse Bridge. This land doesn't form part of the current application. Although withdrawn on the day of the planning committee the application was presented to the Planning Committee who supported the officer's recommendation to refuse and endorsed the reasons set out in the report.
- 12.11.04 Outline planning permission granted for the demolition of 326-342 High Road, Nos. 1-19 Wembley Hill Road, Network House 10-12 Neeld Parade, AIB Bank 14 Neeld Parade and The Red House 34A Wembley Hill Road, and the erection of a comprehensive mixed-use redevelopment to provide:Business and Employment uses up to 21,747m² (Class B1); Retail and Food and Drink up to 7,475m² (Class A1, A2 & A3); Residential apartments up to 43,160m² (Class C3); Community cultural and leisure facilities up to 12,961m² (Class D1 & D2);together with new means of access and circulation, new station facilities at Wembley Stadium Station, new pedestrian crossing at Wembley Hill Road, re-configuration of Wembley Triangle junction, car-parking, public square and open space, landscaping and other supporting works facilities and erection of a new bridge and platform access for which all matters are reserved, except for the bridge and the siting and means of access for the public square and approaches to the bridge. (Ref: 04/0379). Partly implemented with the creation of the Station Square to the north of the railway and the erection of White Horse Bridge.

POLICY CONSIDERATIONS

Mayor of London

The London Plan 2022

Mayor of London Supplementary Planning Guidance

- Sustainable Design and Construction (May 2006)
- Planning for Equality and Diversity in London (October 2007)
- Accessible London: Achieving an Inclusive Environment (April 2004)
- Providing for Children and Young People's Play and Informal Recreation (March 2008)

Brent Unitary Development Plan 2004

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 - The Council will ensure that development proposals do not conflict with the role of GLA Roads and London Distributor Road whilst discouraging through traffic on local roads.

STR11 - The quality and character of the Borough's built and natural environment will be protected and enhanced.

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.

BE2 - Townscape: Local Context & Character

BE3 - Urban Structure: Space & Movement

BE4 - Access for disabled people

BE5 - Urban clarity and safety

BE6 - Public Realm: Landscape design

BE7 - Public Realm: Streetscene

BE8 - Lighting and light pollution

BE9 - Architectural Quality

BE12 - Sustainable design principles

BE13 - Areas of Low Townscape Quality

EP2 - Noise and Vibration

EP3 - Local air quality management

EP4 - Potentially polluting development

EP6 - Contaminated land

EP10 - Protection of Surface Water

EP12 - Flood protection

EP15 - Infrastructure

H12 - Residential Quality – Layout Considerations

H13 - Residential Density

H14 - Minimum Residential Density

H15 - Backland Development

TRN1 - Transport assessment

TRN3 - Environmental Impact of Traffic

TRN4 - Measures to make transport impact acceptable

TRN10 - Walkable environments

TRN11 - The London Cycle Network

TRN12 - Road safety and traffic management

TRN13 - Traffic calming

TRN14 - Highway design

TRN23 - Parking Standards – residential developments

TRN24 - On-Street Parking

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

PS14 - Residential Parking Standards

PS15 - Parking for disabled people

PS16 - Cycle parking standards

Local Development Framework - Core Strategy 2010

CP1 - Spatial Development

CP2 - Population and Housing Growth

CP5 - Placemaking

CP6 - Design & Density in Place Shaping

CP7 - Wembley Growth Area

CP17 - Protecting and Enhancing the Suburban Character of Brent

CP21 - A Balanced Housing Stock

Brent Council Supplementary Planning Guidance and Documents

SPG12 - Access for disabled people

SPG17 - Design Guide for New Development

SPG19 - Sustainable design, construction and pollution control

SPD - Section 106 Planning Obligations

Planning Policy Guidance and Statements

PPG13- Transportation

PPS1- Delivering Sustainable Development

PPS1 - Supplement: Planning and Climate Change

PPS22 - Renewable energy

PPG24 - Planning and Noise

SUSTAINABILITY ASSESSMENT

As a minor development the proposal is not subject to section 106 clauses relating to sustainability. These only apply to applications that meet the statutory definition of major development – 10 or more units in the case of residential schemes. However the applicants are intending that the scheme be highly sustainable, with all proposed dwellings achieving Level 4 of the Code for Sustainable Homes. This follows the same principles approved as part of the earlier Juniper Close scheme. Measures to achieve this will include responsibly sourced materials, brown roofs, photovoltaic panels at roof level and energy-efficient lighting.

The applicant has submitted a TP6 Sustainability Checklist which they have scored at 56% (Very Positive). Your officers have scored the TP6 at 53% and the submitted checklist is considered acceptable.

CONSULTATION

Neighbour Consultation

Standard three week consultation period carried out between 1st September 2011 and the 22nd September 2011 in which 123 neighbouring residents and businesses were notified along with ward councillors and the Vivian Avenue Action Group.

1 response has been received from a neighbouring property in Oakington Manor Drive that backs on the site objecting to the proposal for the following reasons:

- loss of light,
- loss of privacy
- cramped form of development out of keeping with the rest of the properties in the area.

External Consultees

Network Rail

The proposal is next to Wembley Stadium Station and as such in order to avoid any adverse impact adversely on the operation of the station and railway they suggest conditions to:

1. No encroachment during and after construction onto Network Rail land.
2. No discharge of storm/surface water onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail.
3. All roads, paths or ways providing access to any part of the railway undertaker's land both temporary and permanent, shall be kept open at all times during and after the development.
4. Assessment of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the railway and if necessary appropriate mitigation undertaken.
5. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's land, and therefore all/any building should be situated at least **2 metres** from Network Rail's boundary.

6. If not already in place, the Developer must provide, at their expense, a steel palisade fence **of at least 1.8m in height** adjacent to Network Rail's boundary.

Thames Water

No objection. Suggest standard informative advising the application to contact them regarding connecting scheme to the local sewage and drainage network.

Internal Consultees

Contaminated Land

Site investigation report is satisfactory. Condition recommended regarding Soil Quality Verification Report to be submitted following landscaping of the site.

Noise and Vibration

The noise assessment shows that mitigation measures are required to protect future residents from railway and traffic noise. Design measures have been proposed, but to ensure that the desired sound levels are achieved a condition is recommended requiring the carrying out of post completion testing to demonstrate that reasonable resting levels of noise and vibration attenuation have been achieved.

Transportation

Subject to a S106 Agreement to secure: (i) a financial contribution of £6,000 towards non-car access/highway safety improvements and/or parking controls in the area (this would come out of the standard contribution) and (ii) a 'car-free' agreement, together with a condition requiring the submission and approval of further details of lighting, drainage and signage (to enforce parking around the turning head), there would be no objections on transportation grounds to this proposal.

Landscaping

No objection.

REMARKS

Principle of development

The site is situated within the Wembley Growth Area which is defined with the Local Development Framework Core Strategy adopted in July 2010. Policy CP7 of this document outlines the plans for the regeneration of this area which includes 11,500 new homes. As such the principle of the redevelopment the existing derelict housing site, for new residential development is accepted within planning policy subject to a satisfactory form of development being proposed.

Design Approach

The current scheme will follow the same principles of design and appearance as the approved planning scheme for the rest of Juniper Close currently under construction, continuing the three storey terraced town house approach. The house types proposed in the current application are almost identical to the two house types used in the approved scheme.

The residential terrace proposed adopts a contemporary design approach whilst utilising a well-established housing form to create a more traditional street environment. Due to the constraints of the site, the proposed dwellings are situated close to the northern boundary of the site. This maximises the southerly aspect for future occupants with south facing private terraces for each dwelling looking out onto the public realm.

Siting, scale and density

The site is located to the rear of suburban housing which fronts Oakington Manor Drive (situated to the south of the site). The scale and density of development in relation to these buildings should therefore reflect this suburban character. The proposal is considered to respect the prevailing character of the area through the provision of a three storey, flat roofed terrace which would be subordinate to the frontage development.

An assessment of the scheme in relation to neighbouring properties has been made to ensure SPG17 standards are met. The scale of the building complies with the 30 degree line and the 45 degree line set out within SPG17. These tests seek to ensure a satisfactory scale in order to prevent any significant overbearing impact. As the proposed development does not breach these lines, the proposal is not considered to have an unduly detrimental impact on neighbouring residential amenity in terms of loss of light, overbearing and overshadowing impact.

Concerns are raised by the objector regarding the siting of the building close to the northern boundary of the site and the provision of private amenity spaces in front of the building rather than to the rear. Whilst it is noted that the traditional pattern of development is in the form of dwellinghouses with short front gardens and long rear gardens, the private terraces maintain a distance of 10m from the southern boundary of the site and at least 20m from the rear windows of properties fronting Oakington Manor Drive. These distances comply with SPG17 guidelines which seek to ensure adequate privacy for neighbouring properties and gardens and ample distances in order to avoid any significant noise or light pollution issues for the existing neighbouring properties. As such the siting of the building is not considered to raise any significant concerns.

The residential density of the proposed scheme has been calculated to be 295HR/Ha or 68 units per hectare. The London Plan indicates the site to fall within the density range of 200-450HR/ha appropriate for a site within an urban context with a good PTAL rating of 4. The density proposed therefore sits comfortably within the prescribed density range.

Your officers accordingly consider the scale and massing of the building and its siting and design to respect the amenities of neighbouring properties and be in-keeping with the character of the area.

Quality of Accommodation

Unit Size: All units within the development significantly exceed the minimum size guidelines advocated by SPG17. One of the proposed houses (Type D) is at 99sqm marginally below the Mayor's minimum internal floor area of 103 sqm for 5 bed three storey houses as set out in the latest London Plan. However the other three proposed houses (Type C) all significantly exceed this standard at 123 sqm. The units all comply with lifetime homes standards and are adaptable for wheelchair use.

Light and outlook: The main outlook for the units is onto the public realm to the south. Amendments are being sought to ensure that any north facing windows either serve non-habitable accommodation such as bathrooms or are secondary windows in dual-aspect rooms with the southerly aspect being maximised thus alleviating officers concerns regarding the poor northerly aspect which looks on to the railway. In addition amendments have been requested to the fenestration to ensure the southerly aspect is maximised. The units are a minimum of 10m from the southern boundary of the site. As such this aspect would comply with SPG17 standards and offer sufficient outlook in order to compensate for the poor northerly aspect. Confirmation that the amendments requested are adequate will be reported within the supplementary report to ensure that all new units are considered to be afforded ample light and outlook.

Privacy: The main consideration regarding privacy for future occupants is to ensure a degree of separation from the railway platform which ensures no direct view into the units from this land. Sections have been provided which shows the ground level of the site to be at a raised level in comparison with the railway platform preventing a direct view into the new dwellings from the platform and ensuring adequate privacy is provided for future occupants.

Sensitive habitable room windows at the ground floor are afforded privacy from the street through front gardens with front boundaries clearly marked by timber structures for cycle storage and refuse and recycling storage which provide a sense of enclosure. Your officers consider the standard of accommodation provided to be satisfactory in terms of light, outlook and privacy.

Noise and Vibration: PPG24 is a material consideration for developments in noise-sensitive locations. A noise survey has been undertaken which has established that the site falls within Noise Exposure Category B. In such areas, noise should be taken in to account when determining planning applications and conditions should be imposed to ensure an adequate level of protection against noise. The information provided to Environmental Health has indicated that sufficient measures are proposed to mitigate the impact of noise. This includes a mechanical ventilation system rather than the need for opening windows. As such the applicants have demonstrated compliance with this material planning consideration subject to testing of noise levels post completion. An appropriate condition is recommended to secure the completion of these tests prior to occupation of the units.

External amenity space: External amenity space provision is provided in the form of a roof terraces which are around 24sqm in area. SPG17 requires 50sqm of amenity space per family dwellinghouse and it is noted that only half of the required standard is met through private amenity space provision. The access road and turning head is proposed as a shared surface. Given that the road is a short cul-de sac that is likely to experience relatively low levels of vehicle usage and that vehicle speeds will be slow it is considered that the shared surface will provide a useful amenity space. Furthermore an additional £5,300 is being on top of the standard s106 contribution to assist in enhancing existing public amenity spaces in the local area. This is in addition to the additional £20,000 agreed as part of the planning permission for the 15 houses currently under construction.

Landscaping

An arboricultural method statement and tree protection plan has been submitted demonstrating measures to protect existing trees during construction and methods of construction intended to protect existing and proposed new trees. At the time of writing this report the Council's tree officers assessment of this statement were still awaited. The tree officers' assessment will be set out in a later supplementary report along with the landscape officers assessment of the proposed landscaping scheme. However given that the strategies for both tree planting and new landscaping are similar to the approved scheme it is anticipated that these elements of the proposal will be acceptable.

Parking and Servicing

Parking is provided for the new dwellings in the form of one parking bay on the forecourt of each house, these are wide enough to be accessible to wheelchair users. Parking provision for the site is considered to comply with policy.

The applicants have agreed to include within the S106 agreement, the removal of rights for residents to apply for parking permits for the controlled parking zone on Oakington Manor Drive in order to prevent problems with overspill parking within the vicinity of the site. This is considered an acceptable approach in an area with good access to public transport (rail links and local bus routes) and is considered to limit the impact on existing parking pressures and pedestrian safety within the area.

The vehicular access to the site is established and has previously been in use for residential purposes. The proposal is not considered to result in a significant intensification in terms of the use of this access and as such the objectors concerns regarding noise and disturbance cannot be supported by officers.

The turning head provided as part of the approved scheme is considered to be suitable in size to accommodate refuse and emergency vehicles. As such the proposal is not considered to raise any significant issues in terms of parking and servicing requirements.

The lighting scheme is a continuation of the one approved for the existing permission.

Cycle storage: Cycle storage is provided through the provision of bespoke timber storage facilities which meet council standards.

Refuse storage: Refuse storage is provided which meets the council's adopted standards. These facilities are situated within bespoke timber storage facilities on the front boundary of each dwelling and as such can be easily serviced by refuse vehicles.

Impact on crime

The scheme has been considered by the Secured By Design officers within the Metropolitan Police who have also raised no objection to the scheme on these grounds as the scheme allows natural surveillance of Juniper Close and the rear boundaries belonging to Oakington Manor Drive.

Conclusion

Your officers consider that the proposal will maintain the amenities of surrounding residents and provide a satisfactory standard of accommodation subject to the amendments which have been agreed with the applicants. The receipt of appropriately amended plans will however be confirmed within the supplementary report. The proposed development is considered to be an appropriate density within this context and

acceptable in terms of scale and design maintaining the general character of the area. The success of the scheme will be largely dependent on the quality of materials which have been supplied at the time of the application submission, the use of the agreed materials can be secured by condition to ensure a good quality finish is achieved. As such it is recommended that the scheme be approved, subject to conditions.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Local Development Framework Core Strategy adopted 2010
Central Government Guidance
Council's Supplementary Planning Guidance

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

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

1115(PL)001 - Site Location Plan
1115(PL)002 - Proposed Site Plan
1115(PL)010 - Proposed Landscaping Plan
1115(PL)100 - Proposed Ground Floor Plan
1115(PL)101 - Proposed First Floor Plan
1115(PL)102 - Proposed Second Floor Plan
1115(PL)103 - Proposed Roof Plan
1115(PL)110 - Proposed House Type C Floor Plans
1115(PL)111 - Proposed House Type D Floor Plans
1115(PL)200 - Proposed Elevations
1115(PL)201 - Proposed Context Elevations
1115(PL)300 - Proposed Sections
1115(PL)400 - Proposed Schedule of Materials
1115(PL)401 - Proposed Facing Materials
38469_JUN/200/1 - Topographical Survey
38469_JUN/200/2 - Topographical Survey
DFC 1046 - Tree Protection Plan

And the following supporting documents:

Planning Statement dated 05.08.2011
Design & Access Statement August 2011
Noise & Vibration Assessment dated 01.08.2011
Ecological Assessment August 2011
Arboricultural Statement dated 12.05.2011
Construction Method Statement dated 04.08.2011
Geoenvironmental Desktop Study August 2011
Transport Statement dated 01.08.2011

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

- (3) The landscape works and planting shown on the approved plan 1115(PL)010 shall be carried out prior to the occupation of any part of the 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 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.

- (4) The areas approved by the Local Planning Authority for car parking, loading, unloading and parking of service vehicles; vehicle turning space; and parking and access provision for disabled persons shall be used only for those purposes.

Reasons: To ensure that these areas are permanently retained for these uses in compliance with the Council's parking and servicing standards, in the interests of the general amenities of the locality and in the interests of the free flow of traffic and conditions of highway safety within the site and on the neighbouring highways.

- (5) Shared surface areas not identified for the parking of vehicles in the approved plan shall be kept clear of parked vehicles at all times, apart from short term parking by refuse, emergency and occasional delivery vehicles. The shared surface indicated on the approved plans shall be retained for the manoeuvring of vehicle and as amenity space for residents of the development.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highways and to maintain specified servicing area.

- (6) Notwithstanding the provisions of Schedule 2, Part 1 Classes A to F of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the premises shall be carried out to the approved dwellinghouses, unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason:

In view of the restricted size of the site for the proposed development no further enlargement or increase beyond the limits set by this permission should be allowed without the matter being first considered by the Local Planning Authority.

- (7) The units hereby approved shall not be occupied unless an acoustic report has been submitted to and approved in writing by the Local Planning Authority. The acoustic report shall demonstrate that "reasonable" resting levels of noise and vibration attenuation have been achieved within each of the units' habitable rooms and associated amenity space (post-completion of the building works) in line with the levels set out within PPG24.

If "reasonable" noise levels have not been achieved, the report will detail what additional measures will be undertaken to ensure that they are achieved. These additional measures shall be implemented prior to the occupation of the building in accordance with the details so approved.

Reason: To ensure satisfactory noise levels for the future occupants of the building.

- (8) Prior to the occupation of the units hereby approved and following the landscaping of garden areas, a Soil Quality Verification Report shall be submitted to and approved in writing by the Local Planning Authority verifying that the soil in soft landscaped areas is suitable for use. This must include evidence of the source of any imported soil as well as in-situ soil samples to verify the quality of this soil.

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

- (9) The approved development shall be completed in accordance with the approved facing materials (Reference 1115(PL)400 & 1115(PL)401) unless the Council agree in writing to a variation.

Reason: To ensure a satisfactory appearance and in the interests of the visual amenities of the locality.

- (10) Notwithstanding the landscaping plan hereby approved (Reference L253-P-01 Rev B) further details of the treatment of the shared surface shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the commencement of works on site. Such details shall include:
- Informal seating and additional planting around the area designated as a turning head
 - Informal play equipment within the area reserved as a turning head

The approved details shall be implemented in full prior to the occupation of the dwellings.

Reason: In the interests of residential amenity for the future occupants of the development.

- (11) Notwithstanding the landscaping plan hereby approved (Reference L253-P-01 Rev B) a scheme of external lighting to the shared surface, accessway to the site and turning head shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the commencement of works on site. The approved details shall be implemented in full prior to the occupation of the dwellings.

Reason: To ensure that the external lighting scheme within the development site does not result in nuisance to adjoining residential properties and provides a safe environment for residents.

- (12) The approved development shall be carried out in accordance with the approved tree protection measures set out in the approved Tree Protection Plan (Ref: DFC 1046) and the DF Clark Bonomique Ltd Arboricultural Method Statement dated 12th May 2011, unless the Council agree in writing to any variation.

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.

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

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

- (14) A Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the Local Planning Authority within 6 months of the commencement of any demolition/construction work on the site. This should comprise a maintenance schedule and any specific management duties.

Such details may include:

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

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

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

INFORMATIVES:

- (1) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect 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.
- (2) The applicant is advised to contact Network Rail to inform them of their intention to commence works, a minimum of 6 weeks prior to the proposed date of commencement.
- (3) Any demolition or refurbishment works must not be carried out on the development site that

may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures.

- (4) Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.


Any person wishing to inspect the above papers should contact Neil McClellan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5243

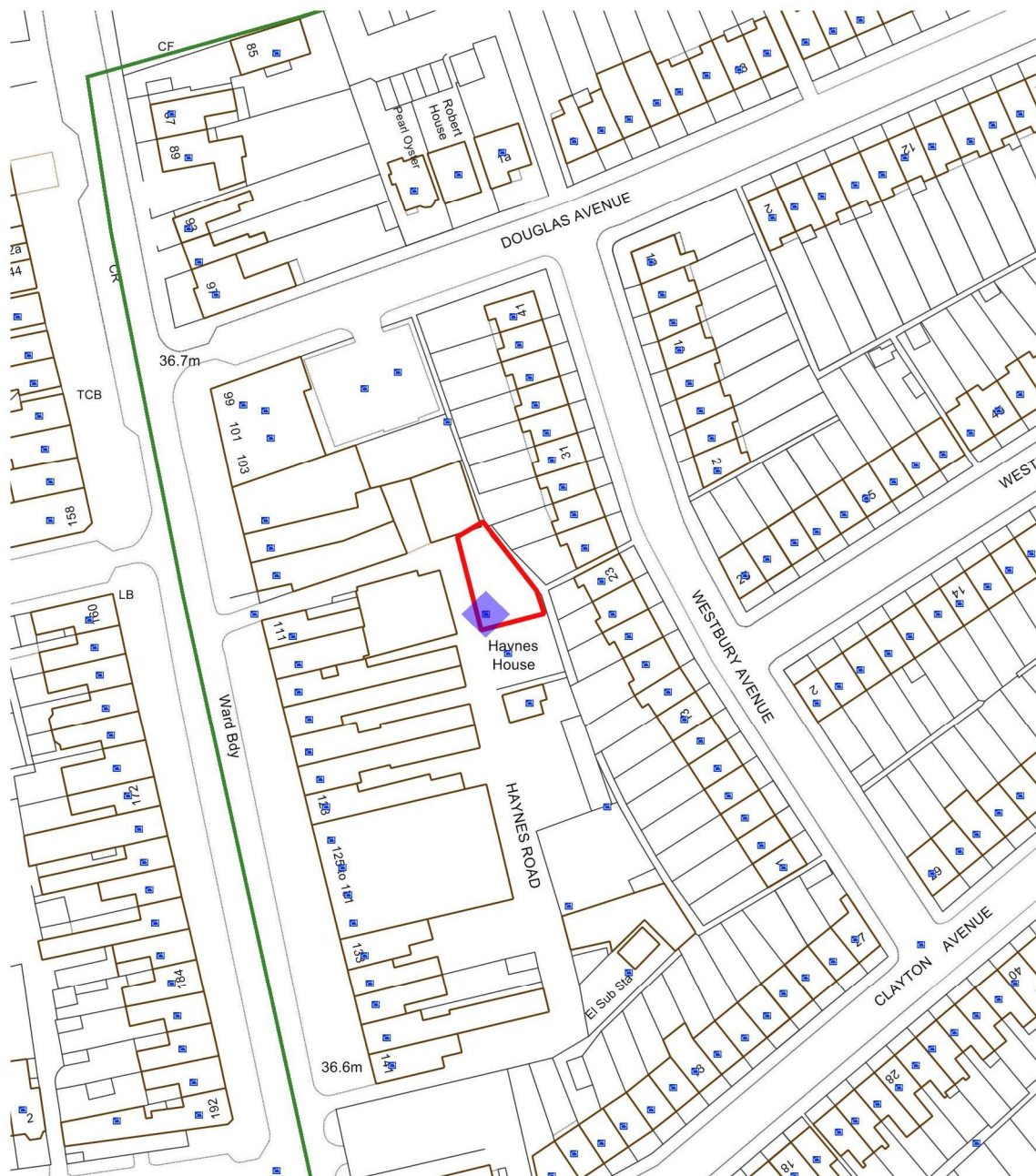
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Agenda Item 7

Committee Report
Planning Committee 25 October 2011

Case No. 11/1340

 **Planning Committee Map**
Site address: Service Yard, Haynes Road, Wembley, HA0 4BW
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This map is indicative only.

RECEIVED: 20 June, 2011

WARD: Alperton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Service Yard, Haynes Road, Wembley, HA0 4BW

PROPOSAL: Demolition of existing outbuilding and erection of a proposed replacement storage and refrigeration building at the rear of 111-113 Ealing Road (adjoining 23-25 Westbury Avenue,) as revised with associated landscaping and acoustic fence

APPLICANT: Fruity Fresh (Western) Ltd

CONTACT: Millar Management

PLAN NO'S:
Please refer to condition 2

RECOMMENDATION

Grant consent subject to conditions

EXISTING

The application site is to the rear of retail units (currently occupied by Fruity Fresh,) with flats on upper floors. The shops to the front are located on the eastern side of Ealing Road within a primary shopping frontage in Ealing Road Town Centre. The site is located to the east of the service road, which is known as Haynes Road. To the east of the site are short back gardens serving properties that front onto Westbury Avenue.

PROPOSAL

Demolition of existing outbuilding and erection of a proposed replacement storage and refrigeration building at the rear of 113 Ealing Road adjoining 23-25 Westbury Avenue, as revised with associated landscaping and acoustic fence

HISTORY

The most relevant history is as follows, other history on aco laid:

E/09/0394 - Enforcement record

Without planning permission the erection of a structure with blue tarpaulin covering at rear of premises

POLICY CONSIDERATIONS

Brent's Unitary Development Plan 2004

- *STR11* Protect quality and character of the Borough's built environment
- *BE2* Local Context & Character
- *BE9* Architectural Quality
- *TRN3* Environmental Impact of Traffic
- *TRN22* Parking standards – non-residential developments
- *TRN34* Servicing in new Development

- SH19 Rear servicing
- SH32 Public Parking/ rear servicing in Ealing Road

Brent's Core Strategy 2010

- CP17 Protecting and Enhancing the suburban character of Brent

SPG17 – Design Guide for New Development

Issues

- Impact of outbuilding upon neighbouring amenities, and character of the area
- Impact of proposals on parking/ servicing and service road

CONSULTATION

Internal

Landscape- *the proposed permeable paving and trees are acceptable as revised*

Highways- *No objections to revised drawings subject to the car parking bays, servicing bays and building maintaining a 6m wide clearance for Haynes Road, all bays being fully marked out and resurfacing/ drainage improvement works*

Environmental Health – *No objections to revised repositioned air conditioning unit and acoustic fence*

External

10 letters sent to neighbouring occupiers of the shops, residential units above the shops, and dwellings adjoining. These properties have been notified on 20/06/11. 3 objection letters received raising the following issues:

- The existing building is bad enough, we do not wish for a replacement to extend onto a dumping ground area.
- If the business cannot keep the existing area clean, then they should not be allowed a new building.
- The area currently attracts vermin as it is left dirty, which is unpleasant for adjoining gardens
- The forklifting makes a considerable noise and can start as early as 4am (Officer note – noise nuisance referred to Environmental Health Nuisance Team)
- Object due to the disruptions already received from the site day and night, including arguments and shouting early morning and at midnight when people are trying to sleep (Officer note – noise nuisance referred to Environmental Health Nuisance Team)
- The site currently has dust and noise issues
- The applicants do not consider neighbours

REMARKS

The application proposes to demolish an existing outbuilding and erect a proposed replacement storage and refrigeration building at the rear of 113 Ealing Road adjoining 23-25 Westbury Avenue, as revised with associated landscaping and acoustic fence.

Impact of proposal upon neighbouring amenities, and character of the area

Outbuilding – visual impact

The site (a servicing area to the rear of existing shop and flats fronting Ealing Road,) currently has an existing solid outbuilding at the south-eastern extent of the site, which does not benefit from planning permission but according to aerial photos has been on site since 2003 and is therefore immune from enforcement. Attached to the enclosed outbuilding, to the west is currently a walled structure enclosed on 3 sides only, and covered with blue tarpaulin to provide some degree of weather proofing. This part of the structure is less than 4 years old, and is currently under investigation by planning enforcement.

The current application seeks to demolish the existing linked outbuilding structures, (up to 3.1m high situated 1m from the eastern boundary with gardens serving Westbury Avenue properties,) and to build a new outbuilding. The new outbuilding is to be set 1.8m from the boundary, an additional 0.8m from the existing structure and is proposed with a flat roof 3.693m high. The proposal is therefore higher than the existing building but set further from the boundary. Brent's SPG17 provides guidelines on new development in relation to existing gardens. The proposal complies with this guideline as its height is set under the 45 degree line at a height of 2m, which demonstrates a satisfactory relationship to the boundary and the amenities of neighbouring occupiers, compared with the existing situation. The applicants have, within the revised proposal incorporated 3 new trees in-between the new building and the eastern boundary with neighbouring dwellings. The trees proposed are betula pendula fastigata, 3 narrow-canopied birch trees, girth 14-16cm girth within tree pits, which follows recommendations from the Council's Landscape Designer. The trees are also considered to assist assimilation of the proposal and to soften its appearance from neighbouring dwellings to the east, particularly as the nearest rear garden is less than 7m long. The species and planting methodology is anticipated to be possible to plant without harm to any proximate build-forms.

Outbuilding – use

The proposed outbuilding is to be split into 3 sections, each with a roller shutter access. These provide dry, cold and general storage areas. The existing building on site provides some degree of storage facilities for the units 111-113 currently occupied by Fruity Fresh. Therefore no new use, or change of use is proposed. The cold storage element will entail the use of a chiller, (air conditioning unit,) mounted externally to the store. The Council's Environmental Health officers have assessed the model proposed and consider that the noise levels arising from the use of the proposed plant unit are not sufficient to harm the amenities of adjoining occupiers. Given that neighbours raise objections to the existing use of the site, officers have also requested an acoustic fence, and the applicants have within revised plans detailed a 2m high acoustic fence for all sections of the eastern boundary that are not currently occupied by outbuilding structures. Environmental Health officers consider that this fence will help the development to reduce impacts on the amenities of neighbouring occupiers to a satisfactory level.

External works to yard area

Neighbours have complained about noise arising from site as existing. As this is a designated servicing area to the Ealing Road retail/ commercial units, some degree of noise is inevitable, and as the area has been an established use for years, the current residents would have been aware of the presence of a servicing area at the time they committed to occupying their properties, certainly those flats situated above the shops would have been aware of this too. Nevertheless the back gardens for the flats/ houses serving Westbury Avenue are short along the length of the site, the shortest garden is less than 7m long. The use of the outside area for excessively long periods of time, causing noise disturbances by voices/ shouting/ forklift truck movements (raised by the objectors,) has been referred to the Environmental Health Noise Nuisance team for monitoring as there are no hours of use restrictions on the service road, nor would this be reasonable as a result of the proposed development within a commercial area. Furthermore, the use of the proposed acoustic boundary fence is expected to improve the relationship of this area to the adjoining gardens, reducing sound levels received.

The applicants have proposed as revised to re-surface the yard from the pot-holed concrete surfacing to a new permeable paving, such as Marshalls priora ML45. This is in response to officer's concerns about the existing drainage problems along the nearest stretch of the service road. The proposed material is considered to visually enhance the area and prevent additional flood risk/ water pooling from surface water flows.

Impact of proposals on parking/ servicing and service road

The yard area is currently used in a way that is not currently demarcated and entails a mixture of bin storage, pallet stacking and ad-hoc parking. This can lead to obstructions of the service road

and a poor appearance of the yard area. The proposal includes 3 car parking spaces and one servicing bay capable of accommodating a transit-sized vehicle. Following Highway Engineer feedback the provision of these spaces shall be marked out and maintained clear from obstructions and the external storage of materials, allowing the free-flow of vehicles and effective servicing of the commercial units. A dedicated bin storage area is also shown, which complies with policy TRN34.

The proposal as revised now ensures that Haynes Road, (the service road) has a width of at least 6m alongside the length of the site in accordance with policies SH19 and SH32. This satisfies the Council's Highway Engineers and will be conditioned.

Conclusions

The neighbours' objections have been carefully considered. Officers anticipate that the improvements arising to the site as a result of the revised proposal, will enable the area to be tidied up, with improved drainage, less opportunities for noise nuisance, (through the use of an acoustic boundary fence,) and the fact that the proposed replacement outbuilding will be set further from the boundary than the existing outbuilding with tree screening in-between. The proposal as revised is therefore considered to comply with planning policies and is recommended for approval subject to conditions.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-
Brent's Core Strategy 2010
Brent's Unitary Development Plan 2004
SPG17- Design Guide for 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):
3717-01
3717-02-C- received 26/09/11
Design & Access Statement
HZS Hubbard Zenith Scroll Range

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

- (3) No external plant or machinery shall be installed on site except the one approved HZS Hubbard Zenith Scroll Range unit without the prior written approval of the Local Planning Authority

Reason: To safeguard the amenity of adjoining occupants

- (4) Within 6 months of commencement of development and prior to the use of the outbuilding hereby approved, whichever is the sooner, the 3 car parking spaces and 1 transit-sized servicing bay (“Yard area”) indicated on the approved plan 3717-02-C should be marked out and permanently maintained. The servicing area shall be maintained free from obstruction and available for servicing vehicles and not used for storage purposes (whether temporary or permanent). The proposed bin storage area shall only be confined to the area shown on the approved plan and in the transit servicing bay “yard area” shall not impinge/ overhang onto the 6m parking space clearance required for the transit vehicle. Furthermore, at no time shall any vehicles, bins or products impinge on the 6m wide service road shown on the approved plan unless the prior written approval has been obtained from the Local Planning Authority.

Reason: To ensure that vehicles being loaded or unloaded are parked in the designated loading areas so as not to interfere with the free passage of vehicles or pedestrians along the designated service road

- (5) The roller shutter doors serving the proposed outbuilding shall be closed whenever personnel are not within/ actively accessing the outbuilding to minimise emission of noise to the neighbouring area and no such use of the outbuilding shall take place at any time the said devices are rendered inoperable by reason of the doors being fixed open or for any other reason. No other openings to the outbuilding other than the 3 roller-shutter doors may be created unless otherwise agreed in writing by a further submission to the Local Planning Authority

Reason: To safeguard the amenities of the adjoining occupiers.

- (6) Within 6 months of commencement of development and prior to the use of the outbuilding hereby approved, whichever is the sooner, the 2m high “jakoustic” acoustic fence shall be erected in the positions shown on approved plan 3717-02-C and thereafter maintained unless a further submission is made and approved by the Local Planning Authority

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

- (7) Within 6 months of commencement of development and prior to the use of the outbuilding hereby approved, whichever is the sooner, the approved hard / soft landscaping scheme shall be completed. This includes:
- a.) The proposed 3 birch (*betula pendula fastigiata*) trees shall be planted with a 14-16cm girth at planting in accordance with the approved drawings, (with the 800 cubic millimetre tree pits filled with topsoil, and the surface treatment to be gravel on a geotextile surface with black weedstop,) unless otherwise agreed in writing by the Local Planning Authority, and any planted trees should be regularly watered until they become established
 - b.) The proposed new hardsurfacing to be installed shall be Marshall’s priora ML45 permeable paving as shown on the approved plan 3717-02-C unless a further submission is approved in writing by the Local Planning Authority and thereafter the approved permeable hardsurfacing shall be implemented and maintained

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, and to ensure no flood risk arising from the development

- (8) No development shall commence unless details of external materials for the outbuilding, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall thereafter be carried out in accordance with the approved details.

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

INFORMATIVES:


None Specified

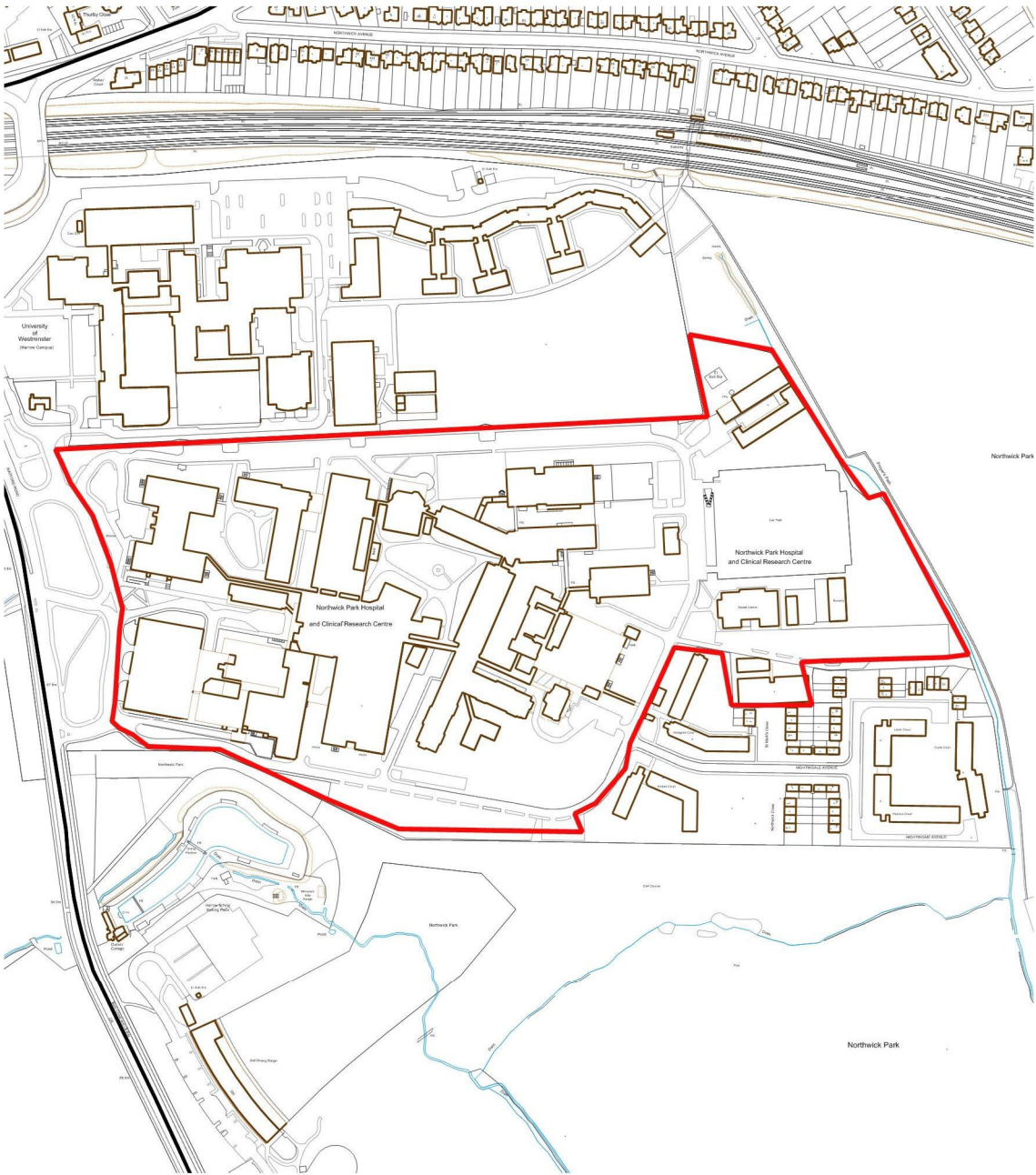
REFERENCE DOCUMENTS:

Brent's Core Strategy 2010
Brent's Unitary Development Plan 2004
SPG17- Design Guide for New Development

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

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	Planning Committee Map
Site address: Northwick Park Hospital, Watford Road, Harrow, HA1 3UJ	
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This map is indicative only.

RECEIVED: 12 August, 2011

WARD: Northwick Park

PLANNING AREA: Wembley Consultative Forum

LOCATION: Northwick Park Hospital, Watford Road, Harrow, HA1 3UJ

PROPOSAL: 3-storey extension and alterations to Block J to provide new operating theatres and associated plant room. Work includes building an undecroft over existing parking area.

APPLICANT: North West London Hospitals NHS Trust

CONTACT: Devereux Architects

PLAN NO'S:

Please refer to condition 2.

RECOMMENDATION

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

If by 11th November 2011 the applicant fails to demonstrate the ability to provide for the s106 terms and meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

SECTION 106 DETAILS

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

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing performance.
- (b) Within 3 months of any occupation, submit for approval and adhere to a Travel Plan, including car sharing measures
- (c) Sustainability- Prior to material start submission of a detailed sustainability implementation strategy including BREEAM Very Good design stage assessment for Block J and measures to implement material details commitments of the approved Sustainability Checklist to achieve a minimum score of 39.5%, in addition to adhering to the ICE Demolition Protocol. Within 3 months of any occupation submission of BREEAM Post Construction Certificate to demonstrate 'Very Good' level has been achieved, with compensation should it not be delivered.
- (d) Prior to material start submission of verification that carbon reduction target (25% improvement over TER of 2010 Building Regulations on all systems other than cooling) will be met on-site. Where it is clearly demonstrated that specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through works to Block J as agreed by the Council, or an in lieu contribution to secure delivery of carbon dioxide savings elsewhere.
- (e) Join and adhere to the considerate Contractors scheme.

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

EXISTING

The application relates to the theatre block of Northwick Park Hospital, located on Watford Road, Harrow. To the north of the site is the Harrow campus of Westminster University, to the south lies Northwick Park 'Play-Golf' site. The hospital site itself comprises of the main hospital buildings, with residential accommodation for staff located to the south- east of the site.

PROPOSAL

The application proposes a 3-storey extension to the theatre block of Northwick Park Hospital, known as 'Block J' of the main hospital site, located to the east, adjacent to the residential part of the site. The proposed extension comprises of undercroft car-parking and theatre accommodation on the first and second floors. The amount of floor space which is to be created, over the three floors including the undercroft car-park, is approximately 2,494m².

HISTORY

05/1670 - Outline application for demolition of various buildings and erection of replacement hospital with ancillary facilities, including car-parking, energy centre and landscaping, and formation of altered access to Watford Road and provision of/alterations to access roads and pedestrian routes within and adjacent to hospital and university site (matters for determination: means of access) (as accompanied by a Transport Statement by Faber Maunsell dated 3 May 2005, Planning & Design Statement by Faber Maunsell dated May 2005 and Environmental Statement by Faber Maunsell dated May 2005) *Application was recommended for approval, and granted subject to S106 at Planning Committee on 11.10.2005. The application is still pending decision.*

There is an extensive history relating to the hospital site. Other than the above application, no others relate specifically to Block J of the hospital building.

POLICY CONSIDERATIONS

The development plan for the purposes of S54A of the Town and Country Planning Act is the Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan 2011.

Brent Unitary Development Plan 2004

Within the 2004 UDP the following list of saved 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 Reduces the need to travel, especially by car.
- STR14 New development should make a positive contribution to improving the quality of the urban environment
- STR15 Major development should enhance the public realm

Built Environment

- BE2 Townscape: Local Context & Character
- BE3 Urban Structure: Space & Movement

- BE4 Access for Disabled People
- BE5 Urban Clarity & Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- BE12 Sustainable Design Principles

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- 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
- 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.
- TRN27 Retention of essential off-street parking
- TRN31 Design and Land Take of Car Parks
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS12 Car parking standards – Class D1
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

Open Space, Sport and Recreation

- OS21 Metropolitan Walks

Community Facilities

- CF1 Location of Large Scale Community Facilities
- CF12 Northwick Park Hospital/Higher & Further Education (HFE) Zone

Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

- CP 5 Place making
Sets out requirements for place making when major development schemes are considered
- CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures
- CP23 Protection of existing and provision of new community and cultural facilities
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

- SPG17 Design Guide for New Development
- SPG19 Sustainable design, construction and pollution control
- SPD Section 106 Planning Obligations
- LDF Site Specific Allocations DPD (adopted 2011)

Regional

London Plan 2011

London Plan SPG

The Mayor's Transport Strategy (May 2010)

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

Draft National Planning Policy Framework 2011

Planning Policy Statement 1: Delivering Sustainable Development, 31 January 2005

Planning and Climate Change: supplement to Planning Policy Statement 1, 17 December 2007

Planning Policy Guidance 13: Transport, 3 January 2011

Planning Policy Statement 22: Renewable Energy 2004

Planning Policy Statement 23: Planning and Pollution Control 2004

Planning Policy Guidance 24: Planning and Noise (1994)

SUSTAINABILITY ASSESSMENT

As with most major developments the Local Planning Authority requires that the applicants consider sustainable development from an early stage, so that the maximum amount of sustainable measures can be incorporated in the proposal up-front. The applicants have submitted an Energy Statement and a Sustainable Development Checklist, which has been revised during the course of the application. The latest revised submitted Sustainable Development Checklist has a score of 36.5% (the applicant's score was 37.5%). Officers consider that, with further information, the total potential score is 39.5%. The further information required to achieve the 39.5% score can be submitted within the sustainability implementation strategy, secured through the S106.

The usual minimum requirement is 50%. However a lower score is considered to be acceptable as several credits are unavailable to this type of proposal. The applicants should demonstrate that all available credits have been maximised.

The proposed extension will have a total floorspace of 2494.5sqm. The Energy Statement indicates that the proposal does not meet London Plan policy 5.2 requirements to achieve 25% improvement on TER of Building Regulations 2010. The applicants state this is technically unfeasible due to the decision to retain and connect to the existing site wide heating distribution network. They also contend that the high servicing requirements for infection control purposes, limit the designers flexibility in ventilation and air conditioning system selection.

Officers accept that the particular internal environmental condition requirements for surgical medical facilities of this nature make meeting the normal policy requirement difficult. In light of this, officers recommend that the proposal meet LP5.2 requirements in regards to carbon emissions associated with Heating, Hot Water, Lighting and Auxiliary uses only. Where a 25% improvement on TER for these systems cannot be met on site, measures to achieve an equivalent reduction in carbon emissions should be identified through consequential improvements of the refurbished blocks. This is in line with LP5.2 criteria (e) which states any shortfall may be provided off-site. The applicant has submitted details which specify that the level of carbon dioxide reduction for the proposal will be increased to the 25 % level through works to Block J. Further details regarding this have been recently submitted to the Council and are being considered by your officers. This will be discussed further in the Supplementary Report. However, it should be noted that your officers consider that the "topping up" the level of reduction

through works to an adjoining block, where the applicant is not otherwise required to undertake those works, is acceptable in principle.

300 sqm of PV panels are proposed. The applicant has maximised the available roof space and the addition of this renewable technology is welcomed. The PV panels are expected to reduce carbon emissions from regulated energy sources by 14% and total energy uses by 9%.

CONSULTATION

Site notices, dated 20th September 2011 were posted around the site, including at the main entrance of the hospital. No letters of representation have been received to date.

Ward Councillors were notified. There have been no responses to date.

Landscape officer

No objections to the proposal in principle to the proposal. However, it is noted that the proposal would result in the loss of a Red Oak tree as well as 2 No. Tulip trees. As a result, suitable replacement trees, with a minimum girth of 14-16 cm will be required to be planted in suitable locations as a compensatory measure. These trees must be watered for the first 2 years of their establishment.

Highways

No objection to the proposal. A revised plan has been requested showing at least four bicycle parking spaces.

Urban Design

No objections to the design of the scheme. Has recommended, however, that trees are planted on either corner of the car park and there is potential to incorporate some further soft landscaping that could help to screen the cars.

REMARKS

Introduction

The hospital site comprises of 1970s concrete buildings of various sizes, which have been added to over the last 40 years. Residential accommodation for hospital staff, is located to the east, Northwick Park Golf Course (Pay Golf) is located to the south and the University of Westminster to the north. The application relates to block J, located to the east of the main hospital site, opposite residential accommodation.

There are currently 9 operating theatres at the hospital located within block J, in need of improvement and reconfiguration for a number of reasons, including to incorporate modern standards of surgery and clinical care and to comply with the latest technical requirements. The programme for this theatre project is to be phased with the current application relating to phase 1. The current application is for the reconfiguration and expansion of block J of the hospital. This extension will accommodate an additional 3 or 4 theatre suites, and would create approximately 2,494m² floorspace over three floors. This includes undercroft parking on the ground floor, operating theatres on the first floor and plant room on the second floor.

The proposed development is in line with the long-term re-development plans for Northwick Park Hospital, as allocated with the Site Specific Allocations within the Local Development Framework.

Design and Massing and Impact on the Character of area and adjoining properties

The main hospital site comprises concrete buildings of varying heights. Block J is located to the east of the main hospital site, with residential staff accommodation to the east. Block J is 3-storey in height, with nearby blocks at 5 and 6 storeys and greater.

The original hospital buildings, including block J, are not considered to be of any architectural theme or style, being concrete utilitarian buildings with various additions over the years. The design of the proposed 3-storey extension to block J would be more modern in design and appearance to the main concrete buildings of the hospital. The residential buildings opposite, to the east of block J are of a modern brick construction, and a further new residential block has recently been built within the residential part of the site. The proposed materials for the new extension to block J are in line with sustainability requirements for the type of construction, and are welcomed.

Transportation

The applicants have submitted the approved Travel Plan for the Northwest London Health Trust in support of the application. The site has good access to public transport services (PTAL 4), with close access to Northwick Park and Kenton stations, as well as 7 local bus services.

The application site currently has provision for 92 car parking spaces, including 56 spaces within the existing undercroft of block J, and 36 spaces along the eastern boundary of the block. The proposed extension will result in a reduction of car parking provision by 13 spaces. There will also be provision for four motorcycle spaces. The plans do not show provision for cycle parking. These details would be required by planning condition. Although the car park provides parking for adjoining blocks at the Moorfields Day Centre and the MRI Unit, there is no concern over the reduction of car parking provision for block J. There is sufficient parking available within other parts of the hospital site for visitors, and existing staff parking is to be retained.

Landscaping and Trees

The proposed extension will result in the loss of a mature Red Oak tree, as well as 2 Tulip trees. Appropriate replacement trees will be secured as part of the landscaping scheme for the proposal. A fully detailed landscaping scheme will be required, including hard materials; plant species, quantities, densities and maintenance schedule.

Conclusion

Further details for Sustainability will be reported in the supplementary report for this application.

The proposed extension to block J is in accordance with Brent Council policy and guidance and is considered to be within the scale and character of the application site and adjacent buildings, and your officers recommend that planning permission is granted subject to a S106 agreement and relevant planning conditions.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Planning Policy Statement 1: Delivering Sustainable Development, 31 January 2005
Planning and Climate Change: supplement to Planning Policy Statement 1, 17
December 2007

Planning Policy Guidance 13: Transport, 3 January 2011
Planning Policy Statement 22: Renewable Energy 2004
Planning Policy Statement 23: Planning and Pollution Control 2004
Planning Policy Guidance 24: Planning and Noise (1994)

London Plan 2011

Brent's Unitary Development Plan 2004
Brent's Core Strategy 2010
Local Development Framework, Site Specific Allocations 2011
Supplementary Planning Guidance (SPG) 17 - "Design Guide for New Developments".
Supplementary Planning Guidance (SPG) 19 - "Sustainable Design, Construction & Pollution Control".
Supplementary Planning Document - S106 Planning Obligations.

CONDITIONS/REASONS:

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

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

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

GB1010013-D-001	GB1010013-D-012 A
GB1010013-D-002	GB1010013-D-013 B
GB1010013-D-003	GB1010013-D-014 B
GB1010013-D-004 B	GB1010013-D-015
GB1010013-D-005	GB1010013-D-016
GB1010013-D-006 B	GB1010013-D-017
GB1010013-D-007	GB1010013-D-018 B
GB1010013-D-008 B	GB1010013-D-019 B
GB1010013-D-009	GB1010013-D-020 Design and
Access Statement	
GB1010013-D-010	GB1010013-D-021
GB1010013-D-011	Revised Sustainability Checklist

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

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

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

- (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:-

- (a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (b) a plan showing the size, species and location of a minimum of 5 suitable replacement trees with minimum 14-16cm girth in appropriate locations in proximity to the site to be developed;
- (b) details of any proposed walls and fences indicating materials and heights;
- (d) adequate physical separation, such as protective walls and fencing between landscaped and paved areas;
- (e) areas of hard landscape works and proposed materials.
- (f) existing contours and any proposed alteration to ground levels such as earth mounding;
- (g) areas of hard landscape works and proposed materials;
- (h) details of the proposed arrangements for the maintenance of the landscape works.

Any replacement trees shall be watered for the first two years after planting, and any other 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.

- (5) Details of the provision of a minimum of four 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.

Reason: To ensure satisfactory facilities for cyclists.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan 2004

Brent's Core Strategy 2010

Local Development Framework, Site Specific Allocations 2011


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

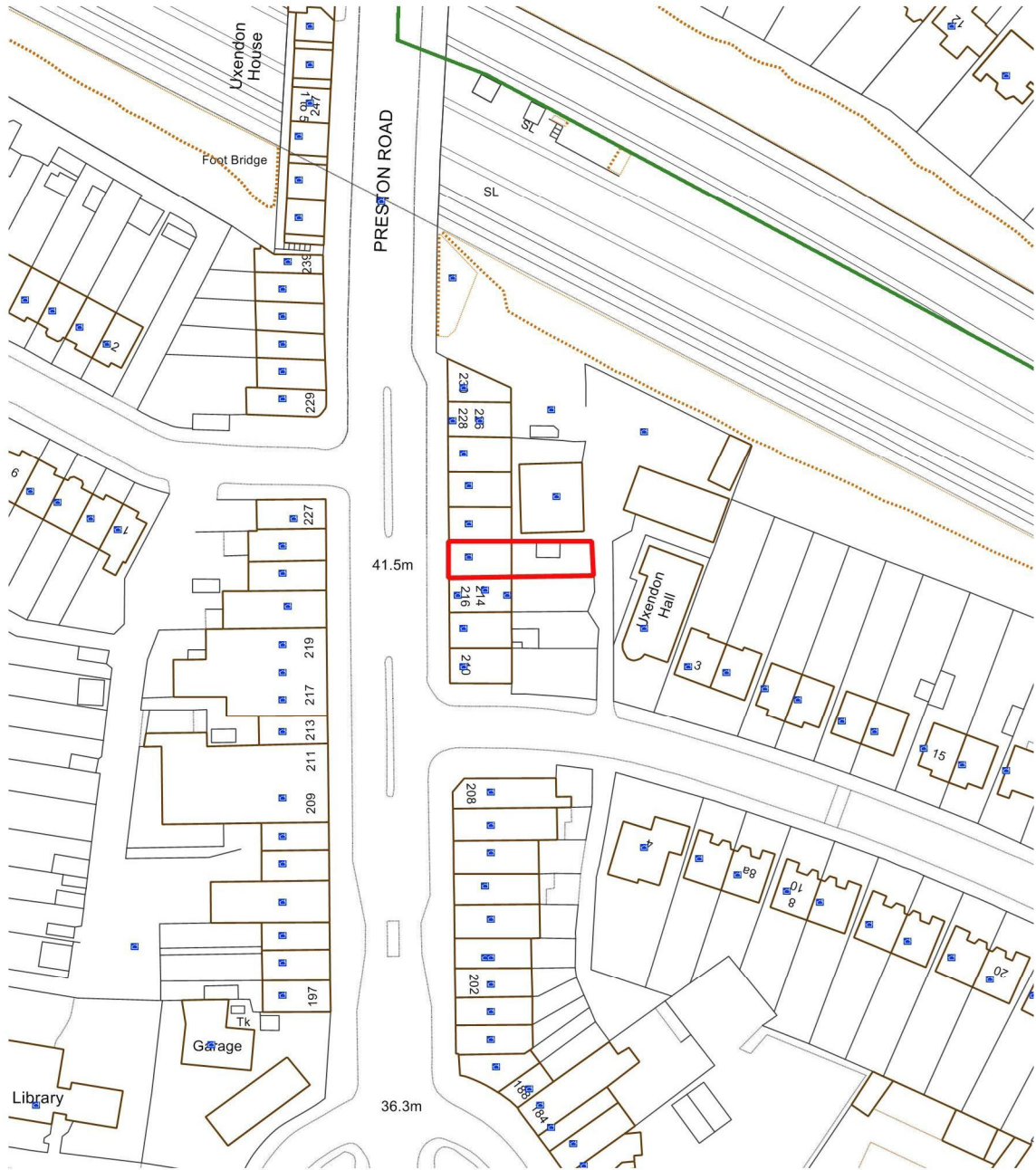
Supplementary Planning Guidance (SPG) 19 - "Sustainable Design, Construction & Pollution Control".

Supplementary Planning Document - S106 Planning Obligations.

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

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 **Planning Committee Map**
Site address: 218 Preston Road, Wembley, HA9 8PB
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This map is indicative only.

RECEIVED: 11 August, 2011

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 218 Preston Road, Wembley, HA9 8PB

PROPOSAL: Proposed change of use from Use Class A1 (retail) to Use Class A5 (hot food take-away), installation of new shop front, erection of 2-storey rear extension with external staircase, installation of extract duct to rear elevation and x2 floor mounted air compressors units at the rear.

APPLICANT: Dominos Pizza Group Ltd

CONTACT: Richard Unwin Chartered Surveyor

PLAN NO'S:
(See Condition 2 for the approved plans)

RECOMMENDATION

Approve

EXISTING

The subject site, located on eastern side of Preston Road is a mid-terrace 3-storey property consisting of a vacant retail unit on the ground floor, with residential accommodation above. It is not known precisely how long the retail unit, which was most recently used as dry cleaners, has been vacant for but it has certainly been vacant for the past 12 months.

The premises are situated within the designated Preston Road Primary Shopping Frontage which comprises a mixture of uses and the property benefits from a rear service road that is accessed from Elmstead Avenue.

PROPOSAL

Change of use from Use Class A1 (retail) to Use Class A5 (hot food take-away), installation of new shop front, erection of 2-storey rear extension with external staircase, installation of extract duct to rear elevation and x2 floor mounted air compressors units at the rear.

HISTORY

11/0402 - Change of use from retail shop (Use Class A1) to winebar (Use Class A4) and siting of a new extractor duct to the rear, and erection of rear basement and ground floor extension. **Granted**

The loss of retail was accepted and a change of use to A4 allowed, following the Inspectors findings in determining application 10/2357. The applicants have stated that they have since been unable to let the premises for an A4 use and this is partly why permission for an A5 use is sought.

10/2357 - 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. **Refused**

1. The proposed loss of a retail unit and change of use of the premises to a wine bar (Use Class A4) would exacerbate the existing over-concentration of non-retail units within the Preston Road Primary Shopping Frontage, resulting in there being significantly more than 35% of the units in

non-retail use (with a vacancy rate less than 10%), and would fail to enhance the range of services that is already provided, resulting in harm to the vitality, viability and retailing function of Preston Road Centre and lessen its attractiveness to shoppers. This is contrary to policy SH7 of the London Borough of Brent Unitary Development Plan 2004.

2. The application is accompanied by inadequate information to demonstrate that the proposed use of the premises as a wine bar will not give rise to conditions harmful to the amenities of residential occupiers both immediately above and adjacent to the premises, through noise transmission. Furthermore, the lack of sufficient information in support of the extraction flue fails to demonstrate that the low-level extract flue will not result in a loss of amenity for neighbouring occupiers, either above or adjoining the premises, by way of noise, vibration and smell from the extraction and ventilation equipment, including any ducting. In the absence of such information about the intended use, and given the proposed size, siting and low-level termination of the extraction equipment in proximity to habitable-room windows, the application fails to demonstrate compliance with policies EP2 and SH10 of the adopted London Borough of Brent Unitary Development Plan 2004.

3. The proposed rear extension, by reason of its footprint, would inhibit the use of this service yard for vehicular servicing purposes, and would result in the permanent loss of on-site rear servicing in conjunction with the ground-floor retail/commercial premises for 218 Ealing Road. This is accordingly likely to result in loading/unloading/servicing on a permanent basis from the service road to the rear, or the highway to the front of the premises, causing obstruction to the service road or highway, to the detriment of the free flow of traffic and conditions of general highway and pedestrian safety. Furthermore the proposal fails to make adequate arrangements for the storage of refuse, waste and recycling material. This is contrary to the Council's policies SH19, TRN3, TRN22 and TRN34 of the adopted Unitary Development Plan 2004.

The application (10/2357) was the subject of an Appeal (**ref: APP/T5150/A/10/2140597**) that was dismissed in February 2011. The Inspector concluded the following;

It was the Inspectors view that the main issues in this case were the effect of the scheme on (a) the vitality and viability of the local shopping centre within which the unit is located; (b) the living conditions of nearby residents; and access and servicing arrangements.

In terms of (a) the Inspector comments that for the purpose of applying policy SH7 it is not clear whether the policy is intended to be applied by reference to linear management or to a calculation based on the number of units. To clarify this point Officers can confirm that the application of policy SH7 is concerned with the proportion of frontage by linear measurement.

The Inspector had regard to the Council frontage survey, conducted in October 2010 as part of its assessment of application 10/2357. The results of the survey concluded that at that particular time 57% of the frontage was in retail use (Use Class A1), 36% was in other uses and some 7% was vacant. The Inspector therefore concluded that "*on the face of it, therefore the scheme would be in breach of UDP policy SH7*". Critically the Inspector goes on to say that "*in my view, however, in addition to a mechanistic assessment of the scheme's compliance with policy, it is necessary to arrive at a qualitative judgement*".

It was noted by the Inspector that only one of a total of 72 units in the Primary Frontage as a whole was in a use covered by Class A4, three were in Class A3 and five fell within Class A5. Based on this it was said by the Inspector "*this does not suggest to me that the Preston Road retail centre is at present over dominated by food and drink uses or the night time economy. In addition, the low level of vacancy, the generally high quality of the physical environment and the presence of two medium sized modern supermarkets opposite the appeal site do not indicate a retail destination at any significant risk of losing its primary purpose*".

“In the absence of any other evidence, I have concluded, notwithstanding the modest increase in the proportion of the frontage which would be given over to non-retail uses, that the effect of the change of use on the vitality and viability of the local shopping centre would be broadly neutral”.

In terms of (b) the Inspector agreed that there was a lack of detailed information about how the arrangements for dealing with smells and fumes would be dealt with, in a way which would safeguard the amenities of the occupiers of the flat above. However the Inspector took into consideration the appellants point that the application is speculative in nature and that these matters could be resolved by the imposition of conditions.

In terms of (c) the Inspector found that the proposal *“would leave an area for servicing and parking which would be wholly inadequate for the purpose”*. No commercial vehicle of any kind could be accommodated within the site and the Inspector agreed with the Council that this would result in unacceptable servicing arrangements contrary to UDP policies SH19, TRN3(e) and TRN34.

In conclusion therefore the Inspector found the principle of the loss of retail frontage and a change of use to A4 to be broadly acceptable, and that concerns related to residential amenity are capable of resolution by the imposition of appropriate conditions. However the arrangements for servicing were considered to be wholly inadequate and for this reason alone the appeal was dismissed.

POLICY CONSIDERATIONS

PPS1 ‘Delivering Sustainable Development’

PPS4 ‘Planning for Sustainable Economic Growth’

PPS6 ‘Planning for Town Centres’

The London Plan ‘Spatial Development Strategy for Greater London’- **2011**

Brent Unitary Development Plan 2004

BE4 Access for Disabled People

BE9 Architectural Quality

EP2 Noise & Vibration

TRN22 Parking Standards Non-Residential Developments

TRN34 Servicing in New Development

PS9 Parking Standards A3 Use

PS16 Cycle Parking Standards

PS20 Servicing Standards A3 Use

SH1 Network of Town Centres

SH6 Non Retail Uses Appropriate to Primary Shopping Frontages

SH7 Change of Use from Retail to Non-Retail

SH10 Food & Drink A3 Uses

SH11 Conditions for A3 Uses

SH19 Rear Servicing

Brent Core Strategy – July 2010

CP 16 Town Centres and The Sequential Approach to Development

Supplementary Planning Guidance

Supplementary Planning Guidance Note 7 - Shopfronts & shop signs

Supplementary Planning Guidance Note 17 - Design Guide for New Development

Main Considerations;

Principle of change of use from A1 to A5?

Impact on vitality and viability of Primary Frontage

Impact on neighbouring residential accommodation

Parking, servicing standards & vehicle access

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Consultation letters were sent on 7 September 2011, in total 13 properties were consulted by letter. Brent's Transportation Team, Environmental Health Department and Ward Councillor's were also consulted.

Fairly strong opposition to the proposed change of use has been received in the form of ten individual objections and a petition signed by 28 local businesses and traders. The grounds for objection can be summarised as the following;

- The change of use will result in increased traffic and congestion and will lead to further problems of illegal parking.
- As there is already a lack of parking for existing businesses, this will only worsen the problem.
- Pizza delivery drivers will pose a danger to pedestrians and road users alike.
- The use will cause harm to the amenities of the flat above through the dispersal of cooking smells and noise generated from customers late at night.
- Will result in increased litter on the pavement.
- There is no need for additional food establishments in the area.
- The change of use will affect the value and letting potential of the flat above (not a material planning consideration).

Transportation;

There is a high demand for on-street parking along this side of Preston Road throughout the day and evenings. There is free on-street parking on the road for a maximum of 1 hour and no return within 2 hours. On Wembley Stadium Events this control is altered to a maximum stay of 2 hours and no return within 2 hours.

Parking and servicing standards for the retail use (existing) are set out in PS7 and PS17 of the 2004, UDP. Whereas standards for the proposed A5 use are set out in policies PS9 and PS20.

These standards dictate that the existing retail use parking standard is 1 space, and the maximum parking standard for the proposed A5 use would also be 1 space. There is no change in the parking standard. There is as it stands existing off-street parking provision within the rear service yard for four vehicles, this would be reduced to two by the proposed extension.

The servicing requirement for the existing retail use is for there to be provision for a loading bay that can cater for a 'transit' sized vehicle (3m x 5.5m). The same standard applies to the proposed A5 use. The service yard can provide this, and this will continue to be accommodated behind the proposed extension

Public cycle parking is readily available along Preston Road.

It is noted within the supporting Design & Access Statement that 80% of the business for this pizza take-away is through home deliveries, and carried out mostly by motor cycles or mopeds. It is therefore essential that space is provided at the rear of the unit for delivery motorcycles to park clear of the highway. Any parking along the footway to the front is illegal, as well as presenting a road safety hazard. As such a condition is recommended requiring that all motorcycle parking takes place within the service yard to the rear of the premises, and a revised site plan should be submitted for approval.

The space available to the rear meets transportation parking and servicing requirements, and as such there is no objection on Transportation grounds, subject to a condition that all motorcycle park only within the rear service yard.

Environmental Health:

Environmental Health officers have commented as follows;
Insufficient information has been provided of the measures that will be undertaken to safeguard residential premises above from nuisance noise and odours. Environmental Health Officer's seek clarity and to agree on any measures that will be put in place to combat this prior to the commencement of the use.

Suggested Condition:

Prior to the commencement of the use hereby approved, details of fume extraction and odour control equipment including any external ducting and flues, shall be submitted to and approved in writing by the local planning authority. Such equipment shall be installed in its entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times.

Reason; To protect the amenity of nearby residents.

Officer's also comment that the applicant has not provided a specification of the plant to be installed, and as a result require that a condition be attached to any permission granted requiring this information to approved prior to the commencement of works.

Suggested Condition:

Prior to installation the applicant shall provide detailed designs of the extract equipment for approval, this should include details of;

-Specification of the fan and any silencers

-All fittings intended to reduce the transmission of noise and vibration to neighbouring properties.

-Predicted noise levels at the nearest point to the window, demonstrating that the selected units will not cause a nuisance to the property.

Reason: To protect the amenity of nearby residents.

REMARKS

The application seeks planning permission for the change of use of the premises from retail (Use Class A1) to a hot food take-away (Use Class A5) with a rear basement and ground floor rear extension (i.e. 2-storey rear extension), and installation of extraction flue to the rear and a new shop front to facilitate the change. An external staircase is also proposed and the installation of two floor mounted air compressor units at ground floor.

The take-away business would be a branch of Domino's Pizza.

Policy Context/Loss of retail & change of use from A1 to A5;

The borough's main network of town centres, consisting of Major Town, Main District and Other District Centres, is generally formed through the designation of Primary and Secondary Shopping Frontages. Within these designated frontages the Council's planning policies, set out in the adopted Unitary Development Plan 2004 (UDP), seek to promote a diverse and appropriate mix of both retail and non-retail uses which can add vitality to the town centre.

Core Strategy Policy CP16 states that proposals outside of Wembley, that maintain the position of the different town centres will continue to be supported. It is not considered that the modest loss of retail frontage will affect the centres position in the hierarchy.

Policy SH6 of Brent's Unitary Development Plan 2004 sets out that the proposed change of use of retail premises to a food and drink establishment (e.g. A3, A4 or A5) within the designated Primary Shopping Frontage should normally be accepted where the criteria set out in policies SH7, can be satisfied as well as policies SH10 and SH11 of the UDP.

The criteria are set out in paragraphs a) to e) of policy SH7. Criteria e) (extension to an existing business) is not considered directly relevant to this proposal.

Paragraph a) requires that account be taken of the rear servicing requirements. The proposed A5 use should demonstrate that servicing by a transit sized vehicle is achievable. In this case there is sufficient space to the rear to accommodate a transit sized loading bay (3m x 5.5m) compared to the previous refusal of application 10/2357 which was dismissed on appeal due to the inadequate servicing provision. Due to the reduction in size of the extension servicing can be carried out within the site. A condition is required to restrict the parking of motorcycle vehicles that will be used for delivery purposes to the rear service yard only, to prevent the illegal parking of these vehicles on the surrounding footways. On balance though the proposed scheme demonstrates compliance with adopted parking and servicing standards, there is to be no increase in either standard above the existing use and on Transportation grounds the change of use is acceptable.

Paragraph b) sets out that proposals should not result in an excessive concentration of units or continuous non-retail frontage within any parade or street block. The adjacent units are occupied by Abby's Food & Wine (Use Class A1) and an Estate Agent (Use Class A2). There are two other units within this block in A1 Use and it is not considered a change to Use Class A5 would result in this part of frontage, or this block being overly concentrated in terms of non-retail uses.

Paragraph c) sets out that proposals should not generally increase the proportion of non-retail frontage to over 35% unless the vacancy rate exceeds 10% in which case up to 50% non-retail frontage may be permitted. The Planning Service undertakes a survey of the existing uses within the Borough's town centres bi-annually in order to monitor the vitality and health of the centres. This survey was last undertaken in summer 2009 although as part of an earlier application at this site Officers visited the primary frontage in Preston Road to update the survey with any recent changes. The survey was updated on October 2010.

The October 2010 survey results revealed that 57.34% of the primary frontage is made up of A1 uses, and that 42.6% of the frontage is occupied by non-retail uses. The vacancy rate at that time was 6.6%, and remains below the 10% threshold that would permit a higher proportion of non-retail frontage. These figures are based on a linear measurement of the length of frontage and the proportion of frontage given over to various uses, and are not based on the proportion of unit numbers in a particular use. These figures also take into account the proposed change of use at 218 from A1 to A5.

The existing situation in Preston Road's primary frontage fails to comply with the criteria set out in paragraph c) and the proposed change of use would only seek to worsen the retail offer, exceeding the non-retail offer even further above the 35% threshold.

October 2010 Survey results;

No	Use Class	Address	Length of frontage (m)
192	A1	Preston Rd	4.8
194	A1	Preston Rd	4.8
196	Vacant	Preston Rd	4.8
197	A3	Preston Rd	4.8
198	A1	Preston Rd	6.1
199	A1	Preston Rd	6.1
200	A1	Preston Rd	6

201	A1	Preston Rd	4.8
202	Vacant	Preston Rd	6.1
203	A2	Preston Rd	7.9
204	A1	Preston Rd	6.1
205	Vacant	Preston Rd	6.1
206	A1	Preston Rd	6.1
207	4.8	Preston Rd	4.8
208	Sui Generis	Preston Rd	4.8
209-211	A1	Preston Rd	14
210	A3	Preston Rd	7
212	A1	Preston Rd	6.1
213	A1	Preston Rd	4.8
214	A2	Preston Rd	6.1
215	A1	Preston Rd	15.8
218	A5	Preston Rd	6.1
220	A1	Preston Rd	7.6
222	A1	Preston Rd	7
223	A2	Preston Rd	4.8
224	A5	Preston Rd	3
224	A1	Preston Rd	1
224	A5	Preston Rd	3
225	A1	Preston Rd	6.1
226	A5	Preston Rd	6
227	A2	Preston Rd	4.8
229	A1	Preston Rd	4.8
230	Vacant	Preston Rd	7.6
231	A1	Preston Rd	4.8
233	A2	Preston Rd	4.8
235	A1 & A2	Preston Rd	1.2 + 1.2
237	A1	Preston Rd	4.8
239	A1	Preston Rd	3
241	A1	Preston Rd	11.8
245	A1	Preston Rd	6.1
247	Vacant	Preston Rd	6.1
249	A5	Preston Rd	3.9
251	A1	Preston Rd	7.8
255	A1	Preston Rd	4.8
257	A2	Preston Rd	6.1
259	A1	Preston Rd	6.1
260	A2	Preston Rd	12.5
261	A1	Preston Rd	6.1
263	A5	Preston Rd	6.1
264	A1	Preston Rd	3.3
265	A2	Preston Rd	6.1
266	A1	Preston Rd	7
267-269	A1	Preston Rd	11.8
268	A1	Preston Rd	7.9
270	A1	Preston Rd	7
271	B1	Preston Rd	4.8
272	A1	Preston Rd	7
273	A2	Preston Rd	4.8
274	A1	Preston Rd	7
275	A1	Preston Rd	9.7
276	A2	Preston Rd	7

278	A4	Preston Rd	7.9
279	A1	Preston Rd	6.1
280	A2	Preston Rd	7.9
282	A1	Preston Rd	6.1
284	A1	Preston Rd	7
286	A1	Preston Rd	3.6
288	D1	Preston Rd	14
290	A1	Preston Rd	6.1
292	A2	Preston Rd	7
294	A3	Preston Rd	7.9
296	Sui Generis	Preston Rd	7

Use	Proportion of frontage
A1 %	57.34
A2	17.44
A3	4.24
A4	3.01
A5	4.73
B1	1.03
D1	3.01
Sui	2.54
Vacant	6.61

Paragraph d) considers whether the proposed non-retail use would enhance the range of services provided or enhance the specialist role of the centre. A Domino's pizza take-away outlet is proposed which would be similar to other A5 uses in Preston Road. It is therefore considered that an additional A5 use would not particularly enhance the range of services available within the centre.

The proposed change of use would still fail to accord with the criteria set out in paragraph, c) of UDP policy SH7. However the Council is mindful of the appeal decision **ref: APP/T5150/A/10/2140597** from February 2011 which relates to the 2010 refusal of planning permission for a change of use from A1 to A4. In his reasoning the Inspector makes a qualitative judgment about the retail offer, and the further loss of retail proposed by saying "*I have concluded, notwithstanding the modest increase in the proportion of the frontage which would be given over to non-retail uses, that the effect of the change of use on the vitality and viability of the local shopping centre would be broadly neutral*".

Clearly this is a very recent appeal decision, there has been no change in policy and no significant changes to the mix of uses within the primary frontage since that time. The conclusion of Officer's is that although the appeal decision related to a proposed wine bar (Use Class A4) the Inspectors decision is material to the determination of this application. For these reasons the qualitative judgement made by the Inspector is given significant weight, and the fact that there are two national retailers present and relatively low levels of vacancy indicates a centre that is not in decline. At this point in time the primary frontage appears to be in 'good health', and with the Inspectors conclusions material to this scheme the loss of a retail unit is considered to be acceptable in this instance where the proposal is for a hot food take-away (Use Class A5).

This view does not set a precedent for other proposals involving the loss of retail within this particular centre. Each case should be assessed on its individual merits, taking account of the conditions on site and within the primary frontage at that particular point in time.

Policy SH10 is specific to food and drink uses and in considering proposals for such uses these should not result in the creation of traffic congestion, car parking problems or a reduction in highway safety in surrounding areas and not adversely affect the amenity of residential occupiers.

Lower basement and ground floor rear extension;

A 7.53 metre deep 2-storey rear extension is proposed, providing additional space for back office functions and storage. Number 220 Preston Road has a large workshop extension to the rear which is historical, therefore this property would be unaffected by the proposed extension. Number 216 Preston Road is un-extended, but as the proposed extension is confined to basement and ground floor it should not impact unreasonably on the amenities of the occupants of the upper floor flat.

A new rear exit with external staircase is proposed because of the level differences between ground floor and the ground level to the service yard.

Flue/extraction system and A/C compressor units;

It is proposed to install an extraction flue which would be routed out of the roof of the extension, and would then rise vertically up against the rear wall, before turning through 90 degrees across the existing flat roof at 2nd floor level where it then rises up the vertical face of the rear dormer and terminates 1m above the eaves level. This system rises relatively close to first floor windows that relate to the upper floor flat. It was noted on site that one of these windows is obscurely glazed and would therefore be non-habitable.

Environmental Health does not generally support low level extraction systems as these often fail to adequately disperse smells and odours away from the nearest sensitive premises. As a minimum they will expect the flue to terminate at least 1 metre above the eaves, and in this case this has been achieved.

Once again there is a lack of information in general about the type extraction system, detail of how to guard against noise transmission, or details of the systems specification. These would normally be required 'upfront' in order to properly assess the potential harm to the amenities of the occupiers of the first floor flat, and safeguard such amenities.

In the absence of such information previously the Council refused an earlier application (10/2357) as Officer's had not been satisfied that the specification of the flue, its performance and the use would not have a detrimental impact on the amenities of residents above. When considering the reason as part of the appeal the Inspector concluded that such concerns could be dealt with through the imposition of conditions. This view, forms part of a recent appeal decision and is material to the outcome of this application.

Environmental Health officers are satisfied that such matters can be dealt with through the imposition of conditions. Accordingly further details of the arrangements for dealing with noise and odours will be required through condition prior to the commencement of the use. It is also relevant that Environmental Health officers have confirmed that no complaints have received which relate to noise or odour related problems from the existing food businesses along this section of the parade. And furthermore they have also advised that the proposal is for a pizza business which is less likely to generate odour related problems, due to the type of cooking practises that are involved.

It is proposed to install x 2 compressor units, these relate to the internal air conditioning system. These are to be floor mounted and located within the rear service yard. In this location they are no close to any habitable windows, and would not give rise to potential problems of noise or vibration to surrounding residential accommodation.

Transportation;

The proposed depth of the extension to the rear means that adequate arrangements for rear servicing can be accommodated, in full compliance with policy SH19. As discussed above this overcomes a previous reason for refusal, and the sole reason that the earlier appeal was dismissed.

In addition the proposal makes adequate arrangements for the storage of waste and recycling material on site, in accordance with policy TRN34.

The only outstanding matter is for further details of rear motorcycle parking provision to be submitted and approved, and this can be dealt with through condition.

New shopfront;

The existing shopfront is predominantly glazed, with an entrance door on the left hand side and an entrance to the other side which accessed the residential accommodation above. It is proposed to keep the entrance points in the same locations, but a new shopfront frame is to be installed that will be aluminium and powder coated in a light grey (RAL 9006). Stallrisers will be retained and parts of the glazing will be laminated. In design and appearance terms the new shopfront is very much of the same design as the existing, and would satisfy UDP policy and SPG7 'Shopfronts and shop signs'.

No details of signage are submitted, but these would need to be the subject of a separate advertisement consent application.

Hours of Operation;

The applicants are proposing operating hours of 09:00am – Midnight (Mon-Sat) and 10:00am – Midnight on Sundays.

No objection to these hours has been raised by Environmental Health, nor by any of the third party representations that have been received.

The main consideration would be whether these hours would be harmful to the amenity of surrounding residential neighbours. At this point it has to be recognised that Preston Road is home to a number of A3, A4 and A5 establishments that contribute to the night time economy, and there would already be a level of activity associated with these that goes on up to and beyond midnight. Furthermore the nature of the business mean it unlikely that customers would congregate late at night, particularly as 80% of business is expected to be via home delivery. Therefore in this location it is not unreasonable that the business would want to operate until midnight, and Officer's do not consider this to be out of keeping with the surrounding area.

Comments on grounds for objection;

The change of use will result in increased traffic and congestion and will lead to further problems of illegal parking.

No objection has been raised by Transportation on these grounds. It is stated that 80% of the orders are anticipated to be via home delivery, the nature of the business mean it is unlikely that large numbers of customers would travel by car. In any event there are parking restrictions in force along Preston Road to control any illegal parking.

Pizza delivery drivers will pose a danger to pedestrians and road users alike.

It is illegal for motorcycles to park or obstruct the footway. A condition is recommended that will require all motorcycles to be parked in the rear service area only.

The use will cause harm to the amenities of the flat above through the dispersal of cooking smells and noise generated from customers late at night.

Whilst the concerns/points raised above are relevant, it is a material consideration that in the recent appeal decision referred to above the Inspector considered that such matters could be resolved through the imposition of carefully worded conditions. Environmental Health Officers have considered the proposal are also satisfied that details by which noise and odour will be minimised can be controlled through condition. The approval of such details should ensure protection of the amenities of surrounding residential properties.

The nature of the business and the very fact that 80% of its custom comes from home deliveries mean that it is unlikely large groups of customers would congregate or generate excessive noise late at night. Customers visiting the premises would simply be there to pick up orders, and then leave.

Will result in increased litter on the pavement.

Sufficient refuse provision has been shown to the rear, and Preston Road has street bins which will be available for customers use. In any event it is anticipated that 80% of business will be via home deliveries, therefore reducing the potential for increased litter nearby.

There is no need for additional food establishments in the area.

There are already a range of food and drink establishments in Preston Road however it is not for the planning system to restrict business competition. For the reasons set out above it is not considered that a modest loss of retail frontage would significantly harm the vitality and viability of this centre.

The change of use will affect the value and letting potential of the flat above (not a material planning consideration).

Summary;

With reference to Policy SH7 of the **Adopted Unitary Development Plan 2004**, the change of use from Use Class A1 to Use Class A5 doesn't fully satisfy policy SH7(e). Members are requested to note that the Council was not supported in its efforts to refuse permission for this reason on a previous application (10/2357), and a recent appeal decision from February 2011 in relation to this has been material to the recommendation of this application. The same appeal decision is also the reason why a qualitative judgement is applied to the current 'health' of the primary frontage, as evidenced by the presence of two major national retailers in the form of Tesco and CO-op, and the low vacancy rates. So despite the proposal failing to fully satisfy SH7 in terms of the proportion of non-retail uses it is found that a further loss of retail frontage, which would be modest, would not by itself significantly harm the vitality and viability of the centre. Further details of the proposed means of dealing with odours and noise will be dealt with through condition, in order to safeguard the amenity of neighbouring occupiers.

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

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
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

CONDITIONS/REASONS:

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

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

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

OS Sitemap (1:1250)
Drg 4722-A5-01 (1:50)
Drg 4722-A5-02 (1:50)
Drg 4722-BP08 (1:200)

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 premises shall only be open and used for the preparation or sale of hot food on the premises, and accept deliveries to the premises between the hours of:

0900 to 2400 Monday to Saturday (Excluding Bank Holidays)
1000 to 2400 Sundays & Bank Holidays

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

- (5) The emergency exit doors shall be used only in genuine emergencies, and at all other times shall be kept shut. The front entrance door(s) shall be made self-closing to minimise emission of odours and/or noise to the neighbouring area.

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

- (6) The rear service yard of the premises shall not be used as an area for outside storage or as a customer seating area in connection with the uses, hereby approved, unless prior written approval is first obtained from the Local Planning Authority.

Reason: In the interests of residential amenity

- (7) Prior to the commencement of the use hereby approved, full details of fume extraction and odour control equipment including any external ducting and flues, shall be submitted to and approved in writing by the local planning authority. Such equipment shall be installed in its entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times.

Reason; To protect the amenity of nearby residents.

- (8) Prior to commencement of use and to installation the applicant shall provide detailed designs of the extract equipment for approval, this should include details of the following;

(i) Specification of the fan and any silencers

(ii) All fittings intended to reduce the transmission of noise and vibration to neighbouring properties.

(iii) Predicted noise levels at the nearest point to the window, demonstrating that the selected equipment will not cause a nuisance to the property.

The noise level from any plant (e.g. refrigeration, air-conditioning), together with any associated ducting, shall be maintained at a level 10 dB (A) or greater below the measured background-noise level at the nearest noise-sensitive premises. The method of assessment should be carried out in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas".

Should the predicted noise levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: To protect the amenity of nearby residents.

- (9) Further details of motorcycle parking provision within the rear service yard area shall be submitted to and approved in writing by the local planning authority prior to the commencement of the use.

Reason; To ensure the use is not harmful to pedestrian or highway safety.

INFORMATIVES:

- (1) The applicant is reminded that it is illegal to park/store delivery motorcycles or mopeds on the public footway, and all such vehicles shall only be parked in the dedicated rear service yard only.
- (2) Prior consent may be required under the Town & Country Planning (Control of Advertisements) Regulations 1992 for the erection of any advertising signs and/or hoardings on the subject site.

REFERENCE DOCUMENTS:

London Borough of Brent, UDP 2004
Brent Core Strategy 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

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PLANNING & ENFORCEMENT APPEALS

September 2011

Received	4/01
Decided	4/02
Selected Decisions	4/03
Copies of selected Decisions	4/04

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Received PLANNING Appeals between 1-Sep-2011 and 30-Sep-2011

Planning Committee: 25 October, 2011

Application Number: 10/2426 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 02/09/2011 **Appeal Against:** Refusal of planning permission
Location: 8A Monson Road, London, NW10 5UP
Proposal:

Retrospective application for erection of single storey outbuilding in rear garden of ground floor flat

Application Number: 11/0223 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 27/09/2011 **Appeal Against:** Refusal of planning permission
Location: 61B St Pauls Avenue, London, NW2 5TG
Proposal:

Retrospective planning application for erection of timber outbuilding in rear garden of first floor flat

Application Number: 11/0591 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 19/09/2011 **Appeal Against:** Refusal of planning permission
Location: 108 Carlton Avenue West, Wembley, HA0 3QX
Proposal:

Erection of a parapet roof to garage, first floor side and rear extension, rear dormer window and rooflight to dwellinghouse

Application Number: 11/1092 **Team:** Northern Team **Application Type** Other CLU
Appeal Received: 30/09/2011 **Appeal Against:** Refusal of planning permission
Location: All Units, Oriental City, Edgware Road, Kingsbury, London, NW9
Proposal:

Certificate of Lawfulness for 49.9% of the existing floorspace of the retail units implemented under planning permission 90/1727 can be used for unrestricted purposes within Use Class A1

Application Number: 11/1307 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 01/09/2011 **Appeal Against:** Refusal of planning permission
Location: All Flats at Jubilee Heights, Shoot Up Hill, London, NW2
Proposal:

Erection of a 5-storey building, comprising 5 self-contained flats with roof garden, attached to southern elevation of Jubilee Heights

Application Number: 11/1385 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 07/09/2011 **Appeal Against:** Refusal of planning permission
Location: 72-74 Dudden Hill Lane, London, NW10 1DG
Proposal:

Erection of 3-storey building to the rear containing two self-contained flats, first floor extension over no. 72 to contain one self-contained flat, erection of rear dormer window and 2 front rooflights to existing building and conversion of first and loft floors into two self-contained flats. Refuse, recycling and cycle storage at ground floor

Application Number: 11/1393 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 28/09/2011 **Appeal Against:** Refusal of planning permission
Location: 210 East Lane, Wembley, HA0 3LF
Proposal:

Proposed single storey side extension and installation of three rooflights to dwellinghouse.

Received PLANNING Appeals between 1-Sep-2011 and 30-Sep-2011

Planning Committee: 25 October, 2011

Application Number: 11/1486 **Team:** Northern Team **Application Type** Other CLD
Appeal Received: 30/09/2011 **Appeal Against:** Refusal of planning permission
Location: 25 Berkeley Road, London, NW9 9DH
Proposal:

Certificate of lawfulness for proposed demolition and replacement of existing garage with garage and store in rear garden of dwellinghouse

Application Number: 11/1722 **Team:** Northern Team **Application Type** S78 VAR
Appeal Received: 27/09/2011 **Appeal Against:** Refusal of planning permission
Location: 121 Woodcock Hill, Harrow, HA3 0JW
Proposal:

Variation of condition 2 (approved plans) to allow alterations to the raised patio of full planning permission 10/2335 dated 15/12/2010 for retrospective application for erection of single storey rear extension and raised patio to dwellinghouse.

Decisions on PLANNING Appeals between 1-Sep-2011 and 30-Sep-2011

Planning Committee: 25-Oct-2011

Application Number: 10/1636 **PINSRefNo** A/11/2144212 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 26/09/2011

Location: Street Record, Brook Road, London, NW2

Proposal:

Prior approval for replacement of the existing replica telegraph-pole mast with a 13.8m streetworks monopole (telecommunications mast) accommodating 6 antennas, and installation of an additional, ground-based, equipment cabinet opposite the junction with Flowers Close (Part 24 General Permitted Development Order) (as accompanied by Site Specific Supplementary Information; General Background Information on Radio Network Development for Planning Applications; Health and Mobile Phone Base Stations; and ICNIRP letter and certificate)

Application Number: 10/3211 **PINSRefNo** D/11/2154493 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 15/09/2011

Location: 57 Hardinge Road, London, NW10 3PN

Proposal:

Retrospective application for rear dormer window and rooflight, front dormer window and rooflight, new ground floor rear window and door to main dwellinghouse and outbuilding to rear garden.

Application Number: 11/0603 **PINSRefNo** A/11/2153840 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 13/09/2011

Location: 203, 203B, Office 1 & Office 2, 203 Kilburn High Road, London, NW6 7HY

Proposal:

1st 2nd and 3rd floor rear extension, hip to gable, rear mansard on existing roof to increase office floorspace.

Application Number: 11/0660 **PINSRefNo** D/11/2156038 **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 20/09/2011

Location: 63 Bassingham Road, Wembley, HA0 4RJ

Proposal:

Retrospective application for existing detached outbuilding

Application Number: 11/0692 **PINSRefNo** D/11/2156896 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 22/09/2011

Location: 47 Paxford Road, Wembley, HA0 3RQ

Proposal:

Proposed part single and two storey rear extension, rear and side dormer window and installation of one front rooflight to dwellinghouse.

Application Number: 11/0931 **PINSRefNo** D/11/2158073 **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 16/09/2011

Location: 2 Tudor Court North, Wembley, HA9 6SG

Proposal:

Proposed erection of a part single, part two storey side extension to single family dwellinghouse (Use Class C3)

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Decisions on ENFORCEMENT Appeals between 1-Sep-2011 and 30-Sep-2011

Planning Committee: 25 October, 2011

Application Number: E/08/0197 **PINSRefNo** C/11/2152563 & 2152567 **Team:** Western Team**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 05/09/2011**Location:** 122 Swinderby Road, Wembley, HA0 4SG**Proposal:**

Without planning permission the erection of a building not incidental to the enjoyment of the dwellinghouse in rear garden area of premises

Application Number: E/10/0032 **PINSRefNo** C/11/2153660 **Team:** Northern Team**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 20/09/2011**Location:** 186 Princes Avenue, London, NW9 9JE**Proposal:**

Without planning permission, the erection of an outbuilding in the rear garden of the premises.

("The unauthorised development")

Application Number: E/10/0618 **PINSRefNo** C/11/2150500 **Team:** Southern Team**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 01/09/2011**Location:** 80 Sandringham Road, London, NW2 5EN**Proposal:**

The erection of a single storey wooden outbuilding in rear garden of the premises.

("The unauthorised development")

Application Number: E/10/0752 **PINSRefNo** C/11/2152565 **Team:** Northern Team**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 05/09/2011**Location:** 24 Greenway, Harrow, HA3 0TT**Proposal:**

Without planning permission, the change of use of the premises into flats and the erection of a building to form a third flat in the rear garden of the premises

Application Number: E/10/0876 **PINSRefNo** C/11/2156849 **Team:** Southern Team**Appeal Decision:** Appeal withdrawn **Appeal Decision Date:** 12/09/2011**Location:** 364 High Road, London, NW10 2EA**Proposal:**

The change of use of the premises from a retail to a mixed use as retail and car repair and servicing.

("The unauthorised change of use")

Application Number: E/11/0029 **PINSRefNo** C/11/2158149 **Team:** Southern Team**Appeal Decision:** Appeal withdrawn **Appeal Decision Date:** 20/09/2011**Location:** 6 High Street, London, NW10 4LX**Proposal:**

The erection of a single storey extension to rear of the premises, incorporating a plywood surround and plastic roof.

("The unauthorised development")

Decisions on ENFORCEMENT Appeals between 1-Sep-2011 and 30-Sep-2011
Planning Committee: 25 October, 2011

Application Number: E/11/0083 **PINSRefNo** C/11/2151052

Team: Northern Team

Appeal Decision: Appeal withdrawn

Appeal Decision Date: 14/09/2011

Location: 3 Oaklands Mews, London, NW2 6DQ

Proposal:

Without planning permission, the erection of railings on the roof of the single storey side projection to the premises.

("The unauthorised development")

**PLANNING SELECTED appeal DECISIONS between
1-Sep-2011 and 30-Sep-2011
Planning Committee: 25 October, 2011**

Introduction

In order to keep Members fully informed of Planning Appeal decisions, copies of Inspector's decision letters concerning those applications that have been allowed or partly allowed on appeal, are attached to the agenda. These include the following:

Our reference: 10/1636 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 26/09/2011
Team: Northern Team
Location: Street Record, Brook Road, London, NW2

Proposal:

Prior approval for replacement of the existing replica telegraph-pole mast with a 13.8m streetworks monopole (telecommunications mast) accommodating 6 antennas, and installation of an additional, ground-based, equipment cabinet opposite the junction with Flowers Close (Part 24 General Permitted Development Order) (as accompanied by Site Specific Supplementary Information; General Background Information on Radio Network Development for Planning Applications; Health and Mobile Phone Base Stations; and ICNIRP letter and certificate)

Our reference: 10/3211 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 15/09/2011
Team: Southern Team
Location: 57 Hardinge Road, London, NW10 3PN

Proposal:

Retrospective application for rear dormer window and rooflight, front dormer window and rooflight, new ground floor rear window and door to main dwellinghouse and outbuilding to rear garden.

Our reference: 11/0660 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 20/09/2011
Team: Western Team
Location: 63 Bassingham Road, Wembley, HA0 4RJ

Proposal:

Retrospective application for existing detached outbuilding

Our reference: 11/0931 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 16/09/2011
Team: Western Team
Location: 2 Tudor Court North, Wembley, HA9 6SG

Proposal:

Proposed erection of a part single, part two storey side extension to single family dwellinghouse (Use Class C3)

Background Information

Any persons wishing to inspect an appeal decision not set out in full on the agenda should check the application details on our website or contact the Technical Support Team, Planning and Development, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email

Chris Walker, Assistant Director - Planning and Development

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Appeal Decision

Site visit made on 7 September 2011

by **G M Hollington MA, BPhil, MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 September 2011

Appeal Ref: APP/T5150/A/11/2144212

Existing telecommunications site, Brook Road, Dollis Hill, London, NW2 7DZ

- 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 Vodafone UK Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref. 10/1636, dated 23 June 2010, was refused by notice dated 12 August 2010.
 - The development proposed is to replace existing replica telegraph pole with 13.8m high streetworks pole accommodating 6 no. shrouded antennas and 1 no. additional ground based equipment cabinet.
-

Decision

1. Approval is given for the siting and appearance of the development proposed in application Ref. 10/1636 in accordance with the submitted plans numbered 100A, 200A, 201A, 300A and 301A under the provisions of part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended), subject to the condition that the proposed cabinet be painted dark green to match the existing cabinets.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the surrounding area, and whether any harm is outweighed by the need to site the installation in the proposed location and the lack of less harmful alternative sites.

Reasons

3. The appeal site is in a length of Brook Road which has residential development on the opposite side and a largely open area occupied by a covered reservoir adjoining the site. The reservoir grounds are bordered by a steel rail fence with brick piers; along the road there are trees and street lamps.
4. The proposed pole and antennas would stand close to the site of an existing pole and antennas, which they would replace. To the existing equipment and meter cabinets would be added another equipment cabinet, close to the proposed pole.
5. The existing pole and antennas resemble a traditional telegraph pole (albeit somewhat wider and taller), examples of which can be found elsewhere along the road. The existing pole/antennas do not particularly attract attention,

- although they are clearly visible to passers-by. From close quarters they are not screened by the trees and they have the open backdrop of the reservoir site. The trees largely screen the pole/antennas from view as one approaches along the road but they are deciduous and would be less effective in winter.
6. The top of the proposed pole/antennas would be two metres higher than the existing installation. The proposed pole itself would be similar in width to the existing pole but the uppermost four metres or so, housing the antennas, would be noticeably wider. The combined height and width of the pole/antennas would make them more intrusive in the street scene, rising higher above the trees and being more noticeable against the open backdrop. Their proposed light grey colour would not itself be unacceptable but some harm from the structure's size would be caused to the area's character and appearance.
 7. The additional equipment cabinet would be a little larger than the existing cabinets and be positioned on the opposite side of the proposed pole from them, but also close to the back edge of the footway. It would add to the amount of equipment in the street but, in this position and with no other street furniture other than the lamps nearby, it would not result in an untidy or cluttered appearance.
 8. My conclusion on this matter is that, arising from the size of the pole and antennas, the proposed development would result in some harm to the character and appearance of the surrounding area. It would not accord with the aims of policies BE2, BE7 and BE19 of the London Borough of Brent Unitary Development Plan 2004 (adopted January 2004).
 9. Turning to whether the harm would be outweighed by the need to site the installation in the proposed location and the lack of less harmful alternative sites, the proposed pole/antennas would serve both Vodafone and O₂. The O₂ equipment is to replace the O₂ site at the John Kelly Technical College, where notice to quit has been given (Vodafone having already relocated from there to the appeal site).
 10. The appellant has demonstrated the need for the height and location of the pole/antennas in order to provide the required level of replacement 3G coverage. The appellant has also explained what alternative sites were considered and the reasons why they are not suitable. The Council does not dispute the need for the proposed installation or the thoroughness of the site selection process.
 11. The Government's general policy on telecommunications development is to facilitate the growth of new and existing telecommunications systems as an essential and beneficial element in the life of the local community and in the national economy. Planning Policy Guidance note (PPG) 8: *Telecommunications* nevertheless seeks to limit visual intrusion and strongly encourages the sharing of masts and sites, which the appeal proposal would achieve.
 12. In these circumstances, I conclude the need outweighs the modest degree of harm to the area's character and appearance which would arise from the proposed development.

Other Matters

13. Some local residents have raised concerns about health effects. I accept that they would see the installation and their concerns are relevant to my decision. Nevertheless, PPG8 advises that, if a proposed mobile phone base station meets the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure to radio waves, it should not be necessary for a planning authority to consider further the health aspects of the proposal. The appellant has confirmed the proposal would fully comply with these guidelines. On balance, therefore, and bearing in mind that there was little objective evidence to support local concerns and that the emissions from the mast would be within the ICNIRP guidelines, I consider that the expressed health concerns are not sufficient to justify dismissing the appeal.
14. I have considered the need for conditions in the light of the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. It is necessary only to ensure the proposed cabinet matches the colour of the existing cabinets, in order to minimise the effect on the area's character and appearance.

G M Hollington

INSPECTOR



Appeal Decision

Site visit made on 13 September 2011

by Andrew S Freeman BSc(Hons) DipTP DipEM FRTPI FCIHT MIEEnvSc
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 September 2011

Appeal Ref: APP/T5150/D/11/2154493
57 Hardinge Road, London, NW10 3PN

- 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 S Gilani against the decision of the Council of the London Borough of Brent.
 - The application Ref 10/3211, dated 14 December 2010, was refused by notice dated 6 May 2011.
 - The development proposed is rear dormer window and roof light, front dormer window and roof light, new ground floor rear window and door to main dwellinghouse and outbuilding to rear garden.
-

Decision

1. The appeal is allowed and planning permission is granted for rear dormer window and roof light, front roof extension and roof light, new ground floor rear windows and door to main dwellinghouse and outbuilding to rear garden at 57 Hardinge Road, London, NW10 3PN in accordance with the terms of the application, Ref 10/3211, dated 14 December 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 extensions and outbuilding hereby permitted shall match those used in the existing building.
 - 3) The outbuilding hereby permitted shall not be used other than for a purpose incidental to the enjoyment of the dwellinghouse at 57 Hardinge Road as such.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 272A/HAR/OCT08 Revision C (Existing Plans); 272A/HAR/OCT08 Revision C ("As built" Plans); 272C/HAR/OCT08 Revision C (Existing Elevations); 272C/HAR/OCT08 Revision C ("As built" Elevations); 272C/HAR/DEC10 Revision C (Elevations); 272E/HAR/JAN10 Revision C (Existing Plan); 272E/HAR/JAN10 Revision C ("As built" Plan); 272H/HAR/NOV10 (Existing Plan and Elevations); and 272H/HAR/NOV10 ("As built" Elevations).

Procedural Matters

2. Retrospective planning permission is sought for development at 57 Hardinge Road. However, the submitted drawings do not accurately describe the works

that have been carried out. For example, amongst several discrepancies, the rear roof light is in a position different from that shown on the plans and the outbuilding appears to be sited closer to the rear fence than is illustrated on the application drawings. In addition, the insertion of one of the windows in the rear elevation and completion of the outbuilding have not been carried out. As such, I am treating the appeal as one relating to the refusal of planning permission for the works as shown on the submitted drawings.

3. I have also varied the description of the development to read "rear dormer window and roof light, front roof extension and roof light, new ground floor rear windows and door to main dwelling house and outbuilding to rear garden." This is to reflect the fact that no window is shown in the front "dormer"; and the submitted drawings include the insertion of two windows at ground floor level in the rear elevation.
4. In the ground of appeal, it is claimed that the rear dormer is "within permitted development". Whether or not planning is required is not a matter for me to determine in the context of an appeal made under Section 78 of the Town and Country Planning Act 1990. I shall deal with the proposals on their planning merits. However, it is open to the appellant to apply for a Certificate of Lawfulness of Existing Use or Development under Section 191 of the above Act. My decision on this appeal does not preclude the issuing of a determination under Section 191.
5. On a final procedural matter, I note third parties' views and concerns regarding use of the premises for multiple occupation. However, such a matter is outside the scope of this appeal. My decision is limited solely to the proposals described in the appeal application.

Main Issues

6. The main issues are the effect of the proposals on (a) the character and appearance of the appeal property and the surrounding area; and (b) the living conditions of the occupiers of 55 Hardinge Road in terms of overshadowing.

Reasons

Character and appearance

7. With regard to the roof at the front of the house, the application drawings show the insertion of a roof light (slightly larger than that which exists) and a small roof extension. In terms of the Council's Supplementary Planning Guidance *Altering and Extending Your Home* (SPG 5), the roof light would not dominate the roof plane nor would there be any material conflict in respect of the existing fenestration.
8. The proposed roof extension matches that which has already been built. It would be a contrived addition designed to increase headroom at second floor level. The design does not match that of the elements of the existing roof. However, the extension would be very small. In addition, with cladding in materials to match those used in the existing roof, the extension would have scarcely any impact on the street scene. There would be no material harm.
9. In terms of the rear elevation, the drawings show the proposed insertion of a new door and two new windows at ground floor level. These are typical works of improvement. Upon completion, the unity of the existing rear elevation

would change. However, there would be no material harm either in relation to the existing house or beyond the curtilage of the property.

10. Turning to the illustrated changes to the rear roof, these include a roof light on the main rear roof slope (in a position different from the existing roof light on the hip). As at the front of the house, the roof light would not dominate the roof plane nor would there be any material conflict in respect of the fenestration.
11. As to the rear dormer window, this would conflict with the Council's SPG 5 and represent a material change in the roofscape. However, the design is typical of many rear dormers. In addition, given the presence of existing trees and other vegetation in rear gardens, direct views towards this part of the roof are essentially limited to private views from three properties in Irwin Gardens to the rear. In my opinion, the dormer would soon become a familiar and acceptable feature. The effect on the existing property and on the wider area would not be significant.
12. Finally, I consider the impact of the outbuilding. This would be of substantial construction and larger than many domestic outbuildings. Nevertheless, having regard to the size of the rear garden, I do not consider that the dimensions are excessive or that there would be a material impact on the character and appearance of the wider area. Although described as "ugly" by neighbouring residents, I would expect the appearance to be enhanced upon completion of the development in approved materials and with general tidying of the site.

Overshadowing

13. In terms of the impact on the occupiers of neighbouring properties, the most significant issue is overshadowing of the garden of 55 Hardinge Road. In this regard, the stated height for the outbuilding is 2.4m. However, this would be above an area of block paving that is already at a level higher than the adjacent rear gardens.
14. In my estimation, there would be a degree of overshadowing of the northern part of the rear garden of 55 Hardinge Road. This is likely to be most apparent in the summer months, later in the day. However, most of the garden would continue to be in sunlight. In addition, a degree of overshadowing would be caused by a boundary fence in any event. To my mind, the living conditions of the occupiers of 55 Hardinge Road would not be unacceptably affected.

Overall Conclusion

15. I conclude that there would be no material harm to the character or appearance of the appeal property or the surrounding area. In addition, having regard to the living conditions of the occupiers of 55 Hardinge Road, there would be no significant overshadowing. In terms of Unitary Development Plan Policies BE2, BE7 and BE9, the design would be acceptable. However, conditions are necessary in the interests of visual amenity (Condition 2)); to safeguard the character of the area (Condition 3)); and for the avoidance of doubt and in the interest of proper planning (Condition 4)).

Andrew S Freeman

INSPECTOR



Appeal Decision

Site visit made on 9 September 2011

by Christine Thorby MRTPI, IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 September 2011

Appeal Ref: APP/T5150/D/11/2156038
63 Bassingham Road, Wembley, HA0 4RJ

- 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 A Baig against the decision of the Council of the London Borough of Brent.
 - The application Ref 11/0660, dated 12 April 2011, was refused by notice dated 13 June 2011.
 - The development proposed is a detached outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for a detached outbuilding at 63 Bassingham Road in accordance with the terms of the application, Ref 11/0660, dated 12 April 2011, subject to the following condition:
 - 1) The outbuilding hereby approved shall be used solely for purposes ancillary to 63 Bassingham Road. No business or industry shall be carried out therein, nor shall this building be sold, let or occupied separately from the main dwelling.

Reasons

2. The main issue is the effect on the character and appearance of the area. The outbuilding has already been built and is one of many substantial garden buildings which are visible at the rear of properties in the area. The adjacent 61 Bassingham Road, 15 Norton Road and its adjoining property, all have large outbuildings spanning most of the width of the rear gardens. They are clearly viewed from Danethorpe Road, from where the appeal building adjoins the highway. The outbuildings appear recent, are in good condition and do not detract from the appearance of the area. Whilst other outbuildings may be smaller in footprint, the low height of the appeal scheme ensures that any differences in size are not particularly noticeable.
3. Although Core Strategy policy CS17 seeks to protect gardens, the loss of some garden area at the appeal site would not be harmful as the overwhelming character of Bassingham Road and Danethorpe Road is one of gardens with large outbuildings.
4. 63 Bassingham Road has been extended with a large, single storey rear extension and other additions. Even with the outbuilding in situ, the remaining garden appears reasonably large and there is no evidence that it is inadequate.

in size in any way. The footprint and mass of the appeal outbuilding are not disproportionately large when compared to the scale of the property.

5. The outbuilding comes forward of the building line of the row of adjacent houses in Danethorpe Road. However, this is the case with the much older, existing garage to the corner property on Norton Road, which also comes forward of the Danethorpe Road building line. A substantial outbuilding where the appeal building is located is not an unexpected feature and it is not out of keeping or disruptive in the street scene.
6. Although other appeal decisions are mentioned, I do not know the full circumstances of these cases. Having seen the decision notices I note they differ either in size, site levels, appearance or prominence to the appeal scheme and they would not justify its refusal. With regard to whether the space is needed and the internal arrangements, this is not relevant as the outbuilding is acceptable in character and appearance, regardless of the permitted development, fall back position. Moreover, its ancillary use can be secured by condition.
7. There is no need for a condition ensuring that the outbuilding is built in accordance with the plans, as it has already been erected. A condition would be necessary, however, to restrict the use of the outbuilding as ancillary to the main house to protect local character and neighbours' living conditions.
8. I conclude that the outbuilding would not detract from the character and appearance of the area. It would comply with the London Borough of Brent Core Strategy policy CP17 and Unitary Development Plan policies BE2 and BE9 which seek to protect architectural quality and local character.

Christine Thorby

INSPECTOR



Appeal Decision

Site visit made on 13 September 2011

by Andrew S Freeman BSc(Hons) DipTP DipEM FRTPI FCIHT MIEEnvSc
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 September 2011

Appeal Ref: APP/T5150/D/11/2158073

2 Tudor Court North, Wembley, Middlesex, HA9 6SG

- 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 A Ahmad against the decision of the Council of the London Borough of Brent.
 - The application Ref 11/0931, dated 11 April 2011, was refused by notice dated 2 June 2011
 - The development proposed is erection of a part single, part two storey side extension to single family dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a part single, part two storey side extension to single family dwellinghouse at 2 Tudor Court North, Wembley, Middlesex, HA9 6SG in accordance with the terms of the application, Ref 11/0931, dated 11 April 2011, 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: 2137PD – 01/FP; 2137PP – 02/FP Revision A; 2137PP – 03/FP Revision B; and 2137PP – 04/FP.

Main Issue

2. The main issue is the effect on the character and appearance of the existing house and the wider area.

Reasons

3. It is proposed to erect a part single, part two storey extension at the side of this semi-detached property where the main roof of the house has been converted from a hip to a gable. The other half of the semi-detached pair retains a hipped roof. There is an area of public open space immediately to the east of the appeal site. To the west is a run of semi-detached houses, all with hipped roofs, including 2 to 20 Tudor Court North.
4. The rear of the extension would line up with the rear main wall of the property. The front wall of the single storey element would be set back from the front

- main wall by 250mm and would have a sloping roof. The first floor side extension would have a gabled roof and would be set back 2.5m.
5. The Council's Supplementary Planning Guidance (SPG 5) *Altering and Extending Your Home* states that permission will not be granted for a side extension to a house that has a conversion from a hipped roof to a full gable end. The proposal would therefore be contrary to the adopted guidance.
 6. By way of explanation, the Council officer's delegated report states that this is due to an awkward appearance resulting from a property which has a significantly different roof design to the remaining area where the properties mainly retain their original hipped roof design.
 7. When approaching the site from the east, I saw that the exposed gable end of the existing house is largely screened by trees on the public open space. At the point where the gable end comes into view, there is no appreciation of the fact that the remaining houses in the road have hipped roofs.
 8. The perception from the west is slightly different. Firstly, No 2 is the very end property in the road. As such, the conversion of the main roof to a gable is less obvious than would be the case if the gable were in the middle of a run of houses. Second, being set back by 2.5m, the gabled extension would not be obvious in the street scene. Third, there is a bend in Tudor Court North just beyond No 2. The eye tends to be drawn away from the appeal site and towards the properties on the bend including, for example, a rear dormer on a hip to gable converted roof at 3 Tudor Court North.
 9. In the particular circumstances of this case, I am satisfied that the extension would not give rise to an awkward, incongruous or unbalanced appearance. Indeed, the gabled roof on the extension would be better suited to the property as now altered. At the same time, the extension would be proportionate in size. The extension would be of an appropriate design (Unitary Development Plan Policy BE9). In addition, having regard to Policy BE2, there would be no harm to the character or appearance of the existing house or the wider area.
 10. I conclude that the appeal should be allowed. However, conditions are necessary in the interest of visual amenity (Condition 2)); also for the avoidance of doubt and in the interests of the proper planning of the area (Condition 3)).

Andrew S Freeman

INSPECTOR