



Planning Committee

Wednesday, 23 November 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

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

| ITEM | WARD | PAGE |
|---|------------|----------|
| 1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda. | | |
| 2. Minutes of the previous meeting | | 1 - 8 |
| Extract of Planning Code of Practice | | |
| APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING | | |
| 3. 66 Springfield Mount, London, NW9 0SB (Ref.11/2182) | Fryent | 13 - 22 |
| NORTHERN AREA | | |
| 4. 338-346 inc, Stag Lane, London, NW9 (Ref.11/1743) | Queensbury | 23 - 32 |
| 5. Flat G01, Jubilee Heights, Shoot Up Hill, London, NW2 3BD (Ref.11/2278) | Mapesbury | 33 - 40 |
| 6. Garages rear of, Magnolia Court, Harrow, HA3 (Ref.11/2402) | Barnhill | 41 - 56 |
| WESTERN AREA | | |
| 7. 182-184 Preston Road, Wembley, HA9 8PA (Ref.11/2432) | Preston | 57 - 64 |
| 8. Wembley Arena, Engineers Way & Wembley National Stadium, Olympic Way, Wembley, HA9 (Ref.11/2367) | Tokyngton | 65 - 84 |
| 9. 72, 72A, 74, 74A & Garages rear of 58-74, Harrow Road, Wembley, HA9 6PL (Ref.09/2619) | Tokyngton | 85 - 92 |
| PLANNING APPEALS | | |
| 10. Planning Appeals 1 - 31 October 2011 | | 93 - 108 |
| 11. Special Item Urban Design London: Current Street Design Issues and Best Practice – Chairs Feedback from Leaders Training Event 9 November 2011. | | 109-110 |
| 12. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64. | | |

Site Visit - 19 November 2011

SITE VISITS – SATURDAY 19 NOVEMBER 2011

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

| REF. | ADDRESS | ITEM | WARD | TIME | PAGE |
|---------|--|------|-----------|-------|---------|
| 09/2619 | 72, 72A, 74, 74A & garages rear of 58-74 Harrow Road | 9 | Tokyngton | 9:40 | 85 - 92 |
| 09/2619 | Garages rear of Magnolia Court Harrow HA3 | 6 | Barnhill | 10:15 | 41 - 56 |

Members are reminded that a new session has been arranged to allow the plans for each application on the agenda to be viewed.

This will take place from 5.30 – 6.30pm on Tuesday 22nd November at Brent House. Copies of the Supplementary Information will also be available. A web link to each of the application (including application details, plans and reports) will continue to be sent to Members in advance of the delivery of the printed agenda when the agenda has been finalised.

Date of the next meeting: Wednesday, 14 December 2011

The site visits for that meeting will take place the preceding Saturday 10 December 2011 at 9.30am when the coach leaves Brent House.



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

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Tuesday, 25 October 2011 at 7.00 pm

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

ALSO PRESENT: Councillor Jim Moher and Councillor Harshadbhai Patel

Apologies for absence were received from Councillor Daly.

1. Declarations of personal and prejudicial interests

None declared.

2. Minutes of the previous meeting held on 28 September 2011

RESOLVED:-

that the minutes of the previous meeting held on 28 September 2011 be approved as an accurate record of the meeting.

3. 66 Springfield Mount, London, NW9 0SB (ref. 11/2182)

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.

RECOMMENDATION: Refuse planning permission.

With reference to the tabled supplementary report, Steve Weeks, Head of Area Planning informed the Committee about a letter of support from a neighbouring occupier. He continued that most of the issues raised in that letter had been addressed in the main report except for the claim that if the building was converted back into a garage it could be used a workshop by a car mechanic. In response, the Head of Area Planning stated that the change of use of the garage to a car repair workshop would require a planning permission.

In accordance with the Planning Code of Practice, Councillor J Moher referred to the officer's assessment of the application and stated that the claim that the additional living accommodation may be occupied by a number of unnamed people, resulting in a significant intensification of use could be addressed by conditions. Additionally, conditions could be imposed to address any likelihood of change of use to Use Class C4 (Houses in Multiple Occupation) and maintain residential amenities. Councillor J Moher expressed a view that it would be unrealistic to have facilities (kitchen and bathroom) removed or to prevent the return of the property to family housing as he did not foresee any harm resulting from the application for variation of planning consent.

Mr Robert McAteer, the applicant in addressing the Committee stated that the extension was in keeping with the environment and streetscene. He felt that the officer's assessment of the application was rather misleading and considered as unreasonable, the list of conditions suggested by officers for the grant of planning permission. In support Mr McAteer stated that the building was currently described as a granny annexe, independently rated for council tax purposes and shown as a bungalow on the Council's website. He added that his 86 year old father in law was currently living in the bungalow which he hoped to move into in future.

During members' discussion, Councillors Cummins and Hashmi noted that the building had been used as a habitable/residential unit for over 10 years and indicated that they would be minded to grant planning permission contrary to the officer's recommendation. Councillor RS Patel enquired as to whether the grant of planning permission could set a precedent for the area. In response, the Head of Area Planning stated that each application was decided on its merits but he did not think that the particular circumstances of this application would commonly apply.

Members were minded to approve the application for variation of condition contrary to officers' recommendation. In accordance with the Planning Code of Practice voting on the officer's recommendation for refusal was recorded as follows:

FOR: Councillors McLennan, Mitchell-Murray and Sheth (3)

AGAINST: Councillors Cummins, Hashmi, Kabir, CJ Patel
and RS Patel (5)

ABSTENTION: Councillor Baker (1)

DECISION: Minded to grant planning permission contrary to officers' recommendation and to be reported to the next meeting for further consideration.

The Chair asked Members to clarify the reasons for over-turning the recommendation and the proposed statement was agreed as being that the use had existed for over ten years, the general need for such accommodation and that it would allow the family to continue to live at the property.

4. 14 Creighton Road, London, NW6 6ED (ref. 11/1835)

PROPOSAL:

Creation of basement beneath existing dwellinghouse with associated light well to front and rear of the property.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Steve weeks, Head of Area Planning, drew members' attention to an amendment to condition 5 as set out in the tabled supplementary report. He continued that in addition to a further letter from the applicant explaining that the basement was essential for his family needs, a letter of support had been received from the adjoining neighbour whose property had been granted planning permission for a basement.

Ms Jane Carran objecting on behalf of Queens Park Area Residents' Association (QPARA) stated that the creation of a basement would have a significant impact in terms of differential subsidence on the foundations of the houses in the area which were known to be shallow. He alleged that the creation of the basement would result in loss of mature trees in Creighton Road. Ms Carran added that there was a need for impact assessment for this other applications for basement in the Borough.

Mr Matt Cantor objecting on behalf of the next door neighbours stated that the creation of a basement would result in a significant damage to their property. He added that the creation of a basement in the property adjoining the application site address had resulted in dust and damage to doors within their property. Mr Cantor continued that the application would breach the Party Wall agreement. In response to a member's question, Mr Cantor stated that the residents on whose behalf he was addressing the Committee had had a surveyor's report confirming the impact on their property.

During members' debate, Councillor Kabir enquired as to whether there was any guidance on preventing potential damage to neighbouring properties. Councillor McLennan also asked about the Council's policy on monitoring the impact. The Chair also asked for a further clarification on the potential impact on the Conservation Area.

In responding to the above, the Head of Area Planning stated that the requirement to ensure safe building in accordance with Building Regulations and the need to comply with the Party Wall Act were some of the measures in place to prevent potential damage to neighbouring properties. He added that there was no policy for retrospectively checking any resulting damage and that the onus was on the property owner under the Party Wall Act. He advised that Brent had allowed small lightwells to the front of a property and generally sought to limit exactions to the rear to that to serve a basement under an approved extension. He acknowledged that there could be disturbance for neighbours but it would not be such as to warrant a refusal.

DECISION: Planning permission granted subject to conditions and informatives as amended in condition 5.

5. 1-4 inc, Holmfield, Crawford Avenue, Wembley, HA0 2HT (ref. 11/2083)

PROPOSAL:

Extension to roof to create 1 x 2-bedroom self-contained flat (revised scheme)

RECOMMENDATION: Grant planning permission subject to conditions.

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

6. Land next to 14 Juniper Close, Juniper Close, Wembley (ref. 11/2048)

PROPOSAL:

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

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

Neil McClellan Area Planning Manager informed members that the trees which would be removed as a result of the proposal had been assessed as being of low quality and value or in a poor condition. As part of the development and in continuation of the landscape strategy approved for the earlier phase of 14 houses approved earlier this year, a number of new native and specimen trees, alongside hornbeam hedging, shrub planting and climbing plants were proposed and considered satisfactory. He drew members' attention to the tabled supplementary report about a correction in the main report.

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

7. Service Yard, Haynes Road, Wembley, HA0 4BW (ref. 11/1340)

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.

RECOMMENDATION: Grant planning permission subject to conditions.

Steve Weeks, Head of Area Planning, clarified that a Section 106 legal agreement was not applicable to this application. He suggested an amendment to condition 4 to ensure that refuse storage was kept in a defined area and an additional condition on the use of the store up to 21:00 hours Monday to Sunday.

DECISION: Planning permission granted as recommended and as amended in condition 4 and an additional conditions on the use of the store up to 21:00 hours Monday to Sunday.

8. Northwick Park Hospital, Watford Road, Harrow, HA1 3UJ (ref. 11/2127)

PROPOSAL:

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

RECOMMENDATION:

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

If by 11 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.

With reference to the tabled supplementary report Neil McClellan, Area Planning Manager, drew members' attention to an additional condition. He added that as the sustainability score was below the minimum, further measures would be through the Section 106 legal agreement and applicant's Energy Statement to ensure that the minimum target was achieved.

DECISION:

Planning permission granted subject to conditions, an additional condition on details of air conditioning, ventilation or extractor system, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning, or other duly authorised person, to agree the exact terms thereof on advice from the Director of Legal and Procurement and;

If by 11 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.

9. 218 Preston Road, Wembley, HA9 8PB (ref. 11/2118)

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.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

With reference to the tabled supplementary report, Neil McClellan, Area Team Manager informed members that local business people had expressed their concerns about the opening of another takeaway in the Preston Road area where there already existed, sufficient food outlets. He added that although the threshold limits under that Policy SH7 of the UDP for the number of non-retail uses in any of the Borough's defined primary frontages of 35% (or 50% where there is a high vacancy rate) had been exceeded, an inspector had already approved a non-retail use for this particular unit in a decision earlier this year allowing a restaurant use.

Mr Robert Mehmet the occupier of the flat above the application site premises objected to the proposed change of use on the following grounds:

- (i) Unacceptable level of noise would result from the use of motor bikes in connection with the takeaway service.
- (ii) The ducting flue which had been poorly designed straddled the fascia of his window obscured his vision and adversely affected his residential amenities.

Mr Mehmet requested the re-routing of the ducting flue.

Mr Monu Mohararuban, objected to the proposed change of use on the grounds that there already existed several A5 uses (restaurants) in the Preston Road area and therefore there was no need for another one in the area. He continued that an additional takeaway would create parking problems in the area.

In accordance with the Planning Code of Practice, Councillor HB Patel, ward member stated that he had been approached by an objector to the application. Councillor HB Patel stated that the Inspector's decision which granted planning permission for A5 use in an area that had exceeded its limit was erroneous in law. In his view the grant of planning permission for this application would further contravene the Council's relevant UDP policy. He continued that the resulting noise nuisance, loss of residential amenities could damage the viability and vitality of the area, setting an undesirable precedent for future applications for A5 uses

Mr Mike O'Brien, the applicant's agent stated that the opening of the takeaway would not result in over-saturation of A5 uses and that any likely impact would be broadly neutral. He continued that the Council's Environmental Health Office was satisfied that any likely impact from the proposal could be addressed by the imposition of conditions. Mr O'Brien added that the applicant had made adequate arrangements for a satisfactory for rear servicing to be accommodated. He sought to assure members that any noise from the use of mopeds would be negligible and would not have adverse impact on the amenities of neighbouring residents. He added that the proposal which would create about twenty local jobs would incorporate a shop that satisfied the Council's relevant Supplementary Planning Guidance.

In response to members' questions, Mr O'Brien stated that the duct flue would be visible from the objector's kitchen rather than from a habitable room.

In the discussion that followed, Councillors Mitchell-Murray and McLennan expressed concerns the impact of the proposal on the occupier of the flat above the premises. Councillors Kabir and Sheth enquired as to whether the conditions were adequately robust to address any likely impact. Councillor RS Patel asked for a confirmation of the claim that only 13 properties were consulted on the application. Councillor Baker however suggested a deferral for a site visit to enable members to fully assess the impact of the proposal.

Neil McClellan advised members that no significant impact would result from the proposal in terms of outlook and the use of the mopeds for delivery from the premises. He considered the rear servicing for transit van, refuse storage and mopeds to be satisfactory. He added that the consultation undertaken followed adopted guidance under the Council's Supplementary Planning Guidance 2 (SPG2) for this type of development. The Head of Area Planning added that Environmental Health officers did not consider noise to be an issue to warrant justifying refusal of the application. He added that whilst mindful of the potential impact of the flue, officers' were constrained by the Inspector's decision, however, he suggested an amendment to condition 8 that submission of further details should include the potential for an alternative route for the flue and a further condition on parking of mopeds.

The amendment by Councillor Baker for a site visit was put to the vote and declared lost. Members then voted on the substantive recommendation as amended which was declared carried.

DECISION: Planning permission granted subject to conditions as amended in condition 8, a further condition on parking of mopeds and informatives.

10. Appeals 1 - 30 September 2011

RESOLVED:-

that the appeals for the period 1 to 30 September 2011 be noted.

11. Any Other Urgent Business

The Chair wished everyone a Happy Diwali.

The meeting closed at 8:50pm.

NB: At 8:30pm the meeting was adjourned for five minutes.

K SHETH
Chair

EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

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

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

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

STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

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


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

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

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

Item No. 03
Case No. 11/2182

 **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

Introduction:

This application is reported under the provisions of Clause 28 of the Planning Code of Practice following the resolution at the previous meeting of the Planning Committee on 25th October 2011 of 'minded to grant' consent for "the 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 be used as living accommodation in conjunction with the main dwellinghouse", contrary to the officer recommendation to refuse consent.

This report discusses the implications of the committee's resolution, maintains the original recommendation to refuse consent but includes suggested planning conditions should the Planning Committee decide to grant consent.

Discussion:

As discussed at the previous meeting, officers recommended refusal of permission to allow the continued use of the garage as additional living accommodation to be used in connection with No. 66 Springfield Mount without a special circumstance as it was considered that this could result in an intensification of use of the site harmful to the amenity of the surrounding area.

It is considered that allowing the garage to be used as ancillary living accommodation not specially restricted to a named person(s) is likely to lead to difficulties in the future as it is more difficult to enforce against inappropriate use of the building without such clear conditions of use. The building could potentially be used as independent accommodation (e.g. tenanted) resulting in a significant intensification of use of the site compared with the current use as a single family household with the building occupied by family members.

Whilst conditions have been suggested below, it is not considered that this will fully prevent the problems that can arise by 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 planning enforcement team.

Suggested conditions in the event that approval is granted:

Following discussion at the Planning Committee on 25th October 2011 regarding the possible future use of the garage, it is suggested that a condition relating to the removal of the kitchen in the garage should not be imposed.

If Members wish to grant consent your Officers would recommend that the following conditions be attached to this consent:

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A, B, C and E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling hereby permitted, or any garage, shed or other outbuilding erected.

Reason: To prevent an uncontrolled increase of living accommodation and building on site to the detriment of the amenities of future occupiers and the surrounding area.

2. The first floor level within the roofspace of the converted garage shall be used for storage purposes only.

Reason: To prevent an uncontrolled increase of living accommodation to the detriment of the amenities of future occupiers and the surrounding area.

3. Within 3 months of the date of this decision, the drop kerb in front of the garage shall be reinstated to footway at the applicants expense, in compliance with a scheme to be submitted to and approved in writing by the Highway Authority, with the works carried out and completed in accordance with these approved details

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

4. There shall be no erection of fences, or other means of enclosure on the site which would result in the sub-division of the planning unit.

Reason: In order to allow the Local Planning Authority to exercise proper control over the development in the interests of amenity and to maintain access to the available amenity area.

Recommendation : Remains refusal, for the reasons set out in the original report. However if the Planning Committee resolves to grant planning permission, the conditions set out in this report are recommended. 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 Unitary Development Plan 2004.*

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: Defer the application

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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 **Planning Committee Map**
Site address: 338-346 inc, Stag Lane, London, NW9
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London Borough of Brent - Copyright (C)

This map is indicative only.

RECEIVED: 25 August, 2011

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 338-346 inc, Stag Lane, London, NW9

PROPOSAL: Variation of condition 2 (approved plans and documents) to allow minor material amendment comprising:

- Installation of additional door to front elevation to create an extra commercial unit
- Removal of part of the existing building at the rear
- Installation of 2 satellite dishes to rear extension roof
- Modification to ground floor front glazing, removal of rear ground floor windows, alterations to rear extension roof design plus removal of door to south elevation of rear extension
- re-positioning of bin, cycle storage and plant areas

of full planning permission 09/1947 dated 21/04/2011 for alterations to outbuilding, single-storey rear extension to commercial units, alterations to shopfront and internal alterations to form one retail unit from 3 separate existing commercial units (two retail and one office), alterations to the existing 3 first-floor flats, alterations to and extension of roof to form 4 front dormer windows to create loft floor and provide a total of 6 self-contained flats, comprising 4 two-bedroom and 2 one-bedroom flats, replacement of 2 front and 2 rear first-floor windows and all windows to side elevations, formation of 6 car-parking spaces, provision of cycle and bin store and associated landscaping and subject to a Deed of Agreement dated 25 November 2010 under Section 106 of the Town and Country Planning Act 1990, as amended

APPLICANT: City Estates London Ltd

CONTACT: Cubic Building Surveying Limited

PLAN NO'S:
See Condition 2

RECOMMENDATION

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

SECTION 106 DETAILS

The application requires a deed of variation to the previous Section 106 Agreement, in order to secure the following benefits under this permission:-

(a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance

(b) Contribution of £12,000, due on material start and index-linked from the date of Committee, for Education, Sustainable Transportation and Open Space & Sports in the local area.

(c) Join and adhere to the Considerate Contractors Scheme.

All contributions due on Material Start and index-linked from the date of decision.

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.

EXISTING

The application property is a two storey building comprising three ground-floor commercial units and three flats, (2 x 2-bedroom and 1 x 3-bedroom) on the first floor fronting Stag Lane. The application site is located in the Roe Green Village Conservation Area. The eastern boundary of the conservation area is along Stag Lane.

PROPOSAL

Planning permission was granted on 21 April 2011 (LPA Reference: 09/1947) for alterations to outbuilding, single-storey rear extension to commercial units, alterations to shopfront and internal alterations to form one retail unit from 3 separate existing commercial units (two retail and one office), alterations to the existing 3 first-floor flats, alterations to and extension of roof to form 4 front dormer windows to create loft floor and provide a total of 6 self-contained flats, comprising 4 two-bedroom and 2 one-bedroom flats, replacement of 2 front and 2 rear first-floor windows and all windows to side elevations, formation of 6 car-parking spaces, provision of cycle and bin store and associated landscaping and subject to a Deed of Agreement dated 25 November 2010 under Section 106 of the Town and Country Planning Act 1990, as amended.

This application proposes to vary condition 2 (approved plans and documents) to allow minor material amendments to this consent comprising:

- Installation of additional door to front elevation to create an extra commercial unit, subdividing the single commercial unit proposed under the original consent.;
- Removal of part of the existing single storey rear projection;
- Installation of 2 satellite dishes to roof of single storey rear extension;
- Modification to ground floor front glazing, removal of rear ground floor windows, alterations to rear extension roof design plus removal of door to south elevation of rear extension;
- Re-positioning of bin, cycle storage and plant areas

HISTORY

09/1947 - Alterations to outbuilding, single-storey rear extension to commercial units, alterations to shopfront and internal alterations to form one retail unit from 3 separate existing commercial units (two retail and one office), alterations to the existing 3 first-floor flats, alterations to and extension of roof to form 4 front dormer windows to create loft floor and provide a total of 6 self-contained flats, comprising 4 two-bedroom and 2 one-bedroom flats, replacement of 2 front and 2 rear first-floor windows and all windows to side elevations, formation of 6 car-parking spaces, provision of cycle and bin store and associated landscaping and subject to a Deed of Agreement dated 25 November 2010 under Section 106 of the Town and Country Planning Act 1990, as amended - granted 21/04/2011

07/2965 - Full planning application for alterations to existing first floor and erection of loft level, creation of 6 self-contained dwellings, comprising 4 two-bedroom and 2 one-bedroom flats at 338A, 338B & 346A - withdrawn

99/1279 - Full planning application for change of use from retail (Use Class A1) to offices (Use Class A2) for ground-floor commercial unit at 346 Stag Lane - granted 09/08/1999.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

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

Built Environment

- BE2 on townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE9 seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE26 seeks to ensure that alterations and extensions to buildings within conservation areas respect the materials, design characteristics and features that contribute to the character of the conservation area and should be complimentary to the original building in elevational features.
- TRN3 focuses on the environmental impact of traffic resulting from a planning proposal. It outlines that proposal should provide parking provision in accordance with standards set out in the adopted local plan and should not result in conditions that are prejudicial to highway and pedestrian safety and the free flow of traffic in the locality.
- TRN22 & TRN23 set out parking standards that should be applied when assessing planning proposals. Policy TRN22 covers non-residential developments and policy TRN23 cover residential developments

Brent Supplementary Planning Guidance

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

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

CONSULTATION

14 neighbouring properties were consulted, a site notice was displayed adjacent to site and the application was advertised in the local press.

1 objection was received from a local resident outlining the following concerns:

- Loss of existing soft landscaping including sycamore tree;
- Impact on boundary fencing
- Visibility of satellite dishes;
- Servicing vehicles should not have access to the rear of the building;
- Materials used for hardstanding.

Officer Comment: A section 73 application for variation of condition is in effect the grant of a new planning permission. As such, conditions attached to the previous planning permission are proposed to be duplicated which includes those relating to landscaping. Other matters are discussed in the Remarks Section of the report.

In addition, an objection letter was received from the Roe Green Village Residents' Association raising the following issues:

- Inclusion of rear windows not previously agreed;
- Use of tarmac for the hardstanding at the rear of the site which would not be a permeable material;
- Positioning of satellite dishes should be fronting onto Stag Lane and not facing the village.

Officer Comment: With regards to the inclusion of rear windows, no additional windows are being added to those approved within the original grant of permission. It is proposed for windows within the proposed single storey rear extension to be removed. Other matters are discussed in the Remarks Section of the report.

Internal Consultees

Transportation: Insufficient details provided to demonstrate that the two proposed retail units can be adequately serviced from an off-street location. Servicing can be accommodated with revisions to the scheme.

REMARKS

Key considerations

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

- (a) whether the proposed alterations would cause harm to the amenity of neighbouring residents
- (b) whether the proposed alterations would harm the visual amenities of the area
- (c) whether following the proposed alterations, a satisfactory means of parking and servicing for the ground floor retail units would be provided.

Background

This application is to vary condition 2 (approved plans) of planning application 09/1947. Recent changes to Government policy recognises that some things matter more than others; since 2009 applicants have been able to submit applications for amendments "whose scale and nature results in a development which is not substantially different from the one which has been approved." (CLG, 2009).

Amenity of neighbouring residents

Residential properties adjoin the site to the sides and rear. Amenity issues relating to the acceptability of the development were considered by the Planning Committee in 2009 when they resolved to grant planning permission.

In terms of the minor material changes proposed, the satellite dishes are unlikely to be readily visible from the surrounding properties given that they are proposed to be located on the single storey roof of the rear extension. As such, the satellite dishes would not have an material impact upon the amenities of neighbouring residents in terms of loss of outlook, access to natural light or privacy. The alterations to the roof of the single storey rear extension have the effect of reducing the overall bulk, again giving rise to no amenity issues.

Objections were raised in relation to additional windows being inserted in the rear elevation of the building. For clarification, no additional windows are proposed in the rear elevation. The application does now omit some of the windows at ground floor level which were previously approved.

The previous application proposed servicing by a transit sized vehicle at the rear of the building. A similar arrangement is still proposed and it is not considered that the subdivision of the unit would lead to a significant increase in vehicular activity that would give rise to amenity concerns. It should be noted that the existing building comprises 3 commercial units on the ground floor. A condition is suggested restricting the main unit (Unit 2) to retail (Use Class A1) and the smaller unit (Unit 1) to retail (Use Class A1) or financial and professional services (Use Class A2 - excluding betting offices).

Visual amenities of the area

The property is located on the boundary of the Roe Green Village Conservation Area. In design terms, it is not considered that any of the alterations proposed to the shop front would lower the standard of approved development. As such, it is considered that the development would preserve the character and appearance of the Conservation Area. The small rear projection to now be demolished would not harm the overall character of the building.

In terms of the positioning of the satellite dishes on the single storey rear extension, it is considered that this is an appropriate position given that it is not on the main roof slope where the satellite dishes would be visible from more far reaching views in the Conservation Area. It would not be recommended that they are located on the front elevation as they will appear prominent in the street scene. It is proposed that a condition be imposed requiring further details regarding the size and colour of the dishes to be submitted for approval.

In terms of the hard surfacing of the access road and parking area, it is intended that the details will be secured by condition. The use of tarmac as shown on the plans is not considered acceptable and suitable alternative surfacing materials will be required.

Parking, servicing, highway/pedestrian safety

The previous grant of permission saw the existing 3 existing commercial units being converted into 1 retail unit. It is now proposed for the ground floor to be converted into 2 retail units.

Transportation consider that it is an acceptable arrangement for both retail units to be served by 1 transit-sized parking bay which would be located to the rear of the building and accessible for both units. This would involve alterations to the submitted plans, requiring some changes to the internal layout of the retail units and an additional double-door being inserted adjacent to the existing proposed double door for unit 2, so that deliveries and servicing could be undertaken for both retail units.

A condition is recommended which requires a revised ground floor and site layout plans indicating the alterations outlined above, to ensure a satisfactory servicing arrangement is provided for both retail units prior to the commencement of any works on site. On this basis, subject to these alterations, the proposal is considered acceptable on highways grounds.

Conditions and s106

The conditions attached to the original decision notice are repeated, with additional pre-commencement conditions attached requiring a revised details relating to the satellite dishes and layout as detailed above. The standard time condition is amended to reflect the original decision date.

Conclusion

Subject to the discharge of proposed conditions, the changes proposed are not considered to significantly change the approved scheme. It is considered to present a satisfactory standard of

development that respects the character of the building, preserves the character of the Roe Green Conservation Area, respects the amenities of neighbouring occupants and is acceptable in terms of parking, highways and transportation safety. Your officers recommend the minor material amendment be approved.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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

Built Environment: in terms of the protection and enhancement of the environment
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 from the 21/04/2011.

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):

C12770-100 REV C
C12770-101 REV C

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

- (3) Details, including samples of materials, proposed for:-

- (a) all external faces of the building
- (b) windows
- (c) roofing materials
- (d) all external lighting within the development

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site, and the development shall not be carried out otherwise than in accordance with the approved details. Wherever possible, recycled construction materials and/or re-used steel joists/girders shall be employed.

Reason: In order for the Local Planning Authority to retain control over the exact

materials to be used for the proposed development and to assess the suitability of the samples submitted, in the interests of visual amenity.

- (4) The communal garden and parking area to the rear shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition or construction work on the site, and such work shall be completed prior to occupation of the proposed dwelling units.

In particular, the scheme shall indicate:

1. Details of the existing vegetation to be removed *and retained*
2. Plant species, size and density of the proposed planting, together with a planting schedule.
3. Incidental planting elsewhere on the site.
4. Proposed walls and fencing, indicating materials and heights.
5. Other appropriate matters within the context of a landscaping scheme and areas of hard surfacing with regards to proposed car-parking spaces.

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 with the prior written agreement of the Local Planning Authority, by trees/shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development is integrated into the visual amenity of the area.

- (5) The following use restrictions apply:

Unit 1 shall be used only for the purpose of a shop Use Class A1 or professional and financial Services (excluding betting offices) Use Class A2;

Unit 2 shall be used only for the purpose of a shop Use Class A1;

as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, without the prior written permission of the Local Planning Authority.

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

- (6) Unit 1 and Unit 2 shall not be used except between the hours of:-

8.00am and 11pm - Mondays to Sundays.

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

- (7) No satellites, antennas or other aerials shall be erected on the building (other than

those shown within the plans hereby approved) without written permission from the Local Planning Authority.

Reason: To ensure that such additions do not harm the visual amenity of the Conservation Area.

- (8) Notwithstanding the details shown on the approved plan, further details of the dimensions and colour of the satellite dishes shown within the approved plans shall be submitted to and approved in writing prior to installation of the satellite dishes. The satellite dishes shall be installed in full accordance with the approved details.

Reason: In the interests of the visual amenities of the locality and the wider Roe Green Conservation Area.

- (9) During demolition and/or construction works on site:-

(a) the operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Monday - Friday, 0800 - 1300 Saturday and at no time on Sunday or Bank Holidays.

(b) all vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site.

(c) no waste or other material shall be burnt on the application site.

(d) all excavated topsoil shall be stored on the site for reuse in connection with the landscape works scheme.

(e) the applicant shall employ measures to mitigate against the impact of dust and fine particles generated during construction, including damping-down during demolition and construction, particularly in dry weather conditions, minimising the drop height of materials and damping from the skips/spoil tips, sheeting of lorry loads during haulage, utilising screening on-site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area.

Reason: To limit the detrimental effects of noise and disturbance from construction works on adjoining residential occupiers.

- (10) Any air conditioning plant or refrigeration shall be installed so as to prevent the transmission of noise and vibration into any neighbouring premises and noise levels from this plant shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises.

An acoustic assessment shall be undertaken to verify that this can be achieved, including a scheme of insulation works to mitigate the noise should the predicted levels exceed those specified in this condition, and submitted to the Local Planning Authority for approval prior to commencement of the works.

Reason: To safeguard the amenity of future occupants

- (11) No development shall take place before a scheme for adequate sound insulation to walls and/or floors between units in separate occupation hereby approved has been submitted in addition to building regulations and approved in writing by the Local Planning Authority. Thereafter none of the flats shall be occupied until the approved scheme has been fully implemented.

Reason: To safeguard the amenities of the occupiers.

- (12) Notwithstanding the plans hereby approved, a revised ground floor and site layout plan shall be submitted to approved in writing by the local planning authority prior to commencement of the development to provide a satisfactory means of access for both commercial units for a transit-sized parking bay. The works shall be carried out in accordance with the approved details.

Reason: To ensure appropriate on site servicing is provided to serve the commercial units.

INFORMATIVES:


None Specified

REFERENCE DOCUMENTS:

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

Committee Report Planning Committee on 23 November, 2011

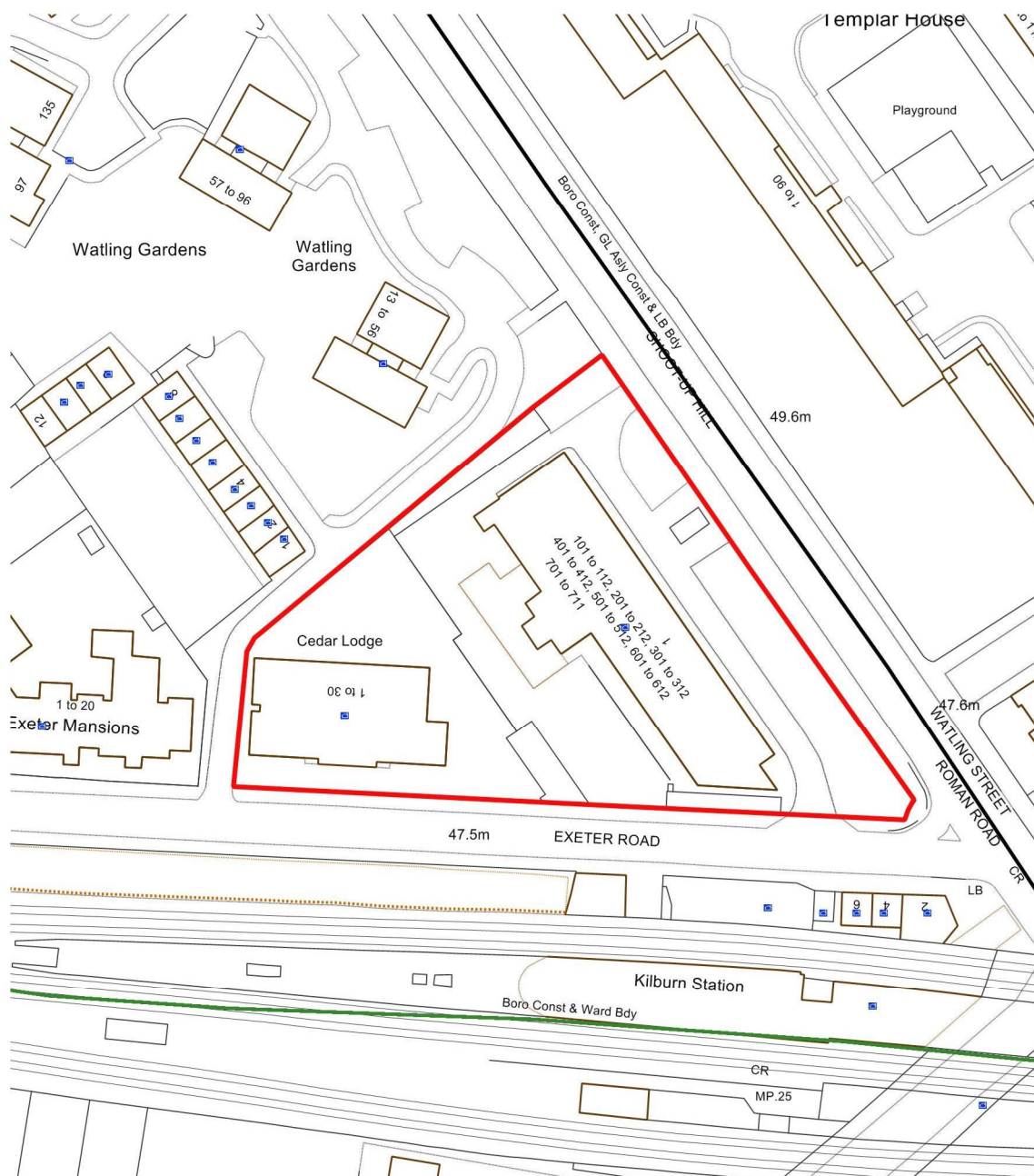
Item No. 05
Case No. 11/2278



Planning Committee Map

Site address: Flat G01, Jubilee Heights, Shoot Up Hill, London, NW2 3BD

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This map is indicative only.

RECEIVED: 2 September, 2011

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Flat G01, Jubilee Heights, Shoot Up Hill, London, NW2 3BD

PROPOSAL: Retrospective application for garden decking with balustrade at front of flat

APPLICANT: Redab Kilburn Ltd

CONTACT: Alton Design Associates

PLAN NO'S:
Refer to Condition 1

RECOMMENDATION

Grant Consent

EXISTING

The subject site is an eight-storey residential block which has been converted and extended over the past 15 years from its original function as offices. It is located on the corner of Shoot Up Hill and Exeter Road adjacent to the Kilburn Underground Railway Station. Shoot Up Hill forms the borough boundary with London Borough of Camden to the east. The building contains 91 residential units (including the recent conversion of the ground floor from offices to residential flats and the erection of a 6 storey extension), divided as follows: 15 x 1-bed, 71 x 2-bed, 5 x 3-bed. The surrounding uses are predominantly residential although to the south there is a short section of Secondary Shopping Frontage. The property is not a listed building, although its curtilage abuts the Mapesbury Conservation Area (to the rear of Cedar Lodge).

PROPOSAL

Retrospective application for garden decking with balustrade at front of ground floor flat (known as G01).

HISTORY

Relevant planning history

11/1609: Full Planning Permission sought for conversion of 2 x one-bedroom flats on ground floor of Jubilee Heights (Flat Nos. GF6 and GF7) to 1 x three-bedroom self-contained flat. This application was reported to Planning Committee on 6 September 2011 where members resolved to grant planning permission subject to the completion of the Section 106 Agreement.

11/1307: Full Planning Permission sought for erection of a 5-storey building, comprising 5 self-contained flats with roof garden, attached to southern elevation of Jubilee Heights - Refused, 15/07/2011. This application is currently being appealed by the applicants. The reasons for refusal are set out below:

1. The introduction of a five storey extension sited within the southern end of the existing communal amenity space fronting Shoot Up Hill is considered to significantly impact upon this existing amenity space, as it results in the loss of an area of external space which has high amenity value evident through its orientation currently receiving good daylight and sunlight

throughout most of the day; and in addition adversely impacts upon the remaining external space through the removal and screening of sunlight for the majority of the day to this space. The harmful impact is not considered to be sufficiently offset by the provision of a roof garden, particularly as the site is located within an Area of Open Space Deficiency. The proposal is contrary to policies BE9, H12 and H13 of Brent's adopted Unitary Development Plan 2004 and the guidance as outlined in the adopted Supplementary Planning Guidance No. 17 "Design Guide for New Development".

2. The introduction of a five storey extension on the southern end of Jubilee Heights, by reason of its close proximity and excessive depth in relation to the kitchen windows of existing flats at first to third floor levels, is considered to restrict outlook from these windows and have a general overbearing appearance and undue sense of enclosure, to the detriment of the amenities of the occupiers of the existing flats. The impact is exacerbated by the proposed extension resulting in a loss of morning sunlight to these important habitable rooms. This would be contrary to policy BE9 of Brent's adopted Unitary Development Plan 2004 and the guidance as outlined in Supplementary Planning Guidance No. 5 "Altering and Extending Your Home".

3. In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places, and increased pressure for the use of existing open space, without contributions to enhance open space, sports or make other contributions to improve the environment and air quality. As a result, the proposal is contrary to policy CP18 of Brent's adopted Core Strategy 2010 and policies CF6, TRN2, TRN3 and TRN11 and the adopted S106 Planning Obligations Supplementary Planning Document.

4. In the absence of a legal agreement to control the matter, the proposed development does not provide sufficient affordable housing on site or make satisfactory provision to compensate off site, contrary to Policies 3A.9, 3A.10, 3A.11 of the London Plan 2008, policies CP2 and CP21 of Brent's adopted Core Strategy 2010.

11/0251: Details pursuant to condition 4 (design of window to replace the former fire escape doors and landscaping in front of this window) of full planning permission 10/2860 - Granted, 08/03/2011.

10/2860: Full Planning Permission sought for conversion of ground floor vacant space into additional living accommodation for Flat 1 on the ground floor of Jubilee Heights together with external alterations to doors and glazing - Granted, 30/12/2010.

07/2774: Full Planning Permission sought for conversion of ground-floor serviced offices into 8 self contained dwellings, comprising 5 two-bedroom and 3 one-bedroom flats with ancillary alterations, removal of crossovers on Exeter Road and Shoot Up Hill, and associated landscaping, subject to Deed of Agreement dated 3rd December 2007 under Section 106 of Town and Country Planning Act 1990, as amended - Granted, 14/12/2007.

POLICY CONSIDERATIONS

Brent's UDP 2004

BE9: Architectural Quality

CONSULTATION

Consultation Period: 05/10/2011 - 26/10/2011

Public Consultation

91 neighbours consulted - five letters of objection received on the following grounds:

1. Decking appears as an eye sore and is not in keeping with the main building.
2. The decking has been built on a common walkway.
3. The decking gives the impression that the communal amenity space on this corner of the site is out of bounds.
4. The decking has taken away part of the front garden area.

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

The following points are addressed below:

5. *If the proposal is allowed it could set a precedent for similar future developments.*

Each planning application is assessed on its individual merits. It is not considered that the granting one application would set a precedent for future applications.

6. *Planning permission cannot be applied for retrospectively and is against the human rights of other occupiers within Jubilee Heights.*

Planning regulations do allow planning permission to be applied for retrospectively. Retrospective planning permission is assessed in the same way to a planning application for a development that has not yet been built, e.g. the application is determined in accordance with the Statutory Development Plans unless material considerations indicate otherwise.

7. *Applicant has taken away the car park driveway and 8 parking spaces in order to construct the decking.*

The car park entrance located close to the junction of Shoot up Hill and Exeter Road was removed as part of the 2007 application. The car park area for the offices was changed to a communal landscaped area for the existing and proposed flats as part of the 2007 application. This was required to increase amenity space provision on site - see further comments within the remarks section.

8. *Applicant has taken the service charge to build the new flats and make profits.*

This is a matter that needs to be resolved between the freehold and leaseholders of the building, and cannot be resolved through the planning process.

9. *The extensions already built to the main block has overburdened the drains and caused flooding.*

This is a matter that needs to be considered through building regulations and does not fall within the remit of planning regulations.

10. *The applicants have failed to consider the needs of disabled occupiers within the building, including broken lifts, no disabled toilet or bathroom within the leisure facilities and cancelling the rubbish shoot.*

This is a matter that needs to be resolved between the freeholder and leaseholders of the building, and cannot be resolved through the planning process. It is the responsibility of the freeholder to maintain the up keep of the building. Refuse storage facilities are provided within the building which are accessed off the lobby and from the rear car park.

REMARKS

Introduction

This application relates to the ground floor flat within Jubilee Heights known as Flat G01. It formed part of the 2007 application for the conversion of the ground floor from offices to flats. Planning permission was also granted in 2010 for conversion of ground floor vacant space into additional living accommodation for Flat G01, increasing the number of bedrooms from 2 to 3 bedrooms. A condition was attached to the 2010 planning permission requiring a landscape buffer to be planted in front of the window that replaced the doors to the vacant store.

Background

Members will note from the planning history above that the building has undergone a number of significant changes over the past 17 years together with a number of more recent extensions. The building was originally used as a Telephone House. Planning permission was granted in 1994 to convert part of the existing building together with extensions to form 46 residential flats (10 x 1 bed, 30 x 2 bed and 6 x 3 bed). Permission was subsequently granted in 1996 to convert three floors of the offices to provide a further 31 residential flats (2 x 1 bed and 29 x 2 bed).

There have been a number of recent applications granted for additional extensions and alterations to the building. These include the conversion of the ground floor offices into 8 residential flats (3 x 1 bed and 5 x 2 bed) in 2007 and a six storey rear extension to accommodate 6 x 2 bed flats in 2009.

It is apparent from reviewing the planning history that the Council has become increasingly concerned about the intensification of use of the external amenity space as a result of increased population on the site, particularly as the site is within an area of Open Space Deficiency.

Under the Local Planning Authority's current policy guidance as outlined in SPG17, the development is required to have 20sqm of external amenity space per flat. Based on the existing site plan submitted as part of application ref: 11/1307, which included amenity space to the front of Jubilee Heights and around Cedar Lodge and amenity space provided as part of the 2007 application (LPA Ref: 07/2774) for the 6 units at ground floor, the site currently provides 1878sqm of external amenity space which is shared between Jubilee Heights and Cedar Lodge. SPG17 therefore requires a development with this number of units (total of 121 units within Jubilee Heights and Cedar Lodge) to provide a total of 2420sqm of external communal amenity space. The existing provision is substantially below the guidance outlined in SPG17.

It is also important to note that the landscaped area to the front of the building developed as part of the 2007 application (LPA Ref: 07/2775) formed part of a communal amenity space for all of the flats, which is considered to be of high amenity value that makes an important contribution to the overall provision of external amenity space on the site, particularly as it is fairly well screened from the road. The increasing concern regarding the intensification of use of the external amenity space is also highlighted within a number of recent refused applications which sought to build "winged" extensions to the main building, and the impact that these extensions would have upon the quantity and quality of existing communal amenity space.

Proposal

This application seeks retrospective planning permission for decking to the front of Flat G01. The decking will be used exclusively by the ground floor flat and measures approx. 12m wide and approx. 2.5m deep, with its south eastern end splayed. It has a footprint of 28sqm. The height of the decking including the balustrades is 1m high.

Whilst it is recognised that the decking will provide an area of private amenity space for a family sized unit, the impact of the decking upon the remaining area of communal amenity space to the front of the building (which is already deficient in size to meet current amenity space standards for existing residents in Jubilee Heights and Cedar Lodge) also needs to be considered. It should be noted that the first metre in front of the ground floor flat which was meant to provide a landscape buffer as conditioned as part of the 2010 application would not count towards communal amenity space. Therefore the decking takes up approx. 18sqm of communal amenity space.

Whilst in quantitative terms the loss of the communal amenity space is not considered in itself significant as to warrant a reason for refusal, the qualitative value of the remaining communal amenity space should not be adversely impacted upon as a result of the decking being sited within this area. This is because the communal amenity space to the front of Jubilee Heights is considered to be of high amenity value that makes an important contribution to the overall provision of external amenity space on the site. Therefore to offset the loss of communal amenity space, the qualitative value of the remaining communal amenity space should be improved, through the introduction of a couple of semi mature trees. Such details can be conditioned as part of any forthcoming planning consent.

The appearance of the decking currently stands out as a prominent feature visible from the communal amenity space. To soften the appearance of the decking, it is recommended that further landscaping is provided around the decking. This will assist in improving the visual amenities for other residents when using the communal amenity space.

Conclusions

In conclusion, whilst it is acknowledged that the decking will result in a loss of approx. 18sqm of communal amenity space, such a loss can on balance be supported subject to the amenity value of the remaining area of communal amenity space being improved.

Approval is accordingly recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

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

Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

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

PL/273/201

PL/273/202

PL/273/203

PL/273/204

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

- (2) Notwithstanding the submitted plans otherwise approved, further details of the following shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented within six months of the date of this permission or timescales to be agreed in writing by the Local Planning Authority within 3 months of the date of this decision. Such details shall include:

(a) additional soft landscaping sited around the decking (including species, numbers, densities and location)

(b) provision of two semi-mature trees to be sited within the south western corner of the remaining communal amenity space fronting Jubilee Heights.

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

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

INFORMATIVES:

- (1) The applicant is advised that the blue line shown within the site plan is considered to form part of the application site.


REFERENCE DOCUMENTS:

Brent's UDP 2004

Three letters of objection

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

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| | |
|---|--|
|  | Planning Committee Map |
| | Site address: Garages rear of, Magnolia Court, Harrow, HA3 |
| | © Crown copyright and database rights 2011 Ordnance Survey 100025260 |



This map is indicative only.

RECEIVED: 3 October, 2011

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Garages rear of, Magnolia Court, Harrow, HA3

PROPOSAL: Demolition of existing garages, erection of seven self-contained flats (4 x 1-bedroom, 2 x 2-bedroom, and 1 x 3-bedroom), with associated landscaping, bicycle storage and refuse storage, alterations to existing vehicular access and new pedestrian access and 7 parking spaces (as per revised plans received on 9 November 2011)

APPLICANT: GIA Michelle Ltd

CONTACT: Arsen Architecture Ltd

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

SECTION 106 DETAILS

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

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) A contribution of £3,000 per bedroom (total £33,000), due on material start and, index-linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports and environmental improvements in the local area.
- (c) Prior to Practical Completion enter into a s278/s35 requiring the highway works in May Lane including widening the initial length of May Lane to 4.1m with a 2m footway and to provide a level speed table across May Lane adjacent to the site access in accordance with Plan No: PA-02 Rev C.

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 by 28 November 2011.

EXISTING

The application site is located to the rear of Magnolia Court accessed off May Lane. May Lane is an ancient hedgerow lane, pre-dating the nineteenth century which provides pedestrian access to the Barn Hill Open Space and also provides vehicular access to the Preston and Mall Youth and Community Centre. May Lane is accessed off The Mall. The site currently contains 35 garages, which are at present in a very poor condition. Access to the garages would have been via May Lane but the site is currently boarded up.

Residential properties on The Mall and Magnolia Court are sited to the north, east and west of the application property. To the south lies the Preston and Mall Youth and Community Centre.

PROPOSAL

Demolition of existing garages, erection of seven self contained flats (4 x 1-bedroom, 2 x 2-bedroom, and 1 x 3-bedroom), with associated landscaping, bicycle storage and refuse storage, alterations to existing vehicular access and new pedestrian access and 7 parking spaces

HISTORY

05/0635: Full Planning Permission sought for demolition of existing garages, erection of two 3-bedroom dwellinghouses and one 4-bedroom dwellinghouse, with associated landscaping and 5 parking spaces as revised by plans received on 10th June 2005.

The above application was reported to the Planning Committee meeting on 28 June 2005 where members resolved to grant consent subject to the completion of a Section 106 Agreement. The Section 106 Agreement was never completed, and permission was not granted.

04/1917: Full Planning Permission sought for demolition of existing garages, erection of three no. 3-bedroom dwellinghouses and one no. 4-bedroom dwellinghouse, with associated landscaping and parking - Withdrawn, 11 November 2004.

POLICY CONSIDERATIONS

Regional

The London Plan

A revised version of the London Plan was adopted 22 July 2011 and is a material consideration in determining planning applications within the Borough.

Policy 3.5: Quality and Design of Housing Developments

The Design of all new housing developments should enhance the quality of local places, taking to account physical context; local character, density; tenure and land use mix; and relationship with open space.

Local

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.

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

Support will be given to the enhancement and management of open space for recreational, sporting and amenity use and the improvement of both open space and the built environment for

biodiversity and nature conservation. New or improved provision (including improved access) will be sought in areas of deficiency and where additional pressure on open space and outdoor play facilities would be created.

CP21: A Balanced Housing Stock

The Plan seeks to maintain and provide a balanced housing stock by ensuring that new housing appropriately contributes towards the wide range of borough household needs including an appropriate range and mix of self contained accommodation types and sizes, including family sized accommodation capable of providing three or more bedrooms.

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

Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area.

BE7: Public Realm - Landscape Streetscape

A high standard of landscape design is required as an integral element of development schemes. This should include the retention of existing mature trees, shrubs and hedges, where they form part of the character of the area.

BE9: Architectural Quality

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

H12: Residential Quality - Layout Considerations

Seeks to ensure that all residential development has a high quality layout, has an appropriate level of car parking and features housing facing onto streets. It states that proposals should avoid having an excessive coverage of hardstanding and have an amount and quality of landscaped areas appropriate to the character of the area.

CF6: School Places

Contributions to build new school classrooms and associated facilities will be required where new housing development would worsen or create a shortage of school places.

TRN2: Public Transport Integration

Development proposal should benefit and not harm the operation of the public transport network.

TRN3: Environmental Impact of Traffic

Proposals should not cause or worsen an unacceptable environmental impact from traffic.

TRN10: Walkable Environments

The 'walkability' of the public environment should be maintained and enhanced.

TRN11: The London Cycle Network

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

TRN23: Parking Standards - Residential Developments

Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.

Supplementary Planning Guidance

Supplementary Planning Guidance 17 – “Design guide for new development” - adopted by the Council in October 2001.

SPG17 sets out the general design standards for development and has regard to the character, design and appearance of developments, the design layout with respect to the preservation of existing building lines, size and scale of buildings and structures, and privacy and light of adjoining occupants. This policy guidance document addresses residential densities, minimum sizes for residential dwellings, external finishing materials, amenity spaces and parking related issues.

Supplementary Planning Document: "S106: Planning Obligations" - adopted by the Council in October 2007.

Supplementary Planning Document “S106 Planning Obligations”, , updates and expands upon SPG Numbers 17 and 19, and provides the policy backing for the mitigation required to ensure the acceptability of increasing levels of development. The principle point of the SPD is the identification of the required areas for mitigation from new developments and to establish a reasonable level of contribution towards for these areas in the form of a standard charge.

CONSULTATION

Consultation Period: 13/10/2011 - 03/11/2011

Site Notice Displayed: 27/10/2011 - 17/11/2011

Public Consultation

36 neighbours consulted - 12 letters of objection and one petition with 22 signatures received from neighbouring properties, Kenton Homeowners Association, Magnolia Senior Citizens' Club within Preston and Mall Youth & Community Centre, Preston and Mall Youth & Community Centre, QARA Group of Associations and Magnolia Court Residents Association. The following points are raised within the letters of objection:

1. Parking is already a problem in the area and any further development will worsen this problem.
2. Parking problems will be made worse by parking charges coming in on Preston Road.
3. Whether May Lane is adequate for refuse vehicles and emergency vehicles to access the site.
4. Increased traffic using May Lane resulting in increased noise and disturbance.
5. Speeds humps can be noisy when driven over.
6. Concerns as to whether the sewers can cope with the new development and increased flooding.
7. Overdevelopment of the site as there will be too many properties sited on a small piece of land.
8. Greenery along May Lane will be lost as a result of this development.
9. Overlooking from new development into the rear garden and flats within Magnolia Court.
10. Permitted development rights would allow further extensions, such as a loft conversion, in later years which would add to a further loss of privacy to Magnolia Court.
11. Loss of light for the rear gardens and ground floor flats within Magnolia Court
12. Loss of part of the hedgerow.
13. Existing garages contain asbestos and this should be properly dealt with as part of the building works.

Points 1 to 13 above have been discussed within the remarks section below.

The remaining points are discussed below:

14. Concerned with how the boundary between May Lane and the new development will be treated once the garages are demolished. The rear wall of the garages currently form the boundary wall.

As part of any forthcoming planning consent, details of all boundary treatment within the site (including the boundary with Magnolia Court) will be conditioned. Such a condition will require details of the height and materials of all boundary treatments.

15. Inaccuracies within the planning application including the number of garages, number of car parking spaces within Magnolia Court and ownership of Magnolia Court.

Officer assessment of the site in terms of the number of car parking spaces within Magnolia Court has been assessed on observations on site. This is discussed in further detail below within the remarks section. The other inaccuracies regarding the number of garages (36 instead of 35) and ownership of Magnolia Court (privately owned properties) has been noted.

16. Inaccuracies regarding the ownership of the hedgerow along May Lane.

The agent has confirmed that the applicant has sole ownership of the hedgerow. However, it is recommended that a condition is imposed to ensure the required hedgerow is removed prior to any works being carried out on site to ensure the access is provided in accordance with the approved plans.

17. Reference made to restrictive covenants.

Restrictive covenants are not a material planning consideration and therefore can not be considered as part of the assessment of the planning application. Nevertheless, planning approvals do not override restrictive covenants.

18. Section 106 Contributions to go towards Preston and Mall Youth & Community Centre.

An application of this nature does not require the section 106 contributions to be designated to a particular organisation or works within the Borough. The contributions will be used towards education, sustainable transportation, open space & sports and environmental improvements in the local area.

Internal Consultation

Transportation - Refuse store will need to be located closer to the frontage of the site to be within the collection distance for refuse vehicles. Subject to this issue being resolved, the proposal can be supported, provided that a Section 106 Agreement is secured for the highway works proposed within May Lane and a financial contribution of £7,500 towards off-site sustainable transport improvements.

Environmental Health - Suggested conditions provided as the site may contain contaminated soil and in relation to asbestos.

Landscape Team - No objections in principle, although some areas of amenity space too narrow to be practically used.

Tree Protection Officer - Recommended the removal of the large Ash Tree on the northern side of the proposed site and a replacement semi mature tree.

Requested a suitable Arboricultural Method Statement and Tree Protection Plan for the remaining Ash Tree along the northern boundary as a result of the location of the bin store.

External Consultation

Environment Agency - No objections

Thames Water - Recommended that standard wording with regards to surface water drainage is included as part of any forthcoming planning consent.

REMARKS

Introduction

This application seeks planning permission to demolish the existing garages within the site and erect a two storey building to accommodate 7 self contained flats. The proposal also includes alterations to existing vehicular access off May Lane and new pedestrian access further up May Lane which will result in the loss of part of the hedgerow. Within the application site itself, there will be 7 car parking spaces, bicycle storage and refuse storage together with associated landscaping.

Principle of Development

The principle of a residential development has already been established on this site. As discussed within the planning history section above, members resolving to grant consent for the previous application (LPA Ref: 05/0635) at the Planning Committee meeting on 28 June 2005. The planning consent was not however issued as the Section 106 Agreement was not completed.

Since the consideration of the previous application, there has not been any material policy changes with regards to this site, with the exception of SPD: "S106: Planning Obligations". As such a residential development is still considered acceptable in principle. The difference with this scheme compared to the 2005 applications that it is for an increased number of units (7 flats instead of 3 houses). The implications that a more intensive development could have upon the quality of the proposed accommodation, increased car parking and refuse requirements, and impact upon neighbouring amenity is discussed in detail below.

Design and Layout

The design of the building is similar in appearance to that considered by members as part of the 2005 application. It still comprises a two storey gable-end pitched roof terrace with minimal

elevation detailing and facade elements. The current scheme does however include a number of minor variations. This includes the gable-end being handed so that the roof now slopes away from Magnolia Court. The footprint of the building has also slightly been revised with the building set in further from the boundary with Magnolia Court by 0.9m. This was requested to improve the level of amenity for the occupiers of Magnolia Court and is discussed in further detail below. Its depth has also increased from 10.2m to 13.2m, thus bringing it closer to the frontage of the development and rear boundary with Preston and Mall Youth & Community Centre. The single storey element is also closer to the boundary with May Lane by 0.8m and the main building is marginally closer to the boundary with May Lane by 0.15m. These alterations are considered minor and do not materially alter the appearance of the building, the quality of the proposed accommodation, existing landscaping or neighbouring amenity. The latter two points are considered in further details below.

As discussed within the report presented to committee on 28 June 2005, the scheme was deemed satisfactory as the overall design of the development did not detract from the character of the adjoining post war Kenton Hill estate and the location of the site which is not clearly visible from the main street frontage. As the design which is now proposed is not significantly different in its appearance or footprint to the previous scheme, these comments still stand.

To ensure that the external appearance of a high quality, details of external materials for the walls, roof and windows are recommended to be conditioned as part of any forthcoming planning consent.

Unit mix and quality of accommodation

Mix of units

This application proposes seven self contained flats. The ground floor will contain 2 x 2-bedroom flats and 1 x 3-bedroom flat. The upper floor will contain 4 x 1-bedroom flats. This mix is broadly considered acceptable. The family sized unit (3 - bedroom flat) will be sited at ground level with direct access to private external amenity space.

Internal floor space standards

The following table set out the floor area of each unit together with the guidance on minimum floor areas for different size of units as set out within SPG17 and The London Plan.

| Flat No | Internal Floor Area (sqm) | SPG17 guidance (sqm) | London Plan guidance (sqm) |
|--------------------------|----------------------------------|-----------------------------|-----------------------------------|
| Flat 1 (2 bed 3 person) | 57 | 55 | 61 |
| Flat 2 (2 bed 3 person) | 56 | 55 | 61 |
| Flat 3 (3 bed 5 person) | 81.6 | 80 | 86 |
| Flat 4 (1 bed 2 persons) | 45.2 | 45 | 50 |
| Flat 5 (1 bed 2 persons) | 45 | 45 | 50 |
| Flat 6 (1 bed 2 persons) | 46 | 45 | 560 |
| Flat 7 (1 bed 2 persons) | 46 | 45 | 50 |

All of the units meet the minimum internal floor area standards set out in SPG17. Whilst it is noted that they fall short of the minimum requirements set out within The London Plan, the shortfall is not considered to be significant. Furthermore, the 3-bedroom flat has access to its own private external amenity space and the remaining units have access to a communal garden. This shortfall is not considered in itself sufficient as to warrant a reason for refusal.

Outlook and privacy

All of the proposed flats will have adequate levels of outlook from habitable rooms (bedrooms, kitchens, living/dining rooms) and adequate levels of light to these rooms. Whilst it is noted that the ground floor unit that fronts onto the communal amenity space will face onto a buffer that divides this unit from the communal amenity space, the purpose of this buffer is to be separation and privacy for the occupiers of the ground floor flat and is considered to provide an acceptable standard of amenity for future occupiers. Details of the buffer and its height are recommended to be conditioned as part of any forthcoming planning consent.

The privacy of each of the units is not considered to be compromised by surrounding properties or from overlooking between different flats within the development.

External Amenity Space

The ground floor 3-bedroom flat will be provided with its own private external amenity space. This area is proposed at 100sqm which significantly exceeds the minimum requirements within SPG17 which requires 50sqm. The remaining flats will have access to a communal rear amenity space. This area is proposed at 150sqm. SPG17 requires each flat to have access to 20sqm of communal amenity space. In this case a minimum of 120sqm of communal amenity space is required. The proposed communal amenity space is 150sqm which exceeds minimum requirements.

Impact on neighbouring properties

Outlook

SPG17 sets out general guidance for the massing of new buildings, to ensure they do not have an overbearing impact on the neighbouring properties and avoid unnecessary overshadowing. In general, the building envelope should be set below a line of 30 degrees from the nearest rear habitable-room window of adjoining existing properties, measured from height of 2m above floor level. The development falls below a line drawn at 30 degrees from the rear habitable rooms within Magnolia Court and therefore complies with SPG17.

SPG17 goes on to say that where proposed development adjoins private amenity/garden area, then the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. The proposed development generally sits below this line when measured from the rear gardens within Magnolia Court, with the exception of part of the overhanging gutter. This shortfall is not considered to have a detrimental impact upon the amenities of the residents within Magnolia Court. Furthermore, the building is now sited further away from Magnolia Court and the roof of the building is now sloping away from Magnolia Court. This has less of an impact than the previous scheme.

Privacy

SPG17 sets out the standards of privacy levels between existing properties for new developments. It requires a minimum distance of 20 metres between directly facing habitable rooms and a minimum distance of 10 metres between habitable-room windows on the rear elevation and rear boundary or flank wall of adjoining development. The building does not contain any windows within the flank elevation fronting Magnolia Court. The other flank elevation that fronts May Lane and the rear garden of No. 237 The Mall contains windows at ground level but not first floor level. The hedgerow will obscure views from the ground floor windows.

A number of objectors have raised concerns with potential future overlooking from subsequent alterations/additions to the building. As the building will contain flats, it does not benefit from permitted development rights therefore any alterations/additions, such as insertion of windows on the flank elevation or loft conversions, will require the benefit of planning permission.

Noise and Disturbance

Local residents have raised concerns with increased noise and disturbance as a result of increased traffic movement within the site and vehicles travelling along May Lane. The vehicular access from The Mall already exists with vehicle currently travelling up to Preston and Mall Youth & Community Centre and the level of car parking and associated movements is significantly less than the existing use of the site as garages (although it is recognised that the garages have not been in use for a number of years). On this basis, it is not considered that the proposal will materially harm the amenities of surrounding residential properties.

Landscaping

The row of Hawthorns and three Ash Trees on the northern side of the application site are subject to the May Lane Kenton Tree Preservation Order, made in September 2004. This coincided with the previous application on the site. The proposal shows the removal of 4m, of the protected hedgerow and a tree located at the entrance of the site in order to meet transportation requirements for a safe access for pedestrian and vehicular traffic. It is considered that the redevelopment of the derelict and disused garages for the purpose of residential development is seen as an improvement to the amenity and appearance of the locality. As discussed within the previous scheme, officers in the Landscape Team also considered this point to be valid and that the benefits of the development outweigh the loss of a small section of hedgerow and the Ash Tree.

The Council's Tree Protection Officer has advised that if the proposal were to go ahead, the tree preservation order would not provide sufficient protection for the larger Ash Tree (listed as T3 in the Arboricultural Impact Assessment produced by Russell Ball & Associates). Technically, the build could go ahead without harming the important root zone of the tree, however, the canopy or above ground parts of the tree that protrude into the application site would have to be so heavily pruned as to render the tree an amenity eyesore. The works would also have to be repeated on a relatively regular basis in order to keep the remainder of the tree within bounds. It should be noted that such a situation would have occurred with the previous scheme (LPA Ref: 05/0635), despite the building being marginally further away from the tree. It is therefore recommended that the Ash Tree is removed and replaced with a semi mature tree in a more suitable location (the south east end) within the line as listed as Area 1 on the tree preservation order. It is recommended that the replacement tree is secured through a planning condition to any forthcoming planning consent.

It should also be noted that the proposed bin store for the development is located within the top north west corner of the site, and encroaches upon the root protection area of the Ash Tree listed within the Arboricultural Impact Assessment as T1. The Tree Protection Officer has advised that he has no objections to the proposed location of the bin store, subject to a suitable Arboricultural Method Statement and Tree Protection Plan being provided. Such details are recommended to be conditioned as part of any forthcoming planning consent.

In addition to the external amenity space provided on site, pockets of landscaping are proposed within the front forecourt of the development. Further details of the landscaping are recommended to be conditioned as part of any forthcoming planning consent.

Highway considerations

Car Parking

The plans have been amended during the course of the application to increase the number of car parking spaces within the site from 6 to 7 spaces. This is in response to objections raised by local residents and following on from officer site visit where it was observed that there is a high demand for on-street parking in this area. The level of parking accords with the Council's standards as set

out within standard PS14 of the UDP, and is also considered acceptable given that the site has moderate access to public transport services with The Mall servicing bus routes 79 and 204, and Preston Road Tube Station in close proximity.

Alterations to the access

The existing vehicular access into the site from May Lane is not ideal, being narrow and parallel to May Lane, resulting in poor visibility. Improvements are therefore required to improve the safety of this access to serve seven flats. It is proposed to widen the initial length of May Lane to 4.1m with a 2m footway and to provide a level speed table across May Lane adjacent to the site access to facilitate safer access and egress for vehicles and pedestrians. Such works will need to be carried out under an Agreement under Section 278 of the Highways Act 1980 and the requirement for this will need to be secured through the Section 106 Agreement.

The first 4m of hedgerow are also proposed to be removed together with a tree at the site entrance. This is required to improve visibility splays. The loss of landscaping is discussed in detail above. The plans originally proposed a speed hump within the site, but have since been removed in response to resident objections. Given the narrowness of the site at this point, officers in Highways have advised that the speed hump is not necessary as vehicles will be forced to slow down due to the narrowness of the access.

Refuse

The bin store was originally proposed at the rear of the site. Officers in Highways have advised that the bin store could not be supported in this location, as it was likely to require refuse vehicles to reverse an unacceptably long distance along May Lane (75m as opposed to the recommended maximum of 12m).

In response, the bin store has been relocated within the frontage of the site. It is within 18m of the refuse vehicle collection point location, whereby refuse vehicles will reverse up to 12m into the site. The maximum collection point distance set out in the Council's document titled "Waste and Recycling Storage and Collection Guidance" is 20m for 240l bins.

The guidance requires a bin store within a development of this size to accommodate the following capacity:

- 770l for residual waste (7 x 110l per unit)
- 770l per unit for dry recycling (7 x 110l per unit)
- 161l per unit for organic waste (7 x 23l per unit)

The above capacity will need to be accommodated within 240l bins. The bin store shown within the revised plans will accommodate 4 x 240l bins for residual waste, 4 x 240l bins for dry recycling and 3 x 240l bins for organic waste. This exceeds minimum requirements with regards to organic waste. It is therefore recommended that a condition is secured to reduce the amount of capacity for organic waste together with details of the design (including elevations and materials) for the bin store. This will reduce the overall size of the bin store.

Bicycle

Seven bicycle spaces are proposed within the site, within a cycle store. The level of cycle parking is considered sufficient for the development meeting the requirements set out within standard PS16 of the UDP. Further details of the design and details of the bicycle store (including elevations and materials) are recommended to be conditioned.

Flood Risk

The site itself is not located within a flood risk area, but the entrance to the site is located within Flood Zone 2. The Environment Agency provide standing advice for development of this nature. The relevant form has been completed by the applicant. The Environment Agency have confirmed that they have no comments to make based on the information provided.

Contaminated Land and Asbestos

Officers in Environmental Health have advised that given the previous use of the land for domestic garages, the potential for underlying soil contamination exists, that may require remedial action before being suitable for the proposed residential use. It is therefore recommended that conditions are secured for a site investigation to be carried out to determine the nature and extent of any soil contamination present. If such contamination is found, a verification report is required to be submitted to confirm that the remediation measures have taken place.

A number of objections have raised concerns with potential asbestos within the garage buildings. This matter is generally covered by the Health and Safety Executive rather than the Council. However, it is recommended that an condition is attached to any forthcoming planning consent requiring documentary evidence that all asbestos containing material is removed from the site.

Conclusions

The proposal redevelops an under-utilised site, adding to the Borough's housing stock. The scheme meets the current relevant standards and policies in terms of parking provision, residential amenity and the protection of adjoining residents. The proposed scheme is in accordance with local and regional policies, and therefore is recommended for approval, subject to a Section 106 Agreement.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

The London Plan
Brent's Core Strategy 2010
Brent UDP 2004
Supplementary Planning Guidance 17 – “Design guide for new development”
Supplementary Planning Document: "S106: Planning Obligations"

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

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

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):

PA-01 Rev A
PA-02 Rev E
PA-03 Rev D
PA-04 Rev D
PA-05 Rev D
PA-06 Rev D
PA-07 Rev D

Design and Access Statement

Transport Statement prepared by Paul Disney - Highway, Road Traffic & Road Safety Consultant

Arboricultural Impact Assessment produced by Russell Ball & Associates

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

- (3) All of the parking spaces shown on approved plan ref: PA-02 Rev E shall be provided and permanently marked out prior to first occupation of any of the units approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

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

- (4) No windows or glazed doors (other than any shown in the approved plans) shall be constructed in the flank wall of the building without the prior written consent of the Local Planning Authority.

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

- (5) Prior to commencement of any works on site (including demolition and site clearance), the 4m hedgerow and tree located at the entrance of the site shall be removed in accordance with the details shown on the approved plans.

Reason: To ensure that an appropriate access to the site can be provided.

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

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

- (7) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on the site. Any approved planting, turfing or seeding included in such details shall be completed in

strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (i) areas of hard landscape works including details of materials and finishes. These shall have a permeable construction.
- (ii) the location of and details of any external lighting.
- (iii) proposed boundary treatments (including the boundary with Magnolia Court) with details of walls and fencing, indicating materials and height;
- (iv) all planting including location, species, size, density and number;
- (v) details of the replacement semi mature tree that replaces Ash Tree T3. This tree should be located within the south east end within the line as listed as Area 1 on the tree preservatin order. The replacement tree should be a minimum size 20-25cm.
- (vi) any sustainable construction methods which are to be used;
- (vii) a detailed (minimum 5-year) landscape-management plan showing requirements for the on-going maintenance of hard and soft landscaping.

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

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

- (8) Notwithstanding the submitted plans otherwise approved, further details of the refuse storage for the residential units including details of storage for residual waste, dry recycling and organics for 7 units together with elevation and floor plans and details of external materials shall be shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The works shall thereafter be carried out fully in accordance with such approved details prior to the first occupation of the units hereby approved.

Reason: To ensure a satisfactory environment is provided for existing and proposed occupiers.

- (9) Notwithstanding the submitted plans otherwise approved, further details of the bicycle store to accommodate 7 bicycle spaces together with elevation and floor plans and details of external materials shall be shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The works shall thereafter be carried out fully in accordance with such approved details prior to the first occupation of the units hereby approved.

Reason: To ensure a satisfactory environment is provided for existing and proposed occupiers.

- (10) An Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837:2005 in relation to the siting of the proposed bin store next to Ash Tree (T1) as identified within the Arboricultural Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. Works shall be carried out in full accordance with the approved tree-protection plan and construction method statement. Works shall not commence on site until the Local Planning Authority has been on site and inspected the required tree protection measures.

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

- (11) (a) A site investigation shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. It shall be carried out by competent persons to determine the nature and extent of any soil contamination present on site, and shall include the results of any research and analysis as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. Any remediation measures shall be carried out in full.

(b) If remediation measures are required as identified within the site investigation above, a verification report stating that remediation has been carried out in accordance with the approved remediation scheme and that the site is permitted for end use shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the units hereby approved.

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use.

- (12) The applicant shall ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials. All asbestos-containing materials shall be removed from the site and documentary evidence provided to the Local Planning Authority prior to the commencement of any demolition works.

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use.

INFORMATIVES:

- (1) The applicant is advised that construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried only between the hours of:

Monday to Fridays 08:00 to 18:00

Saturday 08:00 to 13:00

At no time on Sundays or Bank Holidays

- (2) With regards 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.

REFERENCE DOCUMENTS:


The London Plan
Brent's Core Strategy 2010

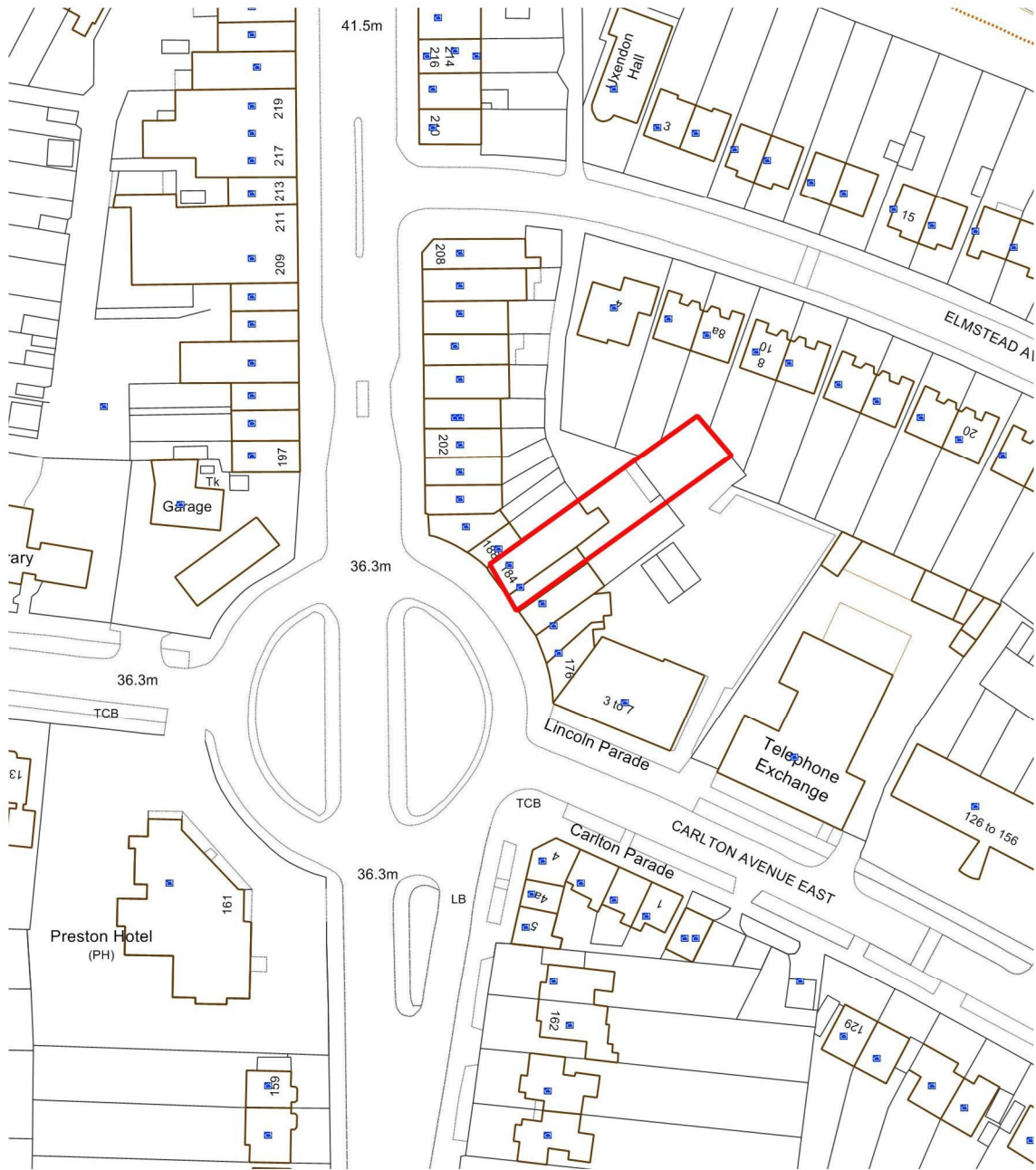
Brent UDP 2004
Supplementary Planning Guidance 17 – “Design guide for new development”
Supplementary Planning Document: "S106: Planning Obligations"
Letters of objection

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

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

Item No. 07
Case No. 11/2432

 **Planning Committee Map**
Site address: 182-184 Preston Road, Wembley, HA9 8PA
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This map is indicative only.

RECEIVED: 21 September, 2011

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 182-184 Preston Road, Wembley, HA9 8PA

PROPOSAL: Retrospective application for an existing canopy structure to the rear of premises

APPLICANT: CLUB 182

CONTACT: Mr J Benaim

PLAN NO'S:
See condition no 2

RECOMMENDATION

Approval

EXISTING

The subject site exists as a restaurant on the ground floor with residential properties above, located on Preston Road, Wembley. There is an existing canopy structure extension located to the rear, which is used for an outdoor seating area.

The property is located within a District Centre as detailed within Brent's adopted Core Strategy (2010)

PROPOSAL

Retrospective application for an existing canopy structure to the rear of premises

HISTORY

11/0709 - Variation of condition 10 of planning permission (currently restricted to 23.00, with customers gone by 23.30 and staff gone by 00.30, to allow Monday-Thursday 10am to 23.30, Friday and Saturday 10am to 00.30am, Sunday 11.00-23.00, and New Years Eve and Christmas Eve 10am to 1.00am) of planning permission granted 06/12/95 for Continued use as private members club and repositioning of extractor flue to rear elevation. (Revised plans received 10 November 1995). *Refused 04/08/2011*

E/10/0510 – Enforcement Case – Without planning permission the erection of a canopy structure to the rear of the premises, to provide outdoor seating area associated with the existing use of the premises. *Current Enforcement Case*

E/07/0232 – Enforcement case – Breach of condition regarding the use of open area at rear of premises *Closed Enforcement Case – breach addressed.*

00/1390 – Use of land to rear of premises to create garden for club. *Withdrawn 01/05/2001*

00/0645 - Variation of Condition 10 (hours of operation) of planning permission ref. 95/1121 varied on appeal by the Planning Inspectorate on 18/11/1999 (Ref. T/APP/T5150/C/99/1021310) to allow

non-resident staff to leave the premises by 0100 on Mondays to Fridays and by 0130 on Saturdays and Sundays. *Refused 17/05/2000*

00/2640 – Details pursuant to condition 5 (air-extraction equipment) of full planning permission 98/0663 dated 17/12/98 for alterations including re-roofing and cladding of existing storage building adjacent to rear pedestrian access, new rear fencing, retention of single-storey rear extension and provision of 2 parking spaces *Granted 06/01/2000*

E/99/0366 – *Enforcement Case* – Breaching Condition on opening hours. Appeal dismissed 04/09/2000

99/2336 – Retention of single-storey rear extension (alterations during of the course of construction involving the provision of additional door on side elevation) *Granted 26/05/2000*

99/1513 – Details pursuant to condition 2 (materials) of full planning permission 98/0663 dated 17/12/98 for alterations including re-roofing and cladding of existing storage building (adjacent to rear of pedestrian access) new rear fencing, retention of single storey rear extension and provision of 2 parking spaces. *Granted 16/08/1999*

E/99/0011 – *Enforcement Case* – Opening in excess of hours stated in condition. *Allowed on appeal*
See section entitled 'Existing permitted hours' within Remarks section of this report

98/0663 – Alterations including re-roofing and cladding of existing storage building (adjacent to rear pedestrian access), new rear fencing, retention of single-storey rear extension and provision of 2 parking spaces (as amended by plans received on 15 October 1998)

E/97/0608 – *Enforcement Case* – Unauthorised structure. *Closed case.*

95/1121 – Continued use as private members club and repositioning of extractor flue to rear elevation (Revised plans received 10 November 1995). *Granted 06/12/1995*

94/0380 – Change of use from A1 retail to restaurant A3, provision of extractor flue, erection of single storey rear extension, installation of new shop front and provision of parking. *Granted 20/07/1994*

POLICY CONSIDERATIONS

Core Strategy (Adopted July 2010)

CP16 – Town Centres and Sequential Approach to Development

Brent's Unitary Development Plan (2004)

BE2 - Townscape: Local Context & Character

BE3 - Urban Structure: Space & Movement

BE7 - Public Realm: Street scene

BE9 - Architectural Quality

SH10 – Food and Drink (A3) uses

SH11 – Conditions for A3 Uses

SH19 – Rear Servicing

EP2 - Noise & Vibration

H22- Protection of Residential Amenity

SH10 - Food and Drink (A3) Uses

SH11 - Conditions for A3 Uses

TRN34 - Servicing in New Development

Supplementary Planning Guidance:

SPG17 - Design Guide for New Development (Adopted October 2001)

SPG19 - Sustainable design, construction and pollution control (Adopted 2003)

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

20 neighbouring properties were notified by letters dated 13th October 2011. 2 letters of representation, objecting to the application, have been received to date. One of these letters is from a solicitor acting on behalf of 3 nearby residents. The issues raised are summarised as follows:

- This application should be refused on the grounds that it infringes the existing regulations that do not permit the use of the open area at the rear of the premises for patrons of the club.
- They have complained on many occasions of the noise caused by customers permitted to drink and dine at the rear of the restaurant
- The disturbance late into the summer evenings prevents the enjoyment of their garden and requiring the windows and doors to be closed
- The retractable canopy was installed in breach of licence for the use by customers and reported by letter to the Planning Service in July 2010
- From Solicitor: have previously made their clients position clear in a previous letter. However would like to reiterate that their clients already experience a lot of problem with other night clubs in the areas, due to noise pollution and club lights filtering through their bedroom windows during the night.

Internal comments

Environmental Health

Have had no complaints relating to the current (unauthorised) use of the rear of these premises as a smoking area and therefore have no objections to the proposal to regularise the structure.

However, it is noted that a formal smoke-free inspection has never been carried out at the premises to confirm compliance with the smoke free regulations, therefore the applicant should be advised as follows:

- In order to be considered as an open side we would expect the distance between the edge of the roof/awning and the next wall to be at least 1.5m
- The applicant can request a smoke free inspection (in addition to our rolling programme of inspections) by calling 020 8937 5252 and asking to speak to the food team.

REMARKS

This application is for the retention of an existing canopy structure to the rear of the restaurant at 182-184 Preston Road. This canopy structure is the subject of a current enforcement case, reference E/10/0510.

The canopied structure is being used to provide shelter for an outside seating area for patrons of the restaurant. The current application seeks retrospective planning permission for its retention.

Existing site

The existing site is a restaurant/bar located within a Secondary Shopping Parade, as allocated within Brent's Unitary Development, 2004, and within a District Centre as allocated within Brent's adopted Core Strategy, 2010. To the rear of the site are the rear gardens of residential dwellings located on Elmstead Avenue, and there are also residential flats above the shops within this parade.

Existing permitted hours

Planning permission reference 95/1121 had the following condition attached: (condition no 10)

The premises shall only be used for the preparation or sale of hot food and for ancillary purposes including the serving of drinks between the hours of 0800 to 2300 and all patrons shall have left the premises by 2330 hours. All staff shall have left the premises by 0030 hours.

Reason: In order to prevent loss of amenity to adjoining and adjacent residents.

On 4th March, an Enforcement notice was served on the premises for breach of this condition. This notice was appealed and allowed with the following new condition in relation to hours of use:

The premises shall only be used for the preparation and sale of hot food and for ancillary purposes including the serving of drinks between the hours of 0800 to 2300 on Sundays to Thursdays, and 0800 to 2330 on Fridays and Saturdays. All patrons shall have left the premises by 2330 on Sundays to Thursdays, and by 2400 on Fridays and Saturdays. All non-resident staff shall have left the premises by 0030 on Mondays to Fridays, and by 0100 on Saturdays and Sundays.

This means that the existing permitted hours of use (for patrons) is until 2300 on Sundays to Thursdays, and until 2300 on Fridays and Saturdays. Any outside garden area may also be considered to be permitted to be used until these hours.

Existing Canopy Structure

The existing canopy structure measures 3.8m in depth and spans a width of approximately 7.45m. It has three open sides, although two of these sides are along existing fences. The third open side is set in from the rear fence by approximately 4.0m. The height of the canopy is approximately 3.2m to the highest point and 3.0m to the eaves.

There is provision of external seating within the canopied area. This allows for patrons to sit outside and use the structure as a smoking shelter, as well as during warmer days and evenings.

Noise Disturbance and Light Spillage

A condition has been attached restricting the hours of use to until 2200 hours of the canopied area. This is needed to ensure that the amenity of the residential above and to the rear of the premises is not affected by noise late into the night. A further condition with regard to external lighting is also attached, not permitting any external lighting without further details to be approved in writing. This is in order to control the impact of the use of the canopied area on surrounding residential properties.

Smoke free inspection

An informative will be attached advising the applicants to contact Environmental Health regarding smoke free inspections.

Response to objections

The application site is located within a busy parade of shops on Preston Road, where other similar uses also operate at late hours. Without the existing canopy structure at the rear of the

application site, patrons may still use the garden area at the rear of the premises along with the permitted hours of up until 2300 hours Sundays to Thursdays or until 2330 hours on Fridays and Saturdays. The current planning application allows the restriction of the use of the canopied area to no later than 2200 hours. This should alleviate any concerns raised by nearby residents of late night disturbance.

Conclusion

The retention of the canopied structure to the rear of the premises is considered to be acceptable for the reasons set out above as such it is recommended for approval.

There is an uncertainty as to whether the plans submitted are accurately drawn. The applicants have been asked to clarify this. Any revised plans will be appraised within a supplementary report.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-
Brent Unitary Development Plan 2004

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

CONDITIONS/REASONS:

- (1) The development 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):

SB/B36;

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

- (3) No music, public address system or any other amplified sound shall be installed on the site which is audible at any boundary outside the curtilage of the premises.

Reason: To safeguard the amenities of the adjoining occupiers.

(4) The premises shall not be used except between the hours of:-

0800 and 2200 Mondays to Fridays;
0900 and 2200 hours Saturdays, Sundays and Bank Holidays

without the written consent of the Local Planning Authority.

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

(5) No external lights shall be installed on site without the prior submission to and approval in writing by the Local Planning Authority. This shall include the specification, manufacturer, lux, model, direction and the siting of each lamp. Thereafter the lights shall be installed in accordance with the details so approved prior installation

Reason: In order to prevent harm to local amenities from light spillage

INFORMATIVES:


(1) The applicants are advised to contact Environmental Health food team on 020 8937 5252 regarding smoke free inspections.

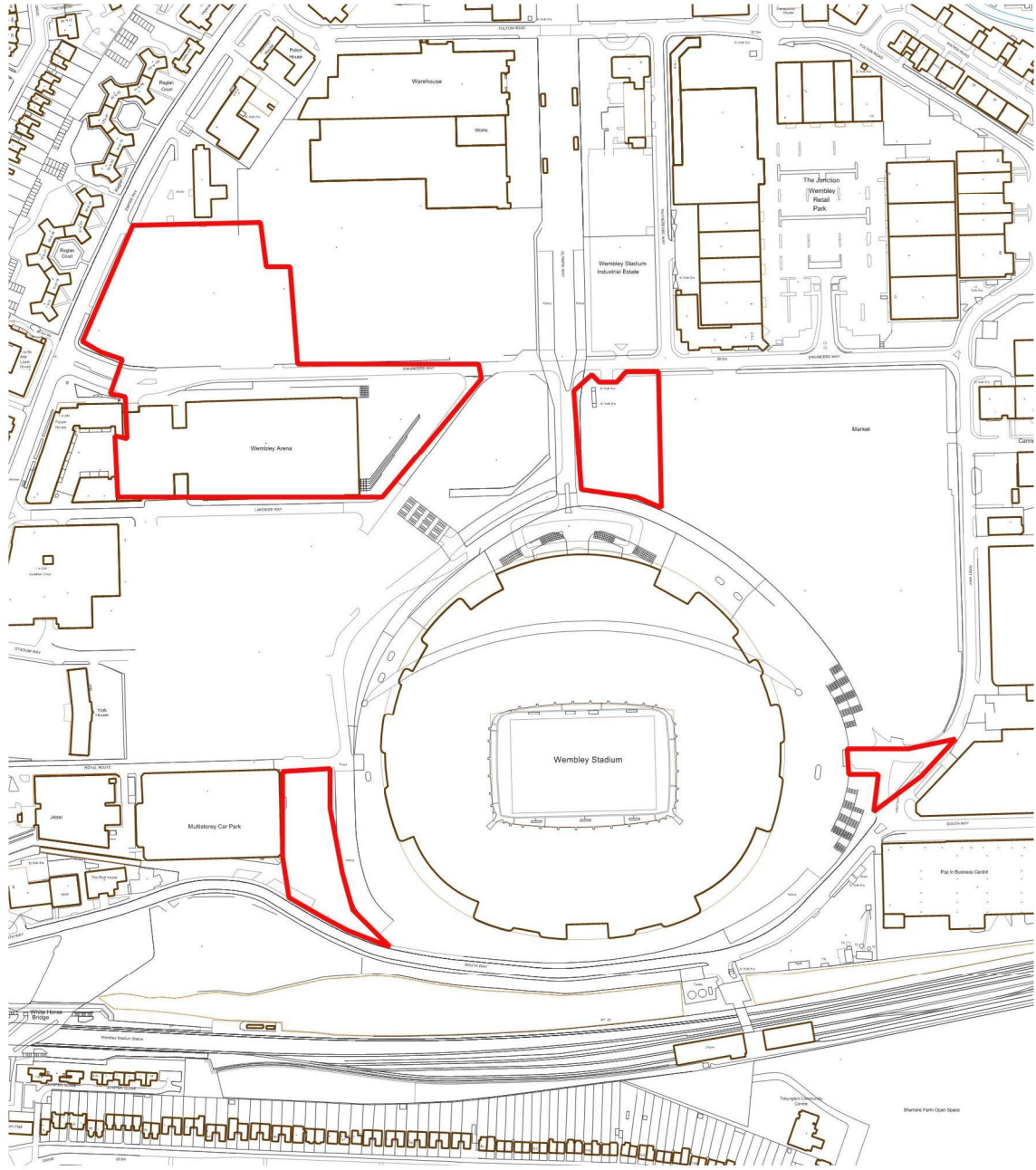
Any person wishing to inspect the above papers should contact Avani Raven, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5016

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

**Item No. 08
Case No. 11/2367**

 **Planning Committee Map**
Site address: Wembley Arena, Engineers Way & Wembley National Stadium,
Olympic Way, Wembley, HA9
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This map is indicative only.

RECEIVED: 9 September, 2011

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Wembley Arena, Engineers Way & Wembley National Stadium,
Olympic Way, Wembley, HA9

PROPOSAL: Erection of temporary structures, a temporary retractable walkway and cable bridge across Engineers Way, vehicle and pedestrian access areas, temporary secure perimeter fencing and civil engineering works to level surface of land to north of Engineers Way. Proposal includes the temporary closure of Engineers Way from the 18th July 2012 to the 13th August 2012. The proposed temporary works are to facilitate the hosting of events at Wembley Arena and Wembley National Stadium during the London 2012 Olympics.

APPLICANT: LOCOG

CONTACT: Savills (L & P) Ltd

PLAN NO'S:
See condition 2.

RECOMMENDATION

Grant Temporary Planning Permission subject to the final agreement of the Environment Agency.

EXISTING

This application relates to an area located around Wembley Arena and Wembley Stadium.

Wembley Arena is London's second largest indoor arena, located opposite Wembley Stadium. It is primarily used for music events but has also held sporting events such as boxing, martial arts, darts, basketball, ice hockey, and the Badminton World Championships.

Wembley Stadium Station, Wembley Park Station and Wembley Park Station all within easy walking distance offering direct rail services to Marylebone and Euston Stations and access to the Jubilee, Metropolitan and Bakerloo lines.

The site falls within the Wembley Growth Area and overlaps with both Quintain Estate's Stage I Masterplan and its North West Lands Masterplan areas. A number of significant new developments have recently been completed within the area and a number are under construction including the Council's new Civic Centre which lies on the opposite side of Engineers Way to the Arena.

PROPOSAL

Both Wembley Arena and Wembley Stadium have been selected as venues as part of the London 2012 Olympics. The Arena will be hosting the badminton and rhythmic gymnastic competitions and the Stadium the football.

In order to facilitate the hosting of these events planning permission is being sought by the London Organising Committee of the Olympic Games (LOCOG) for a number of temporary structures including warm up courts, site compounds, a temporary retractable walkway and cable bridge across Engineers Way, vehicle and pedestrian access areas and temporary security fencing and for works to level the surface of an area of land to the north of Engineers Way.

In addition Engineers Way will be closed to the public for the period 18th July to 13th August 2012 inclusive (27 days).

It is anticipated that all temporary structures will be removed September 2011.

HISTORY

Wembley Arena is an existing venue, built in 1934 for the Empire Games, originally called the Empire Pool, it was designed as an indoor venue for swimming. The venue has historical links with the Olympics hosting the swimming events for the 1948 Summer Games. This Grade II listed building was comprehensively refurbished and re-opened in 2006 as part of Quintain's Stage I masterplan consent granted in 2004. The Stage I development is well underway, with Wembley Arena and Arena Square operating, 520 mixed-tenure homes delivered, and more building work underway on a new Hilton Hotel and student accommodation. Work on the retail outlet centre and cinema multiplex is expected to commence in either this or next month.

The Arena is owned by Quintain but managed by Live Nation.

The new Wembley Stadium was opened in 2007, built on the original site of the 1923 stadium which hosted the 1948 Olympic Games. It is operated by Wembley National Stadium Ltd.

POLICY CONSIDERATIONS

Local Planning Policy

The local planning policy context consists of the Brent Core Strategy (adopted July 2010) and Supplementary Planning Guidance/Documents which are relevant and material considerations in any decision in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. A number of policies from the existing London Borough of Brent Unitary Development Plan are still current following the adoption of the Core Strategy and are also used in the determination of planning applications. The policies of the London Plan 2011, the Core Strategy, and the saved policies within the Brent UDP form the development plan.

Brent Core Strategy adopted 2010

a) Regeneration and Employment

The Core Strategy seeks to take full advantage of the opportunities that exist within the Borough to stimulate the resurgence of the Wembley area. Strategic Objective 1 promotes economic performance and regeneration through the creation of five growth areas of mixed use, mixed tenure development, of which Wembley is to be the largest. In line with saved policies in chapter 14 of the UDP, Policy CP7 states that Wembley will drive the economic regeneration of the borough. It will be promoted as a regional sports entertainment and leisure destination, taking advantage of the opportunities presented by the Stadium development and the potential for development of sites in the surrounding area. Policy CP1 envisages Wembley as the Borough's main area for tourism, becoming a cultural focal point.

This is supported by the supplementary planning document, *Wembley Masterplan* which also acknowledges Wembley's significant role in the London 2012 Games.

b) Environment Quality

Core Strategy Policy CP19 states that all development should contribute towards achieving sustainable development, including climate change mitigation and adaptation. Within the Wembley growth area, proposals will be expected (relative to their scale) to connect to, provide or contribute towards Combined Heat and Power plant, unless it can be demonstrated that such provision is not financially feasible. Paragraph 5.27 of the Core Strategy also states that Brent will seek to mitigate the effect of climate change by reducing carbon dioxide emissions from its own buildings and operations by 12% by 2016 and 43% by 2025 from a 2008/9 baseline.

c) Transport

The Council is committed to minimising the environmental impact of traffic generated by new developments (UDP Policy STR 5 and Core Strategy Strategic Objective 8). Strategic Objective 8 seeks to reduce the need for travel and improve transport choices by promoting access by public transport, bicycle or on foot and reducing car parking standards for growth areas because of their relative accessibility. Reducing modal share of car trips to Wembley from 37% towards 25%.

The Wembley Masterplan strives to establish sustainable travel patterns and to enhance accessibility and connectivity for existing and future residents. All developments within the masterplan area should demonstrate how they will be able to implement or contribute to travel demand management interventions or 'smarter travel'. The Council will seek a range of measures to increase journeys made without the use of a car and aims to increase such journeys by 13%.

The Council will promote walking and cycling as viable alternatives to ensure that Wembley becomes a pedestrian focused environment in line with saved UDP Policy TRN10.

d) Leisure and Indoor Recreation

Strategic Objective 6 promotes sports and other recreational activities. The Council seeks to promote healthy living by improving participation rates in sports and recreation. Additionally, Wembley is to be promoted as a regional sports, leisure, and entertainment destination. It is envisaged that Wembley will become an all year round visitor destination catering for a range of entertainment and leisure activities as well as Stadium and Arena events and conferences.

e) Tourism

Core Strategy policy CP 1 states that Wembley will become a cultural focal point as the Borough's main area for tourism, being the location for large scale visitor attractions. Policy CP 7 and the saved policies in chapter 14 of Brent UDP also envisage Wembley as an urban centre offering tourism and visitor attractions.

Strategic Objective 4 seeks to promote the arts and creative industries and aims to increase the percentage of Brent residents employed within the tourism sector.

Unitary Development Plan adopted 2004

The following saved UDP policies are relevant to the determination of this application:

- BE2 Local Context & Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for disabled people
- BE5 Urban clarity and safety
- BE7 Streetscene
- BE8 Lighting and light pollution
- BE9 Architectural Quality
- BE12 Sustainable design principles
- BE17 Building Services Equipment
- EP2 Noise and Vibration
- EP3 Local air quality management
- EP4 Potentially polluting development
- EP12 Flood protection
- TRN1 Transport assessment
- TRN2 Public transport integration
- TRN3 Environmental Impact of Traffic
- TRN4 Measures to make transport impact acceptable

TRN9 Bus Priority
TRN10 Walkable environments
TRN11 The London Cycle Network
TRN12 Road safety and traffic management
TRN16 The London Road Network
TRN28 Restrictions on off-street public parking and contract parking
TRN30 Coaches and Taxis
TRN31 Design and Land Take of Car Parks
TRN34 Servicing in new developments
TRN35 Transport access for disabled people & others with mobility difficulties
Appendix TRN2 Parking and Servicing Standards
TEA1 Location of large-scale Tourist, Visitor and ACE uses
WEM2 Pedestrian Route/Promenade
WEM7 Access to development – the National Stadium Policy Area
WEM9 Comprehensive Development – The National Stadium Policy Area
WEM11 On-street parking controls for Wembley
WEM12 Short stay car parking in the Wembley Regeneration Area
WEM16 Urban design quality – Wembley Regeneration Area
WEM17 The public realm – Wembley Regeneration Area
WEM19 Views of the Stadium

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

Wembley Masterplan 2009

The Council adopted a revised version of the Wembley Masterplan in 2009, which superseded the 2004 Masterplan.

Regional Planning Policy

The London Plan 2011

The London Plan contains objectives for the development of London (Policy 1.1). These objectives include: supporting and managing growth within its boundaries; making London a city that meets the challenges of economic and population growth; making London an internationally competitive and successful city; creating a city of diverse, strong, secure, and accessible neighbourhoods; creating a city that delights the senses and is a world leader in improving the environment; and creating a city where it is easy, safe, and convenient, for everyone to access jobs, opportunities and facilities.

There are a number of overarching policies relevant to this application however Policy 2.4 deals specifically with the London 2012 Games, stating that the Mayor will work with partners to develop and implement a viable and sustainable legacy for the Games. The Games will sustain existing communities and promote local economic investment to create job opportunities driven by community engagement. Boroughs are encouraged to take the opportunities presented by the 2012 Olympic and Paralympic Games and their legacy to increase participation in sport and physical activity among all sections of London's population and to address health inequalities.

Positioning London

National Planning Policy Guidance and Statements.

Planning Policy Statement 1: Delivering Sustainable Development (2005) (PPS1)

PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. Sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations.

The Government is committed to protecting and enhancing the quality of the natural and historic environment. The condition of our surroundings has a direct impact on the quality of life and the conservation and improvement of the natural and built environment brings social and economic benefit for local communities. Planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality through positive policies.

The prudent use of natural resources is a key theme of sustainable development and as such resources should be used wisely and efficiently. This requires sustainable consumption and production and using non renewable resources in ways that do not endanger the resource or cause serious damage or pollution.

Sustainable economic development requires the promotion of a strong, stable and productive economy that aims to bring jobs and prosperity for all.

Community involvement is vitally important to planning and the achievement of sustainable development.

Planning Policy Statement 4: Planning for Prosperous Economies (December 2009)

PPS4 defines economic development as providing employment opportunities, generating wealth and/or producing or generating an economic output or product. The statement also refers specifically to town centre uses which include retail, leisure, and entertainment facilities, and the more intensive sport and recreation uses, offices and arts, culture and tourism.

Planning Policy Guidance 13: Transport (2001) (PPG13)

The objectives of this guidance are to integrate planning and transport at the national, regional, strategic and local level in order to promote more sustainable transport choices, promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and reduce the need to travel, especially by car.

Planning Policy Statement 22: Renewable Energy (August 2004) (PPS22)

The Government's energy policy including its policy on renewable energy.

Planning Policy Statement 23: Planning and Pollution Control (November 2004) (PPS23)

The Government attaches great importance to controlling and minimising pollution. Its commitment to the principles of sustainable development is based on the objectives of maintenance of high and stable levels of economic growth and employment; whilst recognising the need for the effective protection of the environment.

Planning Policy Guidance 24: Planning and Noise (1994) (PPG24)

Noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. The aim of PPG24 is to provide advice on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development.

Planning Policy Statement 25: Development and Flood Risk (2006) (PPS25)

PPS25 states that in determining planning applications, LPAs should have regard to the policies in national and regional guidance as well as material considerations when considering planning

applications for developments in flood risk areas; ensure that planning applications are supported by site-specific flood risk assessments (FRAs) as appropriate; give priority to the use of sustainable urban drainage systems; and ensure that all new development in flood risk areas is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed.

Proposed Amendments to Planning Policy Statement 25: Development and Flood Risk (2009)

The proposed amendments to PPS25 are not proposing fundamental change. The experience of the implementation of PPS25 identifies some limited amendments to ensure that it is applied more effectively to the definition of the functional floodplain and specific definitions of development.

SUSTAINABILITY ASSESSMENT

The need to promote and provide for sustainable development is put at the centre of the planning system in PPS1 and this permeates through all tiers of the system.

London 2012 has committed to delivering a “low carbon Games” as one of its Sustainability Policy priorities.

Many of the structures will be able to be installed dismantled and re-used which makes the Games highly sustainable. Many of the structures will be leased for the Games period to ensure re-use.

Another aspect of sustainable development is the need to provide for or facilitate sustainable economic development. While this development proposes to use an existing venue, the legacy aspects of the development and related benefits to the tourism industry will enhance the local economy.

Sustainable Transport

The application site benefits from proximity to services, facilities, and public transport. The need to provide for sustainable transport and the location of development close to existing facilities and services is reflected in a number of national planning documents (PPS1 and PPS4) and regional planning policies (6.1, 6.2, and 6.4).

The venue does not provide spectator parking and thus encourages visitors to arrive at the events by public transport, walking and cycling in accordance with PPG13 and Policies 6.1, 6.9, and 6.10 of the London Plan (2011). There are plans to incorporate the cost of travel with a Games ticket to encourage spectators to arrive by public transport.

Carbon Footprint

London 2012 is the first Games to attempt to measure and manage its carbon footprint. Half of the Games' overall footprint is related to embodied carbon within the materials required for the temporary development and therefore measures have been taken to reduce this as far as possible.

Embodied carbon created by the Games is being reduced in part through renting as many of the structures as possible, allowing their re-use. The carbon footprint will therefore be largely reduced to only that created by travel to and from the site. For those structures or items that cannot be rented the following measures have been adopted to reduce the carbon footprint where possible:

- Avoid material use where possible by designing to the standards required
- for a temporary rather than a permanent venue;
- Design venues so that they can be dismantled easily and component
- parts can be returned to the supplier, reused or recycled;
- Avoid materials with high embodied carbon such as aluminium;
- Minimise new aggregate use;
- Where possible, specify materials to be of a reused or recycled source.

Water consumption

The reduction in water consumption is another aspect of sustainable development and is being incorporated into this temporary alteration to an existing venue by maximising opportunities for grey water use and water efficient toilets and taps.

Waste

Minimisation of waste is a key commitment of the 2012 Games. Re-use of existing venues has been designed to minimise waste and promote reuse, recycling and recovery of materials with a principal aim of "zero waste to landfill". More detail on waste management can be found in the Sustainability Statement which has been submitted with this planning application.

The principles to be adopted in terms of waste management as part of the Games are fully in accordance with waste policies in the London Plan (5.16).

CONSULTATION

Local Consultation

This application was advertised in the press on the 29th September 2011. A number of site notices were also put up around the area of the application on the 26th September. In addition 26 individual letters were sent to the occupiers of business premises along Engineer's Way, Fulton Road and Rutherford Way.

No responses have been received.

As major stakeholders in the area, Quintain Estates and Wembley National Stadium Ltd have also been consulted directly.

Wembley National Stadium Ltd support the use of the Stadium to host Olympic events but request assurances that the works being undertaken do not permanently impact on the operation of the Stadium and that conditions be attached requiring that following the Olympics all temporary works and restrictions are removed, and the area is returned to its previous state.

Statutory Consultation

As well as consulting internally with relevant departments and services within in Brent the following have also been consulted:

Ward Councillors - *No response received.*

English Heritage - *No objection.*

Metropolitan Police - *No response received.*

Greater London Authority - *No response received.*

Transport for London - *Do not object but raise concerns about the accuracy of some the information submitted regarding temporary alterations to bus routes affected by the proposals.*

The Environment Agency - *Although in Flood Zone 1 the site area is over 1 ha so the applicants are required to submit a Flood Risk Assessment. The EA therefore object to the proposal in the absence of an FRA.*

Community Engagement

Prior to submitting the application the applicants undertook their own pre-application process. This included meetings with relevant Council officers and stakeholders and also community engagement. The details of this process are set out in the Report on Community Engagement accompanying the application.

Wembley London venue consultation Newsletter

To introduce the consultation and invite participation, a newsletter from the London 2012 Consultation Team, was sent by mail on 6 July 2011 to approximately 3,500 residential and commercial addresses in the area.

An email regarding the plans was sent to 248 people registered on the London 2012 database who are registered to receive London 2012 updates and live in the Wembley Area.

The newsletter explained Wembley's part in the Games as the venue for the Olympic Events and asked for feedback and comments on the proposals.

On-line Website response form

A Wembley on-line response form was created for the public consultation.

Consultation telephone line

Throughout the process a freephone number was offered for the community and stakeholders. The number was listed in the newsletter. All calls were channelled to a voicemail system where respondents could request further information, make an enquiry or leave a comment about the proposal.

Freepost address

A Freepost address was made available for any members of the community or stakeholders to use. As with the telephone number, this was listed in the newsletter.

Eleven individuals provided feedback in response to this process. The following issues were raised:

Four respondents raised the issue of access to their properties near Wembley Arena and Wembley Stadium during the Games.

Response: The only road closure that will be in place for the duration of the Games is on Engineers

Way from the west of Rutherford Way to the Empire Way Junction. On football match days there will be a closure in place on South Way from the First Way Junction, similar to the current closures used for events held at Wembley.

Access to properties on First Way and to the east of the Stadium will be available westbound via the North Circular, Great Central Way, South Way and First Way. Eastbound access to these properties will be available via South Way all day on days when matches are not scheduled for Wembley Stadium, and until scheduled road closures come into effect on football match days. Road closures will come into effect approximately 4 hours before play is scheduled to start.

When the South Way closure is in force, eastbound access to First Way will be available via Fulton Road.

The current access for construction vehicles accessing the Civic Centre is within the secure perimeter which will be in force at Games time. London 2012 is currently in discussion with Brent Council and the Wembley land owners, Quintain, about granting alternative access to this building for construction vehicles.

Two of the respondents wrote simply to express support for the proposals.

No response required.

One respondent commented that they are not looking forward to any changes in bus routes, which may result in an increase to normal traffic levels on local roads.

Response: There may be some changes to bus routes for local bus services at Games time due to road closures enforced as part of the Olympic Route Network (ORN). Bus services are the responsibility of Transport for London (TFL) and they will continue to manage bus services throughout the Games.

One respondent noted that they are not looking forward to the crowds at Games time.

Response: Adequate security will be provided to manage spectators and to ensure that there is minimal disruption to surrounding properties and businesses.

One respondent wrote to express their general dislike for the proposals and to criticise the consultation process.

Response: London 2012 is committed to using London's existing facilities in order to stage the Games. Wembley Stadium and Wembley Arena host a number of sporting and entertainment events annually and are ideal venues to stage the London 2012 Games. London 2012 is also committed to undertaking consultation in order to inform local residents about our plans and to answer any questions that they may have. This consultation process has enabled London 2012 to identify the concerns of local residents and to provide them with the necessary information needed to ensure that the impact of the London 2012 Games is kept to a minimum.

One respondent suggested that improvements could be made to the local railway stations to improve the impression of the area left with visitors.

Response: London 2012 is not responsible for managing any rail networks or railway stations throughout the London 2012 Games. These will be managed by their current operators as normal.

One respondent wrote to express their concerns regarding the impact of the event on the traffic flow and residential parking in the area.

Response: Apart from the closure of one traffic lane from Great Central Way, to Great South Way and along First Way, which will be closed as part of the ORN, parking and traffic restrictions will be similar to those used for a football match at Wembley Stadium. These restrictions will only be in place on the 8 days that football will be held.

Other Consultation

Outside of the planning application boundary discussions have also been held with other stakeholders to deal with specific issues such as access to the construction site for the Brent Civic Centre. LOCOG have been liaising with the Council on alternative arrangements during the Games period.

REMARKS

Principle of Development

To host the Games LOCOG and the ODA are developing some new permanent venues, adapting (either permanently or temporarily) some existing sites and creating some new temporary locations. Wembley falls within the second category – an existing venue to be temporarily adapted. Following the Games, Wembley will revert to its current non-Games pattern of use.

The use of Wembley for the Olympic Games has been the subject of dialogue with the key stakeholders including the London Borough of Brent.

In order to support the existing venues, some temporary buildings and structures are required. The

majority of the temporary buildings will be located on the compound area to the north of the site. The planning application is not applying for changes to the existing venues. Civil Engineering work will begin in January 2012. The temporary structures will be in situ for the period 2nd April 2012 to 26th August 2012 and therefore there will be no long term impact on the site and surrounding areas.

Wembley is identified as a key location for regeneration in the London Plan and Brent Council Core Strategy. Core Strategy Policy CP 7 promotes redevelopment of the area in order to realise its economic, social, environmental, cultural and recreational potential.

The principle of utilising Wembley to host events of the 2012 Games is entirely consistent with the strategic objectives for this location. In addition, objectives also provide for enhanced employment opportunities (Policy CP 3), enable increased access and opportunities in Wembley (Policy CP 7), and incorporate sustainable modes of transport (Strategic Objective 8).

The London Plan 2011 is supportive of the Games and the advantages that they will bring throughout London and to the host locations. The London Plan (Policy 2.4) states that events associated with Games will be used to boost participation in sport and to promote physical activity in general. London Plan Policy 2.4 and supporting text also states that the Games offer the opportunity to deliver international visitor destinations at its venues. Wembley will be an ideal venue for the three events and LOCOG intends to ensure that it will be a high quality visitor experience.

Policy 2.4 identifies that the Mayor's overall ambition for the host Boroughs (including Brent) is to achieve convergence in quality of life within London. It is considered that hosting the Olympic Games at Wembley will provide significant benefits to the Borough which will have a positive impact upon the local areas.

Whilst the events and the proposed works are temporary, the planning application is considered against the relevant national, regional and local planning policy. It should also be recognised that the Games are of national importance and carry significant economic and social benefits. It is clear that the principle of using the application site for the uses proposed for a temporary period is in accordance with various national, regional and local planning policy.

Temporary Structures

The proposal includes the installation of a number of temporary structures including marquees, tented structures, containers, portable cabins etc. The exact size and appearance of these structures has not been decided yet. This application is therefore seeking consent for the principle of location of temporary structures, the exact details of which are not known, on four sites located around the Arena and Stadium. However the number siting, maximum height and type of structure (tent, cabin or container) are known. Officers are therefore able to confirm that the proposed structures are not considered to impact in any harmful way on the outlook, daylight/sunlight, privacy etc. of any neighbouring occupiers. While the final appearance of the structures is not known the organisers are aiming to have a consistent and cohesive look and feel across all venues and structures are likely to have an appearance that reflects a common theme with the London 2012 logo being prominent. This is part of the wider 'look and feel' programme that is aimed at dressing venues and specific Olympic related areas across London. Given that all structures are to be removed by September 2012 officers feel that the Council can afford to be relatively relaxed about their exact appearance.

The main location for the temporary structures is within the temporary compound to the north of the Engineers Way. This area will contain 8 warm up courts to be located within three marquee structures), a logistics compound, broadcast compound and a catering compound. The compounds will include some portable cabins and tented structures.

A retractable tunnel is also proposed across Engineers Way. This tunnel is required so that athletes can move quickly from the warm up courts into Wembley Arena. The tunnel is retractable so that in case of emergency, emergency vehicles would have full access along Engineers Way.

A cable bridge is also required to link Wembley Arena and the Compound area. This will also span across Engineers Way and will ensure adequate clearance for emergency vehicles.

A vehicle access point is proposed on the existing approach road on Olympic Way with a second access control point located on Engineers Way. The main spectator access point is via Olympic Way, a wide continuous segregated pedestrian route which links both the stadium and arena to Wembley Park Stadium Station.

A vehicle access tent to the east of the stadium and a second access tent to the west of the stadium are also proposed.

Engineering works

Part of the site to the north of Engineers Way will require some levelling works to ensure that there is a level surface for the Compound Area which will support Wembley Arena. The majority of the temporary structures will be located within the Compound Area. The works will require the installation of a decking structure.

Secure Perimeter Fence

LOCOG needs to ensure a high standard of security across all Olympic and Paralympic venues. A secure perimeter is required to enclose the venue. It is proposed that the secure perimeter comprises parts of existing fence, new temporary fencing and existing building frontages.

Where the temporary fence is required, it is proposed to be a maximum of 3.0 metres in height and free standing. An example of the fence can be found within the Planning Drawings. It is likely that the fence will incorporate the London 2012 branding. The final appearance is still being formulated within the detailed design process.

The Games Events

Wembley Stadium and Wembley Arena were selected for the Olympic Games as the venue for:

- Badminton
- Rhythmic Gymnastics
- Football

Event Schedule

The following table sets out the schedule for the Olympic events at the Wembley:

| Event | Dates | Number of sessions |
|-----------|------------------------------------|--------------------|
| Badminton | Saturday 28 July – Sunday 5 August | 24 |

| | | |
|------------------------|-------------------------------------|---|
| Rhythmic Gymnastics | Thursday 9 – Sunday 12 August | 4 |
| Football | 29 July- Saturday 11 August | 8 |

Transport

A Transport Statement accompanies the applications and contains information on the transport provision. An Olympic Transport Strategy (OTS) for the Games has been prepared by the Olympic Delivery Authority (ODA) in association with LOCOG.

The key objectives of the OTS are:

- To aim to achieve 100 per cent of ticketed spectator travel to competition venues by public transport, walking or cycling;
- To ensure that the athletes are the top priority;
- To keep London and the UK moving during the Games;
- To ensure that the Games are accessible from all parts of the UK;
- To leave a lasting, positive legacy; and
- To achieve maximum value for money.

A key element of the OTS relates to the development of an Olympic Route Network (ORN), which comprises roads linking all competition and key non-competition venues.

In general, the roads forming the ORN will still be available for use by all other traffic during the Games. However, on the more heavily trafficked sections of the ORN, some carriageway lanes will be reserved for 'Olympic Family vehicles. With the exception of Games sign age, the ORN will be largely indiscernible to other road users.

The Olympic Family (a term used by the International Olympic Committee), comprises six broad client groups as follows:

- National Olympic Committees, athletes and team officials;
- Workforce;
- Media;
- International Federations;
- International Olympic Committee; and
- Marketing Partners.

The transport strategy for Wembley London embraces the principles of the OTS in the following ways:

- Designation of roads to form part of the ORN;
- Planned 100% spectator transport by sustainable modes;
- Provision of Blue Badge parking as appropriate;
- Provision of significant investment in the local transport network to provide a positive legacy; and
- Making best use of the existing infrastructure

The transport strategy for Wembley also complies with all of the other various operational requirements of the Games, specifically with regard to security, emergency services access, and the management of non-Games related traffic.

A Venue Access Strategy has also been prepared by LOCOG. The strategy highlights the ORN relative to Wembley, Games Family access points, vehicle access areas, and pedestrian access points. The key points of the Venue Access Strategy for Games Family are:

- Closure of Engineers Way from the period 18th July to 13th August 2012 (27 days) to provide a retractable poly-tunnel and secure perimeter fence that will connect the venue with the training facilities that are proposed on land to the north of Engineers Way.
- Games Family, NGA venue servicing and other servicing vehicles will pass through the Vehicle Access Area and will be subject to security checks.

The key points of the Venue Access Strategy for spectators are:

- The proposed spectator transport strategy is based around the concept of transporting all ticketed spectators to all competition venues (including the Wembley venues) by public transport, walking or cycling.
- There will be no LOCOG car parking for spectators at any venue (including Wembley) with the exception for some Blue Badge parking. It is proposed that strict parking controls will be implemented on a temporary basis around each venue to support this strategy.

During the Olympic Games it is proposed that the vast majority (85%) of spectators will utilise the London Underground network in order to access the venue.

Concerns have been raised about the impact of the proposals, particularly the closure of Engineers Way, on sites accessed via Engineers Way (including the Council's Civic Centre construction site and to the Forum House basement car park) and on bus routes. These and other issues related to the management of crowds and traffic during games times are being dealt with by a sub-group of the Wembley Safety Advisory Group which is attended by various Council Officers, the Metropolitan and British Transport Police, the London Fire Brigade, the London Fire & Emergency Planning Authority, London Ambulance, Transport for London etc.

Access

One of the principal aims of the Games is that they should be inclusive and accessible for everyone, and allow disabled people to be as independent as possible. The proposal has been designed so that the venue will be accessible to all.

As outlined in the Design and Access Statement, LOCOG must balance the temporary nature of the arena design with the need to meet its commitments to inclusive design and their duties under the Disability Discrimination Act 1995.

In terms of the events to be held at Wembley, the following factors have been considered in proposals for the temporary structures and activities at this venue:

- Access to and from public transport to the site including bus and train services;
- Blue Badge parking facilities available to enable spectators to move through the pedestrian access area;
- Consideration of access issues at the key entrances into the site and the dedicated athlete, Olympic Family, Broadcast and media entrances;
- Provision of a Games Mobility Service;
- Design and location of the pedestrian access areas;
- Detailed consideration of crowd flow and the related issues for accessibility;

- Signage, wayfinding and seating; and,
- Assistance dog spending areas.

Accordingly, it is considered that the proposal is in accordance with Core Strategy paragraph 5.9 which seeks to achieve accessible and inclusive environments for all, including disabled people

Lighting

External lighting will be provided within the secure boundary for vehicular routes used to drop off and pick-up Athletes and operations staff and amenity areas used by Athletes and operations staff. External lighting will be provided for back of house activities for the health and safety of the operatives. The lighting will be required in the evenings and could extend throughout the night. It is anticipated that the existing road and amenity lighting will be utilised subject to the existing lighting meeting LOCOG requirements. Where required Temporary external lighting will be provided to supplement existing lighting.

The external lighting will be designed in accordance with BS EN 12464-2, BS 5489 and take into account the guidance provided in the Chartered Institution of Building Services Engineers (CIBSE) Lighting Guide (LG6), Society of Light and Lighting publications and Commission Internationale de l'Eclairage (CIE) report 'Guide on the Limitation Effects of Obtrusive Light from Outdoor Lighting Installations.

In addition the external lighting will be designed to be energy efficient, minimise light pollution and its associated impacts on local residents and wildlife and to meet the operational requirements of the venue, including security. The lighting design will aim to encompass the advice contained in the Bat Conservation

The lighting will also be designed in accordance with the Institution of Lighting Engineers Guidance (2005) Notes for the Reduction of Light Pollution.

Where the activities to these areas are intermittent the artificial lighting will be locally controlled via Passive Infra Red (PIR) detection. The hours of operation within these Back of House areas is yet to be determined and as indicated, could be throughout the night.

All equipment will be selected to suit the temporary nature of the project whilst having regard to energy efficiency and minimising light pollution. All temporary lighting and lighting structures will be removed as part of the site restoration.

Areas of Coverage:

External lighting at Wembley Arena will be provided, but not limited to the following areas:

- road & amenity areas;
- back of house / operational compounds;
- main entrance (pedestrian access area); and vehicle access including emergency access areas;
- 2 x Vehicle Access Areas within the vicinity of Wembley Stadium. The first one being located within the green car park to the east of the stadium and the other in the west of the stadium.
- Operational areas.

There is no requirement to illuminate areas outside the defined security perimeter of Wembley Arena and the Northern compound located across from Engineers way.

Lighting will be mounted on buildings where possible to provide an efficient area floodlighting scheme for back of house areas. Columns may be used but would be restricted to 6 metres in height or limited to the height of the existing columns. Low level safety walkway lighting may be provided along the access routes within the Wembley Arena and the Northern Compound that's

across from Engineers way to enable pedestrians to walk between operational areas.

Any lighting located close to residential areas will have baffles/cut offs to minimise glare and ensure no light spill onto residential properties, complying with BS EN 12464-2, which requires a post-curfew lighting level of 1 Lux as a limit of obtrusive light for low brightness areas. It is recommended that a condition be attached requiring that this standard be complied with in relation to nearby residential properties.

Noise

A noise statement has been submitted with the application. Noise associated with set up and removal activities may arise from plant equipment as well as from activities such as hammering and drilling. External structures are expected to be erected quickly and will not generate significant levels of noise.

The precise details of the plant are not known at the time of writing but plant will be selected or attenuated to emit no more than 75dBA LAeq at 1m so as not to disturb any noise sensitive spaces. Noise breakout from the events is not expected to be any different from that which arises from existing amplified events in Wembley Arena. It is recommended that a condition be attached requiring that all mechanical plant installed meets this restriction.

Drainage

Full details of the Drainage Strategy can be found in the Design and Access Statement. Canopy drainage will be discharged evenly under the temporary structures, and the runoff from the washdown area and compactors will be discharged into the existing foul network.

The site does not fall within an area of flood risk. However as stated in the 'Consultation' section of this report as the application site area exceeds 1 hectare the Environment Agency do require a Flood Risk Assessment which has not yet been provided. Officers have been in contact with the EA and are satisfied that this matter can be dealt with satisfactorily and it is anticipated that Agency's objection will be lifted. The recommendation to approve this application is therefore subject to the EA lifting this objection, and members are being asked to delegate authority to officers to agree this matter with the EA.

Tourism

It is anticipated that there will be between 18,000 to 100,000 visitors per day visiting Wembley which will significantly boost the local economy in the surrounding area.

The impact of the 2012 Games within Brent as a whole and in conjunction with other Olympic and Paralympic venues nearby will see a substantial increase in of tourist numbers. The Council supports and recognises that tourism has a positive and significant role to play in securing economic and environmental regeneration and therefore, the proposal is considered to meet tourism objectives of the London Plan and Policy CP 7 which seeks to promote tourism at Wembley.

Economic Opportunities

The promotion of sustainable development, encouraging investment and establishing local job and business opportunities all underpin Government Guidance in PPS4. To achieve these objectives PPS4 emphasises the importance of focusing economic growth and development in existing centres in order to take advantage of a wide range of existing services. PPS4 also promotes social inclusion to ensure that local communities have access to opportunities. The existing cluster of development at Wembley, including the venue and commercial and residential properties, means that there are opportunities to increase economic

growth throughout the build-up, duration and legacy periods.

The link between tourism and economic growth is set out in national (PPS4 and Tourism Good Practice Guidance) and regional policy guidance (London Plan Policy 4.5) and therefore the events at Wembley will have benefits for local businesses and communities in respect of increased income, investment, and opportunities.

Regeneration and employment are high on the Council's agenda. The Core Strategy's strategic objective for regeneration seeks to promote economic performance and regeneration by creating growth areas of mixed use and mixed tenure, of which Wembley is to be the largest. The potential for increasing the economic benefits of the 2012 Games will continue with the legacy of the Games.

On the above basis it is considered the proposal is in accordance with the aspirations of PPS4 and the Council's strategic and policy objectives set out in the UDP and Core Strategy to ensure that the Borough maximises regeneration potential in the Wembley growth area.

Sports Legacy

Brent Council is actively promoting a range of sports activities and programmes through its action plan and programme 'Inspiring Brent' using the 2012 Games to inspire local children and residents to become more active. The Council is committed to using the power of the Games to secure a legacy for:

- young learners
- culture and events
- sports and health
- business skills and employment
- city operations and sustainability

Conclusions

The proposed works are all temporary and encompass the set up phase, competition period and removal. LOCOG and its design team have undertaken extensive liaison with the key stakeholders and interest groups, which have provided feedback into the emerging proposals.

The application is accompanied by a suite of supporting documents which highlight the design, transportation, environmental, sustainability and engagement information in detail. While the proposals will cause some disruption to the area, officers are satisfied that appropriate and robust arrangements are in place to manage the impacts of the games on Wembley and the wider area.

Wembley is a key regeneration area in Brent and London as a whole. Bringing the Olympic Games to this area will accord with the principles of regeneration in this location as well as giving the local economy and community increased advantages and possibilities for growth and development. Hosting such high profile sporting events as part of the 2012 Games is a unique opportunity which will hopefully provide a lasting legacy for the Borough.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in Brent's Core Strategy 2010, Brent's Unitary Development Plan 2004, The Mayor's London Plan 2011 and Central Government Guidance.

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):

WEA – PL – 00 – 900 Redline Plan
WEA – PL – 00 – 901 Existing Site Plan
WEA – PL – 00 – 902 Proposed Overlay Plan
WEA – PL – 00 – 904 Indicative Heights Plan
WEA – PL – 00 - 905 Indicative Elevations
WEA – PL – 00 – 910 Fencing Plan
WEA – PL – 00 – 911 Fencing Elevation
WEA – PL – 00 – 912 Temporary Fencing Examples

Planning Statement
Design and Access Statement
Transport Statement
Sustainability Statement

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

- (3) All temporary structures hereby approved shall be removed and the land restored to its former condition before the end of September 2012.

Reason: The structures are of a temporary nature which the Local Planning Authority would not be prepared to approve other than for a limited period, having regard to their construction and/or effect on the visual amenity of the area.

- (4) Any lighting installed will have baffles/cut offs to minimise glare and ensure no significant light spill onto any neighbouring residential properties and as stated in the approved Design & Access Statement should comply with the requirements of BS EN 12464-2.

Reason: To ensure that such illumination does not prejudice local amenities or safety on the neighbouring highway.

- (5) All mechanical plant installed shall be designed or attenuated to emit no more than 75dBA LAeq at 1m so as not to disturb any adjoining noise sensitive uses.

Reason: To safeguard the amenities of the adjoining occupiers.

- (6) The temporary structures hereby approved shall be used only for the purposes indicated in the application, namely by athletes, coaches, support staff, the media and other members of the 'Olympic Family' as defined in the application and shall not be used to host post event parties or other public gatherings unless otherwise agreed by the Council in writing.

Reason: To protect the amenities of neighbouring residential occupiers.

INFORMATIVES:

None Specified

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 9

Committee Report
Planning Committee on 23 November, 2011

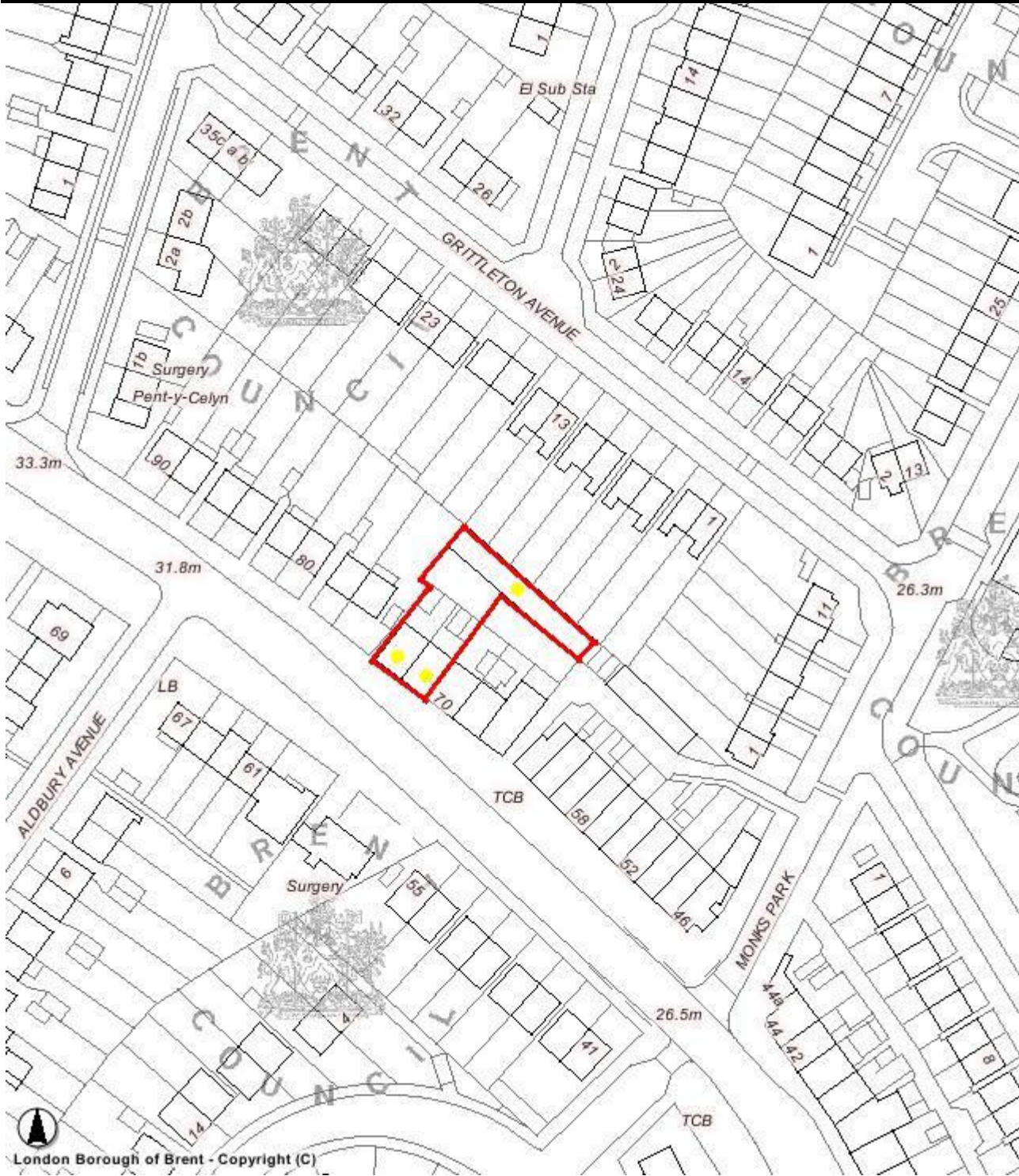
Item No.
Case No.

09
09/2619

 **Planning Committee Map**

Site address: 72, 72A, 74, 74A & Garages rear of 58-74, Harrow Road, Wembley, HA9 6PL

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This map is indicative only.

RECEIVED: 21 December, 2009

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: 72, 72A, 74, 74A & Garages rear of 58-74, Harrow Road, Wembley, HA9 6PL

PROPOSAL: Retrospective planning permission is sought for the change of use of 74 Harrow Road from retail (Use class A1) to community centre and place of worship (Use class D1), to be used in conjunction with the existing community use and place of worship at 72 Harrow Road and for the change of use of garages to the rear to classrooms and washrooms ancillary to 72 & 74 Harrow Road and for the replacement of the existing frontage to the ground floor of 72 & 74 Harrow Road.

APPLICANT: Mr Muhammad Ata-Ullah

CONTACT: Mr Abdul Wajid

PLAN NO'S:
See condition 2

RECOMMENDATION

Approve

EXISTING

This application relates to two attached two storey units (72 and 74 Harrow Road) located at the end of a parade of shops designated in the UDP as the Monks Park Local Shopping Centre.

Formerly shops the ground floors of 72 and 74 have for a number of years been used as a place of worship and community centre by the Muslim community. The first floors provide ancillary office and community space. A row of lock up garages located behind the units on the opposite side of the service road that runs to the rear of the parade have been converted into small classrooms and washroom/toilet facilities ancillary to the community centre.

A covered veranda has been erected across the rear of the main buildings providing a shelter for the removal and storage of shoes.

The neighbouring attached property at 70 Harrow Road is occupied by the Monks Chemist. The unattached neighbouring property at 76 Harrow Road is a semi detached dwelling. The rear gardens of houses in Grittleton Avenue back on to the site.

Stonebridge Station is located approximately 450 metres from the site and the 18 bus runs past it.

PROPOSAL

Retrospective planning permission is sought for the change of use of 74 Harrow Road from retail (Use class A1) to community centre and place of worship (Use class D1), to be used in conjunction with the existing community use and place of worship at 72 Harrow Road and for the change of use of garages to the rear to classrooms and washrooms ancillary to 72 & 74 Harrow Road and for the replacement of the existing frontage to the ground floor of 72 & 74 Harrow Road.

HISTORY

Relevant Planning History:

- 11/11/2005 Enforcement Notice served against the unauthorised erection of a large canopy across the rear service road behind 72-74 Harrow Road, the unauthorised erection of roller shutters to the front of both units and the unauthorised change of use both premises to a place of worship. The canopy was removed but the use had continued and the shutters to the front are still in place (E/04/0300).
- 30/07/1996 Planning permission granted for the Installation of a rear dormer and 2 front roof lights to 72 Harrow Road to provide room in roof space (96/0618).
- 12/10/1994 Planning permission granted for the change of use of 72 Harrow Road from a shop (use class A1) to a community and cultural centre and the erection of a single storey rear extension (94/1021).

POLICY CONSIDERATIONS

Unitary Development Plan [UDP] 2004

- BE2** – Townscape- Local Context and Character
- BE4** – Access for Disabled People
- EP2** – Noise & Vibration
- H22** – Protection of Residential Amenity
- TRN3** – Environmental Impact of Traffic
- TRN4** – Measures to Make Transport Impact Acceptable
- TRN22** – Parking Standards Non-Residential Developments
- TRN24** – On-street Parking
- TRN34** – Servicing in New Development
- TRN35** – Transport Access for Disabled People
- SH16** – Local Centres
- SH19** – Rear Servicing
- CF2** – Location of Small Scale Community Facilities
- CF14** – Places of Worship

Brent Core Strategy – July 2010

- CP16** – Town Centres & the Sequential Approach to Development

Main Considerations;

- Principle of D1 use in this location
- Impact on amenity of nearby residential neighbours
- Transportation impact of proposed change of use
- Parking provision

CONSULTATION

Local Consultation

56 neighbouring properties were consulted including properties on both sides of Harrow Road and in Grittleton Avenue.

1 response received from a neighbour occupying a flat located above one of the shops located further down the parade at 64 Harrow Road. They express concerns about the appropriateness of such a use in a residential area, the disturbance and congestion caused by people coming and going from the centre and its impact on safety.

Ward Councillors and officer of relevant Council services were also consulted.

REMARKS

This planning application is largely retrospective and the changes of use proposed to 74 Harrow Road and to the lock up garages located on the opposite side of the service road running behind the parade have already occurred and according to Council records have now been operating for over 5 years. 72 Harrow Road already has planning permission granted in 1994 to operate as a community and cultural centre although a condition was attached to this consent prohibiting its use as a place of worship.

Principle of D1 use

Policy SH16 states that within local shopping centres non-retail uses will be permitted where the proposed use is considered appropriate, as identified by Policy SH6, or provides an essential service to visiting members of the public, and will result in no more than 35% of the shop units being in non-retail use.

A survey of the parade has been carried out on 26/04/11 and this reveals that the parade (including the Islamic Centre) currently has 31% of its frontage in non retail use. The proposed change of use is therefore compliant with policy SH16.

Policy CF2 states that proposals for small scale community facilities serving a neighbourhood should be located in or adjoining a town or local centre, which this would be. However proposals for such facilities are also subject to the protection of neighbourhood amenity.

Policy CF4 support proposals for community facilities capable of holding functions while policy CF14 allows the provision of religious meeting places but only where there will be no significant loss of residential amenity or unacceptable transport impact.

In light of the above there is no in principle policy objection to a community centre (Use Class D1) in this location, subject to demonstration that the use would be acceptable in terms of its impact on parking, traffic and local amenity.

Impact on amenity of neighbouring occupiers

The submitted design and access statement accompanying the application states that the number of visitors vary in number throughout the week. On a daily basis the centre is expected to receive around 20 people. However on a Friday the centre typically receives around 150 people over 1 hour period around lunchtime for the Jummah Prayer.

For most of the week therefore the centre experiences relatively modest attendance, which is reflected in the lack of complaints that the Council has received about the use over the last 5 years. Whilst 150 people attending over an hour period seems a relatively high number, the fact that it is confined to a narrow period in the middle of a week day, one day a week reduces its impact on the amenities of neighbouring occupiers.

The only complaint on record relating to the use of the site as an Islamic Centre was 6 years ago when a resident in Grittleton Avenue complained that the service road behind the centre had been covered over in order to provide a sheltered area for worshippers. This structure has been removed and no further complaints have been received.

In order to ensure that the use continues to operate without impact on the amenity of neighbours, conditions restricting prayers to within the building, prohibiting the use of amplified sound, limiting the number of visitors, the hours of use and requiring the completion of a noise survey and implementation of a scheme of mitigation if required by the survey are suggested.

Transportation impacts

Policy TRN3 states that where a planning application would cause or worsen an unacceptable environmental impact from traffic generated it will be refused, including where the anticipated level of car generation/attraction is greater than the parking to be provided on site, and any on-street parking would cause unacceptable traffic management problems.

The relatively low levels of use over most of the week do not raise any cause for concern. However clearly the intense period of activity centred around Friday prayer does have a potentially significant impact. The submitted design and access statement and travel plan state that the majority of people attending live less than 1.5 miles from the Centre and that most do not drive. The travel plan makes unsubstantiated claims about the relatively low levels of car use by visitors. While no doubt the Centre does generate additional parking in the area, the Friday lunch time peak occurs at a time when on street parking levels are at their lowest hence the lack of complaints about the use of the Centre. However it is recommended that should members be minded to grant permission that a condition be attached requiring the submission and approval of a more detailed travel plan setting measurable targets to reduce and limit car travel. Policy TRN4 states that where transport impact is found to be unacceptable measures will be considered which could acceptably mitigate this, including management measures to reduce car usage to an acceptable level (e.g. green transport plans).

The applicants state in their application that they intend to install cycle stands to encourage cycle use. A condition is proposed requiring further details and a period for compliance.

A report was presented to October's Highways Committee on a petition by members of the Islamic Centre seeking the introduction of a new pedestrian crossing on Harrow Road south of Aldbury Avenue. The petitioners are concerned about access to Islamic Cultural Centre for the elderly and disabled. The report concluded that:

- i. There is no significant personal injury accident evidence to support the introduction of a new pedestrian crossing in the area,
- ii. a pelican crossing already exists within 60 metres of the Cultural Centre and
- iii. physical constraints on the public highway restrict the opportunity of introducing additional pedestrian facilities.

The report concludes that no changes should be made to the arrangements currently in place.

Replacement frontage

The frontage to 72 and 74 Harrow Road is currently in a poor state of repair with the steel security shutters permanently down. This application proposes the replacement of the old shop fronts with a new frontage more in keeping with its use but still providing ground floor windows that provide a degree of visual interest.

Conclusion

Whilst a use of this nature is rarely going to be impact free, the low level of complaint received about this use in the last 5-6 years indicates that subject to the conditions set out at the end of this report the proposed continuation of the site as an Islamic cultural centre and place of worship can be supported.

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

CONDITIONS/REASONS:

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

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

- (2) Within 3 months of the date of this permission a Travel Plan shall be submitted to and approved by the Local Planning Authority, and the applicants shall comply with any measures set out in the approved plan unless otherwise agreed in writing by the Local Planning Authority. Such measures shall (i) consider ways to encourage the use of public and sustainable transport methods, including bicycle, rail and bus routes and discourgae the use of cars, and (ii) include measurable targets to reduce car use linked to an I-trace compliant Travel Survey.

Thereafter the Travel Plan shall be monitored on an annual basis to create snap-shot surveys in accordance with ITrace/ TRAVL and the results shall be submitted to the Local Planning Authority on an annual basis and the results of the ITrace-compliant monitoring incorporated into the submission requirements below:

a)Within 3 months of the date of this decision, a Travel Plan that is compliant with the TfL "Guidance for workplace travel planning for development", with a site and staff ITrace- compliant survey and these details shall be submitted to the Local Planning Authority and this plan shall be approved in writing within 6 months and associated measures shall be implemented unless otherwise agreed in writing by the Local Planning Authority;

b)A review of the Travel Plan measures over the first 12 months from the approval of the Travel Plan required by part (a) shall be submitted to the Local Planning Authority within 15 months of that approval, and shall be approved in writing within 18 months, and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority

c)A review of the Travel Plan measures over the first 3 years from the approval of the Travel Plan required by part (a) shall be submitted to the Local Planning Authority within 36 months of the decision date and the review shall be approved in writing within 39 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority

d)A review of the Travel Plan measures over the first 5 years from the approval of the Travel Plan required by part (a) shall be submitted to the Local Planning Authority within 60 months of the decision date and the review shall be approved in writing within 63 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure the transportation impacts from the additional employees are limited and sustainable transportation alternatives are provided for and promoted.

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

112/pl/01
112/pl/02
112/pl/04
112/pl/05
112/pl/01

Design and access statement

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

- (4) No music, public address system or any other amplified sound shall be installed on the site which is audible at any boundary outside the curtilage of the premises.

Reason: To safeguard the amenities of the adjoining occupiers.

- (5) No acts of worship or prayer shall take place outside the building without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of neighbouring occupiers.

- (6) Details of any air conditioning, ventilation and flue extraction systems including particulars of noise levels shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The approved details shall thereafter be fully implemented.

Reason: To safeguard the amenities of the adjoining occupiers.

- (7) Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the new shop front. The work shall be carried out in accordance with the approved details.

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

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Mumtaz Patel, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5244

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Received ENFORCEMENT Appeals between 1-Oct-2011 and 31-Oct-2011

Planning Committee: 23 November, 2011

Application Number: E/07/0847 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 04/10/2011

Location: 38-42 Meyrick Road, London, NW10 2EJ

Description:

Without planning permission, the erection of a building containing five self-contained flats.

("The unauthorised development")

Application Number: E/09/0041 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 06/10/2011

Location: 90 Wembley Park Drive, Wembley, HA9 8HW

Description:

Without planning permission, the material change of use of the premises from a single family dwellinghouse into a House in Multiple Occupation (HMO) and the erection of two buildings in the rear garden of premises.

("The unauthorised change of use and development")

Application Number: E/10/0037 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 21/10/2011

Location: 25 Cornwall Gardens, London, NW10 2QX

Description:

The change of use of the premises from a single family dwellinghouse to a House in Multiple Occupation (HMO).

("The unauthorised change of use")

Application Number: E/10/0777 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 06/10/2011

Location: 21 Springfield Gardens, London, NW9 0RT

Description:

Without planning permission, the erection of a part single and two storey side, part single and two storey rear extension and rear dormer window to the premises.

("The unauthorised development")

Application Number: E/10/0878 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 07/10/2011

Location: 23 Station Approach, Wembley, HA0 2LA

Description:

Without planning permission, the material change of use of the premises to five self-contained flats.

("The unauthorised change of use")

Received ENFORCEMENT Appeals between 1-Oct-2011 and 31-Oct-2011

Planning Committee: 23 November, 2011

Application Number: E/11/0182 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 07/10/2011

Location: 52 Honeypot Lane, London, NW9 9QL

Description:

Without planning permission, the erection of a red brick and tiled roof building of approximately 4m in height to the rear of the premises.

("The unauthorised development")

Application Number: E/11/0263 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 21/10/2011

Location: Flats 1-9, 2 Grosvenor Gardens, London, NW2 4QP

Description:

Without planning permission, the enclosure of a porch using white plastic material facing Walm Lane, the erection of a first floor rear extension and the change of use of the premises to nine self-contained flats.

("The unauthorised development and change of use")

Application Number: E/11/0507 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 24/10/2011

Location: 38 Roe Lane, London, NW9 9BD

Description:

Without planning permission, the erection of a single storey side extension and the erection of a fence in the rear garden of the premises.

("The unauthorised development")

Decisions on PLANNING Appeals between 1-Oct-2011 and 31-Oct-2011

Planning Committee: 23-Nov-2011

Application Number: 10/2704 **PINSRefNo** H/11/2148969 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 07/10/2011

Location: 2 Scrubs Lane, London, NW10 6RB

Proposal:

Continued display of free-standing, internally illuminated sign, incorporating non-illuminated signage for the City Mission Church' to the rear, on site of church on south side of Harrow Road, adjacent to existing petrol station

Application Number: 11/1722 **PINSRefNo** /D/11/2161148 **Team:** Northern Team

Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 18/10/2011

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.

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Decisions on ENFORCEMENT Appeals between 1-Oct-2011 and 31-Oct-2011

Planning Committee: 23 November, 2011

Application Number: E/09/0451 **PINSRefNo** C/11/2150241&2150237 **Team:** Southern Team

Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 26/10/2011

Location: 142 High Road, London, NW10 2PJ

Proposal:

Without planning permission, the change of use of the front of the ground floor of the premises (excluding the office at the rear of the premises accessed from Villiers Road) from a shop to a mixed use as a hot-food takeaway, incorporating the erection of an extractor duct on the rear of the building, and a self-contained flat.

Application Number: E/09/0577 **PINSRefNo** C/11/2155091 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 21/10/2011

Location: 14 West Court, Wembley, HA0 3QH

Proposal:

Without planning permission, the erection of a building in the rear garden of the premises.

("The unauthorised development")

Application Number: E/10/0341 **PINSRefNo** C/10/2140667 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 18/10/2011

Location: 5 Humber Road, London, NW2 6EG

Proposal:

Without planning permission, the erection of a building in the rear garden of the premises.

("The unauthorised development")

Application Number: E/10/0509 **PINSRefNo** C/11/2154669 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 06/10/2011

Location: 25 Sandhurst Road, London, NW9 9LP

Proposal:

Without planning permission, the erection of a building to the rear of the premises.

("The unauthorised development")

Application Number: E/10/0748 **PINSRefNo** C/11/2149329 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 21/10/2011

Location: 84 Heather Park Drive, Wembley, HA0 1TA

Proposal:

The breach of Condition 2 (extension not built in accordance with approved plans) of Planning Permission No 08/1291 dated 18/08/2009 for "Demolition of 2 existing detached garages to the rear of No. 82 and 84 Heather Park Drive, erection of single-storey rear infill extensions to both ground-floor flats and erection of detached outbuildings to the rear of 82 and 84 Heather Park Drive".

Condition 2 states:"The development hereby approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith".

Condition 2 has been breached because a large protruding roof light has been installed to the roof of the rear extension of the premises.

Decisions on ENFORCEMENT Appeals between 1-Oct-2011 and 31-Oct-2011

Planning Committee: 23 November, 2011

Application Number: E/10/0802 **PINSRefNo** C/11/2148158**Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 18/10/2011**Location:** 49 Elm Road, Wembley, HA9 7JA**Proposal:**

Without planning permission, the change of use of the premises from two houses to six self-contained flats.

("The unauthorised change of use")

Application Number: E/10/0832 **PINSRefNo** C/11/2150130**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 06/10/2011**Location:** 24 Basing Hill, Wembley, HA9 9QP**Proposal:**

Without planning permission, excavation works to the rear garden and associated installation of hard surface to the rear and side of the premises.

("The unauthorised development")

Application Number: E/10/0900 **PINSRefNo** C/11/2151355 + 2151357**Team:** Northern Team**Appeal Decision:** Appeal Allowed**Appeal Decision Date:** 19/10/2011**Location:** 100 Dorchester Way, Harrow, HA3 9RB**Proposal:**

The erection of a conservatory at the rear of the existing extension of the premises

Application Number: E/10/0901 **PINSRefNo** 2151356 + 2151358**Team:** Northern Team**Appeal Decision:** Appeal Allowed**Appeal Decision Date:** 19/10/2011**Location:** 98 Dorchester Way, Harrow, HA3 9RB**Proposal:**

The erection of a conservatory at the rear of the existing extension of the premises.

("The unauthorised development")

Application Number: E/10/0914 **PINSRefNo** C/11/2153617**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 06/10/2011**Location:** 11A St Georges Avenue, London, NW9 0JT**Proposal:**

Without planning permission, the erection of a rear single storey plastic and timber canopy structure to the premises.

("The unauthorised development")

Application Number: E/11/0086 **PINSRefNo** C/11/2153050**Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 27/10/2011**Location:** 15 Oldborough Road, Wembley, HA0 3PP**Proposal:**

Without planning permission the erection of a single storey rear extension to dwellinghouse

Decisions on ENFORCEMENT Appeals between 1-Oct-2011 and 31-Oct-2011

Planning Committee: 23 November, 2011

Application Number: E/11/0135 **PINSRefNo** C/11/2155158

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 06/10/2011

Location: 12 Alington Crescent, London, NW9 8JN

Proposal:

Without planning permission, the erection of a building in the rear garden of the premises.

("The unauthorised development")

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**ENFORCEMENT SELECTED appeal DECISIONS between
1-Oct-2011 and 31-Oct-2011****Planning Committee: 23 November, 2011****Introduction**

In order to keep Members fully informed of Enforcement Appeal decisions, copies of Inspector's decision letters concerning those cases where Enforcement action has been initiated and the appeal has been allowed or part allowed, are attached to the agenda. These include the following:

| | |
|---------------------------------|---|
| Our reference: E/10/0509 | Appeal Decision Date: 06/10/2011 |
| Team: Northern Team | Appeal Decision: Appeal Allowed |

Location: 25 Sandhurst Road, London, NW9 9LP

Proposal:

Without planning permission, the erection of a building to the rear of the premises.

| | |
|---------------------------------|---|
| Our reference: E/10/0900 | Appeal Decision Date: 19/10/2011 |
| Team: Northern Team | Appeal Decision: Appeal Allowed |

Location: 100 Dorchester Way, Harrow, HA3 9RB

Proposal:

The erection of a conservatory at the rear of the existing extension of the premises

| | |
|---------------------------------|---|
| Our reference: E/10/0901 | Appeal Decision Date: 19/10/2011 |
| Team: Northern Team | Appeal Decision: Appeal Allowed |

Location: 98 Dorchester Way, Harrow, HA3 9RB

Proposal:

The erection of a conservatory at the rear of the existing extension of the premises.

Background Information

Any persons wishing to inspect appeal decision letters not set out in full on the agenda should contact the Planning Service Technical Support Team, The Planning Service, Brent House, 349 High Road, Wembley, HA9 6BZ.

Chris Walker, Assistant Director - Planning and Development

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Appeal Decision

Site visit made on 27 September 2011

by Phil Grainger BA (Hons) MRTPI

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

Decision date: 6 October 2011

Appeal Ref: APP/T5150/C/11/2154669
land at 25 Sandhurst Road, London NW9 9LP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr I Jaffrey against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/10/0509.
- The notice was issued on 17 May 2011.
- The breach of planning control as alleged in the notice is: *the erection of a building to the rear of the premises.*
- The requirements of the notice are: *Demolish the rear building, remove all items and debris arising from that demolition and remove all materials associated with the unauthorised development from the premises.*
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) & (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: the appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Decision.

Inspector's Reasoning

The ground (c) appeal - is the building permitted development?

1. The main thrust of the arguments on this ground has been whether a building of this size and including the facilities provided can be regarded as being reasonably and necessarily required for purposes incidental to the enjoyment of the dwellinghouse. In this context, 'incidental' excludes provision for primary residential purposes, ie those that are essential, basic domestic requirements, such as a bedroom or kitchen. The erection of an outbuilding is only permitted under Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended ['the GPDO'] if it is for an incidental purpose.
2. The appeal building has a footprint of about 7.65m by 6m. This is a large area that the Council say exceeds that of the original house. However, no. 25 has been enlarged by a single storey rear extension and a loft conversion. In my view, all the floorspace that currently exists should be taken into account in assessing whether an outbuilding is of a scale that can be regarded as being reasonably and necessarily required. I also note that before the property had been extended (though the works mentioned above formed part of the same application) the Council issued a Certificate of Lawful Development (LDC) that included provision of an outbuilding measuring 6m by 6m on the basis, apparently, that it would comply with Class E. Taking all this into account I conclude that the size of the appeal building is not in itself decisive.
3. Turning then to its use, the appellant says that it is intended to be a gym, with a bathroom facility associated with that use, and a storage area. However, the

gym is a future intention and the initial use of most of the building, as I saw during my visit, has been for storage purposes.

4. I also saw that although the footprint of the building seems the same as that shown on another LDC application, which was refused in November 2009, and a planning application, refused in March 2010, the internal layout differs. The LDC application (and the earlier successful one) showed a small shower room in one corner of the building (the left rear corner as seen on entering) whilst the planning application managed to squeeze a bath into much the same space. However, what has been created is a generous sized bathroom complete with bath. Across the rest of the rear wall there is a modest storage area whilst the remainder of the space is undivided. Within this main area a work surface with cupboards below has been installed against the left side wall.
5. Although by the appellant's own submissions there are 3 bathrooms in the house proper, and the outbuilding is only about 9m away, I can see some benefit in having a shower (and toilet) next to the gym. However, in my experience it would be most unusual for a bath to be provided. It is even less clear that there is any genuine need for such provision in connection with a domestic store. That is how the building is currently being used and no clear indication has been given as to when that might be replaced by a gym use, only that there is a 'future intention' to do so. Indeed, in support of his ground (g) appeal the appellant says that he has no other available storage space and would need time to find alternative premises for his personal effects.
6. In addition, the gym itself, though capable of being an incidental use, seems large for the needs of a single dwelling, especially as no details have been provided of the actual number of occupiers or their recreational needs. Similar comments apply in respect of actual storage needs. Moreover, whilst I saw that the building is well used for storage purposes, my experience is that space not put to another use tends to become used in this way. In any event, the thrust of the appellant's arguments has related to gym, not storage, use.
7. Taking all this into account, including the way that the layout and use of the building has varied on the plans and in reality, it is far from clear that it has been designed and built for purposes that are genuinely and reasonably required for the incidental enjoyment of the dwellinghouse. A building cannot necessarily be taken to be reasonably required just because the householder says it is. Some degree of objective assessment is needed and, in appeals of this sort, the onus is on appellants to submit sufficient evidence to support, on a balance of probabilities basis, reaching such a conclusion. In this particular case, the appellant has failed to show that on the balance of probabilities a building of the size and form of that built is genuinely and reasonably required for purposes that are incidental to the enjoyment of the dwelling. Accordingly it is not permitted by Class E and the ground (c) appeal must fail.
8. For the avoidance of doubt, although I have had regard to the other appeal decisions referred to by both the Council and the appellant, my decision has been based, as it must be, primarily on the specific circumstances of the case before me. I am, however, satisfied that my conclusion is not inconsistent with those other decisions.
9. In these circumstances I can deal relatively briefly with matters relating to the height of the building. This matter is complicated by the fact that the natural ground levels appear to be sloping gently in two directions and that the whole of the appellant's rear garden has been levelled and paved (apparently along

with the building works) so that natural ground levels before the building was erected are unclear. However, from the measurements that the Council took during my visit I consider that, on the balance of probabilities, the height above the highest part of the pre-existing ground immediately adjoining the building is no more than about 2.5m. It may be a little higher at other points, but that is of little if any significance. In any event, given my earlier comments, this matter is not essential to my conclusions on ground (c).

Ground (a) and the deemed planning application

10. The thrust of the Council's representations on this point seem to relate to the visual impact of the building. For this part of the appeal I have therefore taken the main issues to be its effect on the character and appearance of the area, together with its effect on the living conditions of neighbouring residents, having particular regard to any impact on outlook and light.
11. The appeal building differs in shape and appearance from a typical garage or garden shed. However, many of the houses in the area have large outbuildings of some sort in their rear or side gardens and some of these have a domestic appearance not dissimilar to the appeal structure. Moreover, some of these outbuildings are much more prominent than the appeal one, including one at the southern end of Sandhurst Road and others near the bridge on Princes Avenue.
12. In contrast, the appeal building is in a rear garden and can only be glimpsed briefly from Sandhurst Road between the houses. Furthermore, the rear access that it adjoins is gated. Use of it is limited to adjoining residents and any other keyholders and in practice it seems little used. This in itself limits any impact that the appeal building might have from this viewpoint, but in any event there are many other outbuildings of various sizes and forms along the accessway. These include large structures at the end of the rear gardens of the next 4 houses going north along Sandhurst Road. Three of these have flat roofs like the appeal one (though without the large overhang/fascia) and two of them seem to be broadly similar to it in height.
13. I conclude that viewed from Sandhurst Road, the rear access or the backs of adjoining houses, the appeal building does not look particularly out of place or unsightly. It may be a little larger than most of the more overtly domestic outbuildings in the area but, with its flat roof and few windows, I do not consider that its appearance is akin to a bungalow, despite the various details referred to by the Council. Nor given the length of the gardens does it appear seriously out of scale. Moreover it is very inconspicuous from public viewpoints. I conclude that it is not harmful to the overall character of the area, where similar buildings appear to be a well established feature, and does not conflict in this respect with relevant development plan policies, including Policies BE2 and BE9 of the Brent Unitary Development Plan [the UDP].
14. As for any impact on neighbouring residents, the front of the building (ie that closest to the rear of the house) lines up with the 4 outbuildings to the north, two of which have roofs of a broadly similar form and height. Although it has a larger footprint than those other buildings that is because it projects further to the rear. This is not readily apparent from many of the adjoining houses (and I have already dealt with the impact on the accessway). Taking into account also that it is a single-storey, flat-roofed building and is set at a slightly lower level than no. 25 itself I do not consider that it is overbearing or seriously harmful to the outlook from the adjoining houses.

15. In addition, although the building extends close to both side boundaries, that part of the neighbouring garden that is immediately to the north has a large garage on it. This further reduces any possible effect on the occupiers of that property. On the other side the adjoining garden area is hardsurfaced. It is a good distance from the house and did not appear particularly sensitive. At the time of my visit, some plants were being grown in pots in that area, but any effect on light received will be very limited as the appeal building is located to the north. Moreover, given that its height does not seem to materially exceed 'permitted development' limits and having regard to the overall size of the adjoining garden, I consider that the appeal building does not have a serious effect on the outlook from that garden or appear harmfully overbearing. As for the houses to the rear, they are too distant to be seriously affected especially as many of them have outbuildings of their own in between.
16. I conclude therefore that the building does not, in respect of any of these matters, cause material harm to the living conditions of the occupiers of nearby dwellings. As for its use, provided this remains ancillary that of no. 25 as a single dwellinghouse (even if it is not strictly 'incidental' in Class E terms), I see no reason why it should harm the neighbours' living conditions, or indeed the character of the area. There is therefore no conflict with those UDP policies that deal with these matters either.
17. My conclusions on the ground (a) appeal are reinforced as it is accepted that a building 1.6m shorter, but not necessarily any further from the houses on Sandhurst Road, could be built as permitted development. Accordingly this represents a realistic fallback position. I shall therefore grant permission for the appeal structure. However, as my assessment of its effects depends in part on the limited number of openings in it, a condition is required precluding the insertion of additional ones. In addition, as the description does not specify the use of the building, a condition is also needed to prevent its use for non-residential purposes or as a separate dwelling, both of which, potentially at least, could be seriously harmful to neighbouring residents.
18. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on grounds (f) and (g) does not therefore need to be considered.

Decision

19. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a building to the rear of 25 Sandhurst Road, London NW9 referred to in the notice, subject to the following conditions:
 - (i) The building hereby permitted shall be used only for ancillary residential purposes in connection with the use of 25 Sandhurst Road as a single dwellinghouse.
 - (ii) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be inserted in the building hereby permitted.

P Grainger

INSPECTOR



Appeal Decisions

Site visit made on 11 October 2011

by **R E Watson BA (Hons)**

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

Decision date: 19 October 2011

Appeal Ref: APP/T5150/C/11/2151355/2151358
98 & 100 Dorchester Way, Harrow, HA3 9RB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr D R Patel and Mr C S Thaker against enforcement notices issued by the Council of the London Borough of Brent.
 - The Council's references are E/10/0900/0901.
 - The notices were issued on 9th March 2011.
 - The breach of planning control as alleged in the notices is the erection of a conservatory at the rear of the existing extension of the premises.
 - The requirements of the notices are to demolish the rear conservatory, remove all items and debris arising from that demolition and remove all materials associated with the development.
 - The period for compliance with the requirements is 6 months after the notices take effect
 - The appeals are proceeding on the ground set out in section 174(2)[a] of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeals are allowed, the enforcement notices are quashed and planning permission is granted on the applications deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a rear conservatory on land at 98 & 100 Dorchester Way, Harrow, HA3 9RB referred to in the notice.

Main Issues

2. The main issues in both cases are the effect of the development on the character and appearance of the existing properties, together with the surrounding area, and on the amenities of neighbouring occupiers

Reasons

3. The depth of this conservatory which comprises one composite structure extending across part of the rear elevation of both semi-detached dwellings is given as 3.5m. This is in excess of the guidance set out in the Council's Supplementary Planning Guidance 5 (SPG), adopted in 2002, where a permitted depth of 3.0m is laid down in the context of semi-detached houses. The structure is also an extension to an older single-storey rear projection on both properties.
4. I accept that the conservatory provides further internal space for both dwellings which have both been the subject of previous extensions to other parts of the properties. However, both are set in plots of generous space with

a relatively commodious rear garden area. I note that the remaining private amenity space is well in excess of the guidance set out in the Council's SPG 17 – Design Guide for New Development, adopted in 2001. In my judgement, the development is a relatively modest extension in the wider context of this suburban area where, as I saw, the spacious rear gardens contain a great variety of extensions, conservatories and detached ancillary domestic buildings. The combined conservatory is constructed with traditional low brick walls, with clear glazing to the sides and roof comprising white uPVC frames. The materials are of high quality and are compatible in terms of colour and texture to the materials used in both the existing dwellings, other surrounding properties and domestic extensions in the surrounding area.

5. I am satisfied that the development has been built with careful regard to its local context, as required by Policy BE2 of the Brent Unitary Development Plan (2004). Moreover, the scale of the extension, to my mind, is appropriate to the setting of the host dwellings and their immediate surroundings, as required in Policy BE9 of the Plan.
6. The two adjoining dwellings at nos. 96 and 102 Dorchester Way also benefit from existing single-storey rear extensions. The new conservatory has been constructed with a significant gap (1.5m) between the respective side elevations and the two common boundaries. Having studied the relationship between the conservatory and the neighbouring houses most carefully, my clear impression is that the development is not overbearing in terms of its neighbours and that it has a limited impact on the outlook from the adjoining dwellings or, indeed, from the external garden areas on either side. I conclude that the development does not compromise the amenities of the adjoining residents in any way.

R.E Watson

Inspector

Leaders Briefing for Councillors & Senior Officers Current Street Design Issues and Best Practice

9 November 2011: 9.45am-4.30pm

Venue: Palestra, 197 Blackfriars Road, London SE1 8NJ
(opposite Southwark tube station)

This briefing will give councillors and senior officers involved in street and public realm schemes an update on the recent research on shared space and level surfaces as well as the newly published “Signing the Way” document issued by the Department for Transport – a must attend event, which will also showcase some of the best schemes being built out at the moment with up to date thinking on key issues for many emerging schemes.



Speakers

Gereint Killa, Department for Transport

Graham Hanson, Department for Transport

Phil Jones, Phil Jones Associates

John Dryden, London Borough of Brent

Leroy Simpson, Chair of the Harlesden Town Team

Tim Long, London Borough of Camden

Hanif Islam, London Borough of Harrow

Ian Hingley, Urban Initiatives

David Waugh, London Borough of Sutton

Paul Dodd, Public Realm Strategies

David Moores, The Project Centre

Peter Bishop, Mayor's Design Advisory Panel

Agenda

- 9.30am Registration
- 9.45 Welcome
- 9.50 **Shared Spaces & Level Surfaces** – recent research findings
Gereint Killa, Department for Transport
- 10.15 **Signing the Way** – New DfT guidance – what does it say?
Graham Hanson, Head of Traffic Signs Policy, Department for Transport
- 10.40 **Briefing on current thinking**
Phil Jones, Phil Jones Associates
- Tactile paving
 - Keep left bollards
 - Guardrails
- 11.30 Coffee, discussion and debate
- 12.00 **Public Realm Strategies** – why have them?
Paul Dodd, MAUD, CMLI
- 12.15 **How much will it cost** – info on basic costs of different materials and design options
David Moores, The Project Centre
- 12.45 Lunch
- 1.15 **What the Mayor’s Design Advisory Panel (MDAP) does** – observations on street schemes
Peter Bishop, MDAP Member
- 1.35 **Working with your community** – the Harlesden example.
John Dryden and Leroy Simpson
- 2.05 **Showcase of recently completed schemes** providing information on project designs, materials, basic costs and lessons learnt.
- *Wallington Improvements, Sutton*
– Excellent example of a low key outer London project. David Waugh, LB Sutton
 - *Venn Street, Lambeth*
– Brand new shared street housing a market, restaurants and traffic. Ian Hingley, Principal Designer, Urban Initiatives
 - *Drury Lane, Camden*
– Simple but efficient intervention to increase accessibility and support local businesses on this historic street. Tim Long, LB Camden
 - *Station Road, Harrow*
– Major town centre scheme to alter traffic and bus routes, and improve the shopping centre. Hanif Islam, LB Harrow
- 3.35 **Current issues from boroughs** – what more can be done to improve our streetscape?
- 4.20pm Evaluation and close