



Planning Committee

Wednesday, 18 January 2012 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 5.30pm in Committee Room 4

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting		1 - 12
Extract of Planning Code of Practice		
APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING		
3. 113 Bryan Avenue, London, NW10 2AS (Ref. 11/2665)	Brondesbury Park	17 - 30
NORTHERN AREA		
4. 165 Edgware Road, Kingsbury, London, NW9 6LL (Ref. 11/2795)	Fryent	31 - 36
WESTERN AREA		
5. Barham Park Estate, Wembley, HA0 2NE (Ref. 11/2857)	Sudbury	37 - 52
6. Central Square, Wembley, Middlesex HA9 (Ref. 11/2635)	Wembley Central	53 - 70
7. RE-DEVELOPMENT, STONEBRIDGE ESTATE, Stonebridge Estate, London, NW10 (Ref. 11/3054)	Stonebridge	71 - 84
PLANNING APPEALS		
8. Appeals November 2011		
9. 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.		
10. Supplementary		133 - 136

Site Visits - 14 January 2012


SITE VISITS – SATURDAY 14 JANUARY 2012

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
11/2635	Central Square, Wembley, HA9	6	Wembley Central	9:35	53 - 70
11/2665	113 Bryan Avenue, London NW10	3	Brondesbury Park	10.15	17 - 30

Date of the next meeting: Wednesday, 15 February 2012

The site visits for that meeting will take place the preceding Saturday 11 February 2012 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 Wednesday, 14 December 2011 at 7.00 pm

PRESENT: Councillors Sheth (Chair), Baker, Cummins, Hashmi, Kabir, McLennan, Mitchell Murray, CJ Patel, RS Patel and Naheerathan (In place of Daly)

ALSO PRESENT: Councillor Colum Moloney, Councillor Bhiku Patel, Councillor Carol Shaw and Councillor Zaffar Van Kalwala

Apologies for absence were received from Councillors Daly and Singh

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

493 Kenton Road, Harrow, HA3 0UN (Ref. 11/2529)

Councillor Sheth declared that his family owned a property that was some 800 metres away from the application site address. Although he had no personal or prejudicial interest, he stated that he would refrain from discussion and voting.

201 and 203 Kenton Road, Harrow, HA3 0HD (Ref. 11/2187)

Councillor Sheth declared that he had dined at the restaurant with his family but that as he had no personal or prejudicial interest.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 23 November 2011 be approved as an accurate record of the meeting.

3. **Garages R/O 129-145, 145A & Land R/O 151-157, Melrose Avenue, London, NW2 4LY (Ref.11/2414)**

PROPOSAL:

Erection of five x two-storey dwellinghouses with basements comprising two x four-bed semi-detached houses and three x four-bed terraced houses, eight car-parking spaces, provision of bin store and bicycle stands, with associated hard and soft landscaping and means of enclosure (in place of one x three bed and two x four bed dwellinghouses and eight parking spaces which formed part of the previously approved scheme with LPA ref: 06/1117).

RECOMMENDATION:

- (a) 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.

In clarifying the issues raised at the site visit, Rachel McConnell (Area Planning Manager) stated that the proposed ground level would be similar to the original ground level where it adjoined the gardens of properties in Gay Close and Kenneth Crescent. She continued that the site had always been at a higher level than the Gay Close gardens. She added that the tree adjacent to the Kenneth Crescent and Gay Close boundaries was intended to be retained but if it died, it would be replaced at a ratio of 2:1 (two new trees to one lost tree). She advised the Committee that Building Control were seeking a land drain to be provided for the garden area in order to assist drainage.

In respect of the concerns expressed by residents of Gay Close on overlooking, Rachel McConnell stated that the closest point between habitable room windows of 20m complied with the standards within SPG17 and that no harm would arise from loss of privacy as amplified in the Planning Inspector's decision. She noted the residents' disagreement on the height of the fence and added that the height (between 2m and 2.8m) was a reflection of the general consensus of residents. In respect of the revised plans submitted by the applicant which showed the removal of the first floor rear projecting balconies and landscape plans, she suggested an amendment to condition 2 as set out in the tabled supplementary report.

Mr Phillip Jeffrey objecting on behalf of a resident of Gay Close stated that as Gay Close was below the levels of the proposed development it would create an overbearing aspect to the residents. He suggested that the following measures to ameliorate the impact: an increase of the fence height to 3.4m; proposed landscaping should be designed in conjunction with the residents of Gay Close.

Mr Sean McDonagh, the applicant's agent, stated that the proposed development which incorporated additional landscaping was in accordance with existing planning guidance and policies. He continued that although the applicants were willing to open negotiations with residents on the height of the fence, the proposed height reflected the general consensus of residents. He confirmed that the applicants would work in partnership with the residents on the proposed landscaping.

Councillor Hashmi requested confirmation that the maintenance of the boundary fence would be the responsibility of the applicant. Rachel McConnell suggested amending condition 7 by inserting the words 'maintained thereafter'.

DECISION:

- (a) Planning permission granted, subject to conditions as amended in condition 2 and 7, 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.
- (c) To delegate authority to the Head of Area Planning to consider the need for changes to the informative.

4. 493 Kenton Road, Harrow, HA3 0UN (Ref. 11/2529)

PROPOSAL:

Full planning permission sought for change of use of ground floor to a restaurant/shisha cafe (Use Class A3), installation of extract ventilation duct to western elevation, installation of bi-fold doors to frontage, erection of free-standing open sided Vergola roof cover to north and east elevation for covered shisha area and associated landscaping to forecourt including erection of low boundary wall.

RECOMMENDATION: Refuse planning permission.

Rachel McConnell, Area Planning Manager set out the proposal and officers' reasons for recommending refusal as set out in the main report.

Mr Anand Suchak, in objecting to the proposed change of use stated that the proposal would be inappropriately located as it would be within an area which was fully residential and close to the local school. He added that existing parking facilities were inadequate and would not be able to support the proposal. In conclusion, Mr Anand re-affirmed his support for officers' reasons for recommending refusal.

Mr William Ellis, an objector echoed similar sentiments and added that the applicant had not assessed desirability of the proposal within a residential area and its adverse impact on local residents.

Mr Neil Taylor, the applicant stated that the restaurant would be a family run business which would not sell alcohol. He added that demand for parking would be limited as it would involve between 5-6 cars to the premises. He continued that noise from passing traffic would overcome the level of noise at the site. Mr Taylor noted that as the site had been vacant for some time his proposal would enhance the appearance and economic activity of the area. He went on to assure members that strict identity (ID) requirement would be put in place to limit any possible impact on residents.

DECISION: Planning permission refused.

Note: Councillor Sheth, having declared an interest in this application did not take part in the voting or discussion.

5. 201 & 203 Kenton Road, Harrow, HA3 0HD (Ref. 11/2187)

PROPOSAL:

Change of use of ground floor premises at 201 Kenton Road from a retail unit (use class A1) to mixed use comprising a retail unit at the front of premises and a dining hall at the rear to be used in connection with an adjoining restaurant at 203 Kenton Road with associated alterations.

RECOMMENDATION: Grant planning permission subject to conditions.

Rachel McConnell, Area Planning Manager stated measures had been taken to safeguard the amenities of local residents by ensuring that appropriate access arrangements were provided and that both premises operated within their prescribed hours. With that in view, she drew members' attention to an amendment in condition 6 and an additional informative as set out in the tabled supplementary report.

Mr Paul Shepherd objecting on behalf of his mother, an adjoining resident, stated that the proposed change of use would lead to an unacceptable level of noise and parking problems particularly as both 201 and 203 would be used as banqueting facilities of more than 80 people. He added that due to lack of designated smoking area, smokers were likely to congregate outside of the premises, thus destroying the quiet enjoyment of residential amenity.

In response to questions about licensing the legal representative clarified that the applicant could vary the hours of operation when he submitted a separate application to the Licensing Sub-Committee under the Licensing Act 2003.

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

6. Northwest Jamathkhana, Cumberland Road, Stanmore, HA7 1EJ (Ref. 11/2123)

PROPOSAL:

Demolition of central and rear parts of existing building and erection of replacement two storey extension behind existing two storey frontage element of community centre building.

RECOMMENDATION:

- (a) 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.

Rachel McConnell, Area Planning Manager, informed members that the applicant had submitted revised plans which altered the elevations and reduced the visual bulk of the building. In addition, a revised site layout plan had been received which included the provision of 6 "Sheffield" style cycle stands in the forecourt, 2 demarcated disabled parking bays within the car park, space for three 240 litre bins on the north elevation towards the rear of the building and indicative alterations to the boundary landscaping of the site. She therefore recommended an amendment to condition 2 as set out in the tabled supplementary report and removal of condition 5. In addition, she advised that condition 4, 7 & 8 be amended as acceptable details had now been submitted relating to the disabled bays, cycle parking and refuse provision.

Steve Weeks, Head of Area Planning recommended an additional condition for self-closing doors as a further measure to safeguard the amenities of adjoining occupants if the applicant was to install amplified music.

DECISION:

- (a) Granted planning permission, subject to additional condition on door/window closure, amendments to conditions detailed above, amendments to informative, 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.

7. 113 Bryan Avenue, London, NW10 2AS (Ref. 11/2665)

PROPOSAL:

Demolition of existing warehouse building and erection of four 5 bedroomed terraced dwellinghouses.

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

At the start of the meeting Councillor Cummins moved an amendment for the application to be deferred for a site visit to enable members to assess the impact of the proposed development. This was put to the vote and declared carried.

DECISION: Deferred for a site visit to enable members to assess the impact of the proposed development.

8. 15 Steele Road, London, NW10 7AS (Ref. 11/1699)

PROPOSAL:

Proposed change of use from existing office ancillary to the garage workshop to a radio controlled mini cab office (Use Class Sui Generis)

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

9. Land rear of 12, Central Way, London, NW10 (Ref. 11/2623)

PROPOSAL:

Redevelopment of site comprising of 9 units for B1(c), B2 and B8 uses, with associated landscaping, service areas, parking and cycle parking

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

Neil McClellan, Area Planning Manager corrected that the recommendation to delegate authority to agree the exact terms of the s106 should be to the Head of Area Planning instead of the Director of Environmental Services. He also reported on minor amendments by the applicant which had resulted in 133 parking spaces (a reduction of 7 spaces) and additional landscaping.

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

10. First Central, Coronation Road/Lakeside Avenue, Park Royal, NW10 (Ref. 10/3221)

PROPOSAL:

Outline planning application for:

- a) The construction of up to 60,000 sqm of office accommodation (Class B1) in 3 buildings up to a maximum of 10 storeys in height, up to 1,700 sqm of retail, restaurant, hot-food take-away floor space (Class A1 to A4), up to 2500 sqm of health and fitness floor space (Class D2) with associated pedestrian areas, landscaping, access/servicing, car and cycle parking; and
- b) the construction of 4 residential blocks up to a maximum of 9 storeys in height to provide a maximum of 545 residential units, consisting of a mix of 1, 2 and 3 bedroom apartments for private, rented and shared ownership, with associated landscaping, access/servicing, car and cycle parking; and
- c) the provision of 2 play areas and a Multi-Use Games Area, and modifications to existing footpaths in West Twyford Park (Bodiam Fields), and modifications to existing surface treatment in Lakeside Drive; and
- d) the provision of an energy centre on land east of Lakeside Drive.

Matters to be approved: access, layout and scale with appearance and landscaping reserved.

RECOMMENDATION: Grant Consent, subject to the referral of the application to the Mayor of London in accordance with part 5 of the Town and Country Planning (Mayor of London) Order 2008, and subject to the completion of a satisfactory Section 106 or other legal agreement and to delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and procurement.

If the legal agreement had not been entered into, or the Mayor of London remains unsatisfied with the application by the agreed Planning Performance Agreement expiry date, which at the time of writing this report is 31 January 2012, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

Neil McClellan, Area Planning Manager addressed the following issues raised at the site visit by members and interested parties:

Health and education provision:

The Section 106 legal agreement would secure £1.1m towards secondary school provision and £0.9m towards primary school provision and although no additional nursery provision was proposed within the scheme, nursery accommodation was being provided at West Twyford Primary School. Space for a GP surgery had been provided on the ground floor of Crystal House as part of the first residential phase although it still remained vacant since its construction and despite marketing.

Over concentration of social housing:

The proportion of social housing being proposed would be approximately 25%, half the 50% level required by policy, subject to viability. He clarified that whilst dispersing social housing around a site ('pepper potting') may be considered preferable in terms of social integration, housing associations continued to resist it due to the practicalities of delivery, management and affordability.

Energy Centre Location:

After further consultation with the Council's Environmental Health team the Area Planning Manager suggested an additional condition as set out in the tabled supplementary report be added. The condition sought further safeguards over emissions and required the relocation of the centre in order to protect residential amenity.

Siting of MUGA:

The proposed MUGA to be sited at the junction of Twyford Abbey Road with Bodiam Way, about 30 metres away from the nearest house and separated from the park by roads was considered sufficient to preserve the amenities of residents. As no floodlighting was proposed the use of the MUGA after dark would be restricted.

Clarification on consultation:

A total of 251 residents in Brent and Ealing were consulted on the application in addition to a further consultation undertaken by Ealing Council. Officers were satisfied that the consultation undertaken for this application significantly exceeded the statutory requirements.

Footpath between Lakeside Drive and Toucan Close:

The Area Planning Manager informed members that he had consulted Highways and Transportation on residents' requests for the foot/cycle path between Lakeside Drive and Toucan Close to be sealed off to discourage "a rat run" and anti-social behaviour. Their view was that the public footpath provided a useful route and was required for the proper planning of the area.

Traffic camera in Bodiam Way:

He proposed an additional Heads of Term to be included in the s106 requiring that the traffic camera be maintained at all times to ensure that Bodiam Way continued to be restricted to bus and emergency vehicles only. This intention was also expressed by Ealing Council which raised no objection to the scheme.

Mr Robin Brotherick objecting on behalf of the residents of Abbeyfield Estate stated that the 9 storey blocks would constitute gross over-development of the site. He claimed that officers had given inadequate consideration to integrate affordable housing as required under the Council's Supplementary Planning Guidance Note 21 (SPG21). He reiterated the concerns about the footpath in Bodiam Way and requested its closure to traffic. He requested a relocation of the energy centre in the interest of residential amenity.

Mr Tony Smith speaking on behalf of Toucan Close residents and tenants' Association expressed concerns about social consequences of the proposal. He continued that the proposal failed to provide a viable community centre for the youth to meet and interact. He submitted that the charges for hiring the facilities at the Crystal building for leisure activities were excessive and urged that unless the charges were subsidised, the residents could not afford to use the Crystal building, hence adversely affecting their quality of life.

Mr Paul Stevens in objecting on behalf of West Twyford Residents' Association raised the following issues;

- (i) Lack of health care provisions including General Practitioners (GP) surgery for a development that would result in 545 dwelling units and in excess of 1,500 residents.
- (ii) Inadequate provision for education both at primary and secondary school level at a time when the local secondary school had about 100 students on its waiting list.
- (iii) Whilst welcoming the inclusion of a MUGA within the proposal, Mr Stevens requested that it should be relocated further away from residential properties so as to preserve residential amenities.
- (iv) The scheme failed to provide any planning gain for the residents.

For the above reasons, Mr Stevens urged members to defer the application until further discussions had taken place on issues raised by residents.

In accordance with the Planning Code of Practice, Councillor Moloney, ward member stated that he had been approached by some of the residents. Councillor Moloney spoke in support of the proposed development adding that it would assist the council in addressing the acute housing within the Borough. Whilst acknowledging the increase in the number of residents, Councillor Moloney felt that there would be no greater demands on health and educational provision.

In accordance with the Planning Code of Practice, Councillor Van Kalwala, ward member stated that he had been approached by the applicant. Councillor Van Kalwala in echoing the views expressed by Councillor Moloney noted that the issues raised by the objectors had been addressed in the Committee report. He added that the proposal would assist in addressing the acute shortage in housing in the Borough, provide local employment including apprenticeship and improve the quality of life for residents.

Mr Michael Crook for the applicant stated that the proposal for a residential development was acknowledged in the Council's Core Unitary Development Plan (UDP). He added that 138 affordable homes would be provided in the first phase of the development in addition to education and transportation benefits under the Section 106 legal agreement and a commitment to provide apprenticeship for local residents.

In response to members' questions, Mr Crook stated that space had been made available at "Crystal House" which was hoped to attract GPs, dentists and other health care providers. He continued that the operators were looking into a management plan including charges in order to promote its use. In responding to a question about over-concentration of affordable housing, he clarified that in order to achieve early delivery it was agreed to provide affordable housing first and to maintain an equal split between rented and shared ownership. Mr Crook confirmed that although the energy centre would be located away from residential buildings, the applicants intended to review the location to ensure that it was sited further away from Toucan Close.

Steve Weeks, Head of Area Planning added that condition had been imposed to secure an appropriate location for the energy centre and that under the Section 106 legal agreement, contributions towards education would be split between Ealing and Brent Councils. He suggested a further clause under the Section 106 agreement to secure local construction and apprenticeship for the proposed development. The Head of Area Planning also clarified the significance of the planning performance date as stated in the recommendation and that this was yet to be finalised.

DECISION: Planning permission granted subject to conditions, the referral of the application to the Mayor of London in accordance with part 5 of the Town and Country Planning (Mayor of London) Order 2008, and subject to the completion of a satisfactory Section 106 or other legal agreement to include a clause on local construction and apprenticeship and to delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

If the legal agreement had not been entered into, or the Mayor of London remains unsatisfied with the application by the agreed Planning Performance Agreement expiry date, which at the time of writing this report is 31 January 2012, to delegate authority to the Head of Area Planning, or other duly authorised person, to agree this period and to refuse planning permission.

11. 159 Harrow Road, Wembley, HA9 6DN (Ref. 11/2416)

PROPOSAL:

Development comprising a new building ranging in height from 1 to 7 storeys comprising 18 residential units and including basement car parking, cycle parking, refuse and recycling storage and external amenity space

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

Neil McClellan, Area Planning Manager, corrected that the recommendation was for a refusal rather than approval as published on the Council's website. He continued that since the report was written the applicant had submitted a number of amendments which sought to overcome the reasons for recommending refusal

including compliance with SPG17. With that in view, Neil McClellan requested a deferral to allow officers more time to consider the scheme and seek further amendments if necessary.

Members accepted the recommendation for deferral.

DECISION: Deferred to allow officers more time to consider the scheme and seek further amendments.

12. 28 Berkhamsted Avenue, Wembley, HA9 6DT (Ref. 11/2042)

PROPOSAL:

Change of use of land to extend domestic rear garden of No. 28 Berkhamsted Avenue and erection of single storey outbuilding in rear garden of dwellinghouse (Revised description, and revised plans received)

RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the tabled supplementary report Neil McClellan, Area Planning Manager referred to corrections in the report for which he recommended an amendment to condition 2. He also referred to an additional objection from a local resident but which raised no new issues.

DECISION: Planning permission granted subject to conditions as amended in condition 2.

13. Any Other Urgent Business

Pre-meeting

Members briefly discussed the merits of the recently introduced arrangements for pre-meeting which took place at Brent House at 2:30pm on the day before the meeting. Members expressed a preference to revert to the previous arrangement for pre-meeting on the day of the meeting but at an earlier start time of 5:30pm.

The meeting ended at 8:40pm

K SHETH
Chair

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EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

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

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

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


STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

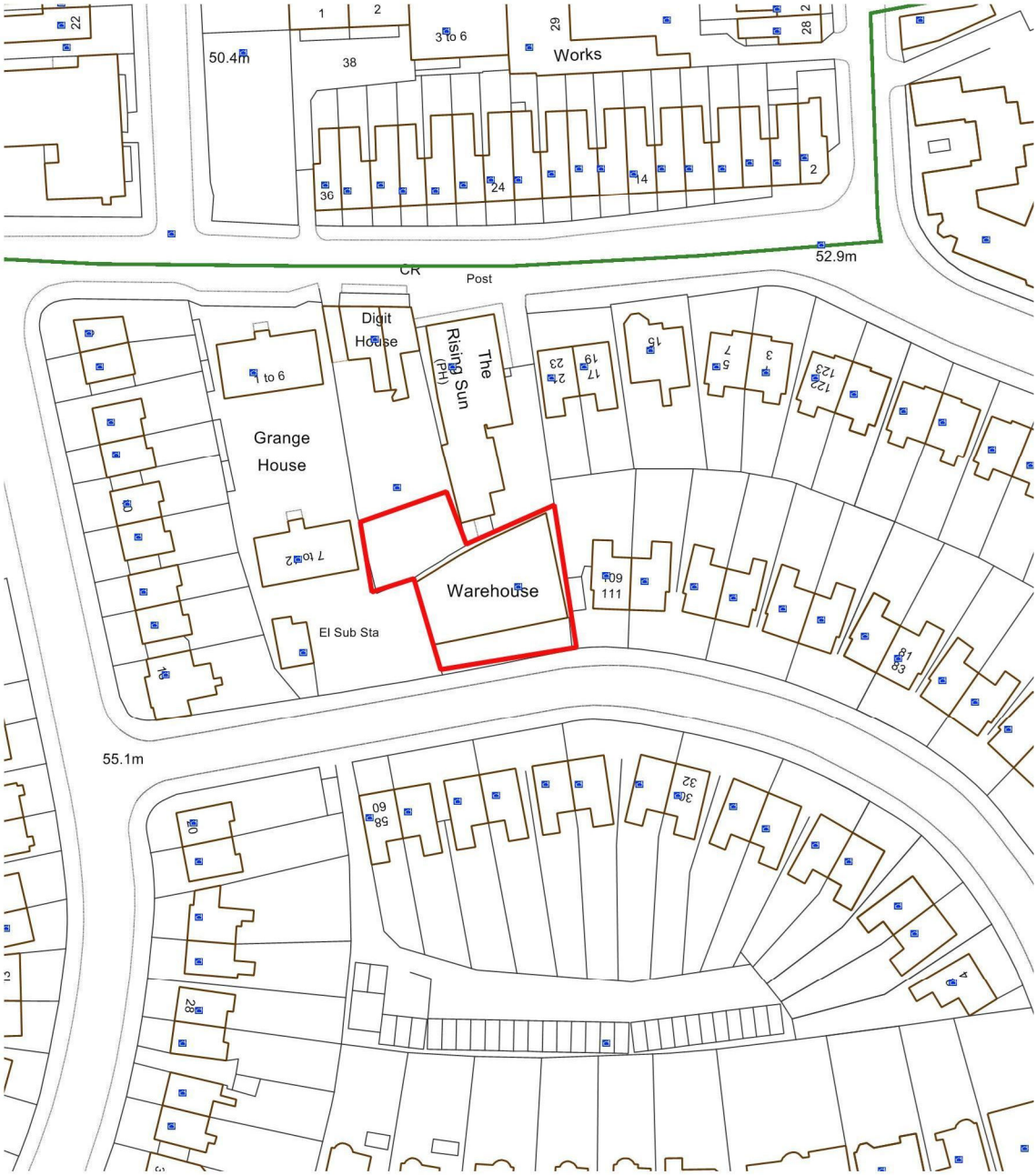
- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions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

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

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

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 **Planning Committee Map**
Site address: 113 Bryan Avenue, London, NW10 2AS
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This map is indicative only.

RECEIVED: 5 October, 2011

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 113 Bryan Avenue, London, NW10 2AS

PROPOSAL: Demolition of existing warehouse building and erection of four 5 bedrooed terraced dwellinghouses.

APPLICANT: Brent Council.

CONTACT: Mr Geoff Brocklehurst

PLAN NO'S:
See condition 2.

At the start of the Planning Committee of 14 December 2011, Councillor Cummins moved an amendment for this application to be deferred for a site visit in order to enable Members to assess the impact of the proposed development. This was put to the vote and declared carried.

RECOMMENDATION

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.
- Payment of £60,000 (£3,000 per bedroom space) for Education, Sustainable Transportation and/or Open Space & Sports in the local area, due on Material Start.
- Join and adhere to the "Considerate Contractors Scheme".

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

EXISTING

This is a large vacant, detached warehouse building on the northern side of Bryan Avenue in one of the Council's Areas of Distinctive Residential Character (ADRC). The building provides a single level of storage floorspace although there are two areas of mezzanine storage also in place.

PROPOSAL

See above.

HISTORY

The existing warehouse building is currently vacant, but has previously been used for storage purposes giving it a lawful warehouse use.

Since 1998 Brent's health and social care community equipment was provided from the joint store at No.113 Bryan Avenue. The equipment ranged from small kitchen items to larger items such as hoists, electronic beds and mechanical bath chairs. The store also used to undertake minor adaptations, such as grab rails and banister rails.

The use ceased some years ago when it became clear that the current building was not fit for purpose, with insufficient storage capacity insufficient and no on-site facility for cleaning/decontamination of collected equipment.

POLICY CONSIDERATIONS **NATIONAL**

Draft National Planning Policy Framework

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 12 – Local Spatial Planning

Planning Policy Guidance 13 – Transport

REGIONAL

The Mayor of London

The London Plan 2011

LOCAL

Brent Local Development Framework Core Strategy 2010

CP 1 Spatial Development Strategy

CP 2 Population and Housing Growth

CP 5 Placemaking

CP 6 Design & Density in Place Shaping

CP 15 Infrastructure to Support Development

CP 21 A Balanced Housing Stock

Brent Unitary Development Plan 2004

Strategy

Policies

BE2 Local Context & Character

BE3 Urban Structure: Space & Movement

BE4 Access for disabled people

BE5 Urban clarity and safety

BE6 Landscape design

BE7 Streetscene

BE9 Architectural Quality

H12 Residential Quality – Layout Consideration

H13 Residential Density

EMP9 Local Employment Sites.

TRN3 Environmental Impact of Traffic

TRN11 The London Cycle Network

TRN23 Parking Standards – Residential developments

TRN34 Servicing in new developments

PS14 Residential parking standards.

CF6 School Places

Brent Council Supplementary Planning Guidance and Documents

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

A total of 82 addresses, and the 3 Brondesbury Park ward Councillors, were consulted about the application on 18 October 2011. A total of 13 objections, all from Bryan Avenue properties, have been received raising some, or all, of the following points:

- How will car parking be dealt with? Bryan Avenue already suffers from a high demand.
- Concern over possible social housing on the site.
- Why can't the site be used as a park instead?
- Overdevelopment of the site.
- The houses should not come forward of other houses nearby.
- The houses should not be any higher than other houses nearby.
- The design of the houses is out of character with the area (which is an ADRC)
- Development will impact on the side facing windows at No's 109/11 resulting in a loss of light.
- Parking must not be allowed in the front gardens.
- The proposed refuse/bicycle storage in the front garden areas is too large.
- Parking should be provided on the site.
- What benefits will other residents enjoy from this development when they are going to be impacted upon by this development?
- More green space should be included in the development.
- There are inaccuracies in the submitted plans eg: windows shown on elevation that are not on plans. (For Members information, this has been resolved).
- The development fails to comply with the adopted policies of the Council.

In addition, Councillor Shaw has indicated that she supports the objections raised by the residents.

For the sake of completeness, a number of objectors do acknowledge that the removal of the existing warehouse building can only be a good thing for the area, but feel that this proposal has a number of problems.

HEAD OF CONSERVATION & DESIGN

No objections. See "Remarks" section.

TRANSPORTATION ENGINEER

No objections. See "Remarks" section.

ENVIRONMENTAL HEALTH OFFICER

The previous industrial use and proposed residential development means that it is necessary to confirm that there are no contaminants on site. Conditions are recommended to this effect. In addition, a condition requiring control over demolition works is also suggested. The site is within an Air Quality Management Area.

LANDSCAPE DESIGNER

There is sufficient scope for a quality landscaping scheme to form part of this development. It is important that existing trees, in particular the street tree outside the site, are protected whilst building works take place. A condition covers this point.

REMARKS

This application envisages the demolition of the existing warehouse building on site and the erection of four 5 bedroom dwellinghouses in its place. The information submitted with the application indicates that the houses will be for private sale, rather than for social housing which, as explained above appears to be a concern for a number of residents. The existing structure is of negligible architectural quality and its existence on the site is a material consideration in weighing up the merits of this current proposal, certainly in terms of design and impact on neighbours, but also possible implications of the warehouse use re-commencing. The proposal raises a number of issues:

Design Considerations

As explained above, the existing long-established building does make a contribution to the streetscene, but it is widely acknowledged to be a negative one. The properties to the east and opposite the site consist of two storey semi-detached buildings whilst to the west, and set back from the road, is the two storey block of flats known as Grange House. To the rear on Harlesden Road is the Rising Sun public house and the flatted development known as Digit House. Whilst the site falls within one of the Council's ADRC's this designation derives from the residential quality of the wider area, rather than the specific group of buildings in the vicinity of the application site.

The site is an unusual shape with the main section the site of the warehouse building itself, but also having an additional rectangular shaped piece of land to the north-west corner sited behind the building (see site plan). It has a width of approx. 23 metres at the front, increasing slightly to the rear (approx. 25 metres). It is also of variable length with the site 25 metres long adjacent to No's 109/111 Bryan Avenue, but approx 31 metres deep at its deepest point towards Grange House. The existing building has a double pitched roof with a maximum height of 8.5 metres. In comparison, the new terrace would have a total of 4 pitches (one over each house) each rising to a height of 9.3 metres and the existing residential buildings in Bryan Avenue are approx 8.7 metres in height, not including any chimney.

A form of building similar to the traditional terrace form is proposed with four properties located together to the front of the site, set back a minimum of 4.5 metres from the back edge of the footpath (5.0 metres in the case of the western most house). The properties provide three levels of accommodation and incorporate a 2-storey bay type feature with a gable to the rear. Although different to the character and appearance of the existing buildings further up the hill on Bryan Avenue, the design and appearance of the terrace is considered to have the necessary architectural quality to represent a positive intervention in this ADRC. As explained earlier, the Head of Conservation & Design has considered this proposal and has concluded that it is acceptable. The proposals are now considered to respect the suburban "building line". The fact that the houses protrude slightly further toward the road than the existing houses to the east, and the existing warehouse, has been mentioned by a number of residents as an area of concern. However, Officers are clear that the breaching of what has traditionally been known as the building line (whereby nothing should be allowed to come forward of what is around) is not, in itself, a significant problem and that what is more important is how any development relates to its setting. The new houses would be approx 1.0 metre further forward than the existing building. As explained above, it is considered that the proposed building, whilst different, would be acceptable in design terms, and the proposal must be seen in the context of what is currently on the site, namely the vacant warehouse building.

The slight increase in scale and height, in relation to the neighbouring buildings, as set out above is also considered to be acceptable as the overall impact on the streetscape is an improvement, particularly when we consider the existing buildings. For clarity, whilst the existing building is located on the western and eastern boundaries, the new terrace would be set off these by approx 1.0 metre on both sides helping to compensate for any increase in height of the building. As explained, at its highest point the new development would be 0.8 metres higher than what is on site at the moment and only 0.6 metres higher than the existing residential buildings nearby. The

choice of materials is considered to be sympathetic to the context and helps the building sit in the streetscape quite comfortably

The majority of the elevations visible from the public highway are proposed as stock brick, with materials conditioned for future consideration. The roof is indicated as natural finish slate (or similar). The flank walls are proposed in hanging tile to match the roof which can work providing the materials used are of excellent quality. Again the matter is conditioned. The proposed dwellings, whilst different, relate to the proportions and style of the neighbouring buildings, but with an obvious contemporary design which is considered to be acceptable.

For the information of Members, it is considered that it is necessary to remove permitted development rights for these 4 houses to avoid future extensions that would detract from the quality of design that is a material consideration in this application. It is considered that not only could uncontrolled extensions detract from architectural quality but they could also impact on people living nearby to their detriment.

Quality of accommodation

All units are proposed as 5-bedroom units and have internal floor areas of approximately 130sqm. This comfortably exceeds the 4 bedroom, 3 storey house minimum unit size requirement set down in the Mayors 2011 London Plan of 113 square metres (there is no standard for 5 bed units, although the supporting text indicates that an additional 10 square metres should be added to the 4 bedroom standard) and well in excess of the 105 square metres minimum required by the Council's own SPG17. The layout provides good access to light and outlook for all habitable rooms.

In terms of external space the houses would each have front gardens ranging from 29 to 36 square metres, which would not be counted as useful sitting out space, but which would provide a visually attractive treatment in terms of outlook to the front. To the rear the irregular shape of the site means that whilst one of the central houses would have 42 square metres of garden space, slightly below the 50 square metres set down in SPG17, the other three units would provide for 87, 95 and 198 square metres of useable external space which would contribute to an acceptable quality of residential accommodation. In terms of the house with the smallest garden, the spacious nature of the internal accommodation provided, on balance, compensates for the external shortfall.

Neighbouring amenity

As explained above, the existing building is located in a part of Bryan Avenue that does not have a consistent character of development around it. Whilst the two storey building to the east does represent the type of property most prevalent in the road, to the west is a flatted development set well back from the road and behind is a public house beer garden and another flatted conversion scheme. As a result, there are different considerations in terms of assessing the impact of this application on each of these neighbours.

As far as the sites to the rear are concerned, the removal of the existing building would be an immediate benefit, with the structure sited right to the boundary with the public house. In visual terms the demolition of the warehouse must be considered a benefit. The new buildings would be sited approx 9.0 metres from the rear boundary in terms of the eastern most house. Whilst this is less than the 10 metres normally sought, it is considered that the fact that the nearest most affected neighbours are not residential and there is a well-established tree screen on the rear boundary means that the relationship would be acceptable. A similar conclusion is reached in terms of the relationship between the new houses and Digit House on Harlesden Road. The unusual shape of the site means that the separation distance between existing and proposed windows here would be well in excess of 20 metres.

As explained above Grange House to the west is sited approx 20 metres back from the Bryan Avenue footpath with a landscaped area in front of it. At the moment, the front facing windows are impacted upon, in visual terms, by the flank wall of the existing warehouse building built onto the side boundary. The proposed houses take advantage of the existence of this building to provide a replacement that would have no greater impact on Grange House than the existing structure. The increase in height at eaves level (of approx 1.0 metres) is compensated by the fact that the building would be pulled off the boundary by a similar amount. Obviously the proposed residential buildings will have windows to serve rooms in a way that the existing warehouse building does not. However, the location of the new openings on the rear elevation would be at a very oblique angle in terms of its relationship with the front of Grange House and this, along with the separation distance of 14 metres between windows means that privacy will be protected.

The unusual shape of the existing warehouse building means that whilst it is approx 11 metres long on the boundary with Grange House it is approx 19 metres in length on the boundary with No's 109/111 Bryan Avenue. The proposal seeks to demolish the warehouse and erect a house 11 metres in length, a distance of 1.0 metre away from the boundary on its length. As explained above, although the development involves increasing the eaves height of the building by approx 1.0 metre a range of other mitigating factors serve to make this relationship an acceptable one. These include a significant reduction in the overall length of the building and the relocation of the structure further away from the boundary. Whilst design is always a subjective assessment, it is also considered that the fact that the unattractive warehouse building is to be replaced by a contemporary interpretation of the residential terrace must also weigh in the balance of supporting this application.

That said, the applicant has been asked to pay particular attention to the relationship between the proposal and No's 109/111. To this end, as well as confirming that any openings on the flank wall of the eastern most house serve only a stairwell and will be obscure glazed, thus preventing any overlooking, the changes have also been looked at by an independent consultant. Whilst they have not produced a full report they have confirmed that the resiting of the new building and the reduction in the overall length of the building, as compared to what is there at the moment, would not result in any overall loss of light to existing side facing windows even taking into account the slight increase in height as mentioned elsewhere in this report.

As with the relationship with Grange House, what does change is the introduction of residential windows where none exists at present. Therefore, there will be opportunities for rear facing windows in the nearest house to look down their new garden and also into the rear portion of the land behind No's 109/11. This will create what might be considered to be the usual relationship between properties found in all residential roads and the rear of the new house would be no further into the site than the rear of No's 109/11 reinforcing what be considered a "normal" relationship between buildings. For clarity, there is only one window serving the first floor bed 2 that would have the views described here and the second floor openings would be prevented from looking down by the proposed two storey bay extension, a consistent feature throughout the development. There is no doubt that things will alter for those living immediately next to this site in the event that the development is implemented, but it is considered that those changes would not be so detrimental so as to justify withholding consent on the grounds of residential impact.

There is a change in levels from Bryan Avenue sloping down to Harlesden Road and a levels condition is suggested to ensure that this does not cause difficulties when the development is implemented.

Highway Considerations

The site currently comprises a vacant B8 warehouse building of approximately 400sqm floor area and has a double width vehicular crossover on the Bryan Avenue frontage.

Bryan Avenue is a local access road which is not defined as being “heavily parked” within the Brent UDP. The site lies within CPZ “GS”, which operates 08:30 – 18:30 Monday to Friday, and has moderate accessibility with a PTAL rating of level 3. No tube or rail services are within walking distance of the site, but nine bus routes are locally available.

The existing B8 warehouse can be permitted car parking at a rate of 1 car space per 150sqm. This is the standard set out in PS6 of the UDP-2004 for sites which are not within town or district centres and do not have high PTAL ratings. Since the floor area of the building is very close to 400sqm, no more than 2 car spaces should currently be provided. However, in terms of servicing facilities under PS19, a unit of this size should really be provided with a full-sized loading bay. This is not possible within the site, so would have to be on-street in the event that the use was ever resurrected here.

The proposed residential development can be permitted up to 2.0 car spaces per 5-bed dwellinghouse, giving a total allowance of 8 spaces (a significant increase over the existing allowance). This is the full standard set out in PS14 of the UDP-2004, which is applied when sites do not have “good” PTAL ratings or better. The proposed absence of any off-street parking for the four new dwellings would therefore accord with standards.

However, Policy TRN23 requires that when off-street parking is not provided to the maximum permitted level, the impact on on-street parking conditions needs to be assessed. On-street parking can be counted along the frontage of the development only, provided the street is lightly parked and is not classed as a distributor road. In this case, the site has a frontage of 24m and as long as the existing redundant crossover to the site is reinstated to footway (at the developers expense), then four on-street parking spaces could be provided along the site frontage and counted towards the above standard.

As the road is not heavily parked, there would be no particular highway safety concerns if parking from these new houses extended further along the street, with six spaces in total (based on a proxy of 75% of the maximum standard) been considered to be the most likely quantity to accommodate. All reinstatement of crossovers and alterations to on-street bays need to be carried out at the applicants expense before the dwellings are occupied. The Transportation Engineer does not object to the application in traffic safety terms.

The plans provide details of refuse and recycling storage facilities and secure, covered cycle parking facilities. These are acceptable in technical highway terms, as they will be provided within dedicated structures in the front garden, although precise details of these will be conditioned in order to ensure that their visual impact is acceptable. It may be that something smaller, with bicycles stored in the rear gardens instead, would be more appropriate and avoid cluttering the front garden area.

As explained above, this proposal does not provide any off-street car parking spaces and relies, therefore, on the future parking demands of the occupants of the new houses to be provided on street. A number of residents have indicated that they would not wish to see any parking in front gardens and this is the basis on which this application should be considered. However, the Transportation Engineer points out that as each of the proposed dwellings is set back approx 5 metres from the highway boundary, this would allow one off-street car parking space to be provided for each dwelling at the same time as providing sufficient soft landscaping to meet Council guidance. Members will be aware of the fact that the Council does grant consent for off-street parking in appropriate locations, providing that it meets certain criteria (most obviously the need for adequate landscaping to be provided). In addition, the recently adopted Crossover policy seeks to ensure that where new crossovers are allowed they are carefully thought through, in terms of their siting, so that off-street parking does not result in an unnecessary loss of on-street parking or landscaping. An approach here could arrange the site with single spaces in each house whilst still retaining two on-street spaces for use by visitors, therefore meeting the likely demand for parking within and along the frontage of the site, without inconveniencing any other existing

residents in the street.

The issue is a balanced one, as explained, and Planning Officers favour the current proposal, as do a number of residents, but Transportation colleagues have drawn attention to the second approach.

In either situation, the applicant would need to contact the Head of Highway & Transport Delivery in order to arrange for works to be undertaken within the public highway to the front of the site, including works to provide and reinstate vehicular crossovers and to amend on-street road markings.

Planning Obligations

In order to mitigate the impact of the increased number of occupants on the local area specifically in terms of education, sustainable transport, open space and sports a contribution of £3000 per new bedroom (total £60,000) is required in accordance with SPD: S106 Planning Obligations. In addition, the applicant is asked to sign up to the Considerate Contractors Scheme which is a well-established approach in order to help to minimise disruption to people living nearby.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

- Brent Unitary Development Plan 2004
- Supplementary Planning Guidance (SPG) 17 - "Design Guide for New Developments".

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

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

CONDITIONS/REASONS:

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

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

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

- A_EX_00.
- A_EX_EL_01.
- A_EX_02.
- A_EL_01.
- A_EL_02.
- A_CON_00.
- A_DM_00.
- A_ST_00.
- A_PL_00 A.
- A_PL_01 A.
- A_PL_02.
- A_PL_03.
- A_PL_50.
- Design & Access Statement (September 2011).

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

- (3) No further extensions shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Class(es) A, B, C & D of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2008, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason:

In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority.

- (4) All existing vehicular crossovers rendered redundant by the development, hereby approved, shall be made good, the kerb reinstated and consequent parking bays/on street lining amended, at the expense of the applicants, prior to the first occupation of the development.

Reason: In the interests of highway safety and in order to allow the Council to secure proper control over the development.

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

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

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

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

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

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

- (8) Detailed drawings showing all existing trees, including the street tree to the front of the site, which are not directly affected by the buildings and works hereby approved shall be submitted to the Local Planning Authority prior to demolition and construction works. Such trees shall be retained and shall not be lopped, topped, felled, pruned, have their roots severed or be uprooted or their soil levels within the tree canopy altered at any time without prior approval in writing of the Local Planning Authority. Any such tree which subsequently dies, becomes seriously diseased or has to be removed as a result of carrying out this development shall be replaced in the next planting season with a tree of a similar species and size in the same position or in such position as the Local Planning Authority may otherwise in writing approve.

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.

- (9) Detailed drawings shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.

Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent development.

- (10) Details of:

- all fencing, walls, gateways and means of enclosure and;
- refuse/recycling/bicycle stores

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

Reason:

In the interests of the visual amenity and character of the locality.

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

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

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

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

- (13) The development is within an Air Quality Management Area (AQMA) and construction works could contribute to background air pollution levels. The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by the operation, the details of which must be submitted to the Local Planning Authority for approval, prior to commencement of the development and fully implemented whilst the works are taking place.

Reason: To minimise dust arising from the development.

INFORMATIVES:


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

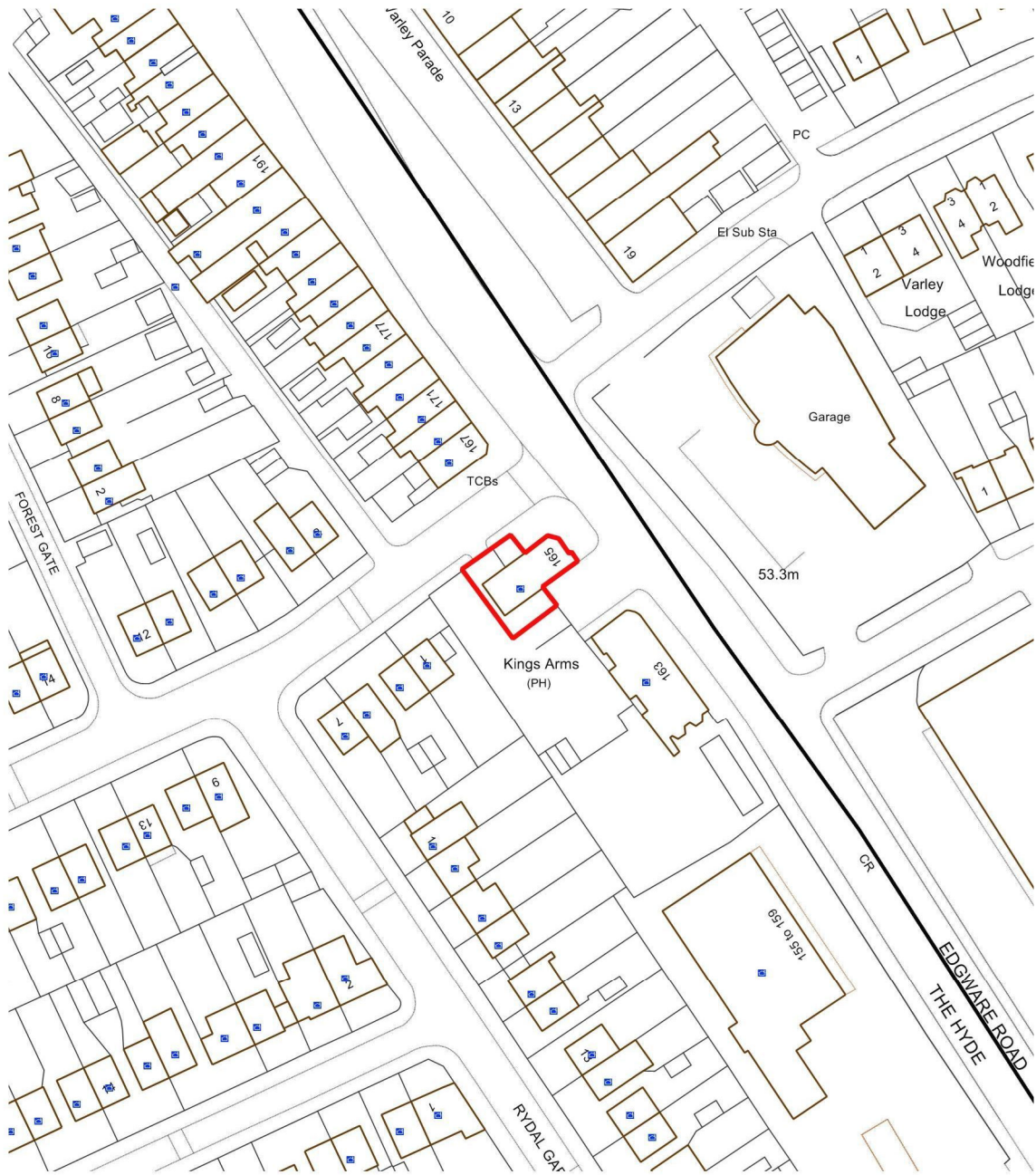
- (2) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Andy Bates, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5228

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 **Planning Committee Map**
Site address: 165 Edgware Road, Kingsbury, London, NW9 6LL
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This map is indicative only.

RECEIVED: 21 October, 2011

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 165 Edgware Road, Kingsbury, London, NW9 6LL

PROPOSAL: Change of use from Off Licence shop (Use Class A1) to Slot Machine Arcade (Sui Generis)

APPLICANT: Mr T O'Sullivan

CONTACT: Studio 136 Architects Ltd

PLAN NO'S:
See Condition 2

RECOMMENDATION

Grant Consent

EXISTING

The application site is an off-licence shop at 165 Edgware Road, on the southwestern corner of Edgware Road and Springfield Mount. It is not located in a conservation area nor is the building listed. Surrounding uses are commercial to either side and along the Edgware Road and residential to the west. The primary shopping frontage begins on the other side of Springfield Mount.

The ground floor commercial unit has a gross floor area of 112sqm and there is a self contained residential unit in the first floor. A 3m wide crossover is provided to the rear of the site from Springfield Mount to gated access into a 4m deep yard area and store.

The unit has moderate access to public transport services (PTAL 2), with close access to bus routes 32 and 142 on Edgware Road and 83 and 183 on Kingsbury Road.

Edgware Road is a London Distributor Road. There are waiting and loading restrictions at the junction of Edgware Road with Springfield Mount between 7am and 7pm on Mondays to Saturdays. Springfield Mount is a local residential access road on which there is a 20mph speed limit.

PROPOSAL

The application proposes the change of use of the ground floor unit from an off-licence (Use Class A1) to a slot machine arcade (Sui Generis). The application does not propose alterations to the shop front or existing servicing provision.

HISTORY

11/2906 Demolition of existing side extension and erection of single storey side extension to increase shop (Use Class A1) - under consideration

04/3841 Extension of single-storey side extension to retail shop **Refused** 27/01/2005

99/0381 Erection of single-storey side extension to retail shop **Refused** 20/04/1999

98/2425 Erection of single-storey side extension and installation of new shopfront **Refused**
20/01/1999

POLICY CONSIDERATIONS

Adopted Brent Unitary Development plan 2004

H22: Protection of Residential Amenity

The establishment of new incompatible non-residential uses in predominantly residential areas will not be permitted.

TRN3: Environmental Impact of Traffic

Where a planning application would cause or worsen an unacceptable environmental impact from traffic it will be refused.

TRN22: Parking Standards - Non-Residential Developments

Non-residential development should make provision for vehicular parking in accordance with the maximum standards set out in the UDP.

TRN34: Servicing in New Development

The provision of servicing is required in all development covered by the plan's standards and the loss of such facilities shall be resisted

SH13: Amusement Centres

Amusement centres will be acceptable in Secondary Shopping Frontages subject to provisions.

SH18: Other Shopping Parades

In shopping parades outside the primary and secondary areas, change of use to appropriate alternative uses will be permitted.

CONSULTATION

A total of 21 adjoining owner/occupiers were consulted regarding the application on Edgware Road and Springfield Mount.

3 letters of objection and 1 petition containing 95 signatories have been received raising the following objections:

- Increase in crime and antisocial behaviour;
- Unclear whether the proposal is for a betting shop/slot machine arcade or adult gaming centre;
- No information on the types of activities;
- Gambling well provided for in the area;

Officer Comment: These matters will be considered in the Remarks Section of the report.

External Consultees

London Borough of Barnet - No comments or objections received.

Internal Consultees

Highway & Transport Delivery - There is no change of parking and servicing allowances for the unit due to the proposed change of use from retail to amusement arcade.

REMARKS

The application proposes to change the use of the ground floor unit to a slot machine arcade. Whilst the proposed use is specified as a slot machine arcade, it would also fall within the definition of a gaming centre or an amusement centre/arcade.

It is noted that the Design and Access Statement submitted with the application refers to the use as a 'Adult Gaming Centre'. These are arcades for adults providing gaming machines with higher payouts than family entertainment centres. It is not possible to impose age limits on the customers of an amusement centre by condition as this would fail the enforceability test of Circular 11/95. As such, this application must be considered in terms of the general principle of providing a slot machine arcade with no such restrictions in place.

Principle of use

The application site fronts Edgware Road, just outside of the Primary Shopping frontage which begins on the northwestern side of Springfield Mount. As the unit is located outside of the protected shopping frontage and is in close proximity to other shops which serve the locality, the principle of the change of use to non-retail can be accepted.

Policy SH13 in the UDP relates specifically to the provision of amusement centres (which would include a slot machine arcade) and sets out that such uses will be acceptable only in Secondary Shopping Frontages subject to consideration of (1) the amenity of residential occupiers; (2) proximity to sensitive uses; (3) traffic impacts; and (4) whether there is a concentration of similar uses. Whilst it is acknowledged the site is not located in a designated Secondary Shopping Frontage, it is located adjacent to the Primary Shopping Frontage and should be assessed against the criteria of Policy SH13 to consider whether the proposal meets the aims of this policy.

Assessment against Policy SH13

(1) Residential amenity

There is a residential flat located above the application site and to the rear are residential properties fronting Springfield Gardens, separated by an access to the public house car park (though does not appear to be in regular use). The site is in close proximity to the Primary Shopping Frontage comprising ground floor commercial premises and is adjacent to a public house; the opening hours of some of these uses extend into the evening. It also fronts Edgware Road, which is a busy highway. Consequently, a degree of noise is to be anticipated for residents of such areas.

The use itself will generally be contained within the building other than the coming and going of customers. The change of use would be unlikely to result in noise and disturbance in excess of what residents above such premises and in the surrounding area would reasonably expect. No proposed opening hours have been provided by the applicant however it is recommended that the hours of use are controlled by condition to restrict the use to daytime opening hours.

There is no evidence to indicate that users of the amusement centre would be a threat to the safety and security or cause anti social behaviour. Moral objections to developments are given little weight in decision making unless there is some tangible land use or amenity impact deriving from such activities which can be shown.

(2) Proximity to sensitive uses

Policy SH13 sets out possible sensitive uses which include schools and religious buildings. No such uses adjoin the site and given the location on the busy Edgware Road, it is considered that this would be an appropriate location for such a use.

(3) Traffic Impacts

There is no designated parking or servicing on site. Transportation have confirmed that parking

and servicing requirements would be unaltered from the existing retail use. As such, the proposal is not considered to result any unacceptable transportation impacts.

(4) Concentration of similar uses

The application site is located on Edgware Road where there are a wide variety of uses. It is noted there are betting offices on Edgware Road and objectors have noted that slot machines are already provided in public houses in the locality. This is an area with a wide variety of uses and given the range and overall provision of commercial uses, the proposal would not result in a concentration of similar uses. The slot machines provided in a public house are ancillary to the main function and would not require planning permission. As they are not the principle use, it is not considered that significant weight can be given to their provision when assessing the concentration of similar uses.

Conclusions

It is considered that having assessed the proposal against the criteria of Policy SH13, the use can be accepted in this location. The scale of the proposed use would be restricted by the gross floor area of 112 sq m.

It should be noted that there is a current application for an extension to the premises however this has been made by a different applicant. This application has been considered on the basis of the plans submitted and as such, a condition will be imposed to restrict extensions.

In term of regulation of the use, the Gambling Commission was set up under the Gambling Act 2005 to regulate commercial gambling in Great Britain. A licence would be required for the proposed use and the Council will undertake inspections and enforce the conditions on issued licences, permit and notices. This however is outside of the remit of planning control.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

CONDITIONS/REASONS:

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

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

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

D_11_165EDG_01

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

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

09:00 hours and 18:00 hours Mondays to Saturdays
10:00 hours and 16:00 on Sundays and Bank Holidays

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

- (4) This permission shall only be implemented if no works have been carried out to extend the existing building as shown on the approved plans. No extensions shall take place following implementation of this planning without the prior consent of the local planning authority

Reason: To ensure consideration is given to the acceptability of any future proposals for extension in relation to this use.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

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

**Committee Report
Planning Committee on 18 January,
2012**

**Item No. 05
Case No. 11/2857**



Planning Committee Map

Site address: Barham Park Estate, Wembley, HA0 2NE

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This map is indicative only.

RECEIVED: 3 November, 2011

WARD: Sudbury

PLANNING AREA: Wembley Consultative Forum

LOCATION: Barham Park Estate, Wembley, HA0 2NE

PROPOSAL: Variation of condition 3 (development to be carried out in accordance with approved plans and documents) to allow minor-material amendments comprising:

- amendments to the entrance of the ground floor retail unit (Phase 1B)
- amendments to the shopfront openings/windows (Phase 1B)
- amendments to the internal layout (Phase 1B)

of planning permission **09/2350**; dated 17/03/10 for *Hybrid planning application for the demolition and redevelopment of the entire Barham Park Estate, comprising: Full planning permission for the erection of 1 part four-/part five-storey block and 2 part six-/part eight-storey blocks, comprising in total 119 residential units, 422m² of (Use Class A1/A2) floorspace and a 121m² community facility (Use D1), with associated parking, landscaping, amenity space and including the diversion of the public footpath connecting Central Road and railway footbridge; and Outline planning permission for the erection of a further 216 residential units (matters to be approved: land use, quantum of development and means of access, with layout, scale, appearance and landscaping reserved) and subject to a Deed of Agreement dated 17th March 2010 under Section 106 of the Town and Country Planning Act 1990, as amended*

APPLICANT: Notting Hill Housing Trust

CONTACT: PRP Planning

PLAN NO'S:

Refer to condition 3 for all approved plans and/or documents

RECOMMENDATION

That condition 3 of planning permission 09/2350 be varied as proposed and a new permission issued.

EXISTING

Planning permission 09/2350 was reported to Planning Committee on 3 February 2010, and permission subsequently issued on 23 March 2010, with the following description of development;

Hybrid planning application for the demolition and redevelopment of the entire Barham Park Estate, comprising: Full planning permission for the erection of 1 part four-/part five-storey block and 2 part six-/part eight-storey blocks, comprising in total 119 residential units, 422m² of (Use Class A1/A2) floorspace and a 121m² community facility (Use D1), with associated parking, landscaping, amenity space and including the diversion of the public footpath connecting Central Road and railway footbridge; and Outline planning permission for the erection of a further 216 residential units (matters to be approved: land use, quantum of development and means of access,

with layout, scale, appearance and landscaping reserved)and subject to a Deed of Agreement dated 17th March 2010 under Section 106 of the Town and Country Planning Act 1990, as amended.

Reserved matters relating to layout, scale, appearance and landscaping, pursuant to Condition 2 of outline planning permission 09/2350 for the erection of 216 residential units in phases 2 & 3 were approved under planning permission 10/2898.

A number of details pursuant applications have been submitted and approved, these discharge various pre-commencement conditions relating to Phase 1A and Phase 1B of the estate regeneration.

A non-material amendment was granted permission in December 2011 (ref; 11/2854) this is to (i) alter some window and door locations in Phases 1A & 1B (ii) make alterations to the louvre locations and openings in Phases 1A & 1B, and (iii) make minor changes to the internal layout arrangements.

PROPOSAL

It is proposed to make minor material amendments to the original scheme as approved. The changes proposed relate to Phase 1B only, this is the block fronting Harrow Road. Changes to the entrance/openings to the ground floor retail unit are proposed, these changes entail the following works;

1. Amendments to the entrance to the retail unit. The entrance at the southern most end of this block was originally approved recessed, with a entrance lobby. This recessed element allowed for the upper floors to overhang, forming an integral design feature. The proposed material amendment would see the entrance lobby removed and the entrance doors moved slightly futher forward. The overhang feature is still retained even with the said changes.
2. Amendments to the shopfront and window openings are proposed to suit tenant requirements.
3. Removal of internal bin store.

All the changes proposed are to accommodate the requirements of a prospective tenant of the retail unit who has identified that these changes are necessary to improve their operations within the store.

HISTORY

09/2350 - Granted

Hybrid planning application for the demolition and redevelopment of the entire Barham Park Estate, comprising: Full planning permission for the erection of 1 part four-/part five-storey block and 2 part six-/part eight-storey blocks, comprising in total 119 residential units, 422m² of (Use Class A1/A2) floorspace and a 121m² community facility (Use D1), with associated parking, landscaping, amenity space and including the diversion of the public footpath connecting Central Road and railway footbridge; and Outline planning permission for the erection of a further 216 residential units (matters to be approved: land use, quantum of development and means of access, with layout, scale, appearance and landscaping reserved)and subject to a Deed of Agreement dated 17th March 2010 under Section 106 of the Town and Country Planning Act 1990, as amended.

10/1211 - Granted 15/07/10

Details pursuant to condition 11(Construction environmental management plan), 14 (site waste management plan) 21 (Air quality assessment) 23 (satellite tv deatils) and 24 (phasing plan) of full planning permission reference 09/2350 dated 23/03/2010.

10/2368 - Granted 13/07/10

Details pursuant to condition 7a and 7b in part only (soil remediation), 10a and 10b (external materials) and condition 15 (surface water drainage) of hybrid planning permission reference 09/2350 dated 23/03/2010.

10/2898 - Granted 04/02/11

Approval of reserved matters relating to layout, scale, appearance and landscaping, pursuant to Condition 2 of outline planning permission 09/2350 dated 17/03/10 for erection of 216 residential units (related to phases 2 & 3).

11/0467 - Granted 06/04/11

Details pursuant to condition 18 in part only (lighting details for Phase 1A & 1B) and 25 (road geometry) of the hybrid planning permission (LPA Ref: 09/2350).

11/1376 - Currently undetermined

Details pursuant to condition 10c (external materials) and 19a and 19b (site wide infrastructure, layout, surface water drainage, refuse, recycling and cycle parking) of full application reference 09/2350 dated 23/03/2010.

11/1920 - Granted 28/09/11

Details pursuant in part to condition 22a and 22b (acoustic details), of full planning application reference 09/2350 dated 23 March 2010.

11/2854 - Granted 08/12/11

Non-material amendment;

To make amendments to the elevations of Phases 1A and 1B including alterations to window and door locations and design, alterations to louvre locations and design and minor changes to the internal arrangement.

of planning permission **09/2350**;

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.
- TRN34 servicing in new development

LDF Brent Core Strategy 2010

Policies CP5, CP6, and CP17.

Brent Supplementary Planning Guidance

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

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

National

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

CONSULTATION

Given the nature of the amendments being proposed it was not considered necessary to carry out any public consultation, or notify any statutory consultees in respect of the changes.

REMARKS

Key considerations

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

- (a) whether the proposed amendments would cause harm to the amenity of neighbouring residents
- (b) whether the proposed amendments would harm the visual amenities of the area
- (c) whether the proposed amendments would be detrimental to the design quality

Background

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

It is against this background that a variation of Condition 3 of planning permission 09/2350 is sought, these changes would result in some minor material amendments to the originally approved scheme.

Amenity of neighbouring residents

The changes affect the retail unit only and no residential units will be affected by the minor changes to the shop entrance and shopfront openings.

In this respect the proposed changes are considered acceptable.

Visual amenities of the area

The minor amendments to the entrance lobby associated with the retail unit would not materially weaken the design approach as the overhang feature is still retained, nor would the alterations to the shopfront openings significantly affect the visual amenities of the area.

In this respect the proposed changes are considered acceptable.

Impact on the design quality

The scheme originally approved includes a recessed entrance and lobby at the southern end of the retail unit. Central to the design of this block, particularly at its southern was an overhang feature on the upper floors. Whilst the amendments proposed would result in the loss of the entrance lobby on the ground floor there would be no impact on the overhang feature. This is an important component of the design of Phase 1B and it is to be retained.

In this respect the changes the retail entrance and the shopfront design/openings are considered acceptable.

Change to bin store

A dedicated bin store was originally approved on the ground floor, for the sole use of the occupants of this retail space. The future tenants propose to remove this, their waste and recycling will be compacted 'in house' and brought up to the retail delivery zone, for removal by delivery vehicles. This will improve their operation on site.

In this respect the proposed changes are considered acceptable.

Conditions and s106

The conditions attached to the original decision notice are repeated, although the standard time condition is amended to reflect the original decision date and where further details have already been approved, these are included in the conditions. All pre-commencement conditions which relate to Phase 1A and Phase 1B have been discharged. A number of other pre-commencement conditions have not yet been discharged but these relate to Phases 2 and 3, for which a material start has not been made.

The works that are progressing on site relate only to Phase 1A and Phase 1B.

There is an outstanding details pursuant application (ref; 11/1376) which relates to Conditions 10(c), 19a and 19(b), this is still being considered and Officers have been in dialogue with the developers/applicants with regard to this. Officers anticipate that this can be concluded swiftly.

The original section 106 legal agreement contains provision for 'Varied Planning Permissions' to include any planning permission issued pursuant to an application to vary or further vary any of the conditions in the 'Planning Permission' (in this instance the 'Planning Permission' refers to 09/2350 dated 23/03/2010).

Conclusion

The changes proposed are not considered to significantly change the approved scheme, but are necessary to accommodate the operational requirements of a prospective tenant of the retail space. Your officers recommend the minor material amendment be approved.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development

Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

Transport: in terms of sustainability, safety and servicing needs

Community Facilities: in terms of meeting the demand for community services

Design and Regeneration: in terms of guiding new development and Extensions

CONDITIONS/REASONS:

(1) In the case of the 'reserved matters' approved under planning permission 10/2898, the development to which this permission relates must be begun not later than whichever is the later of the following dates:-

(i) the expiration of three years from the date of the planning permission, which is 23/03/10 ; or

(ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990.

The relevant parts of the development as approved (excluding Phase 1A, Block A, B and Phase 1B, Block G, H) shall be carried out fully in accordance with the Reserved Matters details approved under planning permission 10/2898, in accordance with the following plans/documents;

AA1896/2.1/01,revA (1:1250)	AA1896/2.1/061,revB (1:200)
A6212/2.1/05 (1:500)	AA1896/2.1/062,revC (1:200)
AA1896/2.1/006, revC (1:500)	AA1896/2.1/070,revA (1:200)
AA1896/2.1/014,revB	AA1896/2.1/071,revB (1:200)
AA1896/2.1/016,revA (1:200)	AA1896/2.1/072,revC (1:200)
AA1896/2.1/017,revA (1:200)	AA1896/2.1/080,revD (1:200)
AA1896/2.1/018 (1:100)	AA1896/2.1/081,revC (1:200)
AA1896/2.1/019 (1:100)	AA1896/2.1/082,revC (1:200)
AA1896/2.1/020,RevA (1:200)	AA1896/2.1/083,revB (1:200)
AA1896/2.1/021,revB (1:200)	AA1896/2.1/084,revC (1:200)
AA1896/2.1/022,revB (1:200)	AA1896/2.1/090,revA (1:200)
AA1896/2.1/023,revB (1:200)	AA1896/2.1/091,revB (1:200)
AA1896/2.1/030,revC (1:200)	AA1896/2.1/092,revC (1:200)
AA1896/2.1/031,revC (1;200)	AA1896/2.1/100,revA (1:200)
AA1896/2.1/032,revB (1:200)	AA1896/2.1/101,revB (1:200)
AA1896/2.1/040,revC (1:200)	AA1896/2.1/102,revC (1:200)
AA1896/2.1/041,revC (1:200)	AA1896/2.1/110,revA (1:200)
AA1896/2.1/042,revD (1:200)	AA1896/2.1/111,revB (1:200)
AA1896/2.1/050,revB (1:200)	AA1896/2.1/112,revB (1:200)
AA1896/2.1/051,revB (1:200)	
AA1896/2.1/052,revC (1:200)	
AA1896/2.1/060,revA (1:200)	

PRP, Planning Statement Addendum, Nov 2010

PRP, Overshadowing Assessment with Addendum, Nov 2010

PRP, Phases 2 & 3 Design & Access Statement, Jan 2011 version

PRP, Energy Strategy, Nov 2009

PRP, Environment & Sustainability Statement, May 2010

PRP, Code for Sustainable Homes Pre-Assessment Level 4, Nov 2010

Brand Leonard, Geotechnical & Geoenvironmental Report No. 35091/01 (June 2006) Incorporating Contamination Assessment & Drg No. 10353/5037, Nov 2010

Mayer Brown, Transport Assessment, Nov 2009
 PRP, Affordable Housing Statement, Nov 2009
 AMA, Phase 1 Habitat Survey, Sept 2009
 PRP, Tree Assessment Report, Sept 2009
 Brand Leonard, Flood Risk Assessment, Sept 2009
 Brand Leonard, Supplementary to Flood Risk Assessment, Nov 2010
 Mayer Brown, Air Quality Assessment, May 2010
 Mayer Brown, Air Quality Assessment, Sept 2006
 CgMS, Archaeological Desk Based Assessment, May 2006
 AWA, Utility Services Report, Oct 2010
 Addendum to 2009 Statement of Community Involvement, Nov 2010
 Mayer Brown, Noise & Vibration Assessment, 2006
 Drg 11018/1003P1, Street Lighting Layout (1:500)
 Drg 11018/1001P2, Proposed Road Geometry Sheet 1 of 2 (1:250)
 Drg 11018/1002P2, Proposed Road Geometry Sheet 2 of 2 (1:250)

The relevant part of the development shall in all aspects be carried out in accordance with the approved plans unless further or revised details are submitted to and approved in writing by the Local Planning Authority

Reason: In order that the Local Authority is satisfied with the details of the proposed development. And for the avoidance of doubt and in the interests of proper planning.

NOTE - Other conditions may provide further information concerning details required.
 (2)

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

Application 09/2350

A6212/2.1/01 (1:1250)	A6212/2.1/22, revA (1:200)
A6212/2.1/02 (1:500)	A6212/2.1/27, revE (1:200)
A6212/2.1/03 (1:500)	A6212/2.1/28, revE (1:200)
A6212/2.1/05 (1:500)	A6212/2.1/30, revB (1:200)
A6212/2.1/06, revA (1:500)	A6212/2.1/40, revA (1:200)
A6212/2.1/07 (1:500)	A6212/2.1/41, revC (1:200)
A6212/2.1/08 (1:500)	A6212/2.1/42, revC (1:200)
A6212/2.1/10, revB (1:500)	A6212/2.1/43, revC (1:200)
A6212/2.1/20, revC (1:250)	A6212/2.1/44, revA (1:200)
A6212/2.1/21, revA (1:200)	A6212/2.1/47, revE (1:200)
	A6212/2.1/48, revE (1:200)
	A6212/2.1/50, revA (1:200)
	A6212/2.3/300, revB (1:10000)

PRP, Design & Access Statement, Nov 2009
 Mayer Brown, Noise & Vibration Assessment, Sep 2006
 Mayer Brown, Transport Assessment, Nov 2009
 Brand Leonard, Flood Risk Assessment, Sep 2009, RevA, Nov 2009
 PRP, Tree Assessment Report, Sep 2009
 PRP, Overshadowing Assessment, Nov 2009
 PRP, Energy Strategy, Nov 2009
 PRP, Environmental & Sustainability Strategy, Nov 2009
 PRP, Code for Sustainable Homes pre-assessment, Nov 2009
 PRP, BREEAM Retail Pre-Assessment, Nov 2009
 PRP, BREEAM for Offices Pre-Assessment, Nov 2009
 Brand Leonard, Land Contamination Assessment, Nov 2009

Mayer Brown, Air Quality Assessment, Sep 2006
Barham Park Estate Option Appraisal Report, Aug 2003
Statement of Community Involvement, Nov 2009
CgMs, Archeological Desk Based Assessment, May 2006
AWA, Existing & Proposed Utility Services Report, Nov 2009
AMA, Phase 1 Habitat Survey

Application 11/2857

A6212/2.1/21, revC (1:200)

A6212/2.1/27, revF (1:200)

A6212/2.1/28, revF (1:200)

A6212/2.1/41, revF (1:200)

A6212/2.1/47, revG (1:200)

A6212/2.1/48, revF (1:200)

unless further or revised details are submitted to and approved in writing by the Local Planning Authority

Reason: To ensure a satisfactory development.

- (4) The relevant phases of the development hereby approved shall not be occupied until all parking spaces, turning areas, loading bays, access roads and footways to be constructed (and associated with that phase of development) have been permanently marked out.

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

- (5) The loading area(s) indicated on the approved plan(s) shall be maintained free from obstruction and not used for storage purposes (whether temporary or permanent) unless prior written approval has been obtained from the Local Planning Authority.

Reason: To ensure that vehicles waiting or being loaded or unloaded are parked in loading areas so as not to interfere with the free passage of vehicles or pedestrians within the site and along the public highway.

- (6) Activities within the Use Class B1(a)/D1 floorspace within Phase 1B shall only be permitted between 0800 - 2230 hours Sundays to Thursdays and 0800 - 2300 hours Fridays and Saturdays, with the premises cleared within 30 minutes after these times, unless otherwise agreed in writing by the Local Planning Authority.

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

- (7) For Phase 1A and Phase 1B soil remediation works shall be carried out in accordance with the details approved under planning permission 10/2368, fully in accordance with the following documents unless further or revised details are submitted to and approved in writing by the Local Planning Authority ;

Site location plan, Drg A6212/2.1/01 (1:1250)

Drg 10353/5059, dated 8 Sept 2010 (1:700)

Remediation Layout Sheet 1 of 3, drg 10353/1A/1015 (1:100)

Remediation Layout Sheet 2 of 3, drg 10353/1A/1016 (1:100)

Remediation Layout Sheet 3 of 3, drg 10353/1A/1017 (1:100)

Remediation Layout, drg 10353/1B/2015

- a. Phase 1A of the development shall not be occupied until a satisfactory verification report has been provided to the local planning authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use.
- b. Phase 1B of the development shall not be occupied until a satisfactory verification report has been provided to the local planning authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use.

For Phase 2 and Phase 3 soil remediation shall be carried out in accordance with a scheme that shall be submitted to the local planning authority for approval;

- c. Phase 2 of the development shall not be occupied until a satisfactory verification report has been provided to the local planning authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use.
- d. Phase 3 of the development shall not be occupied until a satisfactory verification report has been provided to the local planning authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use.

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

- (8) The applicant shall design all residential premises in accordance with BS8233:1999 'Sound Insulation and Noise Reduction for Buildings-Code of Practice' to attain the following internal noise levels as a minimum:

Criterion	Typical situations	Design range $L_{Aeq, T}$
Reasonable resting 07:00 – 23:00) conditions	Living rooms	30 – 40 dB (day: T =16 hours
Reasonable sleeping 23:00 – 07:00) conditions	Bedrooms	30 – 35 dB (night: T = 8 hours L_{Amax} 45 dB (night 23:00 – 07:00)

If the above internal noise levels are not achieved then further works, in accordance with details specified by the Local Planning Authority, shall be carried out in order to achieve such levels.

Reason: To safeguard the amenity of future occupants of the development

- (9) The Use Class B1(a)/D1 floorspace within Phase 1B hereby approved shall be used exclusively for the purpose(s) specified in the application hereby approved and for no other purpose (including any other purpose in Use Class B1(a)/D1 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.

Reason: To prevent a number of uses becoming established on the site and to ensure that the standards applied to the consideration of the approved development are maintained in connection with the completed development so approved.

- (10) Prior to the occupation of the proposed retail space within Phase 1B a Service Area and Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority and the approved plan shall be fully implemented, unless further or revised details are submitted to and approved in writing by the Local Planning Authority.

Reason ; In the interests of highway safety

- (11) Phase 1A and 1B shall be carried out in the following materials and in accordance with the approved details, as approved by planning permission 10/2368, unless further or revised details are submitted to and approved in writing by the Local Planning Authority :

Brick Samples;

Sevenoaks Yellow multi lbstock brick sample
Barham blend which provides a variety in tones
Grenoble metallic brick

External cladding terracotta samples;

Phase 1A tones – dark grey, matt white, middle grey and bright grey
Phase 1B tones – cream, bright red, dark red and brick red.

Site location plan, Drg A6212/2.1/01 (1:1250)

Drg 10353/5059, dated 8 Sept 2010 (1:700)

Remediation Layout Sheet 1 of 3, drg 10353/1A/1015 (1:100)

Remediation Layout Sheet 2 of 3, drg 10353/1A/1016 (1:100)

Remediation Layout Sheet 3 of 3, drg 10353/1A/1017 (1:100)

Remediation Layout, drg 10353/1B/2015

Janex windows (as confirmed by email dated 4 July 2011)

- a. Phase 2 of the development as hereby permitted shall not commence (save for demolition) until samples of the external materials and finishes to be used for all external surfaces of the buildings (including but not limited to roofs, elevation treatment, glazing and balconies) have been submitted to and approved in writing by the Local Planning Authority. The relevant part of the development shall in all aspects be carried out in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority.
- b. Phase 3 of the development as hereby permitted shall not commence (save for demolition) until samples of the external materials and finishes to be used for all external surfaces of the buildings (including but not limited to roofs, elevation treatment, glazing and balconies) have been submitted to and approved in writing by the Local Planning Authority. The relevant part of the development shall in all aspects be carried out in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order that the Local Authority is satisfied with the details of the proposed development.

- (12) The development shall be carried out fully in accordance with the Construction Management Plan submitted to and approved in writing by the Local Planning Authority under planning application 10/1211. Thereafter the different phases of the development shall be implemented in accordance with the approved plan, unless

further or revised details are submitted to and approved in writing by the Local Planning Authority :

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

- (13) The remainder of the undeveloped land within the curtilage of the site, within the relevant parts of the development hereby permitted (excluding Phase 1A Block A, B and Phase 1B Block G, H) shall be suitably treated with hard and soft landscaping, including trees/shrubs/grass (including species, plant sizes and planting densities), in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on the site; such landscaping work shall be completed prior to occupation of the building(s) within these phases, or within six weeks of the commencement of the next planting season, if the commencement of construction of the development takes place outside the planting season, in accordance with a program to be first agreed in writing by the local planning authority. The approved maintenance arrangement shall be fully implemented.

Such a landscaping scheme shall also indicate:-

- (a) full details of the construction of the podium deck between blocks UP and WN
- (b) full details of the proposed play space including equipment, surfacing, boundary treatments and planting
- (c) all existing and proposed levels throughout the site
- (d) other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, footways and other paved pedestrian areas.
- (e) full details of the proposed arrangements for maintenance of the landscaping for the first 5 years
- (f) full details of the proposed boundary treatments and fencing within the site and around the perimeter of the site. indicating materials and heights
- (g) details of screen planting along and surrounding proposed car parking areas
- (h) areas of hard landscape works and proposed materials
- (i) full details of replacement trees and tree protection measures to be carried in accordance with BS 5837:2005 for any existing trees to be retained within the relevant parts of the development during construction.

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 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 standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

- (14) a. Prior to first occupation of Block AB in Phase 1A of the development the applicant is required to submit in writing to the Local Planning Authority the results of post-completion testing undertaken in the noise affected dwellings closest to the railway land.
- b. Prior to first occupation of Block GH in Phase 1B of the development the applicant is required to submit in writing to the Local Planning Authority the results of post-completion testing undertaken in the noise affected dwellings closest to Harrow Road.

- c. Prior to first occupation of Blocks C, D, E in Phase 2 of the development the applicant is required to submit in writing to the Local Planning Authority the results of post-completion testing undertaken in the noise affected dwellings closest to the railway land.
- d. Prior to first occupation of Block F in Phase 3 of the development the applicant is required to submit in writing to the Local Planning Authority the results of post-completion testing undertaken in the noise affected dwellings closest to the railway land

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

- (15) The development shall be carried out fully in accordance with the Site Waste Management Plan approved under planning permission 10/1211, unless further or revised details are submitted to and approved in writing by the Local Planning Authority

Reason; to ensure that waste generated by the development is minimised.

- (16) The surface water drainage scheme for the site, shall be carried out fully in accordance with the details approved under planning permission 10/2368, unless further or revised details are submitted to and approved in writing by the Local Planning Authority

Reason; to prevent flooding by ensuring satisfactory storage and disposal of surface water from the site

- (17) Further details of secure cycle parking spaces for the relevant parts of the development hereby approved (excluding Phase 1A, Block A, B and Phase 1B, Block G, H) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained, unless further or revised details are submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory facilities for cyclists.

- (18) (a) In relation to Phase 1A Phase 1B the lighting details shall be implemented fully in accordance with the following plans/documents and details approved under planning permission 11/0467;

Drg A6212/2.1/01 (1:1250)
Drg 10353/1A/1032C1 (1:200)
Drg 10353/1B/2028C1 (1:200)
Drg 10353/2027 (1:500)
Drg 11018/1001P2 (1:250)
Drg 11018/1002P2 (1:250)

unless further or revised details are submitted to and approved in writing by the Local Planning Authority.

- (b) Phase 2 of the development hereby permitted shall not be occupied until further details of lighting, have been submitted to and approved in writing by the Local Planning Authority, such details to include details of lighting to all;
 - (a) roads; and

- (b) footpaths;
- (c) open spaces

(c) Phase 3 of the development hereby permitted shall not be occupied until further details of lighting, have been submitted to and approved in writing by the Local Planning Authority, such details to include details of lighting to all;

- (a) roads; and
- (b) footpaths;
- (c) open spaces

The approved details shall be fully implemented.

Reason: In the interests of safety, amenity and convenience.

- (19) (a) Phase 2 of the development hereby permitted shall not be commenced on site until details of the following have been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority:

- i) infrastructure, including any roads, parking spaces, servicing areas, footpaths, street furniture, including visitor cycle-parking spaces and planters;
- ii) foul and surface water drainage;
- iii) footpath layout, connections and traffic-management measures, including all surface treatments;
- iv) the internal layout of buildings and layout and detailed design of roof terraces or other areas of external space, including internal circulation areas, refuse-storage areas, cycle-storage areas, any plant room, any other internal area and any areas of external space.

The approved details shall be implemented in full.

(b) Phase 3 of the development hereby permitted shall not be commenced on site until details of the following have been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority:

- i) infrastructure, including any roads, parking spaces, servicing areas, footpaths, street furniture, including visitor cycle-parking spaces and planters;
- ii) foul and surface water drainage;
- iii) footpath layout, connections and traffic-management measures, including all surface treatments;
- iv) the internal layout of buildings and layout and detailed design of roof terraces or other areas of external space, including internal circulation areas, refuse-storage areas, cycle-storage areas, any plant room, any other internal area and any areas of external space.

The approved details shall be implemented in full.

Reason: In order to ensure a satisfactory development.

- (20) Prior to commencement of use of the approved Use Class A1 floorspace further details of air conditioning, ventilation and flue extraction systems, that may be required including particulars of noise levels shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the use on site. The approved details shall thereafter be fully implemented in accordance with such details unless further or revised details are submitted to and approved in writing by

the Local Planning Authority.

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

- (21) The development (save for demolition) shall be carried out fully in accordance with the air quality impact assessment approved under planning permission 10/1211. All mitigation measures set out within this approved document shall be implemented in full, unless further or revised details are submitted to and approved in writing by the Local Planning Authority.

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

- (22) a. Prior to first occupation of Block AB in Phase 1A the additional acoustic glazing and the acoustic ventilation measures that were approved under planning permission 11/1920 shall be fully implemented, unless further or revised details are submitted to and approved in writing by the Local Planning Authority.
- b. Prior to first occupation of Block GH in Phase 1B the additional acoustic glazing and the acoustic ventilation measures that were approved under planning permission 11/1920 shall be fully implemented, unless further or revised details are submitted to and approved in writing by the Local Planning Authority.
- c. Prior to first occupation of Blocks C, D, E in Phase 2 of the development the applicant shall provide a schedule indicating which dwellings will be subject to additional acoustic glazing and the acoustic ventilation or verify that all dwellings will be subject to these measures (meeting BS EN ISO 140-3 and indices derived in accordance with BS EN ISO 717-1 as a minimum).
- d. Prior to first occupation of Block F in Phase 3 of the development the applicant shall provide a schedule indicating which dwellings will be subject to additional acoustic glazing and the acoustic ventilation or verify that all dwellings will be subject to these measures (meeting BS EN ISO 140-3 and indices derived in accordance with BS EN ISO 717-1 as a minimum).

Reason; to safeguard the amenity of future occupants of the development

- (23) The communal television system/satellite dish system shall be implemented and thereafter maintained fully in accordance with the details approved under planning permission 10/1211, unless further or revised details are submitted to and approved in writing by the Local Planning Authority.

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

- (24) The phased development shall be carried out fully in accordance with the detailed phasing plan approved under planning permission 10/1211, unless further or revised details are submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the development is correctly phased in the interests of the proper planning of the area.

- (25) Speed tables or speed cushions along Saunderton Road shall be provided fully in accordance with the details approved under planning permission 11/0467, and the road shall be constructed fully in accordance with such details, unless further or revised details are submitted to and approved in writing by the Local Planning

Authority

Reason: To ensure a satisfactory design in the interests of the free-flow of traffic and the conditions of general safety along the highway.

INFORMATIVES:

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

- (2) Network Rail requests that at least 6 weeks prior to commencement of works on site the Outside Parties Engineer must be contacted. Contact details are; Territory Outside Party Engineer, Network Rail (London North Western), 11th Floor, The Mail Box, 100 Wharfside Street, Birmingham, B1 1RT.

The applicant/developer should contact Network Rail in relation to this and other matters they wish to be taken into consideration during the construction phases.

- (3) Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any
 - (a) illuminated fascia signs
 - (b) projecting box signs
 - (c) advertising signs
 - (d) hoardings

- (4) In relation to condition 7 the applicant is advised that the quality of imported soil shall be verified through *in-situ* soil sampling and analysis, at a minimum ratio of 1 sample per every 50 cubic metres. All structures associated with fuel storage and retail shall be removed from site and this work must be validated to ensure that no residual hydrocarbons remain on site at levels above agreed concentrations.

- (5) The applicant is reminded that this decision should be read in conjunction with non-material minor amendment planning permission 11/2854.


Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227

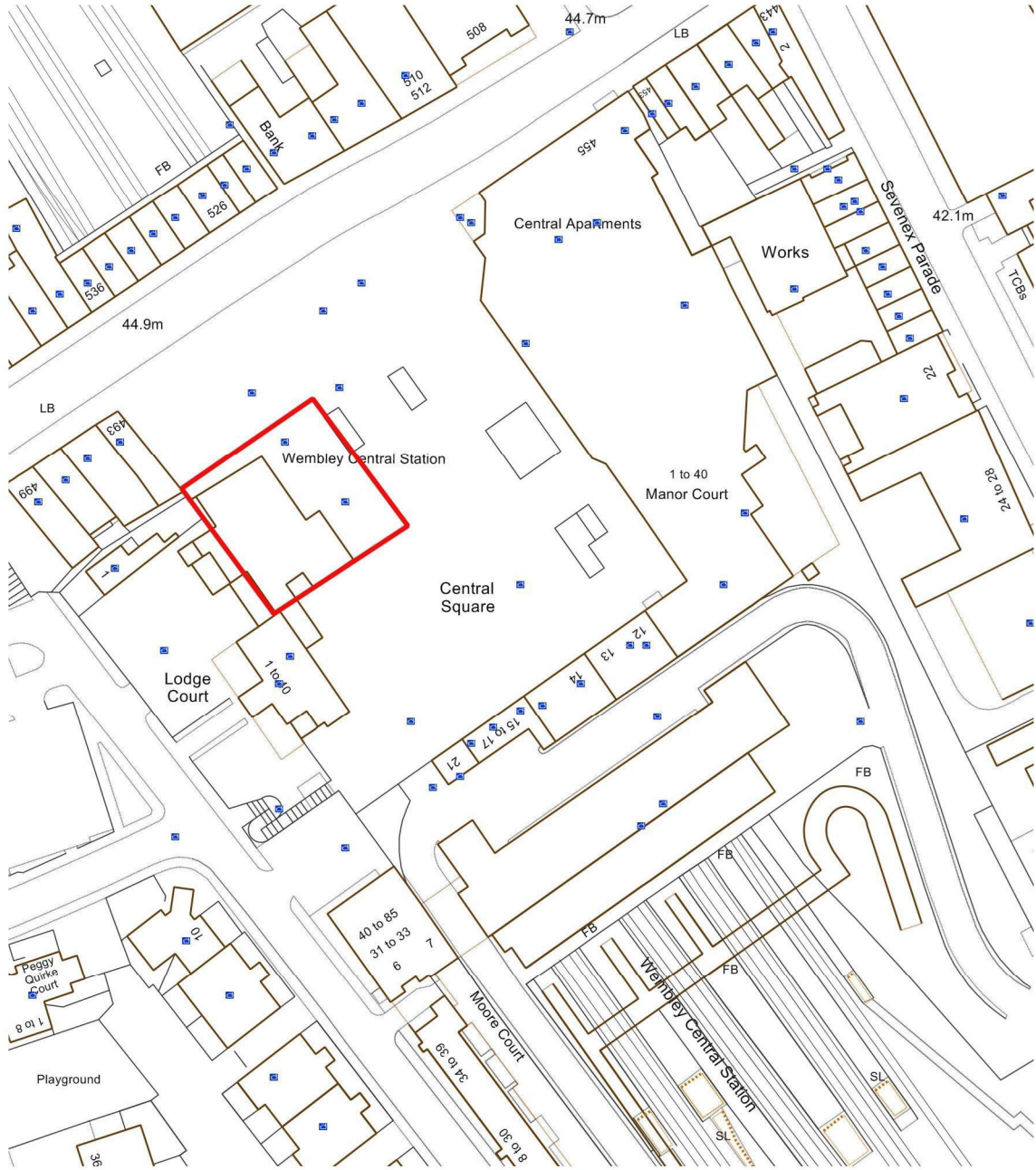
Agenda Item 6

Committee Report
Planning Committee on 18 January, 2012

Item No.
Case No.

06
11/2635

 **Planning Committee Map**
Site address: Central Square, Wembley, HA9
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This map is indicative only.

RECEIVED: 5 October, 2011

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: Central Square, Wembley, HA9

PROPOSAL: Erection of a new 5 storey block incorporating a retained station ticket hall and new platform access corridor 2729 sqm of new retail floor space, an 86 bedroom hotel including a bar and restaurant and 38 new residential flats. This is a replacement scheme for 'Building 2' of the original planning permission for the redevelopment of Central Square granted on the 13/10/2005 (reference 03/3765).

APPLICANT: Sowcrest Limited

CONTACT:

PLAN NO'S:
See condition 2

RECOMMENDATION

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

SECTION 106 DETAILS

The original Scheme for the redevelopment of Central Square attracted a financial contribution of £1,067,808. Of this only £105,000 has been paid leaving £982,808 still owing. In addition the outstanding sum has now accrued approximately £195,000 of interest making the outstanding sum approximately £1,178,250.

As part of this application to amend the final phase of the scheme the developer is seeking to negotiate a reduction in the level of the contribution. A reduction of 30% on the outstanding sum, and the removal of any interest accrued up until now is sought. This would result in a reduction of the contribution owed by £489,842.

The contribution that Council would therefore receive for the completed scheme would be £688,408 plus the £105,000 of the original contribution that has been paid.

Justification

The developer has provided financial data to officers demonstrating scheme to be un-profitable. This in itself would not normally be justification for a reduction in an agreed s106 contribution. The potential for a scheme to make a loss is part of the development risk. However there are other mitigating factors. The developer has provided 85 affordable dwellings or 35% of the total units built and proposed (240 units including the reduced number of flats to be provided in the revised proposals for Building 2). On recent comparable schemes in Wembley the level of affordable housing being agreed is significantly less.

The significant additional costs associated with building over the existing station deck also make building the final phase of the scheme unattractive. However even with a reduced Section 106 financial contribution the scheme has brought substantial benefits to the area. The completed first

phases have provided much needed new retail floor space, replacing a tired and run down 1960's shopping precinct, and resulting in new retail investment in the heart of the town centre. The first phases have also provided new private and affordable housing in the centre of Wembley and a new public square. The completed scheme will bring further benefits to the local economy through additional retail floor space and a new hotel and will greatly improve the appearance and physical environment of the area. It will also provide a new entrance to the station ticket hall and goes hand in hand with other station improvements planned or currently already underway by London Underground Ltd and Network Rail.

Given the benefits to Wembley and subject to a condition requiring that the scheme commences with 8 months of a decision being made officer's consider the proposed reduction in financial contribution to be acceptable.

Accordingly it is recommended that consent be granted subject to a variation of the existing Section 106 Agreement that forms part of planning permission reference 03/3765 (or a new S106 replacing the existing one), in order to secure the following benefits:-

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance.
- (b) Payment of a contribution of £688,408 to Brent Council towards 'Education, Sustainable Transportation and Open Space & Sports in the local area, including but not limited new play provision adjoining the site.
- (c) Payments of the full contribution will be made upon two thirds of the private residential units in 'Building 2' being sold.
- (d) Within 'Building 2' a minimum 10% of all units will be wheelchair accessible and all units will be built to Lifetime Home Standards or equivalent.
- (e) The applicant will construct and equip an appropriately sized CHP plant to serve the hotel, to be completed an operational prior to the occupation of the hotel.
- (f) Demonstrate upon completion of the development that 'Building 2' has achieved a minimum score of 51% on Brent's Sustainable Development Checklist.
- (g) Provision of at least two City Club spaces to be agreed with the council.
- (h) Prior to occupation of any part of Building 2 submit, gain approval and adherence to a revised Travel Plan which is to include details of a strategy to deal with parking of coaches and setting down/collection of passengers for the hotel.
- (i) Parking permit restrictions.
- (j) Join and adhere to the Considerate Contractors scheme.

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

EXISTING

The proposal relates to the Central Square scheme - a large mixed use development taking place around Wembley Central Station on the High Road in the heart of Wembley Town Centre.

The first two phases of the development have now been completed – these comprise the erection of Moore Court, a new affordable housing block fronting Station Grove (Building 3); the conversion of two floors of Ramsey House (Building 4) to affordable housing and the refurbishment of the

remaining retail and office floors; the erection of 'Central Apartments' (Building 1) which is the 13 tower storey tower block fronting the High Road which has retail uses on the ground and first floor with private flats on the floors above; the refurbishment of the car park; and the construction of the replacement public square.

The current proposal relates to the final phase of the development – Building 2, which will occupy the hoarded off area around the existing station ticket hall. Lodge Court, an existing 1960's local authority tower block abuts this part of the site. The residential units provided in Moore Court and Ramsay House have been occupied. The flats in Central Apartments have been partially occupied. Most of the retail space provided in the first phases of the development has now been occupied.

PROPOSAL

Full planning permission is sought for the erection of a new 5 storey block incorporating a retained station ticket hall and new platform access corridors, 2,729sqm of new retail floor space (to be divided into 10 units ranging in size from 86sqm up to 146sqm), an 86 bedroom hotel including a bar and restaurant and 38 new residential flats.

This is a replacement scheme for 'Building 2' of the original planning permission for the redevelopment of Central Square granted on the 13/10/2005 (reference 03/3765).

HISTORY

A Brief Timeline

- 1837: London and Birmingham Railway line opened.
- 1842: Station opened as "Sudbury".
- 1882: Station re-named "Sudbury & Wembley".
- 1910: Station re-named "Wembley for Sudbury", coincident with construction of the LNWR New Line".
- 1917: Bakerloo Line service introduced.
- 1936 Street level buildings to front of station reconstructed with shopping arcade.
- 1948: Further work in preparation for the Olympic Games at Wembley Stadium. Station re-named "Wembley Central".
- 1960s: Station Square constructed over station.
- 2007: Station management to London Underground.
- 2008: The old 1930s Station Parade retail block and internal arcade to the front of the station ticket hall demolished to make way for the new Public Square as part of Phase 2 of the current redevelopment of the site.

Relevant Planning History

All relevant conditions relating to the first two phases of the Central Square development (03/3765 amended under revised permissions 06/3081, 07/3548 and 07/3548) have been discharged.

- 15/10/2009 Planning permission granted for revisions to Building 1 of planning permission 03/3765 to provide two additional storeys to the tower element (total 13 storeys) and 16 self-contained flats (8 x one-bedroom and 8 x two-bedroom), subject to a Deed of Agreement dated 9th October 2009 under Section 106 of the Town and Country

Planning Act 1990, as amended. (Ref: 07/3548).

- 15/10/2009 Planning permission granted for revisions to Building 1 of planning permission 03/3765 to include a sixth storey to the low-rise element, incorporating an additional 7 residential units (3 x 1-bedroom and 4 x 2-bedroom); and an internal revision to the approved 10th and 11th storeys of the high-rise residential element, to change two 2-bedroom flats into two 2-bedroom mezzanine units, as well as gaining an additional 2-bedroom mezzanine unit and subject to a Deed of Agreement dated 113 October 2009 under Section 106 of the Town and Country Planning Act 1990, as amended (Ref: 07/2280).
- 06/12/2006 Planning permission granted for the modification to existing planning consent (03/3765), dated 31/10/2005, for a mixed-use development of the Central Square site, to change unit 3 to Use Class A2 (Ref: 06/3081).
- 13/10/2005 Planning permission granted for the demolition of 457-491 High Road and units 1-11 and 20-41 Central Square and redevelopment to form a mixed-use development comprising 3209m² existing and 7440m² new retail, food and drink (A1/A3/A4 Use Class), 2172m² leisure (D2 Use Class), refurbishment, alterations including new floor and change of use of Ramsey House to form housing and hotel (C1 Use Class), provision of 223 residential units, with a 5- and 11-storey block fronting the High Road and part 5- and 8-storey block fronting Station Grove, including associated provision for access, servicing and parking and subject to a Deed of Agreement dated 13th October 2005 under Section 106 of the Town and Country Planning Act 1990, as amended (Ref: 03/3765).
- 13/10/2005 Outline planning permission (siting, design, means of access) granted for a mixed-use development comprising the demolition of 457 to 491 High Road Wembley and Units 1 to 41 Central Square and the re-development of the square to retain 2,515 square metres of existing retail (Use Class A1) and food & drink floorspace (Use Class A3/A4) and to provide 6,200 square metres of additional A1/A3/A4/D2 (Health and Fitness) floorspace as well as the refurbishment of 5,740 square metres of accommodation within Ramsey House for office (Use Class B1) or hotel use (Use Class C1) and the provision of up to 16,593 square metres of new residential accommodation as well as the complete refurbishment of the Wembley Central Square car park (Amended Site Address and Site Boundaries) and subject to a Deed of Agreement dated 13th October 2005 under Section 106 of the Town and Country Planning Act 1990, as amended (Ref: 01/1714).

POLICY CONSIDERATIONS

NATIONAL

Draft National Planning Policy Framework
Planning Policy Statement 1 – Delivering Sustainable Development
Planning Policy Statement 3 – Housing
Planning Policy Statement 4 – Planning for Sustainable Growth
Planning Policy Statement 5 – Planning for the Historic Environment
Planning Policy Statement 12 – Local Spatial Planning
Planning Policy Guidance 13 – Transport
Planning Policy Statement 22 – Renewable Energy
Planning Policy Statement 23 – Planning and Pollution Control
Planning Policy Guidance 24 – Planning and Noise

REGIONAL

The Mayor of London
The London Plan 2011

The revised London Plan was adopted in July 2011 and sets out an integrated social, economic and environmental framework for the future development of London. Relevant Policies include:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.11 Affording Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality

Supplementary Planning Guidance – Sustainable Design and Construction (May 2006)

Supplementary Planning Guidance – Accessible London: Achieving an Inclusive Environment (April 2004)

Supplementary Planning Guidance – Housing (2005)

Supplementary Planning Guidance – Providing for Children and Young People's Play and Informal Recreation (2008)

LOCAL

Brent Local Development Framework Core Strategy 2010

- CP 1** Spatial Development Strategy
- CP2** Population and Housing Growth
- CP5** Place making
- CP6** Design and Density in Place making
- CP15** Infrastructure to Support Development
- CP17** Protecting and Enhancing the Suburban Character of Brent
- CP18** Protection and Enhancement of Open Space, Sports and Biodiversity
- CP19** Brent Strategic Climate Mitigation and Adaptation Measures
- CP21** A Balanced Housing Stock

Brent Unitary Development Plan 2004

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

Relevant UDP policies:

STR5	Reducing the need to travel
STR9	GLA and London Distributor Road Network
STR12	Air Quality
STR14	Quality of urban environment
STR15	Public Realm
BE2	Local Context & Character
BE3	Urban Structure: Space & Movement
BE4	Access for disabled people
BE5	Urban clarity and safety
BE6	Landscape design
BE7	Streetscene
BE8	Lighting and light pollution
BE9	Architectural Quality
BE12	Sustainable design principles
EP3	Local air quality management
EP6	Contaminated land
EP12	Flood protection
EP15	Infrastructure
H12	Residential Quality – Layout Considerations
H13	Residential Density
H14	Minimum Residential Density
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
TRN15	Forming an access to a road
TRN23	Parking Standards – Residential Developments
TRN34	Servicing in new developments
TRN35	Transport access for disabled people & others with mobility difficulties
Appendix TRN2	Parking and Servicing Standards

Brent Council Supplementary Planning Guidance and Documents:

SPG3	Forming an access to a road
SPG12	Access for disabled people
SPG17	Design Guide for New Development
SPG19	Sustainable design, construction and pollution control

SUSTAINABILITY ASSESSMENT

Checklist

The Brent Sustainable Development Checklist has been completed for this development and gives an indicative sustainability rating of 51%, which is equivalent to a rating of ****Very Positive**. The standard s106 clause is proposed requiring that this very positive rating is achieved.

Energy Statement

In line with the Mayor's energy hierarchy, passive design and energy efficient features are proposed. Measures include a well insulated building fabric, low energy light fittings, mechanical ventilation units with heat recovery (MVHR) for the hotel and residential uses, and solar control glazing to minimise cooling loads in the hotel use. The retail units will be delivered as a shell only, therefore energy efficiency measures are proposed solely within the building fabric.

The above design features enable the residential component of the development to achieve Part L compliance without the addition of low and zero carbon (LZC) technologies. The hotel also benefits from energy efficient features, however it is hindered by the high demand for domestic hot water typical of hotels and requires LZC energy input to achieve Part L compliance. The following technologies were evaluated:

- Solar thermal collectors (SHW)
- Photovoltaics (PV)
- Natural gas Combined Heat and Power unit (CHP)

After studying the above technologies, CHP was found to be most favourable. A rooftop solar thermal array promises outstanding CO₂ emissions reductions, however the weight associated with such a system poses a structural challenge. The potential CO₂ benefit of a PV array is limited due to potential for overshadowing by adjacent buildings. Therefore it is recommended that the CHP option be taken forward exclusively. This entails a 50 kW CHP unit installed alongside a high efficiency gas boiler in the first floor hotel plant room.

Passive design and extensive energy efficiency measures are also proposed to enable the residential units to achieve Part L compliance without recourse to LZC technologies.

The CHP unit enables the hotel to achieve compliance with Part L2 2010, and provides approximately a 1% CO₂ emissions reduction over the notional development as a whole. This does not include the retail use, which is currently being provided as a shell only. The retail unit benefits from a well insulated building fabric that is expected to achieve a significant reduction in heating requirements.

Sustainability Strategy

While the proposed sustainability measures achieve the required very positive rating measured against the Council's own Sustainable Development Checklist and compliance with part L of the Building Regulations, it will not meet the London Plan requirement of achieving a 25% reduction in CO₂ emissions on the Target Emission Rate set out in the Building Regulations. Neither will the scheme achieve a Code for Sustainable Homes (CSH) 'Level 4' rating required by the Core Strategy on developments within Brent's growth areas.

The justification for not being able to achieve normal targets is one of viability. The constraints of the site, in particular the considerable additional costs associated with building on top of the station's existing concrete deck, mean that the cost of achieving higher CO₂ reduction or improved sustainability targets would render the scheme unviable. Officers consider it important that the Central Square Scheme is completed. The proposed scheme will bring significant benefits in

terms of improving the appearance and physical environment of this key site located in the heart of Wembley Town Centre and a hoped for boost to the local economy and on-going regeneration of the area. On balance given the importance of the scheme and subject to the developer agreeing to the early commencement of the final phase officers consider the proposed sustainability measures to be acceptable.

CONSULTATION

A total of 361 consultation letters were sent to adjoining and nearby properties and businesses on the 21 October 2011. A number of A Site Notice was erected on 8 November 2010.

As a result of this consultation a small number of people called the case officer to discuss the application and some reservations were expressed about the potential impact of the scheme on existing residents neighbouring the site. However no formal objections have been received.

Statutory Consulters:

Transportation;-

Subject to renewal of the existing Section 106 Agreement to ensure that it continues to remove all rights of future occupants of the 38 remaining residential properties proposed in this amended scheme to on-street parking permits in the area, together with the submission and approval of details of a strategy to deal with parking of coaches and setting down/collection of passengers for the hotel, there are no objections on transportation grounds to this amended scheme.

Landscape;-

No objection.

Environmental Health;-

No objection subject to standard conditions regarding post completion noise assessment for the residential component.

Urban Design;-

The revised scheme largely continues the theme and approach of the previous scheme - no objection.

Thames Water;-

Has no comments to make.

London Underground

Do not object to the proposal. Are liaising with the developer, the Council and Network Rail to agree a treatment to the ticket office facade and to coordinate this proposal with other station improvements currently being undertaken.

Ward Councillor's;-

No responses received.

REMARKS

Background

The Wembley Central scheme is a partly completed phased scheme to redevelop the old 1960's shopping precinct and 1930's arcade that occupied the area above and around Wembley Central Station.

The various scheme phases are identified as follows:

- Phase 1 This included the erection of Building 3 which comprised the affordable housing block located on Station Grove and the conversion of two floors and the erection of a new floor of the existing Ramsey House (Building 4) to provide affordable housing. (COMPLETED).
- Phase 2 This included the erection of Building 1 which comprised ground and first floor retail with residential above (this building included the 13 storey tower fronting the High Road, the refurbishment of the retail and retained office floor space in Ramsey House, the refurbishment of the car park and the construction of the public square. (COMPLETED).
- Phase 3 This final phase was for the erection of Building 2, originally a new five storey building comprising retail on the ground floor including a refurbished station ticket office with reconfigured access to the station platforms, a gymnasium on the first floor and three floors of residential use above. This is now the subject of a revised application that proposes substituting the gymnasium level and one floor of residential accommodation with an 86 bed hotel. (REVISED APPLICATION – SUBJECT OF THIS REPORT).

Building 2 will form the centre piece of the Wembley Central development it will comprise a five storey mixed use block, to be constructed on an existing concrete deck directly above the West Coast Mainline and London Underground railway. The building will encompass the existing station ticket hall which is currently being extended as part of the 'Access for All' scheme being carried out by Network Rail with DfT funding. This will create enclosed corridors to all platforms and provide lift access to all the station platforms.

The building will have active retail frontage at ground level along its north, east and south elevations, with pedestrian access at grade from the new public square and retail mall. The building abuts an existing residential block (Lodge Court) along its west elevation at ground and first floor level.

An entrance to the residential units located on the upper two floors of the new building will be via Station Grove through a residential lobby at lower ground level. Service access for the retail units and hotel is provided via a foot bridge from the first floor Building 4 service deck, which has vehicle access from London Road and Station Grove via a set of ramps.

The current application seeks to vary the existing consented scheme by replacing a floor of D2 space (health & fitness use) at first floor, and a floor of residential apartments at second floor, with an 86 bedroom hotel incorporating ancillary bar and restaurant facilities. The building envelope remains the same as previously consented and there is no change to the height, scale and amount of development. The external appearance of the building remains largely unchanged other than fenestration changes at first floor which now replicates the upper floors (in the existing consent the gymnasium level had continuous glazing wrapped around it), a new hotel entrance and lobby set into the south (rear) elevation, and signage for the hotel on the north and west elevations.

The new proposal for Building 2 will retain 38 private residential flats (19 less than in the existing permission) to be located on the upper two floors (this in addition to 117 private flats already provided within Building 1 and 85 affordable flats provided within Ramsey House and along Station Grove in Building 3 (Lodge Court). The revised scheme also retains the ground floor retail element of the scheme comprising 29,368 sqft of new retail floor space to be divided into ten units. It also integrates Wembley Central train station within the design.

The Building 2 retail areas are situated on the ground floor, fronting the pedestrian plazas and facing the existing retail areas of Buildings 1 and 4.

An important benefit of Building 2 is that it will facilitate the redesign and extension of the existing train station ticket hall and platform entrances. The developer is liaising closely with Network Rail regarding a programme of works to the station which will be partly enabled by Building 2

development.

Design

The prominent Wembley Central site hosts a group of buildings of a larger scale than those around it, acting collectively as a focal point for the wider area. The proposed Building 2 accompanies and complements the recently completed Buildings 1, 3 and 4 as well the two older residential (Manor Court and Lodge Court) blocks which have been retained and refurbished.

Building 2 is 5 storeys fronting High Road (Level + 0) with a residential entrance core dropping a further three storeys below precinct level to Station Grove. Building 1 is a 14 storey block fronting High Road dropping to 6 storeys along the pedestrian plaza. The overall proportions between the proposed Building 2 and the existing Buildings 1, 3 and 4 are complimentary, with similar heights flanking the mall areas. Building 2 includes retail floor space of 29,369 sqft/2,728 sqm (G.I.A.), an 86 bedroom hotel comprising 32,169 sqft/2,989 sqm (G.I.A) and 38 apartments comprising 32,864 sqft/3,053 sqm (G.I.A.).

Building 2 is set back from High Road in line with the existing Wembley Central train station ticket hall. This allows for an open pedestrian space off the High Road. This contributes to a sense of arrival as one approaches the scheme and the station. The provision of new residential, hotel and office entrances off the central and rear mall areas will provide greater public usage and maximise natural supervision of these areas outside of normal shopping hours. This is in accordance with the developers' desire to create a new urban quarter with a mix of complimentary residential and commercial uses, providing a secure and welcoming environment for shoppers, residents and other visitors to Wembley.

Appearance

The local area offers a diverse architectural character and the Wembley Central scheme contributes a positive, contemporary feel to this varied townscape. The rejuvenation of the High Road environment is a key ambition of this development. Building 2 will be constructed in the same style and materials as the existing consented scheme.

The composition of Building 2 reflects that of the adjacent Building 1, consisting of a transparent run of retail glazing at street level and a heavy residential mass above. A rhythmic grid of vertical elements consisting of steel columns and coloured cladding panels echoes that of Building 1 and creates a vibrant street wall edge to the pedestrian plaza.

The fenestration is a key part of the architectural composition. Windows are positioned in a variety of patterns from floor to floor, becoming more irregular on upper floors. This creates a visual hierarchy and a variation that is further emphasised by the use of the coloured cladding. The apertures are generous to provide a high level of daylight to apartments and hotel rooms.

Landscaping

The public space element of the scheme has now been completed and the current proposal for Building 2 does not propose any variation to the current layout or any additional planting.

Housing

The layout and mix of the remaining two floors of residential flats remains as approved under the existing consent which was assessed as being compliant with SPG17. 38 private flats are now proposed (19 less than previously consented) comprising 26 two bed flats and 12 one bed flats. The two bed units all exceed the Mayor for London's new internal floor space standards. The one bed units are marginally under however given the overall benefits of the scheme this failure can be accepted. All flats will have a private balcony. A condition is included requiring all residential units meet appropriate standards for noise insulation, to be confirmed by post completion testing. All units are at least 20 metres from the nearest habitable room windows of existing neighbouring dwellings. Ten of the units have an entirely northerly aspect. While this is not ideal it is partly due to the constraints of the site and a consequence of the approved masterplan approach of the

redevelopment.

Access

Public Transport

Public transport links include buses along High Road with overground rail and London Underground services from Wembley Central station. Significantly, the Building 2 proposals enable an extension to the existing train station which will for the first time see access to all platforms routed through the ticket hall (bringing security and revenue protection benefits). This will enable step free access to be achieved to all platforms through either lifts or stair lifts. A new taxi rank will be constructed on High Road at the front of the public square.

Pedestrian / Cycle Network

The development is situated in a prominent position on High Road, with pedestrian access at street level into the shopping plaza. A new public access staircase and lift from Station Grove up to the shopping plaza has already been provided in an earlier phase of the development.

Pedestrian access to the existing residential blocks Lodge Court will be retained. Access to the new hotel and residential flats within 'Building 2' will be from High Road and the shopping plaza with a second residential access located at street level on Station Grove. There is also direct pedestrian access from the car parking and public W C facilities in the underground car park (including disabled parking bays with level access to lifts) to the shopping plaza level. Bicycle hoops are situated adjacent to the entrance to Wembley Central Station.

Servicing Areas

Service access for 'Building 2' will be via a foot bridge from the existing 'Building 4' service deck which is accessed via ramps and service entrances off London Road and Station Grove.

Disabled Access

The new public disabled access will be in accordance with BS8300 for ambulant disabled use. Entrances to retail units and residential buildings will be in accordance with DDA requirements.

Traffic

A detailed transport assessment for this proposal has not been undertaken. Wembley Central is served by main line, underground and multiple bus services – first class public transport provision with a high PTAL. There are parking spaces available within the newly refurbished approx 230 space car park located below the overall scheme. Servicing is proposed via the existing segregated provision to the rear of the scheme, accessed by ramps up from London Road. Bearing in mind the extant consent for hotel use, and the mixed use nature of the scheme overall, it is not considered that there will be any material differences in traffic generation compared with that considered at the time of granting of the original consent. While it is noted that Travelodge do not cater for coach parties a S106 clause is proposed requiring the existing travel plan to be amended to include a hotel servicing and management plan which should include measures to control coach arrivals/departures.

Waste Strategy

The only changes to the previously consented scheme for B2 are at Levels 1 and 2 where a health and fitness club (2,172m² on Level 1) and 19 residential apartments (on Level 2) have been replaced by an 86 room (2,991m²) budget hotel (with an ancillary bar and restaurant). These changes of use also mean that:

- There is an insignificant change in the retail floor area (1,908m²) at Level 0 (10 retail units proposed compared to the previous 9 utilising the space no longer required for the health and fitness club entrance foyer);
- The retail storage and servicing area on Level 1 was previously 337m² but this has now been increased to 821m²; and
- No changes to the proposed residential apartments at Levels 3 and 4 (a total of 38

apartments).

In conclusion, while the predicted volume of waste for the change of use is less than that previously determined for the consented scheme the Council's standards for house hold waste and recycling have increased and therefore a condition is proposed that additional details including if necessary an amendments to the submitted layout of the refuse storage area be submitted to ensure compliance with current standards.

Regeneration Benefits

Implementation of this final phase of the Wembley Central scheme will complete a vision set over 15 years ago. Substantial investment has been made in delivering the new and refurbished buildings within the centre along with provision of the new public square and associated enhancements to the public realm. In addition, the scheme enables much needed improvement to passenger facilities in association with the station – works which ideally are targeted for at least partial completion in time for the 2012 Olympic Games. The Access for All works are already underway.

Travelodge

The pre-let to Travelodge brings a successful national hotel operator into Wembley. The company has over 450 hotels with 30,000 rooms nationwide and employs some 5000 staff to look after over 6.5m customers each year. Within the budget sector targeted research shows that for Travelodge some 60% of stays will be leisure related, 40% being business related. The average stay is 2 nights, with some 71% of customers being over 35 years of age, and 52% over 45. 69% are married or with a partner, and 76% are in SEG's A, B, C1, while 78% have income of greater than £25000.

In terms of employment, the hotel will generate 8 full time and 18 part time (17FTE) jobs. Travelodge have a policy of recruiting locally through Local Employers Partnerships with Job Centre Plus who undertake initial interviews of unemployed applicants. Training is provided to level 2 NVQ as a minimum and management positions are filled internally. Travelodge also have a partnership with London Employer Accord – the Go Forward Scheme which provides all new recruits with 4 weeks training for workplace and Travelodge guarantee interviews. Since 2007, 90% of Travelodge jobs in new London hotels have been recruited from local unemployed, 67% of these being via Job Centre Plus.

In terms of economic impact, Travelodge's research has shown that only 25% of customers buy breakfast and only 14% supper, the remainder buying meals locally. Based on average expenditure of £36 a day (at 2006 prices) and an 85% occupancy, local expenditure created by hotel visitors could be in the region of £1m a year from this hotel proposal.

Conclusion

The Wembley Central redevelopment has brought significant benefits to the area and is the key component of the Council's strategy for regeneration of the Wembley Town Centre. The completed first phases of the development have provided much needed new retail floor space, replacing a tired and run down 1960's shopping precinct, and resulting in new retail investment in the heart of the town centre. The first phases have also provided new private and affordable housing in the centre of Wembley and a new public square. The completed scheme will bring further benefits to the local economy through additional retail floor space and a new hotel and will greatly improve the appearance and physical environment of the area. It will also provide a new entrance to the station ticket hall and goes hand in hand with other station improvements planned or currently already underway by London Underground Ltd and Network Rail.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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

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

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of 8 months beginning on the date of this permission.

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

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

10019-A100 (Rev B) Location Plan
10019-A101 (Rev B) Site Plan Level + 0
10019-A102 (Rev B) Site Plan Level + 1
10019-A103 (Rev E) Floor Plan Level - 3
10019-A104 (Rev C) Floor Plan Level - 2
10019-A105 (Rev H) Floor Plan Level 0
10019-A106 (Rev L) Floor Plan Level + 1
10019-A107 (Rev H) Floor Plan Level + 2
10019-A108 (Rev E) Floor plan Level + 3
10019-A109 (Rev E) Floor Plan Level + 4
10019-A110 (Rev A) Roof Plan
10019-A112 (Rev A) Existing Site Plan Level 0
10019-A113 (Rev A) Existing Site Plan Level 1
10019-A200 (Rev D) Proposed North & East Elevations

10019-A201 (Rev D) Proposed South Elevation
 10019-A202 (Rev D) Proposed West Elevation
 10019-A205 (Rev A) Existing North & West Elevations
 10019-A300 (Rev B) Proposed Section

Energy Statement for Planning - April 2011
 Sustainability Statement for Planning - April 2011
 Planning Design and Access Statement - Document 001 Rev C: Sep 2011
 Building B2 Noise and Vibration Assessment - 17 March 2011
 Planning Statement for Sowcrest Limited
 Technical note: Commercial Waste Strategy Rev 1 - 04 October 2011

Reason: To ensure a satisfactory development.

- (3) The loading area(s) indicated on the approved plan(s) shall be maintained free from obstruction and not used for storage purposes (whether temporary or permanent) unless prior written approval has been obtained from the Local Planning Authority.

Reason: To ensure that vehicles waiting or being loaded or unloaded are parked in loading areas so as not to interfere with the free passage of vehicles or pedestrians within the site and along the public highway.

- (4) The applicant shall design all residential premises in accordance with BS8233:1999 'Sound Insulation and Noise Reduction for Buildings-Code of Practice' to attain the following internal noise levels as a minimum:

Criterion	Typical situations	Design range $L_{Aeq, T}$
Reasonable resting 07:00 – 23:00) conditions	Living rooms	30 – 40 dB (day: T =16 hours
Reasonable sleeping 23:00 – 07:00) conditions	Bedrooms	30 – 35 dB (night: T = 8 hours L_{Amax} 45 dB (night 23:00 – 07:00)

If the above internal noise levels are not achieved then further works, in accordance with details specified by the Local Planning Authority, shall be carried out in order to achieve such levels.

Reason: To safeguard the amenity of future occupants of the development

- (5) The residential element of the development hereby approved shall not be occupied until all parking spaces, turning areas, loading bays, access roads and footways to be constructed have been permanently marked out.

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

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

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

- (7) Prior to the commencement of development a detailed Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the different phases of the development shall be implemented in accordance with the approved plan.

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

- (8) Prior to first occupation of the residential units the applicant is required to submit in writing to the Local Planning Authority the results of post-completion noise testing.

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

- (9) Submission of a Site Waste Management Plan detailing all the waste streams and the measures taken to reduce construction waste generated by the development shall be submitted to the Local Planning Authority, and complied with thereafter in accordance with the submitted plan.

Reason; to ensure that waste generated by the development is minimised.

- (10) Prior to commencement of development (save for demolition) a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details.

Reason; to prevent flooding by ensuring satisfactory storage and disposal of surface water from the site

- (11) Further details of secure cycle parking spaces in relation to Building 2 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (12) Prior to the occupation of the proposed retail space within Building 2 a Service Area and Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority and the approved plan shall be fully implemented.

Reason ; In the interests of highway safety

- (13) Prior to commencement of use of the approved commercial floorspace and hotel details of air conditioning, ventilation and flue extraction systems, that may be required including particulars of noise levels shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the use on site. The approved details shall thereafter be fully implemented.

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

- (14) Prior to first occupation of any residential accommodation in Building 2 the applicant shall provide a schedule indicating which dwellings will be subject to additional acoustic glazing and the acoustic ventilation or verify that all dwellings will be subject to these measures (meeting BS EN ISO 140-3 and indices derived in accordance with BS EN ISO 717-1 as a minimum).

Reason; to safeguard the amenity of future occupants of the development

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

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

- (16) Notwithstanding the plans hereby approved further details of the treatment of the entrance and surrounding facade to the station shall be submitted to and agreed in writing by the Local Planning Authority prior to the installation of the new entrance. All of which shall be constructed fully in accordance with such details. The details to be submitted by the relevant party following discussions between the developer and London Underground/Network Rail.

Reason: To ensure a satisfactory design.

- (17) Notwithstanding the details hereby approved, further details of the residential waste and recycling storage area shall be submitted to and approved by the Local Planning Authority prior to the commencement of work. Details shall include amendments if necessary to ensure compliance with Brent's Waste and Recycling Storage and Collection Guidance for Residential Properties.

Reason: To ensure adequate refuse and recycling storage is provided.

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 7

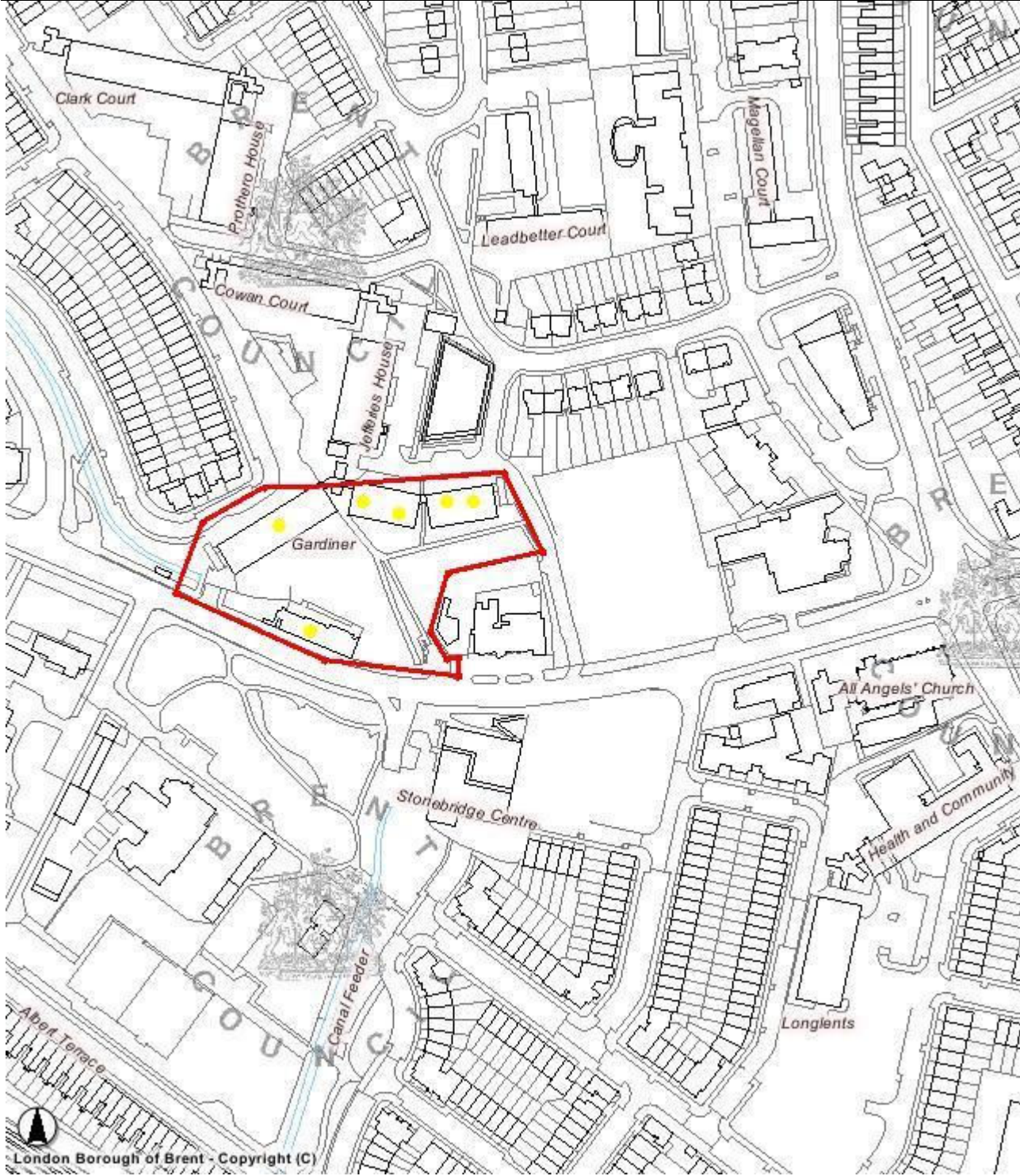
Committee Report
Planning Committee on 18 January, 2012

Item No. 07
Case No. 11/3054

 **Planning Committee Map**

Site address: RE-DEVELOPMENT, STONEBRIDGE ESTATE,
Stonebridge Estate, London, NW10

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This map is indicative only.

RECEIVED: 24 November, 2011

WARD: Stonebridge

PLANNING AREA: Harlesden Consultative Forum

LOCATION: RE-DEVELOPMENT, STONEBRIDGE ESTATE, Stonebridge Estate, London, NW10

PROPOSAL: Extension to time limit of outline planning permission 07/3309 dated 02/12/08 for outline application for the demolition of Gardiner Court, Brett Crescent, NW10, and the erection of 3 buildings comprising 122 self-contained flats, comprising 3 x studio units, 63 x 1-bedroom units, 45 x 2-bedroom units and 11 x 3-bedroom units, formation of new vehicular access, pedestrian access and associated landscaping (matters to be determined: layout, scale & access) as accompanied by Urban Design Code, Arboricultural Impact Appraisal and Method Statement dated 23 August 2007, Design and Access statement and Analysis of Daylight and Sunlight for the proposed Stonebridge Development Part 1, dated 25th October 2007 and subject to a Deed of Agreement dated 2nd December 2008 under Section 106 of the Town and Country Planning Act 1990, as amended.

APPLICANT: The Hyde Group

CONTACT: Terence O'Rourke PLC

PLAN NO'S:

Paul Rogers letter reference 154036/PR dated 22 November 2011

RECOMMENDATION

Grant consent subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement Services

SECTION 106 DETAILS

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

- a) Payment of the Council's legal and other professional costs in a) preparing and completing the agreement and b) monitoring and enforcing its performance
- b) A contribution of £198,000 (£3,000 per additional bedroom*), index-linked from the date of committee and due on Material Start for Transportation, Education, Air Quality and Open Space in the local area.
- c) Sustainability – submission, approval in writing and compliance with the TP6 Sustainability Check-list ensuring a minimum of 50% score is achieved.
- d) A detailed 'Sustainability Implementation Strategy' shall be submitted to the Local Planning Authority and approved in writing, at Reserved Matters stage and at least 4 months prior to commencement of works. This shall demonstrate:
 1. how the development will achieve a minimum of Code for Sustainable Homes Level 3;
 2. how the indicated Brent Sustainability Checklist measures (Energy, Water, Materials, Demolition/Construction & Pollution) will be implemented within the scheme.
 3. How the scheme will achieve a minimum of a 25 % reduction of total CO2 emissions from the Building Regulations 2010 Target Emissions Rate;

- e) The applicant shall include/retain appropriate design measures in the development for those energy and water conservation, sustainable drainage, sustainable/recycled materials, pollution control, and demolition/construction commitments made within Brent's Sustainability Checklist and other submitted documentation (or agreed by further negotiation), and adopt adequate procurement mechanisms to deliver these commitments.
- f) On completion, independent evidence (through a BRE Post-Construction Review) shall be submitted on the scheme as built, to verify the implementation of these sustainability measures on site, and the achievement of at least a Code for Sustainable Homes Level 3.
- g) The applicant shall provide evidence that materials reclamation/recycling targets, negotiated using the Demolition Protocol (where relevant), have been implemented.
- h) If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the following will accordingly be required:
 - 1. the submission and approval in writing by the Local Planning Authority of measures to remedy the omission; or, if this is not feasible,
 - 2. the submission and approval in writing by the Local Planning Authority of acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of the omitted measures to be agreed by the Local Planning Authority, to be used by the Council to secure sustainability measures on other sites in the Borough.
- i) The submission and approval in writing of a Residential Travel Plan and to implement this plan, the purpose of the plan being to manage the transport needs of staff and visitors to the Development so as to minimise car usage and promote alternative modes of transport.

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 London Plan 2011, Local Development Framework Core Strategy 2011, Unitary Development Plan 2004 and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The subject site was previously occupied by Gardiner Court and the Orange Tree Public House. Gardiner Court comprised a series of three 6-storey residential buildings which formed part of the previous Stonebridge Estate. The Orange Tree Public House was a three storey building which fronted Hillside.

The majority of the application site falls within the Stonebridge Regeneration Area. However, the Orange Tree Public House fell outside of the regeneration area due to its previous ownership.

To the South of the site lies Hillside, the primary road running through the Stonebridge Regeneration Area. A 4-storey residential block which was delivered as part of phase 3 of the Stonebridge Regeneration lies to the North-west of the site and an new open space and the Fawood Nursery are directly north of the site. The Fawood Nursery was opened in 2004 as part of the Stonebridge Regeneration project.

To the East of the site lies the grade II listed Stonebridge Park Public House and the Hillside Hub. The Hillside Hub, which is provides a community centre and hall, cafe, PCT clinic, shop and a number of residential units. Opposite the Hillside Hub and therefore in close proximity to the subject site lies Stonebridge Site 22, a mixed use site comprising town centre uses (retail, some food and drink and an office) and residential units. That site together with the Hillside Hub comprise the local needs shopping and community offer for Stonebridge.

Directly opposite the site lays another area of public open space and the two local primary schools, the Stonebridge and Our Lady of Lourdes Primary Schools. An application to redevelop these two schools to improve the quality of their buildings and facilities and increase the number of school places and to provide additional residential units is currently being considered by the Council.

A British Waterways Canal feeder runs through the site. The majority of this runs below ground through the site. However, the far western element of the feeder is above ground within the site. The upstream element of the canal feeder (west of the site) is above ground. The feeder flows from West to East before running under Hillside.

The ground level increases from west to east and from south to north within the site. The ground level increases significantly to the east of the site.

PROPOSAL

This application seeks to renew the Outline Planning Consent for the redevelopment of the application site. If granted, this would allow three years from the date of the decision for the submission and approval of Reserved Matters, and a further two years for the implementation of the consent. This submission also updates the proposal to address changes to planning policy and guidance that have been adopted since the previous grant of planning permission. This includes changes to the proposal in relation to energy and carbon dioxide emissions, play space and internal floorspace for units.

HISTORY

Planning permission was granted in September 1997 for the redevelopment of the Stonebridge Estate on both the North and South sides of Hillside. The permission allows for the erection of approximately 1604 houses and flats in buildings that are 2, 3 and 4 storeys high. It also looked to provide replacement shops fronting Hillside and community facilities and open space. The outline permission envisaged replacement of the Stonebridge tower blocks with low-rise developments within a more traditional street layout with better connectivity between dwellings and the adjoining streets, good levels of natural surveillance of public spaces and adequate levels of parking. It sought to diversify the tenure of homes by introducing a proportion of private dwellings (up to 25 %).

All of the tower blocks have now been demolished and all but a handful of sites have been delivered and the development has won a number of awards which highlight the success of the regeneration process. Only sites 10, 22B, 24C, 27, 29 and 30 are yet to be redeveloped. Almost all of the parks and all of the community facilities have been provided, including the Hillside Hub (PCT Clinic, Community Hall, etc) and the nursery that adjoin this site, and the shops on the opposite side of Hillside. The majority of housing has been provided as social rented units in order to accommodate the tenants of the "old" Stonebridge tower blocks. The remaining sites are accordingly likely to include a high proportion of private housing to achieve this tenure balance. The London Plan now expects higher densities of housing than those set out within the 1997 Outline Planning Consent which only allowed up to 247 Habitable Rooms per Hectare and the remaining sites are accordingly likely to come forward as new full or outline applications. This also allows the inclusion of other elements of land that were not within the 1997 planning application site, such as the Orange Tree Public House site that is included within this application.

Relevant history (this site only)

07/3309 – Granted 2 December 2007

Outline application for the demolition of Gardiner Court, Brett Crescent, NW10, and the erection of 3 buildings comprising 122 self-contained flats, comprising 3 x studio units, 63 x 1-bedroom units, 45 x 2-bedroom units and 11 x 3-bedroom units, formation of new vehicular access, pedestrian access and associated landscaping (matters to be determined: layout, scale & access) as accompanied by Urban Design Code, Arboricultural Impact Appraisal and Method Statement dated 23 August 2007, Design and Access statement and Analysis of Daylight and Sunlight for the proposed Stonebridge Development Part 1, dated 25th October 2007 and subject to a Deed of Agreement dated 2nd December 2008 under Section 106 of the Town and Country Planning Act 1990, as amended.

97/0131 – Granted 4 September 1997

Comprehensive redevelopment of the entire site with the provision of a new road network, approximately 1,604 residential units in 2-, 3- and 4-storey blocks, new open space, shops and community facilities.

POLICY CONSIDERATIONS

NATIONAL

Draft National Planning Policy Framework

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 3 – Housing

Planning Policy Statement 5 – Planning for the Historic Environment

Planning Policy Statement 12 – Local Spatial Planning

Planning Policy Guidance 13 – Transport

Planning Policy Statement 22 – Renewable Energy

Planning Policy Statement 23 – Planning and Pollution Control

Planning Policy Guidance 24 – Planning and Noise

REGIONAL

The Mayor of London

The London Plan 2011

The revised London Plan was adopted in July 2011 and sets out an integrated social, economic and environmental framework for the future development of London. Relevant Policies include:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People’s Play and Informal Recreation Facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.11 Affording Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Building London’s Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality

Supplementary Planning Guidance – Sustainable Design and Construction (May 2006)
Supplementary Planning Guidance – Accessible London: Achieving an Inclusive Environment (April 2004)
Supplementary Planning Guidance – Housing (2005)
Supplementary Planning Guidance – Providing for Children and Young People's Play and Informal Recreation (2008)

LOCAL

Brent Local Development Framework Core Strategy 2010

CP 1 Spatial Development Strategy
CP2 Population and Housing Growth
CP5 Placemaking
CP6 Design and Density in Placemaking
CP15 Infrastructure to Support Development
CP17 Protecting and Enhancing the Suburban Character of Brent
CP18 Protection and Enhancement of Open Space, Sports and Biodiversity
CP19 Brent Strategic Climate Mitigation and Adaptation Measures
CP21 A Balanced Housing Stock

Brent Unitary Development Plan 2004

Strategy

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

The relevant policies in this respect include Policies STR5 (reducing the need to travel), STR9 (role of GLA Roads and London Distributor Road), STR12 (Air Quality), STR14 (Quality of urban environment) and STR15 (Public Realm)

Policies

BE2 Local Context & Character
BE3 Urban Structure: Space & Movement
BE4 Access for disabled people
BE5 Urban clarity and safety
BE6 Landscape design
BE7 Streetscene
BE8 Lighting and light pollution
BE9 Architectural Quality
BE12 Sustainable design principles
EP3 Local air quality management
EP6 Contaminated land
EP12 Flood protection
EP15 Infrastructure
H12 Residential Quality – Layout Considerations
H13 Residential Density
H14 Minimum Residential Density
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
TRN15 Forming an access to a road
TRN23 Parking Standards – Residential Developments
TRN34 Servicing in new developments
TRN35 Transport access for disabled people & others with mobility difficulties
Appendix TRN2 Parking and Servicing Standards

Brent Council Supplementary Planning Guidance and Documents

SPG3 Forming an access to a road
SPG12 Access for disabled people
SPG17 Design Guide for New Development
SPG19 Sustainable design, construction and pollution control
SPD Section 106 Planning Obligations

SUSTAINABILITY ASSESSMENT

The applicant has submitted an “Energy Statement Report” to update the proposal to meet current requirements as set out within the London Plan 2011 and the LDF Core Strategy 2010. However, in your officer’s opinion, the submitted report does not set out the proposals in relation to energy in a way that is in accordance with the structure set out within the London Plan policies and as such, does not demonstrate that the proposal will meet these policy requirements. As such, the Energy Statement Report has not been discussed in detail in this committee report. The applicant will submit a revised report and this will be considered by your officers and discussed within the Supplementary Report.

CONSULTATION

Letters sent: 2 December 2011
Site Notice: 15 December 2011
Press Notice: 8 December 2011

Letters were sent to 289 adjoining and nearby owners and occupiers. No responses were received.

Internal consultees:

Environmental Health: In response to the above planning application, Environmental Health have no objections to the extension of the time limit for this development. Previous Environmental Health recommended conditions still apply.

Landscape Design: No objection.

Consultation letters were also sent to Transportation, Urban Design and Ward Councillors. No responses were received from these groups at the time this report was completed.

External consultees:

British Waterways: As you are aware, the Brent Feeder runs through the site, and there is an agreement between BW and the applicant regarding its maintenance, which is essential. British Waterways also need to maintain some access rights to the feeder. We would like to see details of the maintenance regime detailed as part of the development. It also requires some repair. Our Third Party Works Engineer has been in contact with the applicants.

We are supportive of the proposed de-culverting of part of the Feeder, and would be pleased to see this extended across the whole site.

*British Waterways therefore has **no objection** to the proposal subject to the maintenance being agreed as satisfactory.*

Consultation letters were also sent to Thames Water, the Environment Agency and English Heritage. No external consultation responses were received at the time this report was completed and any comments that are received will be discussed in the Supplementary Report.

REMARKS

This application seeks to extend the time limits for the implementation of the development that was approved through planning consent reference 07/3309 on 2 December 2008.

The consideration of such applications must focus solely on the changes in policy or guidance that have come into force since the previous application was approved that would affect the proposal.

A number of new plans and guidance documents have been adopted, such as the LDF Core Strategy 2010, the London Plan 2011 the LDF Site Specific Allocations 2011.

However, in your officer's opinion, the primary issues to be considered within this application relate to:

- Childrens and young persons play and recreational space;
- The Mayor's energy hierarchy (discussed above within the Sustainability section of this report); and
- Internal floorspace standards;

Childrens and young persons play and recreational space

The submitted report sets out the estimated child for the proposed development at 17.5 children, which translates to 175 square metres of play and recreational space, comprising 103 square metres for children aged 0-4 years, 47 square metres for 5-10 years and 24.5 square metres for 11-15 years.

The submission details the locations of play facilities that have been already delivered as part of the Stonebridge Regeneration. This includes a fully equipped playground for under 5s (approximately 285 m walking distance from the site) and the sports centre with associated public playing fields (approximately 270 m walking distance from the site). The Stonebridge Adventure Playground has also cited as a local play facility.

The report sets out that sufficient space exists on site to provide the total of 175 square metres required by the London Plan, and that the needs for under 5 year olds (103 square metres) can be incorporated into the application site through the incorporation of informal play facilities that provide opportunities for intuitive play.

Your officers agree that there is sufficient space for the provision of play facilities for under 5s on-site and such details can be secured through condition.

With regard to the off-site provision for 5-10 year olds and 11-15 year olds respectively, the London Plan requires this to be provided within 400 m and 800 m of the dwellings respectively. Your officers accordingly must examine the potential impact on the existing facilities in the locality.

The original Stonebridge Outline Consent included the provision of play spaces in the variety of parks and other open spaces in the regeneration area and thus was considered to address the needs of the children in terms of play. That consent allowed a maximum of 247 Habitable Rooms per Hectare which, if assuming the same mix of units as that now proposed, the original outline consent would have resulted in an estimated yield of 8.12 children for this site. The difference between that assumed within the original Stonebridge Consent and the development that is now proposal is therefore 9.37 children, or 93.7 square metres of play space. If separated into the

different age categories, this translates to 5.5 children aged 0-4, 2.5 children aged 5-10 and 1.3 children aged 11-15, thus corresponding to 55 sqm, 25 sqm and 13 sqm accordingly.

The additional impact of the proposal on the availability of play space (i.e. above the levels of use that were anticipated through the original outline consent) is therefore 25 square metres for children aged 5-10 and 13 square metres for children aged 11-15, or a total of 38 square metres. Given the scale of the increase, this may be accommodated through on-site provision secured through condition.

It should be noted that the Orange Tree Public House element of this site previously fell outside of the Stonebridge Regeneration Area. However, this does not make a significant difference to the above figures.

Your officers accordingly recommend that the landscaping condition is altered to include the requirement to demonstrate the provision of a minimum of 141 square metres of play and recreational space.

Minimum internal floorspace

Since the approval of the previous (2007) consent, the Mayor has introduced new minimum space standards for residential developments which are greater than those previously set out within SPG 17. The applicant has confirmed that all units will meet or exceed the new standards and that details of this will be provided within the Reserved Matters Application. Your officers consider this to be acceptable as the layout of units is approved through the Reserved Matters submission, but recommend that a non-material amendment is made to the description to refer to “up to” 122 self contained flats.

Other matters – Other changes to conditions attached to the previous consent

New standard conditions are now used by the Council. This includes the use of two conditions rather than one two-part condition in relation to the Site Survey, Remediation Report, Completion Report and Certificates of Completion (all relating to site contamination). The new conditions have accordingly been recommended for use. However, the requirements of those conditions have not changed materially.

Conditions 14 and 15 of the previous consent dealt with best practice for construction on site. However, such matters are covered by other legislation and the Council no longer attaches this condition to planning consents. This condition has accordingly been removed.

Summary

In your officers opinion, the planning policies and guidance that have been adopted since the previous grant of planning consent do not affect the acceptability of the proposal. The submitted documentation has updated the proposal to ensure that it is in compliant with the relevant requirements as set out within policy and guidance and in particular, ensure that the proposal complies with the Mayor’s revised energy hierarchy, requirement for children and young person’s play and recreational space and minimum standards for internal floorspace.

It is accordingly recommended that the timeframes for the submission of Reserved Matters and commencement of this consent are extended in accordance with the standard timeframes for Outline Applications.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

London Plan 2011
Brent Local Development Framework Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance
Council's Supplementary Planning Guidance

CONDITIONS/REASONS:

- (1) In the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of this permission, and

That the development to which this permission relates must be begun not later than two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990.

- (2) The development hereby approved shall be carried out and completed in all respects in accordance with the proposals contained within Planning Application reference 07/3309 as updated by the documents submitted within this application.

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities by any work remaining incomplete.

- (3) Details of the reserved matters for the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-

- (a) external appearance;
- (b) landscaping.

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

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

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

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

- (5) All areas shown on the approved plans shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. The landscaping scheme shall include but shall not be limited to the provision of 10 semi-mature trees which have a minimum of 14-26 cm girth at planting. Such landscaping work shall be completed during the first available planting season following completion of the development hereby approved and the details approved

under item (d) below shall be implemented prior to demolition/construction commencing and retained during demolition/construction.

The submitted scheme shall include details of:

- (a) the planting scheme for the site, which shall include species, size and density of plants;
- (b) walls, fencing and any other means of enclosure, including materials, designs and heights;
- (c) treatment of areas of hardstanding and other areas of hard landscaping, including materials;
- (d) children and young persons play and recreational space and facilities;
- (d) trees and other vegetation to be retained within the site and the techniques to be used to protect them during construction and the use of appropriate building foundations in accordance with British Standard 5837. This shall include construction details for the building, all hard-surfaced areas, details of routing for any underground services that may affect the trees and details of the protection of the trees during the construction period, to ensure that the development hereby approved does not damage the trees, including their roots.

Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

- (6) Notwithstanding the plans hereby approved, detailed drawings which show the siting and layout of cycle storage areas which will accommodate a minimum of 1 cycle per unit shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and the development shall be carried out in full accordance with the approved details. The cycle storage areas shall be situated internally within the building, within or adjoining the cores, internal circulation areas or basement parking areas, in proximity to the units for which they will serve and secure and weatherproof.

Reason: To ensure a satisfactory development that makes adequate provision of cycle storage.

- (7) Plans detailing the layout of the basement parking areas which shall include a minimum of 84 parking spaces of which at least 4 shall be for disabled persons shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and the development shall be carried out in full accordance with the approved details. The plans shall detail vehicle circulation within the basement parking area including the details of the ramps between different levels of basement parking and shall include both plans and sections of the basement parking areas.

Reason: To ensure a satisfactory development which allows the free and safe movement of traffic and pedestrians throughout the site and to provide and retain adequate 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.

- (8) Plans detailing the internal layout of the buildings hereby approved and any balconies, roof terraces or other areas of external amenity space shall be submitted

to and approved in writing by the Local Planning Authority prior to the commencement of works and the development shall be carried out in full accordance with the approved details. The details shall include the layout and size of flats, internal circulation areas, refuse storage areas, cycle storage areas, any plant room, any other internal area and any areas of external amenity space.

Reason: To ensure a satisfactory development that achieves a good standard of accommodation for future residents.

- (9) Details of the heights of the buildings, finished floor levels and the levels of the pedestrian street, footpaths and pedestrian accesses into the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The development shall be carried out in full accordance with the approved details.

Reason: To ensure a development that pays the appropriate regard to its setting and provides access for disabled persons.

- (10) A scheme detailing water efficiency and management measures, including measures to limit the use of water together with rainwater harvesting and grey-water re-use shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. Should measures not be proposed, the reasons for excluding the measures should be outlined within the scheme. The development shall be carried out in full accordance with the approved details.

Reason: To ensure a sustainable development.

- (11) A drainage strategy detailing any on- and/or off-site drainage works shall be submitted to and approved by the Local Planning Authority prior to the commencement of works and the development and the development shall be carried out in full accordance with the approved details.

Reason : To ensure an adequate and appropriate means of dealing with surface and foul drainage from the site is provided in the interests of the water environment and the environment of the locality.

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

Reason: In the interests of safety, amenity and convenience and in the interests of the amenities of the adjoining residents.

- (13) Plans detailing the dedication of one on-street car-parking space for use by a car club and not for any other purpose shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The development shall be carried out in full accordance with the approved plans and the parking space shall be maintained solely for car club use unless otherwise otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development that promotes the use of non-car modes of access.

- (14) Details of the extract/ventilation equipment for the basement parking area, including ducting, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The development shall be carried out in full

accordance with the approved details and the equipment shall be operated at all times when the car park is in use and maintained in accordance with the manufacturer's instructions unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of the adjoining dwellings and future residents of the proposed dwellings.

- (15) The relevant part of the development hereby approved shall not commence unless a site investigation is carried out and remediation strategy is prepared by an appropriate person to determine the nature and extent of any contamination present. The investigation and strategy shall be carried out in accordance with a scheme, which shall be submitted to and approved by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain, treat or remove any contamination found. Any proposed remediation must be sustained for the life of the development and this must be justified by the applicant. If during works new areas of contamination are encountered, which have not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

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

- (16) The relevant part of the development hereby approved shall not be occupied or the use of the relevant part shall not commence unless a verification report shall be provided to the Local Planning Authority by a competent person stating that remediation has been carried out in accordance with the remediation scheme approved pursuant to condition 16 and the site is permitted for end use.

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

INFORMATIVES:

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

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

- (2) During construction on site:-
(a) The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site.
(b) The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays.
(c) Vehicular access to adjoining and opposite premises shall not be impeded.
(d) All vehicles, plant and machinery associated with such works shall at all times be

stood and operated within the curtilage of the site only.

(e) No waste or other material shall be burnt on the application site.

(f) All excavated topsoil shall be stored on the site for reuse in connection with landscaping.

(g) A barrier shall be constructed around the site, to be erected prior to demolition.

(h) A suitable and sufficient means of suppressing dust must be provided and maintained.

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

- (3) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface water sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water, Developer Services will be required. They can be contacted on 08454 850 2777. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- (4) There are public sewers crossing the site, therefore no building will be permitted within 3 metres of the sewers without Thames Water's approval. Should you require a building over application form or other information relating to your building / development work, please contact Thames Water on 0845 850 2777.
- (5) Thames Water would recommend that petrol/oil interceptors be fitted in all car parking / washing / repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local waterways.
- (6) Thames Water will aim to provide its customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at a point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Any person wishing to inspect the above papers should contact David Glover, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5344

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

Planning Committee: 18 January, 2012

Application Number: 11/1350 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 22/11/2011 **Appeal Against:** Refusal of planning permission
Location: Flat 6, 88 Brook Road, London, NW2 7DU
Proposal:
 Erection of a side dormer window

Application Number: 11/1398 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 22/11/2011 **Appeal Against:** Refusal of planning permission
Location: Land next to 64, Sudbury Croft, Wembley, HA0
Proposal:
 Proposed erection of new 2-storey dwellinghouse on land next to 64 Sudbury Croft

Application Number: 11/1422 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 07/11/2011 **Appeal Against:** Refusal of planning permission
Location: 78B Ivy Road, London, NW2 6SX
Proposal:
 Erection of a rear dormer window, insertion of 3 front rooflights and 1 rear rooflight to 1st floor flat

Application Number: 11/1427 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 22/11/2011 **Appeal Against:** Refusal of planning permission
Location: Flat 2, 17 Brondesbury Villas, London, NW6 6AH
Proposal:
 Installation of 3 replacement white pvc-u rear windows to second floor flat

Application Number: 11/1465 **Team:** Western Team **Application Type** Other CLD
Appeal Received: 16/11/2011 **Appeal Against:** Refusal of planning permission
Location: 1 Fernbank Avenue, Wembley, HA0 2TT
Proposal:
 Certificate of lawfulness for proposed rear dormer window and 1 rear rooflight to dwellinghouse

Application Number: 11/1595 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 28/11/2011 **Appeal Against:** Refusal of planning permission
Location: 9 Ashridge Close, Harrow, HA3 0JE
Proposal:
 Demolition of existing side extension, erection of a new two storey side extension, single storey rear extension and installation of 1 rear rooflight to dwellinghouse

Application Number: 11/1642 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 23/11/2011 **Appeal Against:** Refusal of planning permission
Location: 74 & 74 A-C inc, High Street, London, NW10 4SJ
Proposal:
 Change of use from recording studio (class B1) to residential (class C3) and erection of second and third floor rear extension, along with rear balcony areas, to provide for a total of 4 one-bed and 2 studio units.

Application Number: 11/1706 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 22/11/2011 **Appeal Against:** Refusal of planning permission
Location: 79B Purves Road, London, NW10 5TD
Proposal:
 Retrospective application for retention of roof terrace and associated balustrade to rear of first floor flat

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

Planning Committee: 18 January, 2012

Application Number: 11/1736 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 22/11/2011 **Appeal Against:** Refusal of planning permission
Location: 14 Compton Avenue, Wembley, HA0 3FD
Proposal:

Replacement of existing front dormer window with a rooflight and extension to rear roof and gutter

Application Number: 11/1781 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 21/11/2011 **Appeal Against:** Refusal of planning permission
Location: 16 The Drive, Wembley, HA9 9EG
Proposal:

Full planning permission sought for raising of roof, erection of 2 side dormer windows and erection of two storey rear extension to dwellinghouse

Application Number: 11/2209 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 24/11/2011 **Appeal Against:** Refusal of planning permission
Location: 66 Okehampton Road, London, NW10 3EP
Proposal:

Proposed sub-division of the rear garden of No. 66 Okehampton Road, alterations to existing double garage including doors to side and rear elevations, windows to front and rear elevations, 9 rooflights to side and rear roofplanes and conversion of the structure to a 1-bed unit with a mezzanine floor.

Received ENFORCEMENT Appeals between 1-Nov-2011 and 30-Nov-2011

Planning Committee: 18 January, 2012

Application Number: E/07/0828 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 02/11/2011**Location:** 49 Valley Drive, London, NW9 9NJ**Description:**

Without planning permission, the erection of a porch and canopy to the front of the premises.

("The unauthorised development")

Application Number: E/09/0041 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 21/11/2011**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/10/0504 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 25/11/2011**Location:** 29 Chelmsford Square, London, NW10 3AP**Description:**

Without planning permission, the erection of a single storey rear extension onto another extension to the premises.

(The unauthorised development")

Application Number: E/10/0576 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 24/11/2011**Location:** Flats 1-3, 64 Tanfield Avenue, London, NW2 7RT**Description:**

The change of use of the premises to three self-contained flats.

("The unauthorised change of use")

Application Number: E/10/0806 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 29/11/2011**Location:** 10 Kilburn Square, London, NW6 6PT**Description:**

The erection of a single storey structure to form an enclosed additional room to the rear of the first floor maisonette.

("The unauthorised development")

Received ENFORCEMENT Appeals between 1-Nov-2011 and 30-Nov-2011

Planning Committee: 18 January, 2012

Application Number: E/10/0846 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 02/11/2011

Location: 151A-C, Dartmouth Road, London, NW2

Description:

Without planning permission, the removal of a chimney stack and the installation of new aluminium framed windows to the front elevation of the first floor of the premises.

("The unauthorised development")

Application Number: E/11/0260 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 16/11/2011

Location: 123, 123 A and 123 B High Street, London, NW10 4TR

Description:

The erection of a rear dormer roof extension to the second floor of the premises.

("The unauthorised development")

Application Number: E/11/0457 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 10/11/2011

Location: 9 Donnington Road, London, NW10 3QR

Description:

The erection of a wrap around side and rear dormer window roof extension to the premises.

("The unauthorised development")

Application Number: E/11/0598 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 29/11/2011

Location: 100 Randall Avenue, London, NW2 7SU

Description:

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

("The unauthorised development")

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

Planning Committee: 18-Jan-2012

Application Number: 10/2538 **PINSRefNo** A/11/2154689 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 09/11/2011

Location: 48 Ledway Drive, Wembley, HA9 9TQ

Proposal:

Demolition of existing dwellinghouse and erection of three 3-bedroom dwellinghouses (one detached and two semi-detached) with three off-street parking spaces and associated landscaping

Application Number: 10/2694 **PINSRefNo** A/11/2154008 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 02/11/2011

Location: 106, 108 & 114 Elms Lane, Wembley, HA0

Proposal:

Demolition of existing dwellinghouses (106 & 108) and erection of part 2- & 3-storey building comprising 8 flats, enlargement of 2 existing vehicle crossovers, formation of new vehicular crossover, provision of 8 car-parking spaces, cycle store, detached bin store and associated landscaping

Application Number: 10/3229 **PINSRefNo** A/11/2156363/NWF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 04/11/2011

Location: 27 The Drive, Wembley, HA9 9EF

Proposal:

Demolition of existing bungalow and erection of a two storey block of flats comprising one x three-bed, one x two-bed and four x one-bed self contained flats, with formation of new vehicular access, five parking spaces, refuse store, cycle store and associated hard and soft landscaping (accompanied by Design & Access and Lifetime Homes Statement, Arboricultural Report, Tree Survey Schedule, Outline Sustainability Statement) as amended by plans received 14/03/11

Application Number: 10/3278 **PINSRefNo** A/11/2155331/NWF **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 04/11/2011

Location: 47C Cavendish Road, London, NW6 7XS

Proposal:

Window replacement to an existing converted 4-storey residential property housing 4 self-contained flats.

Application Number: 10/3280 **PINSRefNo** A/11/2155278/NWF **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 08/11/2011

Location: 13A-D inc, Park Avenue, London, NW2 5AN

Proposal:

Window replacement to an existing 3-storey residential property housing 4 self-contained flats

Application Number: 11/0090 **PINSRefNo** A/11/2155083/NWF **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 01/11/2011

Location: 7 St James Gardens, Wembley, HA0 4LH

Proposal:

Conversion of existing dwellinghouse into two self-contained flats and alterations to front garden to include provision for bin storage and cycle parking

Application Number: 11/0102 **PINSRefNo** A/11/2154946/NWF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 25/11/2011

Location: 38 Mapesbury Road, London, NW2 4JD

Proposal:

Installation of replacement upvc windows

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

Planning Committee: 18-Jan-2012

Application Number: 11/0567 **PINSRefNo** A/11/2154889/NWF **Team:** Southern Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 28/11/2011
Location: Flat 1, 277 Willesden Lane, Willesden, London, NW2 5JA
Proposal:
 Conversion of existing ground floor flat into two one bedroom units, with erection of single storey rear extension.

Application Number: 11/0590 **PINSRefNo** **Team:** Northern Team
Appeal Decision: Appeal Allowed **Appeal Decision Date:** 28/11/2011
Location: 12 Meadowbank Road, London, NW9 8LH
Proposal:
 Certificate of Lawfulness for the erection of an outbuilding (a store and sensory room for child with special needs) to the back of the rear garden

Application Number: 11/0789 **PINSRefNo** A/11/2153807/NWF **Team:** Southern Team
Appeal Decision: Appeal Allowed **Appeal Decision Date:** 02/11/2011
Location: 307-311 Kilburn High Road, London, NW6 7JR
Proposal:
 Change of use class from A4 and D2 to A1, A2 and/or A3 on the ground floor and the construction of 4 flats (2 beds) at first floor level, the erection of second floor extension to accommodate 3 flats (1 x 2bed and 2x 3bed) and a new set back third floor accomadating (1 x 2 bed and a 1 x 3 bed)

Application Number: 11/0816 **PINSRefNo** D/11/2161585 **Team:** Southern Team
Appeal Decision: Appeal Allowed **Appeal Decision Date:** 16/11/2011
Location: 117 Brondesbury Road, London, NW6 6RY
Proposal:
 Erection of front dormer window to dwellinghouse

Application Number: 11/1005 **PINSRefNo** X/11/2159452 **Team:** Northern Team
Appeal Decision: Appeal Allowed **Appeal Decision Date:** 29/11/2011
Location: 3 Woodland Close, London, NW9 8XP
Proposal:
 Certificate of lawfulness for proposed outbuilding to rear garden of dwellinghouse

Application Number: 11/1276 **PINSRefNo** D/11/2161383 **Team:** Southern Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 22/11/2011
Location: 53 Mount Pleasant Road, London, NW10 3EH
Proposal:
 Erection of a single storey rear extension.

Application Number: 11/1304 **PINSRefNo** D/11/2162450 **Team:** Western Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 18/11/2011
Location: 137 Llanover Road, Wembley, HA9 7LW
Proposal:
 Retrospective planning application for the erection of a two storey side extension, part ground floor/part first floor rear extension and associated internal alterations

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

Planning Committee: 18-Jan-2012

Application Number: 11/1393 **PINSRefNo** D/11/2159604 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 10/11/2011

Location: 210 East Lane, Wembley, HA0 3LF

Proposal:

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

Application Number: 11/1523 **PINSRefNo** /A/11/2161749 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 16/11/2011

Location: 19 Grove Park, London, NW9 0LA

Proposal:

Erection of single storey rear extension to link into existing rear outbuilding, alterations and increase in height of existing outbuilding.

Application Number: 11/1725 **PINSRefNo** D/11/2161955 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 10/11/2011

Location: 61 Kenton Road, Harrow, HA3 0AH

Proposal:

Erection of a single storey rear conservatory to dwellinghouse

Application Number: 11/1844 **PINSRefNo** D/11/2163326 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 29/11/2011

Location: 14 Mapesbury Road, London, NW2 4JB

Proposal:

Four storey rear extension to include roof extension with 2 dormer windows, demolition and rebuilding of existing detached swimming pool structure and single storey outbuilding to rear, alterations to rear and side elevation windows, alteration to vehicular access and associated landscaping

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Decisions on ENFORCEMENT Appeals between 1-Nov-2011 and 30-Nov-2011
 Planning Committee: 18 January, 2012

Application Number: E/10/0583 **PINSRefNo** C/11/2155785 **Team:** Northern Team

Appeal Decision: Appeal Allowed

Appeal Decision Date: 18/11/2011

Location: 21 Springfield Gardens, London, NW9 0RT

Proposal:

The erection of a building in rear garden of the premises.

("The unauthorised development")

Application Number: E/10/0605 **PINSRefNo** C/11/2158215

Team: Southern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 30/11/2011

Location: 51 Willesden Lane, Kilburn, London, NW6 7RL

Proposal:

The erection of a wooden enclosure surrounding the forecourt of the premises.

("The unauthorised development")

Application Number: E/10/0759 **PINSRefNo** C/11/2156065

Team: Southern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 28/11/2011

Location: 836 Harrow Road, London, NW10 5JU

Proposal:

The demolition of a front boundary wall and the formation of a hard surface to front garden of the premises.

("The unauthorised development")

Application Number: E/10/0831 **PINSRefNo** C/11/2156662

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 29/11/2011

Location: 169 Abbots Drive, Wembley, HA0 3SH

Proposal:

Without planning permission, the erection of a boundary wall to front of premises.

("The unauthorised development")

Application Number: E/11/0063 **PINSRefNo** C/11/2152761

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 10/11/2011

Location: 71 Abbey Avenue, Wembley, HA0 1LJ

Proposal:

Without planning permission, the erection of a building, shown cross-hatched on the attached Plan 2, not incidental to the enjoyment of the dwellinghouse in rear garden of the premises.

("The unauthorised development")

Application Number: E/11/0131 **PINSRefNo** C/11/2152846

Team: Northern Team

Appeal Decision: Appeal Allowed

Appeal Decision Date: 09/11/2011

Location: 2 Oxgate Gardens, London, NW2 6EB

Proposal:

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

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

Planning Committee: 18 January, 2012

Application Number: E/11/0198 **PINSRefNo** C/11/2157944 **Team:** Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 16/11/2011

Location: 1 Alverstone Road, Wembley, HA9 9SA

Proposal:

Without planning permission, the change of use of the premises from residential to a mixed use as residential and for the storage and deposit of building and scrap materials; the erection of a front and side boundary fence and a container adjacent to West Hill.

("The unauthorised change of use and development")

Application Number: E/11/0351 **PINSRefNo** C/11/2158941

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 28/11/2011

Location: 89 Byron Road, Wembley, HA0 3PB

Proposal:

Without planning permission, the material change of use of the premises to a mixed use as residential and storage, deposit of waste and building materials.

("The unauthorised change of use")

Application Number: E/11/0424 **PINSRefNo** C/11/2157676

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 16/11/2011

Location: 9 Hillcroft Crescent, Wembley, HA9 8EE

Proposal:

The use of the outbuilding to the rear of the premises as separate living accommodation and the erection of a single storey extension.

("the unauthorised change of use and development")

**PLANNING SELECTED appeal DECISIONS between
1-Nov-2011 and 30-Nov-2011
Planning Committee: 18 January, 2012**

Introduction

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

Our reference: 10/3278	Appeal Decision: Appeal Allowed	Appeal Decision Date: 04/11/2011
Team:	Southern Team	
Location:	47C Cavendish Road, London, NW6 7XS	
Proposal:	Window replacement to an existing converted 4-storey residential property housing 4 self-contained flats.	
Our reference: 10/3280	Appeal Decision: Appeal Allowed	Appeal Decision Date: 08/11/2011
Team:	Southern Team	
Location:	13A-D inc, Park Avenue, London, NW2 5AN	
Proposal:	Window replacement to an existing 3-storey residential property housing 4 self-contained flats	
Our reference: 11/0590	Appeal Decision: Appeal Allowed	Appeal Decision Date: 28/11/2011
Team:	Northern Team	
Location:	12 Meadowbank Road, London, NW9 8LH	
Proposal:	Certificate of Lawfulness for the erection of an outbuilding (a store and sensory room for child with special needs) to the back of the rear garden	
Our reference: 11/0789	Appeal Decision: Appeal Allowed	Appeal Decision Date: 02/11/2011
Team:	Southern Team	
Location:	307-311 Kilburn High Road, London, NW6 7JR	
Proposal:	Change of use class from A4 and D2 to A1, A2 and/or A3 on the ground floor and the construction of 4 flats (2 beds) at first floor level, the erection of second floor extension to accommodate 3 flats (1 x 2bed and 2x 3bed) and a new set back third floor accomadating (1 x 2 bed and a 1 x 3 bed)	
Our reference: 11/0816	Appeal Decision: Appeal Allowed	Appeal Decision Date: 16/11/2011
Team:	Southern Team	
Location:	117 Brondesbury Road, London, NW6 6RY	
Proposal:	Erection of front dormer window to dwellinghouse	
Our reference: 11/1005	Appeal Decision: Appeal Allowed	Appeal Decision Date: 29/11/2011
Team:	Northern Team	
Location:	3 Woodland Close, London, NW9 8XP	
Proposal:	Certificate of lawfulness for proposed outbuilding to rear garden of dwellinghouse	
Our reference: 11/1523	Appeal Decision: Appeal Allowed	Appeal Decision Date: 16/11/2011
Team:	Northern Team	
Location:	19 Grove Park, London, NW9 0LA	
Proposal:	Erection of single storey rear extension to link into existing rear outbuilding, alterations and increase in height of existing outbuilding.	

**PLANNING SELECTED appeal DECISIONS between
1-Nov-2011 and 30-Nov-2011
Planning Committee: 18 January, 2012**

Background Information

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

Chris Walker, Assistant Director - Planning and Development

**ENFORCEMENT SELECTED appeal DECISIONS between
1-Nov-2011 and 30-Nov-2011**

Planning Committee: 18 January, 2012

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/10/0583	Appeal Decision Date: 18/11/2011
Team: Northern Team	Appeal Decision: Appeal Allowed

Location: 21 Springfield Gardens, London, NW9 0RT

Proposal:

The erection of a building in rear garden of the premises.

Our reference: E/11/0131	Appeal Decision Date: 09/11/2011
Team: Northern Team	Appeal Decision: Appeal Allowed

Location: 2 Oxgate Gardens, London, NW2 6EB

Proposal:

Without planning permission, the erection of a building in the rear garden 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 12 October 2011

by Nicola Linihan BA (Hons) DMS MRTPI

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

Decision date: 4 November 2011

Appeal Ref: APP/T5150/A/11/2155331
47 Cavendish Road, London NW6 7XS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by the Teachers' Housing Association (Ms Verena Brennan) against the decision of the Council of the London Borough of Brent.
 - The application Ref 10/3278, dated 23 December 2010, was refused by notice dated 17 February 2011.
 - The development proposed is window replacement to an existing converted 4-storey residential property housing four self-contained flats.
-

Decision

1. The appeal is allowed and planning permission is granted for window replacement to an existing converted 4-storey residential property housing four self-contained flats at 47 Cavendish Road, London, NW6 7XS in accordance with the terms of the application, Ref 10/3278, dated 23 December 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans 4260/31, 4260/32.

Procedural Matters

2. The Appeal Questionnaire indicates that the appeal site lies within a Conservation Area. I am satisfied from the information before me that this is not the case. In addition the reasons for refusal relate to the replacement of windows in the front elevation of 47 Cavendish Road. These are denoted on Drawing No. 4260/32 as Windows W1, W2, W3, W4 and W5. The remaining windows (W6 to W27 inclusive) are not considered controversial and because of their design and location I agree that they are acceptable. I shall now go on to consider the windows in dispute in this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the front elevation of 47 Cavendish Road and the wider street scene having particular regard to the adjacent Brondesbury Conservation Area.

Reasons

4. The appeal property is one half of a pair of semi-detached dwellings that has been converted into 4 self-contained flats. Windows W1, W2, W3 and W4 are of a traditional sliding sash form. Window 5 is a casement style window set within a roof dormer, which appears to be a later addition.
5. The property is located within a tree-lined suburban residential street. The properties in the locality are of a relatively consistent architectural style. Windows are predominantly of a traditional sash window design, although replacement windows are not uncommon within the street scene.
6. Windows W1-W4 would be replaced by sliding sash units and Window W5 would be replaced by a casement unit. All of the proposed windows would be formed from white pre-coated aluminium sections. However, the overall proportions and style of the replacement frames would not be dissimilar to those being replaced. In addition the proposal does not include alterations to the existing window surrounds or the rendered and painted decorative posts which themselves make a positive contribution to the property's character and appearance.
7. A number of properties within the locality have replacement windows, some with and some without the replication of the decorative sash horns. In addition there is no consistency in terms of the provision or otherwise of vertical glazing bars. The removal of the vertical glazing bars to Window W1 would therefore not be inconsistent with other properties within the locality, or indeed with the property itself. The architectural detailing and design of the window openings to Windows W1, W2, W3 and W4 are such that they would provide for a recessing of the proposed window frames, thereby minimising the visual impact of the replacement windows in the wider street scene.
8. Policies BE2 and BE9 of the Brent Unitary Development Plan (2004) (UDP) and Supplementary Planning Guidance No.5 'Altering and extending your home' all seek to secure development which satisfactorily relates to and respects the character of its surroundings. Even given the proposed materials to be used, the replacement windows recessed within the street scene elevation of No 47 would be of a style and design which would respect the character of the street and would not unacceptably diminish the quality of the appearance of the property itself, in accordance with UDP policy.
9. Concern has been raised regarding the impact that the proposal would have on the character and appearance of the Brondesbury Conservation Area. The special character of the Conservation Area is based on the design of the houses, their street setting and wider street scene. The boundary of the Conservation Area (when taken along the Cavendish Road frontage) is some 100 metres from the appeal site. A number of trees are also located on the same side of Cavendish Road as the appeal site. The combination of distance and tree screening is such that a clear visual separation is provided between

the appeal site and the Conservation Area. In these circumstances the character and appearance of the Brondesbury Conservation Area would be preserved in accordance with the terms of the UDP policy BE25.

10. The proposal would satisfactorily relate to the host building, the wider streetscene and the Brondesbury Conservation Area. It would therefore cause no significant harm to the character and appearance of No 47, the wider street scene or the preservation of the character and appearance of the Brondesbury Conservation Area. The proposal would not undermine the aims and objectives of UDP policy in this regard and therefore the appeal is allowed.

Conditions

11. I have considered the matter of conditions in the light of the advice within Circular 11/95: *The Use of Conditions in Planning Permissions*. I shall impose the usual time limit for commencement and, for the avoidance of doubt and in the interests of proper planning, a condition requiring development to be carried out in accordance with the submitted plans.

Nicola Linihan

INSPECTOR



Appeal Decision

Site visit made on 12 October 2011

by Nicola Linihan BA (HONS) DMS MRTPI

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

Decision date: 8 November 2011

Appeal Ref: APP/T5150/A/11/2155278
13 Park Avenue, London NW2 5AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Verena Brennan against the decision of the Council of the London Borough of Brent.
 - The application Ref 10/3280, dated 23 December 2010, was refused by notice dated 17 February 2011.
 - The development proposed is window replacement to an existing 3-storey residential property housing 4 self-contained flats.
-

Decision

1. The appeal is allowed and planning permission is granted for window replacement to an existing 3-storey residential property housing 4 self-contained flats at 13 Park Avenue, London, NW2 5AN in accordance with the terms of the application, Ref 10/3280, dated 23 December 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans 4260/11, 4260/12.

Procedural Matter

2. The reason for refusal relates to the replacement of windows in the front elevation of 13 Park Avenue. These are denoted on Drawing No. 4260/12 as windows W1, W2, W3, W4 and W5. The remaining windows W6-W20 (inclusive) are not considered controversial and because of their design and location I agree that they are acceptable. I shall now go on to consider the windows in dispute in this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the front elevation of 13 Park Avenue and the character of the wider street scene.
-

Reasons

4. The appeal property is one half of a pair of semi-detached dwellings that has been converted into 4 self-contained flats. Windows W1, W2 and W4 are of a traditional style, including stained glass detailing. Window W3 is of a simple form and design. Window W5 is contained within a roof dormer.
5. The property lies within a tree-lined suburban residential street. The properties within the locality provide no uniformity in terms of either architectural style or window treatments. Some of the properties have retained their original windows whilst others, including Numbers 9, 11, 17 and 19 Park Avenue have replacement windows of differing styles and materials. No 15 Park Avenue, which forms the other half of this semi-detached pair of properties, has altered/replaced several windows similar to those the subject of this appeal.
6. Windows W1, W2 and W4 are relatively ornate in terms of appearance. The proposed replacement windows, which would be formed from white pre-coated aluminium sections, are in contrast simple in their design. However, the overall proportions of the replacement frames would not be dissimilar to those being replaced. In addition the proposal does not include alterations to the existing window surrounds or the rendered and decorative posts which themselves make a positive contribution to the property's character and appearance.
7. The design of the frames to windows W3 and W5 are not dissimilar to those that currently exist in terms of the style of opening or the proportions of the frames. Whilst the appearance of the property would be altered, even given the proposed materials to be used, the changes would not unacceptably diminish the quality of the appearance of the property itself in accordance with UDP policy.
8. Policies BE2 and BE9 of the Brent Unitary Development Plan (2004) (UDP) and Supplementary Planning Guidance No 5 'Altering and extending your home' all seek to secure development which satisfactorily relates to and respects the character of its surroundings. The particular design of windows W1, W2 and W4, whilst replicated in part in the attached property, No. 15 Park Avenue, is not a common feature within the wider street scene. The architectural detailing and design of the window openings to windows W1, W2 and W4 are such that they would provide for a recessing of the proposed window frames, thereby minimising the visual impact of the replacement windows in the wider street scene. Windows W3 and W5 would be visually similar to those that currently exist. Whilst a change of materials is proposed a variety of materials have already been used in other windows within the locality. The replacement windows recessed within the street scene elevation of No 13 would be of a style and design which would respect the character of the street.
9. The proposal would satisfactorily relate to the host building and the wider street scene. It would therefore cause no significant harm to the character and appearance of No 13 or the wider street scene. The proposal would not undermine the aims and objectives of UDP policy in this regard and therefore the appeal is allowed.

Conditions

10. I have considered the matter of conditions in the light of the advice within Circular 11/95: *The Use of Conditions in Planning Permissions*. I shall impose the usual time limit for commencement and, for the avoidance of doubt and in the interests of proper planning, a condition requiring development to be carried out in accordance with the submitted plans.

Nicola Linihan

INSPECTOR



Appeal Decision

Site visit made on 17 November 2011

by Gareth Symons BSc(Hons) DipTP MRTPI

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

Decision date: 28 November 2011

Appeal Ref: APP/T5150/X/11/2157781
12 Meadowbank Road, London, NW9 8LH

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Jerome Knight against the decision of the Council of the London Borough of Brent.
- The application Ref: 11/0590, dated 28 February 2011, was refused by notice dated 3 May 2011.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
- The development for which the LDC is sought is a single storey mono-pitched roof rear extension and detached outbuilding at rear of garden as a gym/sensory room for autistic child.

Summary of Decision: The appeal is allowed and a LDC is issued, in the terms set out below in the Formal Decision.

Preliminary Matter

1. The application proposes two elements of development. These are a single storey mono-pitched roof rear extension and a detached outbuilding. However, the Council's decision notice on the LDC application only refers to the outbuilding. I only have a plan for this building and the evidence from the Council and the appellant only refers to the outbuilding. Also, the Council has granted a separate LDC for a rear extension to the property. In raising this matter with the Council and the appellant, both parties have advised that the appeal should be about the outbuilding only. I shall determine the appeal on this basis.

Main Issue

2. The main issue is whether the proposed development would be lawful by virtue of Schedule 2 (Part 1) (Class E) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO). There is no dispute that the outbuilding would meet all the conditions set out in Paragraph E.1. However, the Council contends that the size of the outbuilding means that it would not be 'permitted development' (PD) because it would not be incidental to the enjoyment of the dwellinghouse. The Council's decision notice on the LDC application had an informative note on it advising that an outbuilding reduced in size could be considered incidental in use and provide a gym and store room by removing the circulation space (corridors and lobby area immediately outside the store room). I shall focus my attention accordingly.

Reasons

3. The case of *Emin v SSE* [1989] JPL 909 is noted. In other subsequent cases (*Wallington v SoS for Wales* [1990] 62 P & CR 150; *Holding v FSS* [2004] JPL 1405; *Croydon LBC v Gladden* [1994] 1 PLR 30) it has been held that the test of incidental must retain an element of objective reasonableness and it should not be based on the unrestrained whim of the occupier. Balanced against that, however, is that a hard objective test that frustrates the reasonable aspirations of a particular owner or occupier should not be imposed so long as they are sensibly related to the enjoyment of the dwelling. This involves judgements based on matters of fact and degree depending on the particular circumstances of the case.
4. The appellant has supplied information in relation to the therapy needs of his daughter and the reasons why a sensory room would improve her daily quality of life. This would involve moving certain sensory equipment out of the house for which storage areas in the outbuilding would also be required. The family would also use the proposed gym area by having a treadmill in the room. Furthermore, a dedicated gym would benefit the family as a whole by easing the space currently used in the main dwelling that is dedicated to their daughter's needs. The dimensions of the proposed equipment, such as a sensory swing, would require sufficient space to operate properly. It is not unreasonable to have space that allows for storage cupboards doors to open.
5. It also seems reasonable that for appropriate circulation purposes and to make the inside space easy to use, the inside of the building should be larger than absolutely necessary. Any reduction in size in the order of that suggested by the Council would be relatively marginal and it could frustrate a very reasonable aspiration to provide for the special needs of the appellant's daughter. The storage room would not be unduly large. The small lobby area would allow for unencumbered access into the storage area from the rear of the building. Moving gardening equipment in and out of the building could be done when the sensory facilities were not in use.
6. I have no doubt that the proposed use of the outbuilding as a sensory room/gym and store for household and gardening equipment would fulfil a perfectly reasonable aspiration. The proposed size and layout of the outbuilding would be a sensible solution to meeting that need. The fact that the external footprint of the outbuilding would only be about 3 sq m less than the footprint of the house is not necessarily fatal to the appellant's case. Because the appellant's dwelling is two storeys, the volume of the outbuilding would be considerably less than that of the house in any event.
7. The other appeal decisions referred to by the Council are noted. I do not have the details about the other cases in order to draw any meaningful comparisons between them and the one now before me. Nevertheless, the outcome of the appeals vary which, bearing in mind the court cases referred to above, shows that judgements need to be made on the particular circumstances of each case.
8. Taking all of these considerations into account, as a matter of fact and degree the proposed outbuilding would meet the test of being for purposes incidental to the enjoyment of the dwellinghouse as such. Therefore it would be permitted development by virtue of the GPDO, Schedule 2, Part 1, Class E.

9. I am satisfied that the Council's decision to refuse the LDC application was not well founded. The appeal should succeed.

Formal Decision

10. I allow the appeal and attach to this decision a certificate of lawful development describing the proposed operation which I consider to be lawful.

Gareth Symons

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2010: ARTICLE 24

IT IS HEREBY CERTIFIED that on 28 February 2011 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The development described would be permitted development by virtue of the rights conveyed by Class E of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended 2008 by SI No. 2362).

Signed

Gareth Symons

Inspector

Date: 28 November 2011

Reference: APP/T5150/X/11/2157781

First Schedule:

Proposed detached outbuilding at rear of garden as a gym/sensory room for autistic child (outbuilding as shown on drawing no 0201/2)

Second Schedule

Land at 12 Meadowbank Road, London, NW9 8LH

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



Plan

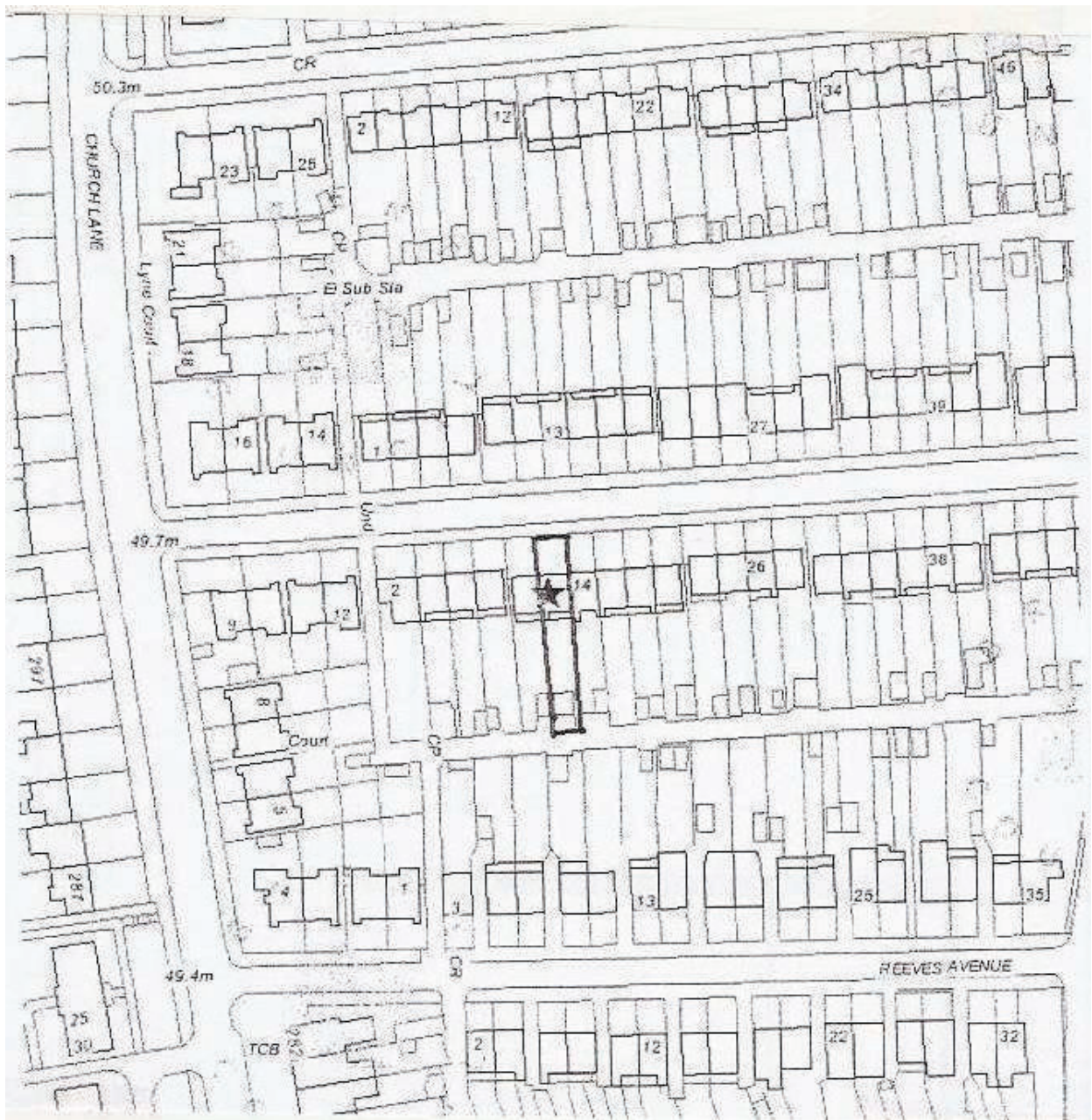
This is the plan referred to in the Lawful Development Certificate dated: 28 November 2011

by **Gareth Symons BSc(Hons) DipTP MRTPI**

Land at: 12 Meadowbank Road, London, NW9 8LH

Reference: APP/T5150/X/11/2157781

Scale: Do not scale.





Appeal Decision

Site visit made on 13 October 2011

by **M J Single DipTP, MRTPI**

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

Decision date: 2 November 2011

Appeal Ref: **APP/T5150/A/11/2153807**

307-311 Kilburn High Road, Kilburn, London, NW6 7JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Sundial Capital Corporation against the Council of the London Borough of Brent.
 - The application Ref 11/0789 dated 28 March 2011 was refused by notice dated 20 May 2011.
 - The development proposed is change of use from Use Class A4 and D2 to A1, A2, and/or A3 on the ground floor and 4 flats (all 2 beds) on the first floor, a new second floor accommodating 3 flats (1 x 2 bed and 2 x 3 beds) and a new set back third floor accommodating 2 flats (1 x 2 bed and 1 x 3 bed).
-

Decision

1. The appeal is allowed and planning permission granted for change of use from Use Class A4 and D2 to A1, A2, and/or A3 on the ground floor and 4 flats (all 2 beds) on the first floor, a new second floor accommodating 3 flats (1 x 2 bed and 2 x 3 beds) and a new set back third floor accommodating 2 flats (1 x 2 bed and 1 x 3 bed) at 307-311 Kilburn High Road, Kilburn, London, NW6 7JR, in accordance with the terms of the application, Ref 11/0789 dated 28 March 2011 and the plans submitted therewith subject to the following conditions:
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1267-P2/P020, 1267-P2/P021, 1267-P2/P022, 1267-P2/P023, 1267-P2/P024, 1267-P2/P025, 1267-P2/P026, 1267-P2/P027, 1267-P2/P029 and 1267-P2/P-040.
 3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 4. The ground floor premises shall not be used or open to customers except between the hours of: 0800 to 2300 Monday to Saturday and 1000 to 2230 Sundays and Bank Holidays.

5. Prior to occupation of the flats the results of post-completion testing undertaken in the noise affected flats closest to the road, to demonstrate that reasonable resting conditions (Living Rooms) LAeq, T 30-40dB (day:T=16 hours 0700 to 23.00), reasonable sleeping conditions (Bedrooms) LAeq, T 30-35dB (night:T= 8 hours 2300 to 0700) LAmix, 45db (night 2300 -0700) have been met, shall be submitted to and approved in writing by the local planning authority, and thereafter the development shall not be occupied until the approved scheme has been fully implemented.
6. Prior to commencement of any A3 development on the ground floor, details of fume extraction and odour control equipment, including any ducting and flues, shall be submitted to and approved in writing by the local planning authority. Such equipment shall be installed in its entirety before the A3 use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out.
7. Prior to occupation of the flats, details of the green roof layout, construction and planting shall be submitted to and approved in writing by the local planning authority. Such details to include:
 - biodiversity based with extensive substrate base (depth 80-150mm);
 - a mix of species to be planted/seeded within the first planting season following the completion of building works (with a focus on wildflower planting and no more than 25% sedum coverage).
8. The biodiversity green roof shall not be used as an amenity or sitting out space and shall not be used other than in the case of essential maintenance, repair, or for escape in the case of emergency.
9. The ground floor cycle and refuse storage areas shall be maintained as such at all times.
10. No development shall take place until a scheme for sound-proofing between flats where their bedrooms would be directly above, or below, living rooms of neighbouring flats have been submitted to and approved in writing by the local planning authority. The flats concerned shall not be occupied until the approved scheme has been fully implemented.

Preliminary Matter

2. Planning permission ref: 10/2979 was granted by the Council on 4 May 2011 for a proposal to convert the premises into retail on the ground floor and flats on the existing first floor, together with the addition of a new second floor to provide another 3 flats. This extension would be set back behind the existing decorative parapet to the property to align with a similar mansard at no. 305 Kilburn High Road. The appeal proposal is similar in many respects, the main difference being the addition of a third floor to provide another 2 flats, this being set even further back from the front of the property.
3. In response to the third and fourth refusal reasons relating to the absence of legal agreements covering infrastructure contributions and parking permit applications, the appeal is supported by a completed Section 106 Unilateral Undertaking addressing these matters. The Council accepts that this is broadly

acceptable and it appears to me that the Heads of Terms meet the Council's requirements.

Main Issues

4. With the completion of a Unilateral Undertaking that I regard as being acceptable to meet the requirements of the Council, and meeting the tests imposed by The Community Infrastructure Levy Regulations 2010, I consider there to be two main issues in this appeal. The first is the effect of the proposal on the character and appearance of the area and surrounding properties, by reason of its design, height, size and position in relation to the boundaries of the site. The second is whether the proposal would provide suitable living conditions for the occupiers of the flats, by reason of amenity space provision and the vertical separation of accommodation, with a bedroom over a living room and terraces above bedrooms.

Reasons

Effect of the proposal on the character and appearance of the area

5. The appeal site forms part of a distinctive and attractive building extending from nos. 293 to 311 Kilburn High Road. Originally comprising just two storeys a second floor mansard has been constructed above nos. 293 to 301 (with another above no. 305) in a style that would largely be replicated by the second floor of the appeal proposal, as previously approved. This would comprise a sloping mansard roof set back about 1.5 metres behind the classical colonnaded feature parapet, on a roof area currently occupied by plant and equipment associated with the vacant bar and club premises on the ground and first floors. The external facing materials for this mansard are not specified in the application form, and Design and Access Statement, nor are they specified on the submitted drawings. Condition 8 of the May 2011 planning permission required these to be agreed with the Council.
6. The Council's objection to the appeal proposal on design grounds is limited to the impact of the additional third floor and this is set out clearly in the Delegated Report on the planning application. It is submitted by the Council that the proposal would have a serious impact on the dignity and integrity of the existing building, damaging to the original architecture, and unbalancing the role of the building in the street scene. To counter this the appellant has produced perspectives of the building from both directions in Kilburn High Road, and on my visit I viewed the site from their positions accompanied by the main parties.
7. From the south the additional third floor, being set back some 7.5 metres from the front balustrade would, I am satisfied, be scarcely visible from street level. It would, furthermore, be seen against the very substantial mass of the adjoining four storey property at no. 315 which towers above the appeal premises. Kilburn High Road is characterised by properties offering a very wide variety of architecture and scale, and I find that from the southerly direction the proposal would not detract from either the overall street scene or the architectural heritage significance of the building itself. The proposal provides an opportunity to bring the building back into beneficial use, at the same time providing additional accommodation in excess of the seven flats previously approved, without causing significant harm.

8. From the north the property is screened from more distant views by the presence of the railway bridge and by the bulk of no. 315. This is set back behind single storey shops on the frontage and part of the somewhat bland side elevation of the appeal properties is visible. The May 2011 permission would already lead to a change to the appearance of the side of the property. From a viewpoint opposite, on the corner of Palmerston Road, I was satisfied that the amount of the new third floor that would be visible would be minimal, because of the narrowness of the gap between nos. 311 and 315. It would not, in my opinion, detract from the architectural quality of the appeal premises, which derives primarily from the detailing of the main elevation to Kilburn High Road. Whilst this is particularly attractive, to the extent that it is almost out of character with its surroundings, the remainder of the building including its side and rear elevations are nondescript without any merit.
9. So little of the third floor would be visible in the street scene that I conclude that it would have an acceptable appearance and would neither detract from the appeal property nor surrounding properties. I conclude that its design, height, size and position in relation to the boundaries of the site would be acceptable. I have taken account of the representations received from occupiers of commercial premises in Drakes Courtyard to the rear and noted the scale of extensions and alterations being carried out to neighbouring premises. I found that the provision of an additional floor at the rear of the appeal premises would not detract from the amenities of any adjoining occupiers, or from the appearance of the building.
10. The Council's Decision Notice cites Brent Unitary Development Plan (UDP) Policies BE9 and H12 in support of this refusal reason. The former relates to *Architectural Quality* seeking, amongst other matters, development that would be of a scale, mass and height appropriate to their setting. The latter deals with *Residential Quality-Layout Considerations*. In my opinion the proposal would not be inappropriate having regard to the criteria in these policies and would not conflict with their overall objectives to secure a high standard of design.

Living conditions of future occupiers

11. The Council expresses concern at two aspects of the proposals that it asserts would provide a poor standard of accommodation. The first of these is the provision of external amenity space, the second being described as the stacking of accommodation. Whilst the Council again cites UDP Policies BE9 and H12 I find nothing in these that refer to this issue. None of the criteria address these specific matters. I do find, however, that Supplementary Planning Guidance 17, the *Design Guide for New Development* (SPG17) does advise that where residential units are placed one above another, bedrooms should not be placed either above, or below, living room and kitchen areas in order to limit noise intrusion, unless sufficient sound proofing can be installed.
12. In terms of amenity space the Council previously accepted the principle of a Section 106 contribution to compensate for the lack of external amenity space within the development. The appellant has now provided a similar obligation in connection with this appeal. In addition the new third floor would provide a communal terrace accessible to all occupiers, in addition to private terraces for Flats 8 and 9.

13. In relation to the stacking of accommodation, having regard to the advice in SPG17, I note that the first and second floor internal layout in the appeal scheme is identical to that approved by the Council under the previous planning permission in May 2011. That included two instances where there would be bedrooms either over, or under, the living room of the flat vertically above or below. Bedroom 2 in Flat 3, as approved, would be below the living room in Flat 6 and bedroom 3 in Flat 5 would be above the living room in Flat 1. That being so it has to be accepted by the Council that this reason for refusal in connection with the current appeal does not apply to the relationships between flats on the first and second floors, these having been recently agreed. In accepting the disposition of bedrooms to living rooms in the previous scheme the Council clearly had regard to the advice in the SPG but found the proposal to be acceptable. It follows that the concern in the present proposal can only relate to the relationship between the flats (as previously approved) on the second floor and those now proposed on a new third floor.
14. Furthermore, whilst the SPG refers to sufficient soundproofing being installed to mitigate noise intrusion the proposal was found to be acceptable without a planning condition requiring any. Condition 9, with regards to noise, only related to the elimination of traffic noise from those flats on the frontage. The Council accepted the arrangement as complying with the SPG.
15. The appeal proposal includes two instances where the stacking would, likewise, not appear to fully accord with the advice in the SPG. Bedroom 3 in Flat 9 would be above the living room in Flat 7. In addition the communal terrace to Flats 8 and 9 would be above the three bedrooms in Flat 5, and the private terrace to Flat 8 would be above the bedrooms in Flat 6. Whilst the SPG was adopted in 2001, prior to adoption of the UDP in 2004, there is no reference to it within those extracts of UDP policies provided with the submissions. There is also no indication of the extent to which the guidance was the subject of consultation prior to its adoption. Whilst a material consideration to which I afford some weight, this is diminished in this situation by the Council's own stance in regard to the previous planning permission granted. In my judgement the relationship between dwellings on the second floor and the proposed third floor would be no more severe than those already approved under a planning permission which remains extant. I believe that this is a matter that could be covered by a suitable planning condition, a point accepted by the appellant in paragraph 3.8 of the Appeal Statement, and consider that it would be both necessary and reasonable to do so to protect the amenity of occupiers of Flats 5 and 6.
16. As I find that the matters raised by this second main issue could be satisfactorily resolved by the Unilateral Undertaking provided in the case of an open space contribution, and by a noise insulation condition in respect of stacking I find that the development would be acceptable. I conclude that the measures taken to contribute to amenity space, and the installation of noise insulation between bedrooms and living rooms and terraces would provide suitable living conditions for the occupiers of the flats. I find no conflict with the UDP policies cited in this regard, or with SPG17 which accepts mitigation by the installation of sufficient soundproofing.
17. The Council has suggested a number of conditions in the event that the appeal is allowed. These are based on those imposed on the planning permission

granted in May 2011. I find these all to be reasonable and necessary to safeguard the appearance of the development and to safeguard the amenity of occupiers from noise and disturbance. I have added a further condition to require a scheme of soundproofing between those flats where living rooms would be either above, or below, bedrooms in neighbouring flats to minimise the risk of noise disturbance. I have included the standard time condition and one defining the approved drawings for the avoidance of doubt and in the interests of proper planning

Martyn Single

INSPECTOR



Appeal Decision

Site visit made on 8 November 2011

by Simon Miles BA(Hons) MSc MRTPI

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

Decision date: 16 November 2011

Appeal Ref: APP/T5150/D/11/2161585
117 Brondesbury Road, London NW6 6RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs A Quinn against the decision of the London Borough of Brent Council.
 - The application Ref 11/0816, dated 29 March 2011, was refused by notice dated 26 May 2011.
 - The development proposed is replacement of skylight with dormer window to front elevation.
-

Decision

1. The appeal is allowed and planning permission is granted for replacement of skylight with dormer window to front elevation at 117 Brondesbury Road, London NW6 6RY in accordance with the terms of the application Ref 11/0816, dated 29 March 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: NA/117BRON/01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. This is the effect of the proposed development on the character and appearance of the existing building and the surrounding area.

Reasons

3. The appeal relates to a two storey property in Brondesbury Road. The street scene is characterised by buildings of a similar traditional design, many of which include rooflights and dormer windows to the front. The Council accepts that a single dormer would be acceptable, but is concerned about the adverse effect of permitting a second dormer.
-

4. However, my observations indicate that a number of existing properties have two dormers. Moreover, the position of spacing of dormers in the roofscape varies, such that dormers on adjoining properties may appear in close proximity, whilst others are more widely spaced. In short, dormer windows are widespread and the roofscape has a diverse character in consequence. When considered in this context, I find the Council's concern about the erection of a second dormer at the appeal property to be unfounded, as this would not appear out of keeping with the street scene. I note that the two dormers would align with the windows on the floor below and, whilst having slightly different proportions, this again reflects the differing shape and proportions of the windows below.
5. This leads me to conclude that the proposed development would cause no significant harm to the character and appearance of either the existing building or the surrounding area. It follows that there is no conflict with saved Policies BE2 and BE9 of the adopted London Borough of Brent Unitary Development Plan 2004 and the Council's adopted supplementary planning guidance *Altering and Extending your Home*, insofar as these seek to ensure that development is appropriate in relation to the site, its location and townscape, having regard to such matters as the design of front elevations, window proportions and the relationship with the street. Neither does the proposal conflict with the draft National Planning Policy Framework, which is a material consideration, to the extent that this is concerned to protect the built environment.
6. Overall, I find that there are no compelling or over-riding reasons why the appeal should not succeed. It is necessary that the development should be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I will therefore impose a condition detailing the relevant plans, in addition to the standard time limit. A further condition is required in relation to materials in the interests of the character and appearance of the area.

Simon Miles

INSPECTOR



Appeal Decision

Site visit made on 22 November 2011

by John Murray LLB, Dip.Plan.Env, DMS, Solicitor

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

Decision date: 29 November 2011

Appeal Ref: APP/T5150/X/11/2159452
3 Woodland Close, Kingsbury, NW9 8XP

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mrs Sue O'Connell against the decision of the Council of the London Borough of Brent.
- The application Ref 11/1005, dated 18 April 2011, was refused by notice dated 1 June 2011.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is a single-storey detached building within the back garden.

Summary of Decision: The appeal is allowed and a certificate of lawful use or development is issued, in the terms set out below in the Decision.

Main Issue

1. I must determine whether the Council's refusal of the certificate of lawful use or development (LDC) was well founded. The main issue is whether the provision of the proposed building within the curtilage of the dwellinghouse at 3 Woodland Close would be required for a purpose incidental to the enjoyment of the dwellinghouse as such, so as to constitute permitted development (PD) under Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended (the GPDO)¹.

Reasons

2. The proposed building would be 7.8m wide and 4m deep, with a maximum height of 2.5m. The Council is concerned that, at 31.2 sqm, its footprint would be approximately half that of the dwelling. Given that there is already a sizeable garage within the curtilage, the Council does not consider the proposed building incidental to the dwellinghouse.
3. The Council cites *Emin v Secretary of State for the Environment [1989] JPL 909*. However, in that case, the Court held that it was wrong to determine whether the purpose of a building was incidental to the enjoyment of the dwellinghouse solely by reference to the sheer physical size of the proposed building and its size in comparison to the dwelling. It found that the only constraints on size were imposed within the terms of the order itself (i.e., for the purposes of this appeal, the terms of paragraph E.1). As indicated, this

¹ There is no suggestion that the proposal would fall foul of any of the provisions in paragraphs E.1 to E.3 of Class E.

proposal does not fall foul of any of those restrictions, notwithstanding that there is already a garage within the curtilage. In any event, though it would have a significant footprint, given that it would be single-storey only, the floor space of the proposed building would be substantially less than half that of the house.

4. For the building to constitute PD, the nature and scale of the activities to be carried on within it must be incidental to the enjoyment of the dwellinghouse as such and I accept, as did the court in *Emin*, that the physical size of a building could be a relevant consideration, in that it might indicate the nature and scale of the activities. However, the size of the proposed building is perfectly consistent with its subordinate use as a "summer house" for the occupants of the dwelling, as indicated on the submitted plans, and/or a games room, as indicated in the appellant's statement. The appellant explains that the building is intended for a full size pool table and the floor area allows for cuing action all around it.
5. The proposed use falls well within the bounds of reasonableness considered in *Emin* and other cases, such as *Croydon v London Borough Council v Gladden [1994] 1 PLR 30* and to allow this appeal would not be to indulge the "unrestrained whim" of the appellant. I conclude on the main issue that the provision of the proposed building within the curtilage of the dwellinghouse at 3 Woodland Close would be required for a purpose incidental to the enjoyment of the dwellinghouse as such, so as to constitute PD under Class E of Part 1 of Schedule 2 of GPDO. Accordingly, the Council's refusal of the LDC was not well founded. I will allow the appeal and grant a certificate. I will make specific reference to use of the building as a summer house/games room, as this is relevant to the question of whether the building is required for an incidental purpose.

Decision

6. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed operation which is considered to be lawful.

J A Murray

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2010: ARTICLE 35

IT IS HEREBY CERTIFIED that on 18 April 2011 the operation described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan marked 'A' attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

It consists of the provision of a building required for a purpose incidental to the enjoyment of the dwellinghouse as such, in accordance with Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

Signed

J A Murray

Inspector

Date 29.11.2011

Reference: APP/T5150/X/11/2159452

First Schedule

A single-storey detached building as shown on the drawing marked 'B' attached to this certificate for use as a summer house and/or games room.

Second Schedule

Land at 3 Woodland Close, Kingsbury, NW9 8XP

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operation described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operation described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



Plan

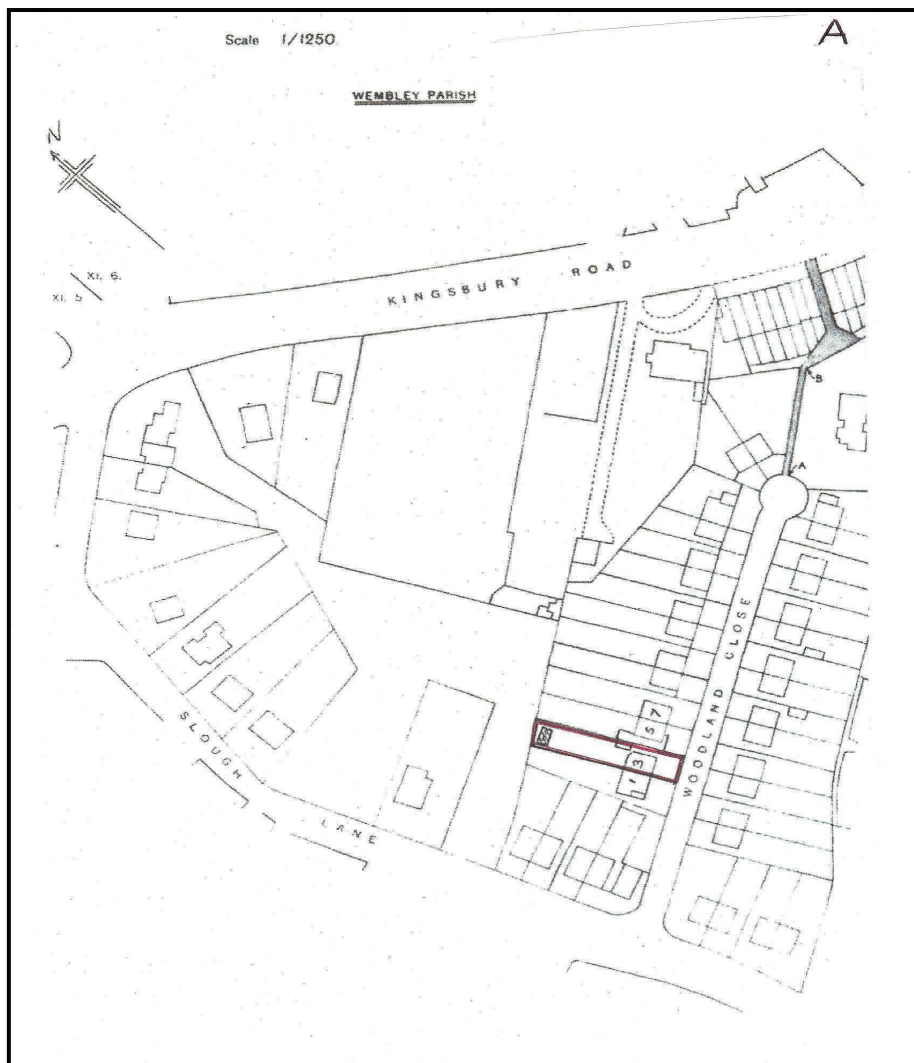
This is the plan marked 'A' referred to in the Lawful Development Certificate dated: 29.11.2011

by **John Murray LLB, Dip.Plan.Env, DMS, Solicitor**

Land at: 3 Woodland Close, Kingsbury, NW9 8XP

Reference: APP/T5150/X/11/2159452

Scale: DO NOT SCALE



Plan

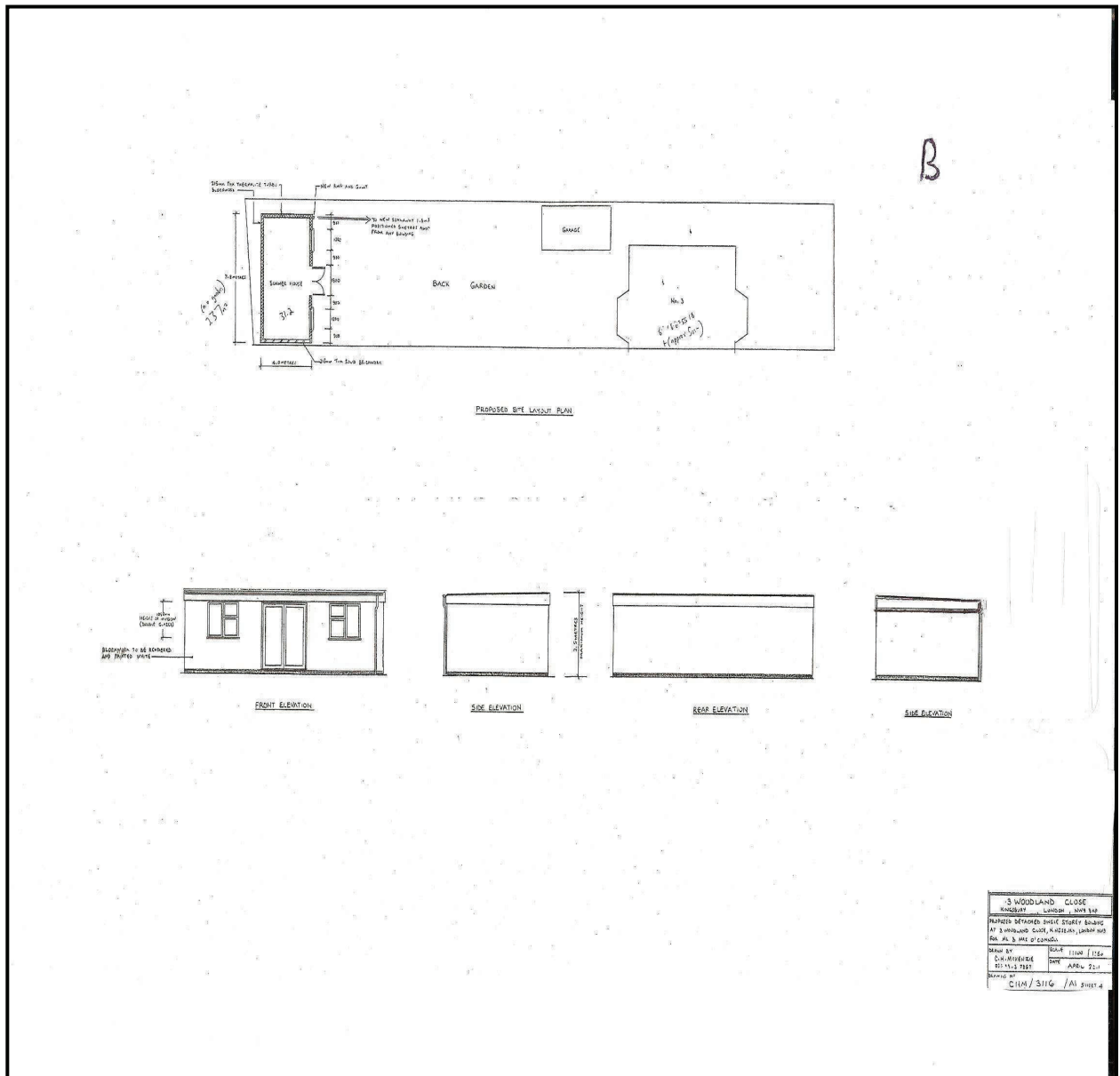
This is the plan marked 'B' referred to in the Lawful Development Certificate dated: 29.11.2011

by John Murray LLB, Dip.Plan.Env, DMS, Solicitor

Land at: 3 Woodland Close, Kingsbury, NW9 8XP

Reference: APP/T5150/X/11/2159452

Scale: DO NOT SCALE





Appeal Decision

Site visit made on 14 November 2011

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 16 November 2011

Appeal Ref: APP/T5150/D/11/2161749
19 Grove Park, Kingsbury NW9 0LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bimal Chudasama against the decision of the Council of the London Borough of Brent.
 - The application Ref 11/1523, dated 8 June 2011, was refused by notice dated 6 September 2011.
 - The development proposed is the construction of a single storey rear extension to link to a single storey outbuilding and alterations to the roof of the outbuilding.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey rear extension to link to a single storey outbuilding and alterations to the roof of the outbuilding, at 19 Grove Park, Kingsbury NW9 0LA, in accordance with the terms of the application Ref 11/1523, dated 8 June 2011.

Preliminary Matters

2. The proposal can most appropriately be described as given in the header above and it is on the basis of this description that the appeal will be considered. The Council requested that the proposal be assessed from the dwelling at 17 Grove Park, in addition to no. 21. Despite the occupier being notified of the site visit it was, however, not possible to gain access. Nevertheless, the effect in relation to this dwelling could be readily assessed from the appeal site. The development has already been carried out but the appeal must be considered strictly on its own merits.

Main Issue

3. The main issue in the consideration of this appeal is the effect of the proposal on the living conditions of the occupiers of the adjacent dwelling at 21 Grove Park, in respect of outlook and light.

Reasons

4. The development has resulted in a single storey flat roof rear projection adjacent to the dwelling at no. 21. The distance from the side of the rear garden at no. 17 ensures that there is no adverse effect in relation to this property.
5. It is advised in the Council's Supplementary Planning Guidance, *Altering and Extending Your Home, SPG5*, Adopted September 2002, that single storey rear extensions to semi-detached dwellings should not exceed a depth of 3m. The resultant overall projection significantly exceeds this figure. However, the dwellings at nos. 19 and 21 are separated by a shared access. As a result, a significant part of the overall rear projection is set back from the garden of the neighbouring house, limiting its impact.
6. In addition, ground levels drop down from the rear of no. 21 and the ground floor patio windows are set back significantly from the side boundary. The latter is also angled away from the back of the neighbouring house. These factors limit the perception of bulk when looking out of the ground floor openings in the rear of no. 21. The garden is also relatively long and the nearest properties to the north are set back a significant distance so that, as a whole, it has a relatively open outlook and good light levels.
7. Furthermore, although the eaves were lower, prior to the alterations the ridge of the pitched roof outbuilding was higher than the top of the altered structure. This is the only part of the development that abuts the side boundary of the rear garden at no. 21 and it has not therefore resulted in any significant additional bulk or sense of enclosure. Moreover, an extension linking the outbuilding to an existing rear extension was previously permitted by the Council and the additional height of the current proposal is relatively modest.
8. Because of these factors and its single storey height, the overall rear projection has not resulted in any unacceptable reduction in light or outlook to the garden or house at 21 Grove Park. It is therefore concluded that the living conditions of the occupiers of the adjacent dwelling have not been harmed. The proposal therefore complies with London Borough of Brent Unitary Development Plan 2004, Policy BE9, which among other things, seeks to ensure satisfactory light and outlook for existing residents. Because of the absence of harm that has been found and the precise circumstances of this case, the advice in the SPG should not be strictly applied in this instance.
9. It is therefore determined, taking account of all other matters raised, that the appeal succeeds. As the development has already taken place no conditions are needed.

M Evans

INSPECTOR



Appeal Decision

Site visit made on 19 October 2011

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

Decision date: 18 November 2011

Appeal Ref: APP/T5150/C/11/2155785

21 Springfield Gardens, London NW9 0RT

- The appeal is made by Mr S Osmani under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: E/10/0583) issued by the Council of the London Borough of Brent on 3 June 2011.
 - The breach of planning control alleged in the notice is the erection of a building in the rear garden of the premises.
 - The requirements of the notice are to demolish the building, remove all items and debris arising from the demolition and remove all materials associated with the development from the premises.
 - The period for compliance with these requirements is six months.
 - The appeal is proceeding on the ground set out in section 174(2)(a).
-

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990 for the erection of a building in the rear garden of 21 Springfield Gardens, London NW9 0RT, subject to the condition that the building shall be used solely for purposes that are incidental to the enjoyment of the dwellinghouse, 21 Springfield Gardens, London NW9 0RT, as such.

Reasons for the decision

2. I appreciate that there is a possibility that the building might be equipped in the future as primary residential accommodation, but I am not convinced by the Council's claim that the "excessive floor area" of the building is a factor showing that it has not been built for a purpose incidental to the enjoyment of the house, since, where householder permitted development rights apply, a greater coverage of ground by domestic outbuildings is allowed. The stated purpose of the building is a gym and store for the occupiers of the house and it appeared to be in use for this purpose, and for no other purpose, at the time of my visit. The addition of the annex, containing a w.c., washbasin and shower, is not inconsistent with the stated purpose since it will be a useful facility in connection with the gym as well as being generally useful within the garden area. It is also significant that there is no access to the building from the road except through the house. As a matter of fact and degree, the information available to me indicates that the only reason why the building is not permitted development is that its height exceeds the permitted limit by up to 0.5m.
-

3. The main issue in the appeal is therefore the effect of the building on the amenity of the rear garden and the outlook from nearby properties.
4. The building "squares off" the rear boundary and creates a convenient and useful enclosed rear garden, which remains large enough since it is up to 15m long and some 8.5m to 9.5m wide. Although the building is almost the full width of the rear garden, it does not have a dominating impact on the house.
5. There are several other large domestic outbuildings in similar positions in nearby rear gardens, which I understand to be authorised for planning purposes. These include two on adjoining plots. The building does not look significantly out of place in this context and, because of boundary fencing, only its upper part is particularly noticeable from adjoining properties. (In making this assessment I have disregarded the building at the rear of No 17, which is much larger, straddles two gardens and is subject to an enforcement notice upheld on appeal that requires its demolition.)
6. Policy BE2 of the Brent Unitary Development Plan states that new buildings should be designed with regard to their local context and should not harm the appearance of the area. Policy BE9 of the Plan indicates that they should be designed with appropriate regard to their location and setting and the amenities of users and neighbours. I have some concerns about the impact of the building, because of its height, on the outlook from nearby properties but I have come to the conclusion that, on balance, it complies sufficiently with these policies and is not unneighbourly to an extent that warrants refusing planning permission. The appeal has therefore been allowed.
7. In this event, the Council have requested that planning conditions should be imposed to address their concerns about the use of the building as primary residential accommodation and to require the removal of the annex. I have imposed a condition that restricts the use of the building to purposes incidental to the enjoyment of the house, but have allowed the annex to remain since I consider it to be acceptable for the reasons given in paragraph 2 above. The condition is necessary because the use of the building for other purposes would be unacceptable, since there is no access to the building from the road except through the house, there is not enough external space for two separate uses and neighbours would be likely to be disturbed by additional activity near to their rear gardens.
8. This decision has been reached on the individual merits of the appeal, taking into account the specific circumstances applying to the building and its surroundings. I have attached no significance to the other appeal decisions referred to by the appellant, which relate to premises a considerable distance away where different considerations applied.

D.A.Hainsworth

INSPECTOR



Appeal Decision

Site visit made on 19 October 2011

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

Decision date: 9 November 2011

Appeal Ref: APP/T5150/C/11/2152846

2 Oxgate Gardens, London NW2 6EB

- The appeal is made by Mr A Mirza under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: E/11/0131) issued by the Council of the London Borough of Brent on 19 April 2011.
 - The breach of planning control alleged in the notice is the erection of a building in the rear garden of the premises.
 - The requirements of the notice are to demolish the building, remove all items and debris arising from the demolition and remove all materials associated with the unauthorised development from the premises.
 - The period for compliance with these requirements is 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a).
-

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990 for the erection of a building in the rear garden of 2 Oxgate Gardens, London NW2 6EB, subject to the following conditions: -
 1. The building shall be used solely for purposes that are incidental to the enjoyment of the dwellinghouse, 2 Oxgate Gardens, London NW2 6EB, as such.
 2. All kitchen equipment and cooking facilities provided in the building shall be removed permanently from the building within one month of the date of this decision.

Reasons for the decision

2. The main issues are (a) the effect of the building on the amenity of the rear garden and the outlook from the adjoining properties and (b) the acceptability of the potential use of the building.
 3. Contrary to what is stated by the Council, the building does not extend across the whole width of the rear garden, but only a little over half its width. The timber shed that was next to it has now been removed. The building is slightly too high at the rear to be classed as permitted development, but the rear wall does not look too prominent when viewed from the garden next to it. The side of the building is well screened by hedging from the garden adjoining it, which has an outbuilding of a similar height here. Sufficient garden space remains for
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the enjoyment of the occupiers of the house. I conclude that the building is acceptable as an ancillary domestic outbuilding and that it meets the criteria in Policies BE2 and BE9 of the Brent Unitary Development Plan (UDP).

4. The building has not yet been finished internally. Its proposed use is stated to be storage, but it contains a w.c., shower and washbasin, and kitchen equipment and cooking facilities are being provided. It appears to be in the process of being equipped for use as a separate dwelling. Such a use would be in conflict with UDP Policy H15 and would be unacceptable, because the access from the road is unsatisfactory, there is not enough external space for two dwellings and neighbours are likely to be disturbed by additional activity near to their rear gardens.
5. The likelihood of this use occurring does not, however, justify the requirement in the notice to demolish the building when, as a structure, it is acceptable as a domestic outbuilding. Planning conditions can be imposed that will regulate the use of the building satisfactorily. The appeal has therefore been allowed and a conditional planning permission has been granted.
6. The Council have not put forward any conditions, but two are necessary to prevent the building being used as a separate dwelling - the first to restrict its use to purposes incidental to the enjoyment of the house and the second to require the removal of the kitchen equipment and cooking facilities. These conditions are necessary for the reasons given in paragraph 4 above. The removal of the w.c., shower and washbasin is not necessary, since these are acceptable facilities when the outbuilding is subject to these conditions.

D.A.Hainsworth

INSPECTOR

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Agenda Item 10

Agenda Item 03

Supplementary Information Planning Committee on 18 January, 2012

Case No. 11/2665

Location	113 Bryan Avenue, London, NW10 2AS
Description	Demolition of existing warehouse building and erection of four 5 bedroomed terraced dwellinghouses.

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Members visited the site on Saturday 14th January 2012. At the visit a number of issues were raised which were essentially the same as those set down in the main body of the Committee report.

Main issues emphasised by residents were:

- Car parking problems. Where will people park?
- The site would be too cramped.
- Concern about quality of architecture.
- The development would be out of character with the area. There are no terraces and no 5 bedroom properties in the Dobree Estate.

In terms of the design and appearance of the development, as explained in the report, Officers consider that whilst the development is different to what is around this does not make it unacceptable. Furthermore, the fact that the proposal seeks to replace the existing unattractive warehouse building needs to be taken into consideration when it comes to deciding whether, or not, the new building will enhance the area.

As explained on the site visit, the proposal is for a contemporary interpretation of a terrace which, in the view of Officers, is likely to be more successful than if an attempt was made to copy the existing semi-detached buildings found in Bryan Avenue.

In terms of car parking, as explained in the main body of the report this is a key consideration. Officers consider that although, again as set down in the report, the parking requirements will increase between the existing warehouse use and the proposed houses, there is sufficient capacity to accommodate that increase on-street. This view takes account of existing parking conditions in the vicinity, the making good of the existing crossover (which would increase on-street provision at the developers expense) and the removal of any demand for any servicing vehicles to visit the site, which would be the case in the event that the existing warehouse building were to be brought back into use as a lawful B8 use.

An 87 signature petition objecting to the proposal was received by the Council on 17 January 2012. It calls on Councillors to refuse the planning application. No additional issues are raised by the petition.

Recommendation: Remains approval, subject to Section 106 legal agreement.

DocSuppF

Agenda Item 04

Supplementary Information Planning Committee on 18 January, 2012

Case No. 11/2795

Location 165 Edgware Road, Kingsbury, London, NW9 6LL
Description Change of use from Off Licence shop (Use Class A1) to Slot Machine Arcade (Sui Generis)

Agenda Page Number: 31

Correspondence has been received from the Fryent Ward Councillors raising concern that the application may further contribute to anti-social behaviour and environmental issues in the area.

As set out in the Committee Report, there is no evidence to indicate that users of an amusement centre would be a threat to safety and security or cause anti-social behaviour. Unless there is demonstrable harm, refusal on these grounds could not be sustained.

Recommendation: Remains Grant Consent

DocSuppF

Agenda Item 06

Supplementary Information Planning Committee on 18 January, 2012

Case No. 11/2635

Location Central Square, Wembley, HA9
Description Erection of a new 5 storey block incorporating a retained station ticket hall and new platform access corridor 2729 sqm of new retail floor space, an 86 bedroom hotel including a bar and restaurant and 38 new residential flats. This is a replacement scheme for 'Building 2' of the original planning permission for the redevelopment of Central Square granted on the 13/10/2005 (reference 03/3765).

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Members visited this site on Saturday and raised the following issues:

The existing Council tower blocks (Manor and Lodge Court) should have their exteriors refurbished by the developer. These two buildings were never part of the planning permission to redevelop Central Square and fall outside the scope of this revised proposal. The buildings have been extensively refurbished in the last ten years including the installation of new windows. Any meaningful improvement to these buildings exteriors would probably require external cladding which would be too great an expense for this development to bear alone. While s106 money could contribute to their refurbishment it would be at the expense of other spending commitments.

Clarify the height of building 2 compared to the rear portion of building 1.

Building 2 is five storeys high, a storey lower than the rear portion of Building 1 which is six storeys.

Could building 2 be higher? Perhaps as high as the tower of building 1? The rationale behind the massing of the scheme was for the tower of Building 1 to be the focal point of the development with a group of smaller subservient buildings clustered around it. Any significant increase in the height of Building 2 would have an overbearing impact on the public spaces around it. There may also be a practical limit on the amount of

development that can be built over the station deck

Recommendation: Grant consent.

DocSuppF

Agenda Item 07

Supplementary Information Planning Committee on 18 January, 2012

Case No.

11/3054

Location	RE-DEVELOPMENT, STONEBRIDGE ESTATE, Stonebridge Estate, London, NW10
Description	Extension to time limit of outline planning permission 07/3309 dated 02/12/08 for outline application for the demolition of Gardiner Court, Brett Crescent, NW10, and the erection of 3 buildings comprising 122 self-contained flats, comprising 3 x studio units, 63 x 1-bedroom units, 45 x 2-bedroom units and 11 x 3-bedroom units, formation of new vehicular access, pedestrian access and associated landscaping (matters to be determined: layout, scale & access) as accompanied by Urban Design Code, Arboricultural Impact Appraisal and Method Statement dated 23 August 2007, Design and Access statement and Analysis of Daylight and Sunlight for the proposed Stonebridge Development Part 1, dated 25th October 2007 and subject to a Deed of Agreement dated 2nd December 2008 under Section 106 of the Town and Country Planning Act 1990, as amended.

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Revised Energy Statement

The revised Energy Statement has now been received which sets out the predicted baseline CO2 demand for the site and reductions associated with the “Be Lean”, “Be Clean” and “Be Green” measures including the Mayor’s target to achieve a 20 % reduction in CO2 through “on-site renewables”.

The statement sets out the proposed “Be Lean” measures which include U-values significantly below Building Regulations together with other measures to achieve the reductions in predicted CO2 demand. These measures achieve a 38 % reduction from the specified Total CO2 emissions for the “baseline building” (Building Regulations 2010 compliant). However, it is not clear whether this includes both regulated and unregulated CO2. Nevertheless, the applicant also specified that the development will achieve Code for Sustainable Homes Level 4 for which mandatory credit 1 also requires a 25 % reduction in CO2 from 2010 Building Regulations Target Emissions Rate. As such, your officers consider that the further detail that is required to demonstrate compliance with this part of the London Plan Policy can be secured through the “Sustainability Implementation Strategy”.

With regard to the “Be Clean” measures, the statement sets out that the incorporation of Combined Heat and Power (CHP) will help the development to achieve the required reductions in CO2, but that the target levels can be achieved through the incorporation of either CHP or the proposed “Be Green” measures (Photovoltaic (PV) Panels). The statement does not commit to the use of CHP or PV Panels, but rather specifies that the target levels can be achieved using either of these technologies and that the final design of the development itself will inform the end energy strategy. Whilst your officers would typically secure the actual measures within Outline Consents, your officers consider that it is acceptable to secure the final measures through the Sustainability Implementation Strategy in this instance and given that this is a renewal of a planning consent that is committing to a Code for Sustainable Homes Level that is higher than that required by Planning Policy. However, the applicant should be aware that the London Plan currently requires the inclusion of CHP unless it is not feasible.

Comments from Legal Services:

- There is no need for a new full Section 106 agreement. An amended Section 106 agreement referring to the extension of time and any other changes is required.
- Conditions 6 and 7 should be amended to include “permanently retained unless otherwise agreed”.

Recommendation:

Remains grant consent subject to a revised Section 106 Legal Agreement and amendments to Conditions 6 and 7.

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