



## Planning Committee

**Wednesday 15 February 2012 at 7.00 pm**

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

### Membership:

#### Members

Councillors:

Ketan 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](mailto:joe.kwateng@brent.gov.uk), (020) 8937 13540

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[www.brent.gov.uk/committees](http://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 - 6
<b>Extract of Planning Code of Practice</b>		
<b>NORTHERN AREA</b>		
3. 123 & 125 Preston Hill, Harrow, HA3 9SN (Ref. 11/2959)	Kenton	11 - 28
4. 27 The Drive, Wembley, HA9 9EF (Ref.11/3313)	Barnhill	29 - 48
5. 49 Lavender Avenue, London, NW9 8HG (Ref. 11/3171)	Barnhill	49 - 58
6. OPEN ANSWERS, MASONS HOUSE, 1-3 Valley Drive, London, NW9 9NG (Ref. 11/3102)	Fryent	59 - 68
<b>SOUTHERN AREA</b>		
7. 16-18 & 24 High Street, London, NW10 4LX (Ref. 11/2509)	Harlesden	69 - 76
8. 16-18 & 24 High Street, London, NW10 4LX (Ref. 11/3167)	Harlesden	77 - 80
9. 105-109, Salusbury Road, London, NW6 (Ref. 11/3039)	Queens Park	81 - 90
10. 665 Harrow Road, London, NW10 5NU (Ref. 11/2038)	Kensal Green	91 - 96
<b>WESTERN AREA</b>		
11. Former Guinness Brewery Site, Rainsford Road, Park Royal, NW10 (Ref. 10/3310)	Stonebridge	97 - 116
12. 159 Harrow Road, Wembley, HA9 6DN (Ref. 11/2416)	Tokyngton	117 - 132
<b>PLANNING APPEALS</b>		
13. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.		

**SITE VISITS – SATURDAY 11 FEBRUARY 2012**

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
11/2959	123 & 125 Preston Hill, Harrow, HA3 9SN	3	Kenton	9:40	39 - 48
11/3171	49 Lavender Avenue, London, NW9 8HG	5	Barnhill	10.10	69 - 88
11/2038	665 Harrow Road, London, NW10 5NU	10	Kensal Rise	10:45	113 - 130

**Date of the next meeting:            Wednesday 7 March 2012**

As that meeting will consider reports on planning policies, there will be no prior site visit.



- 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 18 January 2012 at 7.00 pm

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

ALSO PRESENT: Councillor Ruth Moher and Councillor Carol Shaw

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

None declared.

#### 2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 14 December 2011 be approved as an accurate record of the meeting.

#### 3. **113 Bryan Avenue, London, NW10 2AS (Ref. 11/2665)**

PROPOSAL:

Demolition of existing warehouse building and erection of four 5 bedrooomed 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 Director of Legal and Procurement.

Andy Bates, Area Planning Manager addressed the issues raised by residents in respect of car parking, over-development, architectural quality and character. In respect of car parking, he stated that although the parking requirements for the proposed houses would increase, there was sufficient capacity to accommodate the increase in on-street parking. This conclusion was based on existing parking conditions in the vicinity, the restoration of the existing crossover to increase on-street provision and the removal of any demand for servicing vehicles to the site.

In terms of the design and appearance of the development, Officers considered that whilst the development would be different to neighbouring houses, that in itself did not make the scheme unacceptable. He continued that the proposal which was a contemporary interpretation of a terrace would replace the existing unattractive warehouse building as well as enhance the character of the area. He added that

although the proposal did not seek to copy the existing semi-detached buildings found in Bryan Avenue, officers considered that it would not be out of character with the houses in Dobree Estate. The Area Planning Manager also informed the Committee that an 87 signature petition objecting to the proposal and calling on Councillors to refuse the planning application had been received but it did not raise additional issues.

Mr Paolo Di Gennaro objected to the proposed development on the following grounds:

- (i) The height which would be 1m higher than existing houses would be excessive and lead to overshadowing and loss of residential amenity.
- (ii) Significant loss of light resulting in infringement of right to light.
- (iii) It would be contrary to the Council's Supplementary Planning Guidance 17 (SPG17).

Dr Robert Davis, an objector stated that although he did not want the warehouse building to be retained, the proposed development raised car parking issues. He clarified that with inadequate parking spaces and likely excessive demand for parking in the front garden, the proposal would ruin the character of Bryan Avenue.

***In accordance with the Planning Code of Practice, Councillor Shaw***, ward member stated that she had been approached by residents who objected to the proposal. Councillor Shaw objected to the proposed development on the grounds that it would result in a significant demand for parking particularly in relation to houses with multiple occupation. She continued that the height and ridge of the roof together with the layout of the road would be uncharacteristic and would destroy the leafy atmosphere of an Area of Distinctive Residential Character (ADRC). Councillor Shaw expressed a view that the £60,000 contribution under the Section 106 legal agreement was inadequate in view of its adverse impact on the entire Dobree Estate. In response to question by the Chair on the number of bedrooms, Councillor Shaw stated that a moderate development of 2-3 bedrooms for each house would be in keeping with the character of the houses in the area. She urged members to consider the depth of objections expressed in the 87 signature petition against the grant of planning permission for the development.

Mr Geoff Broklehurst, the applicant's agent stated that the proposed residential development was considered appropriate for what was currently a brownfield site. He continued that the additional on-street parking available would limit demand for parking in the Bryan Avenue area. He added that the size of the residential accommodation exceeded the guidelines set out in the London Design Guide. In response to a question, Mr Broklehurst stated that a right to light specialist had suggested that the criteria against which the right to light was assessed was considered acceptable.

In the discussion that followed, Councillor Daly asked the Area Planning Manager to comment on the issue of loss of light. Councillor Sheth also asked him to comment on the breach of the building line and the condition on permitted

development rights. Councillor Cummins commented that the height of the fourth house was excessive and could be removed in order to preserve residential amenity. Councillor Cummins also expressed concerns about inadequate parking facilities and over-intensive use of the site

The Area Planning Manager advised that an independent consultant had confirmed that the re-siting of the new building and the reduction in the overall length of the building would not result in a loss of light to existing side facing windows to a degree that would warrant refusal. He added that the breach of the building line was in itself not a significant problem and what was important was how the development related to its setting. Although the new building would be approximately 1m further forward than the existing building, it was acceptable in design terms and would be a significant improvement upon the vacant warehouse building currently on site. The Area Planning Manager clarified that condition 3 would require the owners not to extend the properties without prior planning permission.

In noting the responses submitted by the Area Planning Manager, Councillor Sheth moved an amendment for use class E (outbuilding development) to be added to the list of use classes for which prior permission would be required, thus amending condition 3. This was put to the vote and declared carried by a majority. Members then voted on the substantive recommendation as amended in condition 3 which was declared carried by a majority decision.

DECISION: Planning permission granted, subject to conditions as amended in condition 3 to include a restriction on Class E and informative to relevant British Standard, 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.

#### **4. 165 Edgware Road, Kingsbury, London, NW9 6LL (Ref. 11/2795)**

**PROPOSAL:**

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

**RECOMMENDATION:** Grant planning permission subject to conditions.

With reference to the tabled supplementary report, Steve Weeks, Head of Area Planning informed the Committee about correspondence received from the Fryent Ward Councillors raising concern that the application may further contribute to anti-social behaviour and environmental issues in the area. He responded that there was no evidence to indicate that users of an amusement centre would be a threat to safety and security or cause anti-social behaviour and unless there was demonstrable harm, refusal on these grounds could not be sustained.

Mr Keith Martin, Secretary of Springfield Estate Residents Association in objection to the proposed change of use stated that due to inadequate consultation and information, residents were not aware of the activities that would take place at the

premises. He added that being in close proximity to residential properties and local schools, the use of the premises for a slot machine arcade would be inappropriate. Mr Martin provided examples of anti-social behaviour in the Colindale area which he added would be exacerbated by the proposed change of use would weaken the efforts being made by the local Safer Neighbourhood Team (SNT) to address the situation.

***In accordance with the Planning Code of Practice, Councillor Ruth Moher***, ward member, stated that she had been approached by local residents. Councillor Ruth Moher added that the change of use would be inappropriate in a largely residential area, resulting in significant adverse impact. She added that complaints had been made by the local traders about youngsters congregating in the area which had resulted in two dispersal orders being issued. Councillor Ruth Moher also complained about inadequate consultation. In response to members' questions, she stated that the area was considered a high car crime area and that the dispersal orders were issued in 2011.

During members' discussion, Councillor Cummins moved an amendment for the application to be deferred pending a report from the Safer Neighbourhood Team and greater consultation with residents. This was put to the vote and declared carried.

DECISION: Deferred pending a report in liaison with the local Safer Neighbourhood Team on anti-social behaviour in the area.

## **5. Barham Park Estate, Wembley, HA0 2NE (Ref. 11/2857)**

### **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.

RECOMMENDATION: Grant variation of condition 3 of planning permission 09/2350 as proposed and a new permission issued.

DECISION: Variation of condition 3 of planning permission 09/2350 as proposed granted and a new permission issued.



## **6. Central Square, Wembley, Middlesex HA9 (Ref. 11/2635)**

### **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).

**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.

With reference to the tabled supplementary report, Neil McClellan, Area Planning Manager submitted the following responses to issues raised by members at the site visit:

- i) Any meaningful improvement to the exteriors of Manor and Lodge Court would probably require external cladding which would be too great an expense. While Section 106 money could contribute to their refurbishment it would be at the expense of other spending commitments.
- ii) Building 2 is five storeys high, a storey lower than the rear portion of Building 1 which is six storeys.
- iii) Any significant increase in the height of Building 2 would have an overbearing impact on the public spaces around it and there may also be a practical limit on the amount of development that could be built over the station deck.

In response to members' enquiry about the reduction of the Section 106 contribution by 30%, the Area Planning Manager stated that it resulted from issues with viability of the project. He added that the reduction would not set a precedent for future financial contributions for Section 106 legal agreement.

**DECISION:** Planning permission granted 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.

**7. Re-development, Stonebridge Estate, Stonebridge Estate, London NW10 (Ref. 11/3054)**

**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).

**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.

Neil McClellan, Area Planning Manager drew members attention to the tabled supplementary report which set out in some detail, the revised Energy Statement including baseline CO2 demand for the site and reductions associated with the Mayor's target to achieve a 20 % reduction in CO2 through "on-site renewables". He referred to comments by Legal Services confirming that there was no need for a new full Section 106 agreement and suggested amendments to conditions 6 and 7 as set out in the supplementary report.

**DECISION:** Planning consent granted subject to conditions as amended in conditions 6 and 7, 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.

**8. Appeals November 2011**

**RESOLVED:**

that the appeals for 1 – 30 November 2011 be noted.

**9. Any Other Urgent Business**

None raised at this meeting.

The meeting ended at 8:10pm

KETAN SHETH  
Chair

## **EXTRACT OF THE PLANNING CODE OF PRACTICE**

### **Purpose of this Code**

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

### **Accountability and Interests**

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

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

### **Meetings of the Planning Committee**

24. If the Planning Committee wishes to grant planning permission contrary to officers' recommendation the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the Minutes of the meeting.
  
25. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the Minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the Minutes of the Meeting.
  
29. The Minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:
  - (i) on any resolution of "Minded to Grant or minded to refuse contrary to Officers Recommendation";
  - (ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.

### **STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE**

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


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

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

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## Committee Report Planning Committee on 15 February, 2012

Case No. 11/2959



### Planning Committee Map

Site address: 123 & 125 Preston Hill, Harrow, HA3 9SN

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This map is indicative only.

**RECEIVED:** 14 November, 2011

**WARD:** Kenton

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** 123 & 125 Preston Hill, Harrow, HA3 9SN

**PROPOSAL:** Demolition of existing two bungalows and erection of six x four-bedroom two-storey detached dwellinghouses with accommodation in the roof and associated changes to existing two vehicular crossovers, new access road, eleven off-street parking spaces and hard and soft landscaping accompanied by Design & Access Statement and completed Brent Sustainable Development Checklist

**APPLICANT:** Mr Hamid Mirza

**CONTACT:** DS Squared Architects

**PLAN NO'S:**

08021 P 0101; 08021 P 0102; 08021 P 0103; 08021 P 0104; 08021 P 0105; 08021 P 0106 Rev A; 08021 P 0107

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**RECOMMENDATION**

Refusal

**EXISTING**

The application site comprises two detached single-storey dwellinghouses (Nos. 123 and 125) on the east side of Preston Hill with a combined site area of approximately 0.19ha. The site lies within a suburban area that is characterised by predominantly inter-war two-storey houses, many on generous sized plots, although there are a wide variety of designs of properties within the road, with a mixture of detached and semi-detached dwellings and some single-storey dwellinghouses. In general houses have generous rear gardens with substantial landscaping.

The site has a narrow (approximately 15m) wide frontage with Preston Hill and the majority of the site comprises backland development beyond the plot of No. 125 Preston Hill. Further, much of the site comprises the gardens to the detached houses and as such is not previously developed land (PDL) as defined by PPS3 (3rd edition). The northern boundary is shared with No. 121 Preston Hill, a detached house in use as a doctor's surgery on the ground floor and residential above. The eastern boundary is shared with the rear gardens of Nos. 3 & 5 Dorchester Way and 1a Dorchester Way, a yard that recently received planning permission for erection of three terraced houses (LPA ref: 11/0082). The southern boundary abuts Sandy Lane, a footpath, with Vane Close beyond.

The site has low access to public transport (Public Transport Accessibility Level (PTAL) of 1) with Preston Hill serviced by one bus route, 204, and The Mall by route 79.

**PROPOSAL**

The proposal involves the demolition of the existing detached houses and the erection of six two-storey (with accommodation in the roof) detached houses. One would be positioned in a similar location to the original No. 125 and the remainder would be positioned within the backland part of the site, accessed via a new road to the north of the frontage property.



The houses are numbered 1-6 on the plans. Although differences in internal layout means there are three house types proposed, each house is the same as the next in terms of dimensions and area. The houses would be 8.6m deep, 6.8m wide and 9.2m to the ridge with eaves at 5.4m. All houses would have four bedrooms in an area of 143sqm, with two bedrooms apiece on the first and second floors.

House 1 would be located at the front of the site, with an individual vehicular access from the highway. It would be positioned between 2-3m from the boundary with the neighbouring property No. 127 and would have a relatively small, irregularly shaped garden.

Houses 2-6 would be positioned to the rear of House 1, on the backland. These would be accessed via a 4.8m access road with 500mm margins on either side. This leads to a cul-de-sac with the five detached houses arranged neatly on either side, with two to the west and three to the east. Each house would sit on a 10m wide x 23-24m deep plot with a 10m deep garden and two off-street parking spaces within the forecourt.

## **HISTORY**

In April 2011 permission was sought for the demolition of the two dwellings and their replacement with a eight two-storey dwellinghouses with associated hard and soft landscaping (11/0859). This was withdrawn prior to determination.

## **POLICY CONSIDERATIONS**

The development plan for the purposes of S38 (6) of The Planning and Compulsory Purchase Act 2004 is the Adopted Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan 2011.

### *Brent Unitary Development Plan 2004*

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

#### Strategic

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

#### Built Environment

- BE2 On townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE3 Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.
- BE4 States that developments shall include suitable access for people with disabilities.
- BE5 On urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.

- BE6 Discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.
- BE7 Public Realm: Streetscene
- BE9 Seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 States that proposals should embody sustainable design principles commensurate with the scale and type of development.

### Housing

- H9 Requires developments capable of 15 or more dwellings to have a mix of family and non-family units.
- H12 States that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective residents.
- H13 Notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 The appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.
- H15 Special regard should be paid to certain issues where backland development is proposed
- H15 Planning permission should be refused where development underutilises a site
- H29 On accessible housing proposes that new and converted housing should be fully accessible for elderly and disabled residents.

### Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN23 On parking standards for residential developments requires that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS14 Residential car parking standards

- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

### *Brent Core Strategy 2010*

The following spatial policies are considered relevant to this application:

- CP 1 Spatial development strategy  
This sets out the spatial strategy, outlining where growth is to be focused.
- CP 2 Population and housing growth  
Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought
- CP 5 Place making  
Sets out requirements for place making when major development schemes are considered
- CP 6 Design & density in place shaping  
Sets out the requirements for appropriate design and density levels for development
- CP 15 Infrastructure to support development  
Requires that the infrastructure requirements of new development are met
- CP 17 Protecting and enhancing the suburban character of Brent  
Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.
- CP 21 A balanced housing stock  
Seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent households by: ensuring appropriate range of dwellings and mix; defining family accommodation as units capable of providing three or more bedrooms; requiring new dwellings be 100% Lifetime Homes and 10% wheelchair accessible; contributes to non-self contained accommodation and care & support housing where needed.

### ***Brent Supplementary Planning Guidance***

#### *SPG3 Forming an access onto a road*

Sets out the standards for the formation of an access onto a highway.

#### *SPG17 Design Guide for New Developments*

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

The above policies and guidance seeks to ensure that development should not significantly affect the amenities of the occupiers of the neighbouring properties and should be in keeping with the design, scale and character of the surrounding area.

#### *SPD S106 Obligations*

### ***Regional***

#### *London Plan 2011*

Strategic planning in London is the shared responsibility of the Mayor of London, 32 London boroughs and the Corporation of the City of London. Under the legislation establishing the Greater London Authority (GLA), the Mayor has to produce a spatial development strategy (SDS) –

which has become known as ‘the London Plan’ – and to keep it under review. Boroughs’ local development documents have to be ‘in general conformity’ with the London Plan, which is also legally part of the development plan that has to be taken into account when planning decisions are taken in any part of London unless there are planning reasons why it should not.

Policies relevant to this application include:

Policy 3.3	Increasing Housing Supply
Policy 3.4	Optimising Housing Potential
Policy 3.5	Quality and Design of Housing Developments
Policy 7.4	Local Character
Policy 7.6	Architecture

### **National**

#### *Draft National Planning Policy Framework, July 2011*

The draft National Planning Policy Framework (NPPF) sets out the Government’s economic, environmental and social planning policies for England, seeking to replace existing planning policy guidance and statements. The NPPF sets out the Government’s requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

It establishes a presumption in favour of sustainable development: local planning authorities should plan positively for new development, and approve all individual proposals wherever possible. Local planning authorities should: (1) prepare Local Plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes; (2) approve development proposals that accord with statutory plans without delay; and (3) grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.

All of these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

#### *Planning Policy Statement 1: Creating Sustainable Communities*

PPS1 sets out the Government’s vision for planning and the key policies and principles which should underpin the planning system. These are built around three themes – sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

#### *Planning Policy Statement 3: Housing*

PPS3 establishes the Government’s objectives for housing and reinforces the commitment to more sustainable patterns of development. PPS3 sets broad guidelines for the provision of affordable housing, placing emphasis on the importance of high quality design and creating mixed, balanced and integrated communities with wider opportunities for home ownership and improved affordability through an increase in supply of housing. The guidance also requires Local Authorities to deliver sustainable development objectives.

See revised PPS3 (3<sup>rd</sup> edition) published 9 June 2010: In essence, private residential gardens are now excluded from the definition of previously developed land in Annex B. Local Planning Authorities and the Planning Inspectorate are expected to have regard to this new policy position in

preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications (Letter to Chief Planners, 15 June 2010).

### *Planning Policy Guidance 13: Transport, 3 January 2011*

PPG13 outlines the Government's aim of achieving reduced car dependency via transport and planning policies that are integrated at the national, strategic and local level. The objectives of this guidance are to integrate planning and transport at the national, regional, strategic and local level to: (a) promote more sustainable transport choices for both people and for moving freight; (b) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and (c) reduce the need to travel, especially by car. The guidance places an emphasis on putting people before traffic, indicating that new development should help create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.

## **SUSTAINABILITY ASSESSMENT**

Due to the scale of the proposed scheme, the application is not required to comply with the Council's policies regarding sustainable development. Recent developments in national policy, with the publishing of the draft National Planning Policy Framework, have increased the emphasis on sustainable development and establishing a presumption in favour of sustainable development unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits.

The application is supported by a completed Brent Sustainability Checklist which by the applicant's score achieves a rating of Very Positive. Officers do not agree with this rating and the total is likely to be less than the 50 required to achieve Very Positive. The applicant also states that the scheme is designed to achieve Lifetime Homes standards and Code for Sustainable Homes Level 3; renewable energy is to be provided by solar panels to heat water and rainwater harvesting is proposed.

These provisions are welcome and, subject to further details being provided and these standards being secured by a clause within a s.106 agreement, can be considered a planning merit when judging the overall impact of the scheme.

## **CONSULTATION**

### ***Local consultees***

Local residents and ward councillors were notified by letter on 02/12/11. All Ward Councillors--Cllrs Kansagra, Colwill and Patel--have written a joint letter to object to the scheme and to request that it be called in for Members to make the final decision. Their reasons for objecting are:

- It is unclear whether the application meets the correct distances set out in the guidance with reference to habitable rooms and the rear boundary fence
- It is a gross overdevelopment of the site
- The new building will overlook neighbouring properties and gardens
- The proposed new entrance will generate an increased amount of traffic on the bend in the road

A total of 6 local residents have objected and a petition with 29 signatories has been received. The reasons for objecting are:

- Impact on character of area
- Impact on neighbouring amenity
- Increase in traffic and congestion

- Safety of proposed access
- Loss of landscape and trees
- Increase demand for local services

### ***Internal consultees***

#### *Landscape*

No objections subject to further details including:

- (a) Arboricultural survey and report;
- (b) Tree Root Protection plan and method statement to BS:5837;
- (c) Existing contours and levels and any alteration of the ground levels;
- (d) Hard surfaces details including locations, materials and finishes;
- (e) The location, details of materials and finishes of all proposed street furniture, storage facilities, signage and lighting;
- (f) Proposed boundary treatments including screening, walls and fencing, indicating materials and dimensions;
- (g) All planting including location, species, size, density and number;
- (h) A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape.

#### *Transportation*

No objection subject to:

- (a) a Section 106 Agreement to secure:
  - (i) a financial contribution of £9,000 towards non-car access improvements to the site;
  - (ii) funding of works to provide amended vehicular access to the development and to resurface the footway to the front of the site;
- (b) a condition to secure minor amendments to the site layout to:
  - (i) a minor alteration to the site layout to reduce the margin in front of the driveway for house no. 5 to 500mm in order to provide a 4.8m deep driveway; and
  - (ii) a condition requiring the submission and approval of further details of shared surface and driveway materials, lighting and drainage, there would be no objections on transportation grounds to this proposal.

#### *Environmental Health*

Works to accord with BS Code of Practice 5228:1997 parts 1 to 4.

## **REMARKS**

### ***Key considerations***

Your officers consider the main planning issues are:

1. Principle, including backland development
2. Impact on character of area
3. Impact on neighbouring amenity
4. Standard of accommodation
5. Parking and access
6. Landscape and trees
7. Other

### ***1. Principle***

#### *1.1 Development of gardens*

Until June 2010, private residential gardens were classified as previously development land (PDL) in *Planning Policy Statement 3: Housing* (PPS3). This meant that gardens were subject to the same policy direction to make effective and efficient use of land, albeit with the caveat that “there is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.” (CLG, 2010: para 41).

Revised PPS3 (3rd edition) was published 9 June 2010; in this revised document, the Government has amended the definition of previously developed land as follows:

***Previously-developed land (often referred to as brownfield land)***

*‘Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.’*

*The definition includes defence buildings, but excludes:*

- *Land that is or has been occupied by agricultural or forestry buildings.*
- *Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.*
- *Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.*
- *Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).*

*There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.*  
(PPS3, 9 June 2010: p26)

Local Planning Authorities and the Planning Inspectorate were directed by the Chief Planner (Steve Quatermain, CLG) to have regard to this new policy position in preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications (Letter to Chief Planners, 15 June 2010). The Chief Planner also wrote that the Government was seeking to decentralise planning “*by giving Local Authorities the opportunity to prevent overdevelopment of neighbourhoods and ‘garden grabbing’.*” (15 June 2010).

Your officers are of the opinion that the changes to the definition of PDL do not mean development of private residential gardens is no longer possible; instead, your officers judge that the changes increase the weight given to the need to ensure development respects the character of the area. Paragraph 49 of PPS3 relates to efficient use of land and intensification, stating that “careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate” (CLG, 2010). In the case of Brent, the adopted Core Strategy sets out the chosen local strategy as one of directing new housing to the identified growth areas (policy CP1, CP2) and to protect and enhance the suburban character of Brent (policy CP17). It is clear that the chosen local strategy is one which requires more weight to be given to the protection of suburban character than under the policy regime in place prior to June 2010.

At the regional level, Policy 3.4 *Optimising Housing Potential* within the London Plan 2011 replaces policy 3A.3 *Maximising the Potential of Sites* of the 2008 Plan, which indicates a similar more to ensure local context and character are given greater weight than, for example, the density of a scheme.

As a result of this clear direction in the Core Strategy and the significant change in emphasis at the national level on the development of gardens, it is reasonable that the manner in which

applications for backland development on residential gardens are considered should change and the judgements made in respect of relevant UDP policies may change; therefore it is reasonable that development which might have been acceptable before the change to PPS3 and the adoption of the Core Strategy may not now be acceptable and thus other decisions made before 2010 cannot be a wholly accurate guide to future decisions.

## *1.2 Backland policies*

The application involves the demolition of existing houses and the redevelopment of this frontage and the gardens to the rear; in this case these rear gardens would constitute backland development (see para 5.13.2, UDP 2004: p94). Brent Council policies do not prevent development of gardens, nor does any national or regional planning policy, but the supporting text for the backland development policy in the UDP states that “such development can have a severely detrimental impact on the character of the surrounding residential area and on the amenities of adjoining dwellings.” (para 5.13.1: p94)

Where backland development is proposed, Policy H15 requires special regard to be had to, amongst other things, (a) the density and height of the proposal which should be subsidiary to the frontage housing; (b) the privacy and outlook from existing dwellings and in particular gardens; (c) any proposed demolition of existing dwellings or parts of dwellings to form access - if this would create an unattractive breach in a consistent street frontage this will not be permitted; (d) access arrangements which would cause significant nuisance to neighbouring properties; and (f) the effect and cumulative impact of the development on the loss of garden habitat. Criteria (e) and (g) are not relevant in this case.

Regard should also be had to policy CP17 *Protecting and Enhancing the Suburban Character of Brent* which reads:

*The distinctive suburban character of Brent will be protected from inappropriate development. The Council will bring forward design guidance that limits development, outside of the main town centres and away from corner plots on main road frontages, which would erode the character of suburban housing. Development of garden space and infilling of plots with out-of-scale buildings that do not respect the settings of the existing dwellings will not be acceptable. The Council supports emerging London Plan policy to limit the inappropriate development of back gardens that erode the character of suburban areas.*

### *Criteria (a) - subsidiarity*

Policy H15 relates to backland development which requires special regard be had to, amongst other things, the height and density of the proposal which should be subsidiary to the frontage housing. Policy CP17 seeks to limit development which would erode the character of suburban housing and prevent the development of garden space with out-of-scale buildings that do not respect the settings of the existing dwellings.

The use of the word ‘subsidiary’ in Policy H15(a) indicates an underlying objective that backland development, whilst related, auxiliary or supplementary to the frontage housing, should also be secondary in importance, having regard to its density and height.

Each backland house is the same in height and bulk as the frontage house and each has a similar sized plot. Your officers are of the view that it is likely that the rear houses will appear to be as significant as the frontage house in terms of height, bulk and scale.

The rear houses would not be secondary in importance or subordinate to the frontage house. In this respect the proposed scheme would not comply with policy H15(a) of the UDP nor policy CP17 of the Core Strategy.



Policy H15(a) also requires a comparative analysis of density within the scheme between the backland development and the frontage housing. The applicant has provided comparative densities of the respective areas for the frontage housing and backland development which indicates the following:

	<i>Frontage</i>	<i>Backland</i>
Area:	0.0246ha	0.1688ha
Hab rooms:	7	35
Density:	284hrh	207hrh

The density of the backland part of the site would be subsidiary to the density of the frontage house; as such the respective densities are considered acceptable. This does not change the opinion of officers that the rear houses themselves are not secondary in importance to the frontage house.

#### *Criteria (b) - privacy and outlook*

Other matters to be given special consideration include the privacy and outlook from existing dwellings and in particular their gardens, for which some guidance is given in SPG17. The borough's key policy objective for development of this type is for the backland development to be subsidiary: as a result, in the borough's less dense suburban locations schemes may be subject to a stricter interpretation of those policies and the objectives of SPG17.

Houses 2, 3, 5 and 6 are forced to be close to the boundaries--between 1.5m and 2.5m--of the site in order to accommodate their number. This fails the 45 degree line when measured from neighbouring amenity space. The relationship between Houses 5 and 6 and neighbouring amenity space is of particular concern. From the garden of No. 127 the flank of House 6 would be overbearing and harmful to the enjoyment of their amenity space. Similarly, from the garden of No. 121, which is presumed to be used by the occupants of the first floor flat, the flank of House 5 would be overbearing and harmful to their enjoyment of their amenity space.

The proposed rear houses would substantially change the outlook for all neighbouring residents from their houses and gardens but, other than No. 127 and No. 121, the development would not have an overbearing effect on the outlook from most properties or their gardens.

At 10m, each house is as close to the boundary as SPG17 suggests is normally permissible to maintain privacy, indicating that a degree of discretion is needed in the application of the guidance. At least six windows of the development would overlook, at a distance of 10m, neighbouring rear gardens (including 3 and 5 Dorchester Way and the development site at 1a Dorchester Way) and the offending windows would include several second storey level windows, the height of which would cause an even greater potential for overlooking than first floor windows.

Although this overlooking would be of the ends of the neighbouring gardens, residents should have an expectation of some privacy within their gardens, particularly towards the rear away from neighbouring windows and consequently your officers conclude that the proposal would be likely to result in a loss of privacy for a number of neighbouring residents and that this would cause significant harm to their living conditions.

Your officers judge the scheme to be unacceptably harmful in respect of privacy and outlook.

#### *Criteria (c) & (d) - access arrangements*

The proposal enlarges an existing access so there would be no breach in a consistent streetscene and the additional vehicular movements would not be so close to sensitive residential accommodation as to cause a disturbance. In this respect the application is acceptable.

### *Criteria (f) - loss of garden habitat*

Trees along Sandy Lane boundary would be lost without scope for a replacement landscape buffer, however the gardens would be large enough to accommodate new tree planting. In this respect the application is acceptable.

### *1.3 Density*

National, regional and local policies seek to maximise the potential of the site, with PPS3 and the London Plan encouraging the efficient use of land. Policy 3.4 of the London Plan aims to optimise the potential of a site taking account of local context and character, London Plan design principles and public transport capacity. Policy H13 of the UDP relates to density and states that the primary consideration in determining the appropriate density of new development will be achieving an appropriate urban design which makes efficient use of land and meets the amenity needs of future residents. It goes on to say that density should have regard to context and nature of the proposal, the constraints and opportunities of the site and the type of housing proposed. The recently adopted Core Strategy policy CP6 also seeks to ensure developments have proper regard to policy 3A.3 (the predecessor to policy 3.4) and states that “a notional density figure is not the only consideration, and the quality of design, location of the site and the need to provide family housing are all important”.

The proposed scheme has a site area of 1948sqm (0.1948ha), as stated in the application form. The scheme proposes 6 units with a total of 42 habitable rooms. Habitable rooms are counted using the method in the Glossary of the UDP, whereby rooms over 18sqm are counted as two habitable rooms (UDP 2004: p288). The area for calculating density includes the frontage to the midpoint of the highway (Appendix 3, UDP 2004: p104); this increases the site area to 1,971qm (0.1971ha). The overall density is 213 habitable rooms per hectare (hrh), or 30 dwellings per hectare (dph).

The density of 213hrh is within the relevant density range in SPG17 but above the range of the London Plan density matrix for a suburban site with low public transport accessibility. In light of this your officers do not raise an objection to the density figure; the policy position is clear that urban design and not density is the main driver of what can be considered acceptable. The change to policy 3.4 (see above, section 1.1)—which is followed by changes to the emphasis in the text of the policy to give greater prominence to “taking account of local context and character”—suggests arguments promulgated within the Design and Access Statement about the low density of the scheme should not sway Members in reaching their decision (see para 2.2, Design & Access Statement: p6 and para 4.18: p13).

### **2. Impact on character of area**

The proposed scheme differs substantially to the existing two detached houses in terms of architectural style and materials. Your officers raise no objection to the design approach taken in terms of a contemporary approach and judge it to be appropriate to the area. There are matters relating to bulk, mass and form, however, that raise concerns and these are addressed below.

As discussed above, in section 1.2, the proposed rear houses are the same height as the frontage house to ridge and to eaves; this, combined with their footprint, plot size and orientation, means they would appear to be a bulky and out of scale addition to the area, to the detriment of the suburban character of the area and the settings of the existing dwellings.

The houses are arranged either side of an access road in a regimented manner; your officers are particularly concerned with this regimented layout which contrasts strongly with the surrounding suburban housing. A nearby development to the south of Sandy Lane has a similarly regimented layout, although that is a more comprehensive site with sufficient space for a more substantial road width.

Your officers recognise that views of the rear of the proposal from the public realm of Preston Hill and Dorchester Way would be limited and consequently little harm would be caused to the appearance of these roads' streetscenes. However, the scheme would be clearly seen from the rear windows and back gardens of many houses in these streets and from Vane Close and your officers consider that the proposal's dominant and alien appearance would cause significant harm to their residents' appreciation of the neighbourhood in which they live, to the detriment of the character and appearance of the area. Further, the front house, by virtue of its projecting gable front, overhanging eaves and proximity to the back edge of the footpath would be harmful to the appearance of the streetscene.

Your officers conclude therefore that the proposal conflicts with policies BE2, BE3, BE9, H12 and H15(a) of the adopted Brent Unitary Development Plan and policy CP17 of the Core Strategy. The development would fail to make a positive contribution to the character of the area, or to have regard to the existing urban grain or be of a scale, height and attractive layout appropriate to its setting, whilst the rear houses would not be secondary in importance or subordinate to the frontage house.

It also conflicts with the requirement of H13 of the UDP that in seeking to make efficient use of land residential development should be of an appropriate urban design. In this manner your officers consider the recent change to the London Plan policy to optimise rather than maximise the use of land (see section 1.1, above) is relevant.

Regard should also be had to the amount of hard landscaping particularly to the front of each of the rear houses and the extent of road required to service the site and the lack of scope this cramped layout has to provide replacement soft landscaping; thus the scheme is also contrary to policies BE6, BE7 and H12(e).

In your officers' opinion the application site is too small to support the number of units proposed and the manner in which they are arranged; the scheme constitutes overdevelopment and is out of keeping with the character of the area.

### ***3. Impact on neighbouring amenity***

The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the right of land-owners to develop their property. On new developments such as this the main impact on amenity arises from (i) overbearing impact of the size and scale of the building(s); (ii) loss of outlook, which is related to overbearing impact; (iii) loss of privacy; and (iv) loss of sunlight. The Council has published supplementary planning guidance which establishes generally acceptable standards relating to these matters, although site specific characteristics will mean this must be treated as guidance and could be tightened or relaxed accordingly. Overbearing impact arising from the height of blocks is controlled via 30 degree and 45 degree planes from neighbouring habitable rooms and relevant boundaries; privacy is quoted as distances between directly facing habitable windows and from boundaries. Neither outlook nor light have specific values, although light is generally controlled to BRE standards.

In addition to the amenity issues discussed above, the Council has policies to protect residential amenity from noise and disturbance if these are likely to be generated at an unacceptable level. Development for residential purposes can cause noise and disturbance but it is necessary to consider the existing use and the site characteristics, and vehicle movements are significant generators of disturbance.

Privacy and outlook have already been considered above, in section 1.2(b).

Given the relationship between House 5 and the boundary of the garden of No. 121, a significant amount of overshadowing will occur to that garden; however the garden is large and as such the relative impact would not be so great as to harm the enjoyment of the amenity space.

Noise and disturbance from traffic been considered above, in section 1.2(c). Whilst a greater intensity of activity on the site would increase the potential for noise and disturbance, there is no evidence to suggest that the level of activity would differ from other suburban detached houses and no material harm to residents is expected in this regard.

Following from the discussions regarding privacy and outlook in section 1.2(b), above, your officers conclude that in terms of neighbouring amenity, the proposal does not comply with policies BE9, H13 and H15(a) and the objectives of SPG17.

#### **4. Standard of accommodation**

A good standard of accommodation is a combination of several factors including basic space standards, outlook, privacy, daylight and sunlight and amenity space. A good living environment is subject to more subjective matters such as the quality of that amenity space, the design of the scheme and the relationship with car parking, cycle storage and external factors such as noise and pollution.

The houses all comply with the minimum space standards as set out in SPG17 and policy 3.5 of the London Plan 2011. Each has a private rear garden which exceeds the 50sqm minimum.

Each of the rear houses has at least 10m rear outlook, whereas House 6 at the front relies on outlook to the side due to the size of its rear garden and proximity with Houses 1 and 2. As a consequence House 6 would have an overbearing relationship with the rear gardens of Nos. 1 and 2. Although there would be no loss of privacy as the interior arrangement of House 6 avoids habitable room windows to the rear, it is a cramped relationship indicative of overdevelopment: the rear of House 6 would comply with the 30 degree line but would break the 45 degree line when measured from House 1.

Your officers conclude that the relationship between Houses 1 & 2 and House 6 would be materially harmful to the living environment of occupants of Houses 1 & 2 and the proposal does not comply with policies BE9 and H13 of the UDP and the objectives of SPG17.

#### **5. Parking and access**

##### **5.1 Access**

The location of the new vehicular access for the service road will be at the same location as the existing vehicular crossover for No. 123, but it will be widened with 6m kerb radii and a raised entry treatment to accommodate access by commercial vehicles. In providing and adjusting the access points to the site, the applicant should also repave the footway along the site frontage. Local residents and Councillors have expressed concerns about the safety of the access but your officers agree with the borough Highway and Transportation officer that the position of the entrance will provide good visibility as vehicles access and egress the site and this, combined with the low volume of vehicle movements expected, would not result in a danger to highway or pedestrian safety.

The access road layout incorporates a 4.8m wide (plus 500mm margins) shared surface and a turning head for emergency, refuse and delivery vehicles. This is sufficient to address previous concerns over access for delivery vehicles, subject to the submission of further details of the surfacing materials for the access road.

##### **5.2 Parking**

The parking standard for the proposed houses allows up to a maximum of two spaces for each of the six no. four-bedroom houses, giving a total allowance of 12 spaces. The proposed provision of

12 spaces as shown is therefore acceptable. If the access road is to be adopted as public highway, it is unlikely that the remote parking space shown for house No. 5 would be able to specifically allocated to that property.

The depths of the driveways generally meet standards, but in the case of House 5 adjacent to the turning head, the provision of a 1m margin reduces the driveway depth to 4.3m. This increased margin is not required in front of the driveway though, so can be reduced to 500mm to accommodate a 4.8m long parking space, as long as a 1m margin is retained around the back of the turning area.

Greater provision of soft landscaping is required for the five houses at the rear of the development to comply with the requirements of Policy BE7, whereby at least 50% of the frontages should be soft landscaped. This may result in the reduction of the amount of parking.

### *5.3 Cycle storage*

Standard PS16 requires at least one secure bicycle parking space per unit. The six houses will each have private garden space within which bicycles can be stored.

### *5.4 Bin storage*

Binstores are shown to the front of each property; further details of these would required by condition to ensure they comply with the *Brent Waste and Recycling Storage and Collection Guidance for Residential Properties 2011* and that the stores themselves are not intrusive.

## **6. Landscape and trees**

The application is supported by plans with only indicative soft landscaping.

### *6.1 Landscape*

Further details of the hard and soft landscaping of the site would be required by condition, to include substantial amounts of soft landscaping in the forecourts of each of the five rear houses. The extent of hard landscaping required to provide sufficient off-street parking and to access those spaces, the regimented manner in which the site is laid out and the proximity of the new houses to the boundaries of the site reduces the scope to provide meaningful replacement landscaping. This is important as substantial landscaping is required to soften the scheme and maintain the character of the area in light of its backland nature and at present the scheme fails to comply with policies BE6, BE7 and H12(e).

### *6.2 Trees*

There are a number of existing trees on site, particularly along the southern boundary with Sandy Lane, and it is likely that the majority of those could not be retained with the development. No information has been submitted to support the removal of those trees which make a contribution to the character of the area from both the street and from neighbouring gardens.

## **7. Other**

### *7.1 Response to objectors*

Most of the concerns raised by objectors and Councillors are addressed in the discussion above. Residents have also raised concerns about the increased demand for local services arising from the development. The Council recognises that development of any scale can have an impact on local infrastructure as new population enters an area; this impact is particularly keenly felt on local schools, healthcare facilities and the road network. In recognition of this fact the Council can enter

into a S106 legal agreement to secure financial contributions to enable the Council to provide improvements and enhancements of local facilities to accommodate the new population. This application would, if approved, require a contribution of £51,000 to provide improvements to local infrastructure; this is in line with the standard charge set out in the Council's SPD on S106 contributions.

## 7.2 S106

For clarity for Members and the applicant, the application would require the following planning obligations to be secured by a Section 106 Agreement:

- (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 £3,000 per net additional bedroom, (totalling £51,000), index-linked from the date of committee and due on Material Start for Education, Transportation, Air Quality and Open Space in the local area.

The applicant has agreed in principle to the above. As no agreement will be completed as the application is recommended for refusal for other matters, the lack of a legal agreement is listed as a reason for refusal; should the other matters be resolved, however, the agreement could be progressed.

### **Conclusion**

Recent developments in national policy, with the publishing of the draft National Planning Policy Framework, have increased the emphasis on sustainable development and establishing a presumption in favour of sustainable development unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits. This scheme complies with national, regional and local policies to provide new family housing and for development to be sustainable, but your officers do not believe this is sufficient to outweigh the harm of the scheme.

In the opinion of your officers the recent changes to the national and local policy framework, including the policy on private residential gardens, increases the weight which the Council should give to protecting the character of an area. PPS3 has always had a requirement to balance efficient use of land with the character of an area; the change in status of private residential gardens so they are not classified as PDL has added weight to that side of the balance which seeks to prevent harm to the character of suburbia and gardens. The adoption of the Core Strategy shows clearly the intention of Brent Council in seeking to direct development to growth areas and town centres and to protect the suburban character from inappropriate development.

The primary requirement of backland development is that it be subservient to the frontage development. In this case the height, bulk and plot sizes of the houses are not subservient to the frontage house, with each house being effectively the same size and the rear plots arguably being more generous and less cramped than the frontage plot. Your officers also have concerns about the position and form of the frontage house, particularly the gable front, and the arrangement of the rear houses, with corresponding problems with the relationship of the houses with the properties and the boundaries and with each other, in terms of the character of the area and neighbouring residential amenity. In your officers opinion these concerns outweigh the need to provide additional, sustainable, family housing and refusal is recommended.

### **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Refuse Consent

## **CONDITIONS/REASONS:**

- (1) The proposed rear houses, by virtue of their height, bulk, form, plot size and prominence when viewed from neighbouring properties, would neither secondary in importance nor subordinate to the frontage house and the layout, by virtue of its regimented arrangement, excessive hard landscaping and lack of replacement soft landscaping, would be out of keeping with and harmful to the suburban character of the area. In these matters the proposed scheme would be contrary to policies BE2, BE3, BE6, BE7, BE9, H12, H13 and H15 of the adopted Brent Unitary Development Plan 2004, policy CP17 of the adopted Brent Core Strategy 2010 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".
- (2) The proposed front house, by virtue of its form--in particular its overhanging gable front and projecting eaves--and its proximity to the highway, would be an overbearing addition to the streetscene and out of character with the area, contrary to policies BE2, BE3, BE9 and H12 of the adopted Brent Unitary Development Plan 2004 and policy CP17 of the adopted Brent Core Strategy 2010 and the objectives of Supplementary Planning Guidance No. 17 "Design Guide for New Development".
- (3) The proposed houses, by virtue of their height, relationship with the boundaries and number of main habitable rooms facing neighbouring gardens, would result in material harm to the privacy enjoyed by neighbouring occupants in their gardens and, in respect of Houses 5 and 6, to the outlook from neighbouring gardens. As a result, the proposal is contrary to policies BE9, H13 and H15 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".
- (4) The proposed scheme, by virtue of the relationship between House 6 and Houses 1 & 2 and their amenity spaces, would result in unacceptable living environment for the future occupants of those houses, contrary to policies BE9 and H13 of the adopted Brent Unitary Development Plan 2004 and the objectives of Supplementary Planning Guidance No. 17 "Design Guide for New Development".
- (5) In the absence of a legal agreement to control the matter, the proposed development would result in:
  - additional pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area;
  - increased pressure for the use of existing open space, without contributions to enhance open space or make other contributions to improve the environment;
  - increased pressure on education infrastructure without any contribution to education improvements

As a result, the proposal is contrary to policies TRN3, TRN4, TRN10, TRN11, OS7, OS18, BE12 and CF6 of the adopted Brent Unitary Development Plan 2004, Supplementary Planning Guidance No. 19 "Sustainable Design", Supplementary Planning Document "S106 Planning Obligations"

## **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 15 February,  
2012**

Case No. 11/3313

 **Planning Committee Map**  
Site address: 27 The Drive, Wembley, HA9 9EF  
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This map is indicative only.

**RECEIVED:** 14 December, 2011

**WARD:** Barnhill

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** 27 The Drive, Wembley, HA9 9EF

**PROPOSAL:** Demolition of existing bungalow and erection of a two storey block of flats comprising six flats (one x three-bed, one x two-bed, four x one-bed 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)

**APPLICANT:** 14 GROUP

**CONTACT:** Bancil Partnership Ltd

**PLAN NO'S:**

See condition 2

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## **RECOMMENDATION**

To:

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

## **SECTION 106 DETAILS**

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

1. Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
2. A contribution of £18,000, index-linked from the date of committee for Education, Sustainable Transportation, Sport and Open space improvements in the local area

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

## **EXISTING**

The application site contains No. 27 The Drive, a bungalow, situated on the southern side of The Drive (a cul-de-sac). The site is not in a conservation area nor is the building listed. Surrounding uses are residential.

This area is of a mixed character with no dominant architectural form; whilst many properties on The Drive are detached houses with a generous front garden including forecourt parking, some properties have been redeveloped to form a larger block and to the west the site abuts the Chalkhill Estate, where the character changes to low rise blocks of flats. Immediately around the site and on the site itself are a large number of trees, giving a very green character to this part of The Drive.

Levels fall across the site from The Drive to the rear, with a 1m fall along the 10-12m from the footpath to the front of the property and a further 1-1.5m fall along the 19m length of the property. The land then falls another 2m to the end of the 32m long garden.

The bungalow is located within a large land parcel which is accessible from The Drive. There is off-street parking as the forecourt and the side passage to the house are paved. There are two x three metre wide vehicular access points from The Drive close to the extents of the property along the cul de sac.

## **PROPOSAL**

The application is for demolition of the dwellinghouse 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 provision of five off-street parking spaces within the forecourt of the flats.

The block would be 13.3m wide and 5.5m high to eaves and 8.5m high to ridge, with a pitched and hipped roof with three front dormers. The block would have no entrance in the front elevation, instead the access would be from the side and the front elevation comprises ten windows, five to each floor, arranged symmetrically. The block would be finished in brick with an artificial slate roof and uPVC windows and doors.

It would be 18.5m in length overall, along the boundary with Faraday House and 12m long facing No. 25 The Drive, although at this point it appears the garden of No. 37 Chalkhill Road runs up to the back of No. 25.

The rear garden would be about 423sqm in total, but the size and position of the outbuilding would mean approximately 140sqm would not be useable as amenity space, thus reducing the total area to 283sqm.

Cycle storage has been indicated in a 6x10m brick-built outbuilding, with a pitched and hipped roof with 2.6m high eaves and 4m high ridge. This would be located in the rear garden, towards the end and within the root protection areas of three existing trees, two of which are category B.

## **HISTORY**

**10/3229** 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 was **Refused** on 15/03/2011 for the following reasons:

1. *The proposed block, by virtue of its design, scale, bulk and mass, would have an adverse impact on the suburban character of the area, contrary to policies BE2, BE3, BE5, BE9, H12 and H13 of the adopted London Borough of Brent Unitary Development Plan 2004, policy CP17 of the adopted London Borough of Brent Core Strategy 2010 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".*

2. *The proposed block, by virtue of its scale, bulk and mass and its relationship with the boundaries, would result in material harm to the living environment enjoyed by neighbouring occupants in No. 25 The Drive and the communal gardens of Faraday House. This would be exacerbated by the loss of the screening trees, with no scope for replacement, which would expose the form of the proposed block. As a result, the proposal is contrary to policies BE2, BE3, BE6, BE9 and H12 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".*
3. *The proposed forecourt layout would, by virtue of the extent of hard surfacing, the position of the parking spaces and access path in relation with the habitable room windows of Flat 1 and the lack of soft landscaping, result in harm to the character and appearance of the area and material harm to the living environment of future occupants of Flat 1 contrary to policies BE2, BE6, BE7, BE9 and H12 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".*
4. *The proposed cycle store, by virtue of its scale, bulk, design and materials, would be an overbearing and incongruous structure with a harmful impact on the open character of the rear amenity area, contrary to policies BE2, BE9 and H12 of the adopted London Borough of Brent Unitary Development Plan 2004, policy CP17 of the adopted London Borough of Brent Core Strategy 2010 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".*
5. *The applicant has failed to demonstrate adequately that the proposed scheme can make adequate replacement for the loss of existing trees and that there would be sufficient quantum and quality of landscaping, to the detriment of the character of the area and contrary to policies BE2, BE6, BE7 and H12 of the adopted London Borough of Brent Unitary Development Plan 2004, policy CP17 of the adopted London Borough of Brent Core Strategy 2010 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".*
6. *In the absence of a legal agreement to control the matter, the proposed development would result in:*
  - *additional pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area;*
  - *increased pressure for the use of existing open space, without contributions to enhance open space or make other contributions to improve the environment;*
  - *increased pressure on education infrastructure without any contribution to education improvements;*
  - *no provision of sustainable design features or renewable energy sources*

*As a result, the proposal is contrary to policies TRN3, TRN4, TRN10, TRN11, OS7, OS18, BE12 and CF6 of the adopted London Borough of Brent Unitary Development Plan 2004, Supplementary Planning Guidance No. 19 "Sustainable Design", Supplementary Planning Document "S106 Planning Obligations" and policy 4A.7 of the consolidated London Plan (2008).*

7. *The proposed forecourt layout would not provide sufficient off-street parking spaces for the proposed six flats and the carriage driveway arrangement would restrict on-street parking, which would be prejudicial to the free flow of traffic and highway safety due to the narrow width of The Drive, contrary to policies TRN3, TRN23 and PS14 of Brent's adopted Unitary Development Plan 2004.*

This decision was appealed and dismissed (APP/ T5150/A/11/2156363/NWF), although the Inspector found the scheme to be generally acceptable.

**C7736 2971** Demolition of bungalow and erection of four maisonettes **Refused** 25/07/1972 for four reasons comprising: (1) loss of TPO trees due to hard-standing at front; (2) design and layout would be harmful to the character of the area; (3) loss of residential amenity in terms of overlooking; and (4) difficulties with access.

## **POLICY CONSIDERATIONS**

The development plan for the purpose of S38 (6) The Planning & Compulsory Purchase Act 2004 is the Brent Unitary Development Plan 2004, Core Strategy 2010 and the London Plan 2011. Within those documents the following list of policies are considered to be the most pertinent to the application:

### ***Brent UDP 2004***

- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR5 A pattern of development which reduces the need to travel, especially by car, will be achieved.
- STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment in Brent by being designed with proper consideration of key urban design principles relating to: townscape (local context and character) urban structure (space and movement), urban clarity and safety, the public realm (landscape and streetscape), architectural quality and sustainability.
- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area or have an unacceptable visual impact on Conservation Areas.
- BE3 Proposal should the regard for the existing urban grain, development pattern and density in the layout of development site.
- BE4 Access for disabled people
- BE6 A high standard of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- H11 Housing will be promoted on previously developed urban land which the plan does not protect for other uses.
- H12 Residential site layout to reinforce/create an attractive/distinctive identity appropriate to its locality, housing facing streets, appropriate level of parking, avoids excessive ground coverage and private and public landscaped areas appropriate to the character of area and needs of prospective residents.
- H13 The appropriate density should be determined by achieving an appropriate urban design, make efficient use of land and meet the amenity needs of potential residential, with

- regards to context and nature of the proposal, constraints and opportunities of the site and type of housing proposed.
- TRN3 Where an application would cause or worsen an unacceptable environmental impact of traffic it will be refused.
  - TRN4 where transport impact is unacceptable measures will be considered which could acceptably mitigate this.
  - TRN11 Developments should comply with the plan's minimum cycle parking standard.
  - TRN15 Access from a dwelling to a highway
  - TRN23 Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.
  - TRN34 Servicing in New Developments.
  - PS14 Parking standards for residential uses
  - PS16 Cycle parking

### ***Brent Core Strategy 2010***

- CP 2 Population and housing growth  
Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought
- CP 17 Protecting and enhancing the suburban character of Brent  
Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.
- CP 21 A balanced housing stock  
Seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent households by: ensuring appropriate range of dwellings and mix; defining family accommodation as units capable of providing three or more bedrooms; requiring new dwellings be 100% Lifetime Homes and 10% wheelchair accessible; contributes to non-self contained accommodation and care & support housing where needed.

### ***Brent Supplementary Planning Guidance***

#### *SPG3 Forming an access onto a road*

Sets out the standards for the formation of an access onto a highway.

#### *SPG17 Design Guide for New Developments*

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

The above policies and guidance seeks to ensure that development should not significantly affect the amenities of the occupiers of the neighbouring properties and should be in keeping with the design, scale and character of the surrounding area.

#### *SPD S106 Obligations*

### ***Regional***

#### *London Plan 2011*

Policy 3.5 Minimum unit sizes

## **National**

### *Planning Policy Statement 1 – Creating Sustainable Communities*

PPS1 sets out the Government's vision for planning and the key policies and principles which should underpin the planning system. These are built around three themes – sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

### *Planning Policy Statement 3 – Housing*

PPS3 establishes the Government's objectives for housing and reinforces the commitment to more sustainable patterns of development. PPS3 sets broad guidelines for the provision of affordable housing, placing emphasis on the importance of high quality design and creating mixed, balanced and integrated communities with wider opportunities for home ownership and improved affordability through an increase in supply of housing. The guidance also requires Local Authorities to deliver sustainable development objectives.

### *Planning Policy Guidance 13: Transport, 3 January 2011*

PPG13 outlines the Government's aim of achieving reduced car dependency via transport and planning policies that are integrated at the national, strategic and local level. The objectives of this guidance are to integrate planning and transport at the national, regional, strategic and local level to: (a) promote more sustainable transport choices for both people and for moving freight; (b) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and (c) reduce the need to travel, especially by car. The guidance places an emphasis on putting people before traffic, indicating that new development should help create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.

## **CONSULTATION**

### **Local**

Local residents were notified by letter on 10/01/12. 66 letters were dispatched and ward councillors were also consulted.

Five letters of objection have been received. The objections can be summarised as follows:

- Overdevelopment
- Out of character
- Overbearing impact of block of flats and of outbuilding
- Loss of privacy
- Loss of sunlight and air
- Impact of overspill parking
- Impact of increased traffic movements
- Increase in noise and pollution
- Loss of trees

### **Internal**

#### *Transportation*

This proposal can be supported subject to conditions requiring: (i) widening of the proposed crossover to the site to 4.1m with adequate pedestrian visibility splays; and (ii) reinstatement of the two existing vehicular crossovers which will become redundant due to the new development to footway at the applicant's own expense prior to occupation of the development, plus a financial contribution of £6,500 towards non-car access improvements.

### *Landscaping*

Further information is required regarding which trees are to be removed, how the amenity space is allocated for each unit and tree protection. Further details to include a landscape scheme for the front forecourt and rear garden, including a landscape strategy showing indicative plant species and porous hard materials, would be required as a condition. As with the earlier refused scheme, the borough Tree officer does not think the development could go ahead little or no damage to the retained trees:

## **REMARKS**

### ***Introduction***

The application is fundamentally the same as the scheme which was dismissed at appeal in 2011. A revised forecourt layout and access arrangement has been provided.

The fact the appeal was dismissed notwithstanding and although your officers, under delegated powers, refused the scheme for a number of reasons including the design and impact on neighbouring amenity, the Inspector found the proposal to be generally acceptable:

*“For the most part, I... ..consider the proposed development to be acceptable and within the parameters of the various planning policies to which the Council have referred. Replacement trees are required, but this matter could be dealt with satisfactorily by planning conditions. The improvements needed to the parking and circulation area require revisions to be made to the application plans to show how this could be satisfactorily achieved; there are no revisions before me and the matter is too significant to be dealt with by planning conditions. Compliance with the SPD is dependent on the Council providing further justification for the contributions being sought and on the execution of an acceptable planning obligation; it would be inappropriate to grant planning permission before these steps had been taken.”* (Inspector’s decision letter, 4 November 2011)

Your officers have given very significant weight to the opinion of the Inspector as set out in his decision letter. This report will refer to the Inspector’s letter where necessary and the judgement officer’s reach on each aspect of this scheme will be influenced by the appeal decision.

### ***Key considerations***

In light of the above, the key considerations of this proposal are limited to (a) whether the proposed front garden and car parking layout is acceptable; and (b) whether the s.106 payments are justified and the applicant is willing to enter into a legal agreement to secure them.

Notwithstanding this limitation, your officers are aware that Members will not have considered this application before and so the case is laid out in the usual format, as follows:

- (1) Principle of development, including density
- (2) Visual impact (design & form)
- (3) Standard of accommodation
- (4) Impact on neighbouring amenity
- (5) Landscaping & trees
- (6) Parking & access
- (7) Other

### ***1. Principle***

The principle of residential development is accepted as part of making an efficient use of land and meeting Brent’s housing needs and in particular the need for family housing, as supported by



PPS3, the London Plan and Brent's UDP and Core Strategy policies STR3, H11 and CP2. Whilst changes to the definition of garden land in the June 2010 revision to PPS3 means the garden of the property is no longer considered previously developed land (PDL), that does not mean gardens cannot be developed nor that the land where the bungalow stands is not PDL. In this case the fact the site has a direct, wide frontage onto a local access road and the proposed scheme follows the pattern of development in the area means this site is considered appropriate for residential development.

National, regional and local policies seek to maximise the potential of the site, with PPS3 and the London Plan encouraging the efficient use of land. Policy 3.4 of the London Plan aims to optimise the potential of a site taking account of local context, London Plan design principles and public transport capacity. Policy H13 of the UDP relates to density and states that the primary consideration in determining the appropriate density of new development will be achieving an appropriate urban design which makes efficient use of land and meets the amenity needs of future residents. It goes on to say that density should have regard to context and nature of the proposal, the constraints and opportunities of the site and the type of housing proposed. The recently adopted Core Strategy policy CP6 also seeks to ensure developments have proper regard to policy 3.4 and states that "a notional density figure is not the only consideration, and the quality of design, location of the site and the need to provide family housing are all important".

The plans have been revised to include a family sized unit (3-bed) on the ground floor to replace the family unit which would be lost by the demolition of the bungalow.

In respect of the principle of development and the density the proposal is considered acceptable.

## **2. Visual impact**

### *2.1 The main block*

The character of the area is mixed but the dominant building form is two-storey detached houses. There are some other building types along the road and in the area, including bungalows and a nursing home block. Your officers considered the proposal did not display the design quality required of new development in the borough; however the Inspector concluded that the visual impact of the proposals would be acceptable.

The Inspector found the design of the block to be acceptable in the context of the varied streetscene:

*"The proposed block of flats would be two storeys high. It would be higher and wider than the bungalow it replaced, but I do not consider that it would look out of context in the surroundings I have described. Its design would include dormer windows at the front and there would be no front entrance; however, the street scene has a varied appearance and the building would not look incongruous in this setting"* (Inspector's decision letter, APP/T5150/A/11/2156363, 4 November 2011)

### *2.2 The outbuilding*

The rear outbuilding, which would provide cycle and other storages for the flats, was judged by your officers to be an incongruous addition to the garden and advised that it should be replaced with a substantially smaller cycle store designed to suit a garden setting (e.g. small scale, timber clad). The Inspector, however, considered that the outbuilding *"would be quite large, but would be well away from surrounding dwellings and would not significantly intrude on anyone's visual amenities."* (Inspector's decision letter, APP/T5150/A/11/2156363, 4 November 2011)

In terms of the visual impact of the proposal, officers consider the scheme to be acceptable, giving very significant weight to the Inspector's opinion in this case.

### **3. Standard of accommodation**

A good standard of accommodation is a combination of several factors including basic space standards, outlook, privacy, daylight and sunlight and amenity space. A good living environment is subject to more subjective matters such as the quality of that amenity space, the design of the scheme and the relationship with car parking, cycle storage and external factors such as noise and pollution.

In terms of flat sizes and arrangement the standard of accommodation is good and complies with the minimum sizes in the London Plan 2011. Whilst some problematic vertical stacking is proposed (e.g. the lounge/kitchen of Flat 4 above bed 2 of Flat 1) this is not considered a reason for refusal as modern construction techniques should minimise any noise transmission to acceptable levels. The flats would have sufficient privacy and outlook (subject to the kitchen window to Flat 2 being obscured glazed), subject to a more detailed rear garden layout to ensure access to those areas immediately outside habitable room windows is restricted.

### **4. Impact on neighbouring amenity**

#### **4.1 Overbearing impact**

The proposed block extends beyond the rear building line of the existing bungalow and has a substantially greater scale. Your officers did not consider the proposed block would have an overbearing impact on the occupants of No. 25, which shares the boundary to the east, but were concerned that the bulk of the block in combination with the loss of trees along the western boundary shared with the open space for Faraday House would be overbearing. The Inspector agreed up to a point, requiring that replacement planting be carried out:

*“The main impact would be to open up a view of the side of the flats from the block of flats to the west and to reduce generally the sylvan appearance of the site. The Council indicate that this would be unacceptable unless adequate replacement planting is carried out, and I agree. The proposals before me are deficient in this respect, but there would be space to undertake more planting.”* (Inspector’s decision letter, APP/T5150/A/11/2156363, 4 November 2011: para 5)

Due to the proximity of the building to the boundary and the side access path between, it may prove difficult to accommodate any substantial planting between the building and the western boundary that would have a screening effect; in compensation replacement trees could be provided in the rear garden by condition.

#### **4.2 Outlook**

The building complies with the 30 degree line from Faraday House but the relationship with No. 25, to the east, is more restricted. No. 25 has a sole habitable room window facing the proposed flank wall of the block at a distance of 5m. SPG17 does not include any distances for outlook, unlike privacy, but officers did not consider 5m to be acceptable in a suburban setting, particular considering the combination of that distance with the increased length and height (eaves and ridge) of the proposed block. This opinion was not supported by the Inspector, who concluded that: *“The impact on the amenities of No 25 in terms of loss of outlook, domination and overlooking would not be exceptional or out of keeping with what is normally acceptable in a residential area.”* (Inspector’s decision letter, APP/T5150/A/11/2156363, 4 November 2011: para 6)

Since there are no specific distances quoted in SPG17 as being necessary to maintain a good standard of outlook, it is a matter of opinion what is acceptable and in this case a higher authority has judged the relationship to be satisfactory.

### 4.3 Privacy

Whilst flank windows are shown, these are to bathrooms and as such could be conditioned to be obscured glazed and non-opening below 1.7m; the scheme would not have a material impact on the privacy of neighbouring occupants.

### 4.4 Loss of sunlight

The building would be located to the west of No. 25 and some distance to the east of Faraday House; no material loss of daylight or sunlight would occur.

### 4.5 Noise & disturbance

The development would result in an increase in the intensity of use of the site but there is no evidence that the occupants would cause undue harm to neighbouring amenity. Using the communal amenity space would be acceptable as the site to the west is also a communal amenity space and the site immediately to the east is an undeveloped end of a 74m long garden.

## 5. Landscaping & trees

### 5.1 Landscaping & amenity

The communal amenity space to the rear would be of sufficient size for six flats though part should be enclosed for the ground floor flats and in particular the ground floor family unit which should have as close to 50sqm as possible; this can be secured by condition. The forecourt layout provides scope for an attractive planting scheme and the retention of the TPO trees along the frontage, subject to further details of planting, materials and tree protection.

### 5.2 Trees

The borough Tree officer has reiterated his concerns about the potential impact of the development on the retained trees, particular due to the proximity of building works to their root protection areas. This was a reason for refusing the original scheme in 2010. The Inspector was satisfied with the potential impact on retained trees:

*“The arboricultural report states that there are thirty-nine trees on the site. The five protected trees, which are all near the road frontage, would be preserved. The report indicates that eight trees should be removed for sound management reasons. The development would result in the loss of twelve more trees, eleven in BS Category Grade C and one in BS Category Grade B. The main impact would be to open up a view of the side of the flats from the block of flats to the west and to reduce generally the sylvan appearance of the site. The Council indicate that this would be unacceptable unless adequate replacement planting is carried out, and I agree. The proposals before me are deficient in this respect, but there would be space to undertake more planting.”* (Inspector’s decision letter, APP/T5150/A/11/2156363, 4 November 2011: para 5)

Whilst the removal of dangerous or diseased trees is acceptable, further details will be required by condition to ensure no further trees would be jeopardised in the course of the development (in particular Tree 24). An Arboricultural Method Statement to include a Tree Protection Plan shall be secured before works commence on site, to ensure retained trees are not damaged by preliminary works including demolition and details of no-dig construction and cellular confinement systems shall be sought to prevent the long-term deterioration of the trees.

## **6. Parking & servicing**

### **6.1 Parking**

The site has moderate access to public transportation with PTAL Level 3. There is very close access to the bus routes Nos. 83, 182, 245 and 297 on Forty Lane close to its junction with The Drive.

On-street parking on the road is on the near side to the property, with the road having insufficient width to accommodate parking on both sides. As The Drive is within the Wembley Event Protective Parking Zone Scheme on-street parking is restricted to the permit holders only on Wembley Event Days. The affected times are 8am to Midnight.

The maximum parking allowance for the new units will be in the order of 1 space each for the one-bedroom units, 1.2 spaces for the two-bedroom unit and 1.6 for the three-bedroom unit. As such the total parking allowance for the six units will be in the order of 6.8 spaces, which is a maximum allowance and thus five spaces satisfies the Council's policies; however, consideration also needs to be given to the impact of any overspill parking on road safety and traffic flow in the street.

The earlier refusal stipulated that six parking spaces should be provided within the proposed parking area and the forecourt can be changed to accommodate more spaces by removing the carriage driveway format and instead providing a turning head. The failure to provide this amount of parking combined with the layout of the forecourt which does not meet the Council's policies and the extent of hard surfacing, relationship between parking spaces and the habitable rooms of Flat 1 and the lack of soft landscaping was a reason for refusal.

The Inspector supported the Council in this aspect of the refusal and concluded that "*The improvements needed to the parking and circulation area require revisions to be made to the application plans to show how this could be satisfactorily achieved; there are no revisions before me and the matter is too significant to be dealt with by planning conditions.*" (Inspector's decision letter, 4 November 2011: para 11)

However paragraph 8 of the Inspector's letter explains in greater detail the Inspector's judgement of this aspect of the refusal and it is clear this focuses on the problems caused by: (1) the dual accesses required for a carriageway drive in terms of reduced on-street parking; and (2) the proximity of parking spaces to windows of Flat 1:

*"The provision of five off-street parking spaces for the six flats is within the maximum allowance of 6.8 spaces indicated by the Council's standards. Any overflow would, however, have to be accommodated at the roadside and The Drive, because of its width, would only permit parking on one side. The proposed parking and circulation arrangements at the front of the flats would not look out of place in the street scene, since the protected trees would remain and other properties have similar areas of block paving, but I agree with the Council that improvements are needed to the layout. This is because the provision of two accesses would further restrict the amount of on-street parking that could be accommodated and because parking spaces 1 and 2 would be too close to windows in the flats."* (Inspector's decision letter, 4 November 2011: para 11)

The Inspector has not confirmed that six off-street spaces are essential and your officers agree with his conclusions that the harm to the living conditions of future occupants of Flat 1 that would arise requiring six off-street spaces would outweigh concerns of overspill parking on the highway when balanced with the removal of one of the accesses. Your officers also give significant weight to the fact the forecourt layout provides a much improved landscaped setting for the scheme, subject to further details of planting and materials.

Local residents have objected to the scheme on the basis of the impact of increased traffic movements and overspill parking. Should Members weigh these matters differently, then it is possible that a forecourt layout which has six parking spaces could be provided by condition, with the loss of some planting and with an increased impact on the living conditions of Flat 1.

The net increase in vehicle movements would not be significant and officers raise no objection to the scheme on that ground.

The borough Highway and Transportation officer has noted that, in terms of parking layout, the aisle width of 7.8m is wider than it needs to be and should be reduced to 6m to increase the amount of soft landscaping within the frontage; this can be secured by condition.

## 6.2 Access

At present the dwellinghouse is serviced by two 3m wide crossovers. These would be removed and the vehicular access for the new parking area will be over a single vehicular access to be provided close to the middle of the frontage of the new development. This is shown to be 2.9m in width and the borough Highway and Transportation officer has requested that this be increased to 4.1m in width to allow two cars to pass one another at the site entrance. Your officers have balanced this request with advice from the borough Tree officer, who suggests such an increase would likely result in the loss of one of the protected trees. In light of the anticipated low vehicle movements, your officers have judged the retention of protected trees to be more important than a widened access route, however as before should Members weigh these matters differently an appropriately worded condition could be attached to require further details of a 4.1m wide crossover and a semi-mature replacement tree of suitable species.

## 6.3 Cycle and refuse stores

One cycle space should be provided for each of the six dwelling units. To this end, a cycle store is proposed in the rear garden which can accommodate eight bicycles in a secure and weather protected manner, in line with standards. Access points for refuse vehicles should not normally be further away than 10 metres from any refuse store, with small wheelie bins being acceptable. As the bin store is close to the pedestrian access and close to the back of the pavement, this requirement is met.

## 7. Other

### 7.1 S106

The Inspector found that: *“Compliance with the SPD is dependent on the Council providing further justification for the contributions being sought and on the execution of an acceptable planning obligation; it would be inappropriate to grant planning permission before these steps had been taken.”* (Inspector’s decision letter, 4 November 2011)

The Council’s adopted 2007 S106 Planning Obligations SPD details and justifies the borough wide requirement for education, sustainable transportation, open space and sports contributions from new residential developments. This is the primary policy that states the necessity in planning terms for the obligation.

The SPD details the borough wide need for education expansion. By this year 2010/11 the boroughs schools will either be at or exceed the DfES 95% capacity levels. For this development the local nurseries, primaries and secondary schools are already over 95% full. Planned expansion at for the existing population and the shift back to state provision, there is no current funding available for increasing capacity to cater to the large three-bedroom and the two-bedroom family units. CF6 justifies the need and applies it developments of more than 10, as this was correct in 2004 at the time of the adoption of the UDP. The S106 SPD, adopted in 2007, provides the policy

requirement and justification for sites under 10 units as the need has become more acute. The contribution sought is a small contribution relative to the cost of providing additional nursery places and can be used in conjunction with other funding to increase capacity for new developments.

Policy CP18 of Brent's Core Strategy (previous Policy OS7 of Brent's UDP) covers the requirement for Open Space and Children's Play Area provision. The development is not too far from local Open Space, but it has limited capacity and serves a dense area with an increasing population. In this urban locale new open spaces are very rare and new developments like these require a full range of open spaces for large play, children's play and family open space. The local open space has the potential to be enhanced and provide mitigation for this increased pressure.

New developments are therefore required to contribute to these improvements, as they would generate a substantial pressure on the local public open space amenities with no corresponding improvement to adequately deal with it. Increased revenue through the rates and Council tax would take time to both feed into the system and to identify the appropriate service area to target. This could lead to a decrease in the quality of open space provision, at a time of increasing use.

The Brent Pitch Survey of 2003 and Brent's Sport Survey 2008, showed a deficit in sporting pitches in all major sports; football, rugby, cricket, hockey and of swimming pools in this location. The survey also found Brent as being significantly below the National Playing Fields Association (NPFAs) standards on pitch provision. The current Parks Service budget and planning looks at maintaining the current level and improving the occasional piece of land, with no resourcing available to meet the demands from new developments. Contributions will also be used to maintain pitches once improvements have been made.

Sport England's Kitbag Calculator (source: [www.sportengland.org](http://www.sportengland.org)) uses the cost, excluding Land or VAT, of providing sporting facilities in Brent, per unit based on current demographic and Average Occupancy of new households (source: GLA analysis of London Household Survey, 2005)

Highways, footways, crossing and public transport face increased pressure and use from new developments. New commercial and residential developments increase the number of people walking, cycling and driving to and from them and need to provide improvements in the quality, capacity and safety of the local infrastructure. Particularly for this proposed development in a dense urban area local mitigation will take the form of crossing, cycling and walking routes to local public transport nodes. Policies TRN1, 2, 3, 4, 10 and 11 can require transportation improvements. The Local Implementation Plan (LIP) has set out how the Council proposes to implement the Mayor's Transport Strategy (MTS), including the expected measures to meet the increase in population. Chapter 5 provides details public transport (bus, rail, underground), cycling and walking projects and programmes through to 2011. Chapter 3 covers the links to UDP policies and the requirement for set elements of the LIP, while Chapter 5 deals with national and regional policies. The LIP also examines the funding requirements for these projects, their time tables and available sources. Given that the Council is planning for an additional thousand units a year, it equates to a £1,243 unit requirement.

In assessing the need and requirement for mitigation the Council has carefully considered the local impact of this development and believes there is a clear planning policies necessity, in terms of UDP and SPD policies and that the level sought is directly related to the proposed development, fair and reasonably related in scale and kind to the proposed development.

The applicant has agreed in principle to a section 106 legal agreement to meet the standard charge, but without such an agreement to secure measures to mitigate the harm caused by the scheme, it would conflict with the aims and objectives of UDP policies TRN3, TRN4, TRN11, OS7, CF6 and EP3 and the provisions of the SPD on S106 Planning Obligations. A dual recommendation is thus proposed, to approve the scheme if a s.106 agreement is signed but to refuse it if no such agreement is made.

## 7.2 Response to objectors

Most of the objections (including overdevelopment; out of character; overbearing impact; loss of privacy; impact of overspill parking; impact of increased traffic movements) have been addressed above.

Whilst there would be an intensification of activity on the site it is not considered that this would result in material harm to neighbouring occupants in terms of noise and pollution.

## 8. Conclusion

The proposal is similar to one previously considered by the Planning Inspectorate and as such there is clear guidance on the acceptability the scheme in general. Your officers consider that the applicant has satisfactorily overcome the concerns raised by the Inspector. Approval is recommended, subject to s.106 agreement and condition.

## 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  
Brent Core Strategy 2010  
London Plan 2011  
Central Government Guidance  
Council's Supplementary Planning Guidance Nos. 3 & 17

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

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

PL2/VP/2133/TD/01; PL2/VP/2133/TD/02; PL2/VP/2133/TD/03; PL2/VP/2133/TD/04;  
PL2/VP/2133/TD/05; PL2/VP/2133/TD/06; PL2/VP/2133/TD/07; PL2/VP/2133/TD/08;  
Figure 01 *Tree Constraints Plan*; Fig 2 *Tree Protection Plan*

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

- (3) The building shall not be occupied car parking and turning areas shown on the approved plans have been constructed, surfaced and marked out to the satisfaction of the local planning authority. The car-parking and turning areas shall be retained thereafter and used for no other purpose at any time unless otherwise.

Reason: In the interests of free flow of traffic and highway safety

- (4) The building shall not be occupied until the cycle store shown on the approved plans has been constructed and fitted out for use as a cycle store to the satisfaction of the local planning authority. The cycle store and store room shall be retained thereafter and shall be used for no other purpose at any time.

Reason: In the interests of free flow of traffic and highway safety

- (5) No part of the development shall be occupied until the proposed access has been constructed in accordance with the details hereby approved with 2m x 2m visibility splays above a height of 850mm and the existing redundant vehicular crossovers have been reinstated to kerb-and-channel at the applicant's expense.

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

- (6) Details of materials, including samples, for all external work 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 that does not prejudice the amenity of the locality.

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

- (i) proposed or retained boundary walls, hedges, fences and gates indicating materials and heights;
- (ii) a change to the parking layout to reduce the aisle width from 7.8m to no less than 6m;
- (iii) a planting scheme including species, plant sizes and planting densities to the front and rear gardens of the block;
- (iv) screen planting along the shared boundary with Faraday House with suitable trees, shrubs and/ or climbing plants;
- (v) specification of any Nursery Stock trees and shrubs in accordance with BS 3936 (parts 1, 1992, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of Practice for General Landscape Operations (excluding hard surfaces);
- (vi) areas of private amenity space for the ground floor flats and in particular a large, 50sqm area of the three-bed flat, suitably demarked by a means of enclosure and screen planting;



- (vii) screen planting to prevent loss of privacy of ground floor units; and
- (viii) areas of porous hard landscape works and proposed materials, including samples if necessary

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

Reason: To ensure a satisfactory appearance and setting for the proposed development, to compensate for the loss of trees, in the interests of living conditions of future occupants and ensure that the hard landscaping is permeable and visually attractive.

- (8) Notwithstanding any details referred to in the submitted application, no preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan, or TPP) and the appropriate working methods (the arboricultural method statement, or AMS) in accordance with Clause 7 of *British Standard BS5837 - Trees in Relation to Construction - Recommendations* has been submitted to and agreed in writing by the local planning authority.

The AMS can be incorporated within the TPP and should show the following:

- (i) a schedule of all works to trees, hedges and shrubs on-site and within the street frontage to facilitate the development and to ensure the retention of the TPO trees within the forecourt;
- (ii) for those areas to be treated by means of any hard landscape works including car parking spaces, footpaths and patios, provide:
  - detailed drawing(s) of those areas to be so treated including identification of root-protection zones;
  - details of a no-dig solution for areas within root-protection zones using a cellular confinement system to include a method statement for such works (nb. contractor should demonstrate that they have experience in installing such a system successfully);
  - attendance of a qualified and experienced arboricultural consultant during sensitive operations;
  - works to trees should be carried out by an Arboricultural Association Approved Contractor in accordance with the latest industry guidance (British Standard 3998:2010); and
- (iii) a Tree Protection Plan which adheres to the principles embodied in BS5837:2005 and indicates exactly how and when the retained trees, hedges and shrubs on-site or off-site near the site boundaries will be protected during the works and show root-protection zones including:
  - positions of protective fencing in accordance with BS5837:2005;
  - an assurance that no materials, skips, tools, fuels portable toilets etc shall be stored between the front of the building and the boundary; and
  - positions of ground protection where scaffolding is erected within root protection areas (RPAs)

Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

The works shall be completed in accordance with the approved details. The applicant shall give written notice to the local planning authority of seven days prior to carrying out the approved tree works and any operations that present a particular risk to trees.

Any such tree, hedge or shrub 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, hedge or shrub of a similar species and size in the same position or in such position as the Local Planning Authority may otherwise in writing approve.

Reason: The frontage of the property benefits from mature trees, hedges and shrubs and this condition is to ensure the ongoing health and vitality of those existing features throughout the duration of the development or their suitable replacement, 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) Details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material (including litter bins inside and outside the premises) to comply with the requirements of the *Brent Waste and Recycling Storage and Collection Guidance for Residential Properties 2011* shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved and retained thereafter.

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

- (10) Prior to the commencement of works, further details of a lighting scheme shall be submitted and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved plans and shall be retained thereafter. Such details shall include:

- (i) a lighting schedule including lighting to the car park, side access path, main entrance door and any further lighting to the rear of the property;
- (ii) details of the output of each light in 'lux';
- (iii) a light-spill plan; and
- (iv) details of the lighting fixtures e.g. illuminated bollards, wall-mounted lamps etc including manufacturer's literature.

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

#### **INFORMATIVES:**

- (1) 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](http://www.communities.gov.uk)
- (2) Where existing point(s) of access or dropped kerb are redundant, any reinstatement of the crossings proposed or which are deemed necessary by the Local Planning Authority shall be carried out by the Council at the applicant's expense. You are therefore advised to contact the Council's Streetcare Section, Brent House, 349 High

Road, Wembley HA9 6BZ Tel 020 8937 5050 for further details as soon as possible.

- (3) 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


#### **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

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**Committee Report  
Planning Committee on 15 February,  
2012**

Case No. 11/3171

 **Planning Committee Map**  
Site address: 49 Lavender Avenue, London, NW9 8HG  
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This map is indicative only.

**RECEIVED:** 2 December, 2011

**WARD:** Barnhill

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** 49 Lavender Avenue, London, NW9 8HG

**PROPOSAL:** Full planning permission sought for erection of part single, part two-storey side and rear extension to dwellinghouse and the division of the property to two self-contained dwelling houses, comprising one three-bed and one one-bed, with associated landscaping.

**APPLICANT:** Mr Dhirendra Patel

**CONTACT:** Saloria Architects

**PLAN NO'S:**  
100313-50-P2; 100313-51-P3

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## **RECOMMENDATION**

Refusal

### **EXISTING**

The application relates to a semi-detached corner property which replicates the frontage of its linked neighbouring property, No. 51 Lavender Avenue, with a hip-end roof, front projecting gable roof feature, bay windows on both floors and linked canopies above the entrance to the property. The eastern flank of the property is open in character and carries a distinctive original 2-storey hip roof projection and chimney stack. The main flank wall is approximately 7 metres away from the splayed side boundary of the site which is bounded by a fence hedges and trees. The eastern flank of the site is highly visible from both Glenwood Grove when approaching the junction with Lavender Avenue and looking northwards from Lavender Avenue itself. There is an existing vehicular access from Glenwood Grove to the rear of the plot.

The surrounding uses are residential. The site does not contain a listed building and is not located within a Conservation Area.

### **PROPOSAL**

The application is for the erection of a part single, part two storey side and rear extension to the dwellinghouse and the division of the property to two self-contained dwellinghouses, comprising 1 x 3 bedroom house and 1 x 1 bedroom house, with associated landscaping.

### **HISTORY**

**10/3238** - Erection of part single-, part two-storey side and rear extension to dwellinghouse, the division of the property into two separate dwellinghouses, one 3-bedroom and one 5-bedroom, with associated works including new vehicular access onto Glenwood Grove landscaping and bin-storage provision (revised description 22/02/2011)- refused 2/03/2011for the following reasons:

1. *The proposal by virtue of its excessive bulk, massing, scale and design, notably the loss of side bay feature without replacement, would be out of character with the scale, form and design of the existing semi-detached dwelling on a prominent corner location, resulting in the creation of a terrace in a section of the street defined by semi-detached properties, to*

*the detriment of the character of the original dwelling and the character and visual amenities of the streetscene, contrary to policies BE2, BE7 and BE9 of the Adopted Brent Unitary Development Plan 2004, policy CP17 of the Adopted Brent Core Strategy 2010 and Supplementary Planning Guidance 5 - "Altering & Extending Your Home."*

2. *The proposal does not make adequate means of access for the parking of vehicles within the curtilage of the site for the proposed dwellinghouse, in accordance with the standards adopted by the Local Planning Authority and as such is likely to give rise to conditions which are prejudicial to the free flow of traffic on the adjoining highway and highway safety, contrary to policies TRN15 of the Adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 3 - "Forming an Access onto a Road."*
3. *The proposal would result in the loss of existing mature trees, shrubs and hedges which form part of the character of the area on a prominent corner location without any details provided of replacement landscaping and fails to provide satisfactory details of means of enclosure and boundary treatments, contrary to policy BE6 of the adopted Brent Unitary Development Plan 2004.*
4. *In the absence of a legal agreement to control the matter, the development would fail to secure contributions to education, open space and sustainable transport, as required by policies CF6, TRN2, TRN3 and TRN11 respectively of the adopted Brent Unitary Development Plan 2004 and policy CP18 of the adopted Brent Core Strategy 2010. It also fails to comply with the guidance of Supplementary Planning Document: "S106 Planning Obligations".*

Appeal dismissed on appeal on 18 July 2011.

**10/1859:** Erection of two-storey dwellinghouse incorporating ground and first floor side and rear extensions to 49 Lavender Avenue, installation of vehicular access onto Glenwood Grove and associated landscaping - refused - 28/09/2010

**87/0244:** Full planning permission sought for erection of detached house at rear - refused 24/03/1987

## **POLICY CONSIDERATIONS**

For the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the statutory development plan for the area is the Unitary Development Plan (UDP), which was formally adopted in 2004, and the Core Strategy, adopted in 2010.

### *Brent UDP 2004*

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

- STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment in Brent by being designed with proper consideration of key urban design principles relating to: townscape (local context and character) urban structure (space and movement), urban clarity and safety, the public realm (landscape and streetscape), architectural quality and sustainability.
- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area or have an unacceptable visual impact on

- Conservation Areas.
- BE3 Proposal should the regard for the existing urban grain, development pattern and density in the layout of development site.
- BE4 Access for disabled people
- BE6 A high standard of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- H12 Residential site layout to reinforce/create an attractive/distinctive identity appropriate to its locality, housing facing streets, appropriate level of parking, avoids excessive ground coverage and private and public landscaped areas appropriate to the character of area and needs of prospective residents.
- H14 The appropriate density should be determined by achieving an appropriate urban design, make efficient use of land and meet the amenity needs of potential residential, with regards to context and nature of the proposal, constraints and opportunities of the site and type of housing proposed.
- TRN23 Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.
- PS14 Parking standards for residential uses

#### *Brent Core Strategy 2010*

- CP 2 Population and housing growth  
Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought
- CP 17 Protecting and enhancing the suburban character of Brent  
Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.
- CP 21 A balanced housing stock  
Seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent households by: ensuring appropriate range of dwellings and mix; defining family accommodation as units capable of providing three or more bedrooms; requiring new dwellings be 100% Lifetime Homes and 10% wheelchair accessible; contributes to non-self contained accommodation and care & support housing where needed.

#### *Brent Supplementary Planning Guidance*

- SPG3 *Forming an access onto a road*
- SPG5 *Altering and Extending Your Home*
- SPG17 *Design Guide for New Developments*
- SPD *S106 Obligations*



## **Regional**

### *London Plan 2011*

Policy 3.5      Quality and design of housing developments  
                         Minimum internal floor areas for residential units

#### **CONSULTATION**

A total of 16 adjoining owner/occupiers were consulted regarding the application.

10 letters of objection and 1 petition containing 43 signatories have been received. Cllr Judith Beckman and Cllr. Shafique Choudhary have also highlighted concerns raised by local residents.

The following objections have been made:

- Out of character with semi-detached properties in the Salmon Estate;
- Re-siting front door to side does not overcome objections;
- Proposed bay window out of character with original design – not proportionate;
- Building will become more prominent;
- Loss of mature trees;
- Detrimental to local streetscene;
- Inadequate living space and storage facilities;
- Ground floor as previously proposed without internal divisions;
- Increased on street parking, particularly on Wembley event days;
- Highway safety concerns as a result of use of access;
- Drain on Brent's resources;
- Extra traffic – congestion;
- Loss of privacy;
- Loss of amenity space;
- Concerns during construction;
- Opportunities for crime arising from the development

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

- Application for a house, not flat as described;

*Officer Comment:* The application description is to provide two self contained dwellinghouses and the application has been assessed on this basis.

- Development cited at 17 Waltham Drive not similar – different site characteristics;

*Officer Comment:* The application property and site characteristic do differ from a proposal at 17 Waltham Drive. Notwithstanding this, each application must be considered on its own merits.

- Likely to be for rental;

*Officer Comment:* The application is to provide two dwellinghouses. Whether the property is occupied by the owner or is rented out, the use would still be within Class C3: Dwellinghouse.

- Consultation not as extensive as previously carried out.

*Officer Comment:* The properties consulted for this application are the same as those consulted for application 10/3238.

### Internal Consultation

Transportation- The application can be supported on transportation grounds.

### **REMARKS**

This planning application follows the refusal of planning permission in 2011 for the erection of extensions to create 1 x 3 bedroom and 1 x 5 bedroom dwellinghouses - LPA Reference: 10/3238 [see Planning History]. The Planning Inspectorate agreed with the Council's decision to refuse planning permission on the grounds that the extension would not be subordinate to the existing building; it would detract from the appearance of this area; the parking layout would compromise the safety of road users; and, the payment of a contribution for improvements to educational, open space and sustainable transport facilities was required.

The main differences between this proposal and the previously refused scheme are:

- The extension has been reduced and design revised;
- The proposal is now for a 1 x 1 bedroom and 1 x 3 bedroom dwellinghouse;
- The parking arrangements have been revised.

Your officers consider the main planning issues are:

1. Principle of development
2. Impact on character of area
3. Impact on neighbouring amenity
4. Standard of accommodation
5. Parking and access
6. Landscape and trees

#### 1. Principle of development

The principle of residential development is accepted as part of making an efficient use of land and meeting Brent's housing needs and in particular the need for family housing, as supported by PPS3, the London Plan and Brent's UDP and Core Strategy policies STR3, H11 and CP2. Whilst changes to the definition of garden land in the June 2010 revision to PPS3 means the garden of the property is no longer considered previously developed land (PDL), that does not mean gardens cannot be developed. In this case consideration will need to be given to whether the proposal provides an acceptable standard of accommodation and is in keeping with the character of the area and meets other policy objectives.

#### 2. Impact on character of area

The previous proposal was to extend the existing pair of semi-detached properties to create a terrace of three dwellings, replicating the design features of the adjoining semi-detached properties. With regard to the previously refused proposal, the Planning Inspectorate commented that:

*'...The extension would not be subordinate to the existing building but would be a prominent feature. It would change the semi-detached pair into a terrace of three dwellings, with three projecting bays along the front elevation. This would be out of character with the adjacent semi-detached housing. The attractive two storey bay on the flank elevation would be lost.'*

This proposal adopts a different approach by proposing an extension which follows the guidance set out in SPG5, to retain the appearance of a pair of semi-detached pair of properties but with a two storey extension to create the new dwelling. This extension complies with the guidance in SPG5 for corner properties in terms of the set in from the boundary; the main flank wall of the side extension is set in 2.7m at its closest point which complies with the 2m minimum detailed in SPG5. In terms of the set back from the front elevation, the proposed 2m set back would ensure that the extension does not result a terraced appearance. Whilst using SPG5 guidance as a basis for the extension is considered to overcome some concerns regarding the appearance, the full extent of the proposed extension would still be highly visible in the locality in particular when viewed from Glenwood Grove and when travelling along Lavender Avenue. The property is especially prominent due to its elevated position, therefore careful consideration must be given to the appearance of all elevations of the proposal.

The scale, massing and design of the extension is not considered to be acceptable given the prominence of this property in the locality. The proposal will subsume the existing attractive bay feature of the flank elevation and makes a poor attempt to replicate this feature. It does not reflect the design and proportions of this original bay and creates an awkward feature on this flank elevation. There is no objection in principle to providing the main entrance on this elevation however this would be dependent on an acceptable design. The visible bulk and massing of the extension -which projects 2.2m rearwards of the original house at first floor level and the single storey rear projection to both the original house and new dwelling which extends 3.8m rearwards-would detract from the original character of the property and character of the area.

As such, the proposal fails to comply with policy BE2 of the UDP which indicates that development schemes should be designed with regard to their local context and Policy BE9 which provides that extensions should be appropriate to their setting.

### 3. Impact on neighbouring amenity

The single storey rear extension spans the full width of the existing and proposed dwelling, projecting 3.8m out from the rear wall of No. 49. As the rear wall of No. 51 has a rear building line projecting 0.8m further rearwards from that of No. 49, the proposed depth of the single storey rear element would be acceptable, projecting 3m rearwards of the neighbouring property. However, due to the change in ground levels, the height of the proposed single storey rear extension would be 3.4m at the boundary which exceeds the guidance set out in SPG5. Whilst the neighbouring property has a patio, the relative height and relationship with the neighbouring property has not been shown to enable a full assessment of the impact of this extension. In addition, raised rear patios are proposed to both houses projecting a further 2m rearwards at an elevated position, albeit 2.3m at its closest point from the shared boundary with no. 51. It is considered that the proposal will have an adverse impact on the neighbouring property due to loss of light and outlook and will result in a loss of privacy due to the raised patio.

The two storey rear extension complies with the 1:2 guidance set out in SPG5 in terms of its relationship with the nearest habitable room at No.49. As such, any loss of amenity and light is considered to be within reasonable limits.

The properties on the opposite side of Glenwood Grove are over 20m from the flank elevation of the proposed development. Given the distance from those properties on Glenwood Grove and that the relationship with the property at 48 Glenwood Grove to the rear would not significantly change, the proposal is not considered to give rise to any significant amenity impacts.

### 4. Standard of accommodation

The floor area for the proposed new house is 66 sq m. The London Plan and SPG17 do not provide space standards for 1 bed houses but do not provide a standard for a 1 bed flat, the minimum space standards are 50 sq m and 45 sq m respectively. The development exceeds this

minimum standard and the rooms are of a reasonable size and clearly laid-out with good outlook, privacy and sunlight/daylight.

The floor area for the 3 bedroom house is 109 sq m which significantly exceeds the minimum standards set out in the London Plan and SPG17 (London Plan requires minimum 95 sq m for 3b 6p house and SPG17 requires minimum 85 sq m).

Both the existing and proposed property would benefit from over 50 sq m of useable amenity space which is compliant with SPG 17 standards.

#### 5. Parking and access

Lavender Avenue and Glenwood Grove are local access roads. They are within the Wembley Event Day Protective Parking Zone, whereby on-street parking is restricted to permit holders only on Event Days between 10am and midnight. There are parking bays marked along both roads. Night time parking on the roads is low, but as the site is close to a junction, on-street parking can be restrictive for dwellinghouses.

The proposed development would provide parking space for 2 vehicles within the site. This would require the extension of the existing access onto Glenwood Grove, providing a crossover measuring 4.8m. It is also noted that this would be combined with the neighbouring crossover at 49 Glenwood Grove.

The parking allowance for the existing dwellinghouse is up to a maximum of 1.6 spaces and the existing provision of two spaces to the site which marginally exceeds the standards. The car parking allowance for the new house is 1 space. Transportation have confirmed that the provision of one space for each dwelling is acceptable and is in line with Council standards.

Policy TRN15 of the UDP requires that new accesses should be at safe locations, where there would be adequate visibility. The Planning Inspectorate raised the following concerns regarding the previous application and the safety of road users:

*'There would be no turning space within the appeal site, so drivers would have to manoeuvre to or from the highway in reverse gear. One of the proposed parking spaces would be at a particularly awkward angle in relation to the proposed access. As a result of this and the roadside vegetation, drivers reversing from the appeal site into the highway would have restricted visibility.'*

In this case, as the number of parking spaces has been reduced and no longer proposes the angled parking space within the site which gave rise to safety concerns, there is no objection to the proposal on highways safety grounds.

#### 6. Landscaping

Policy BE6 of the UDP requires a high standard of landscape design, with a retention of trees and shrubs that contribute to the character of the area. In the previous appeal, the Planning Inspectorate commented that:

*'The existing vegetation along the appeal site's frontage to Glenwood Grove is an attractive townscape feature. Some of this would be lost as a result of the proposed development'*

The proposal would not lead to a significant loss of landscaping in the frontage of the development. However, it would result in the loss of a significant proportion of the trees and hedges on the eastern flank which contribute to the character of the corner plot. Whilst there is scope for better landscaping than could have been provided in the previous scheme, the opportunity along the boundary adjacent to the flank elevation of the house is still limited. No landscaping details have been provided nor details of the means of subdivision of the gardens.

## 7. Section 106

The proposal would lead to an 1 additional bedroom on site, which would equate to a requirement for a £3,000 contribution as per the adopted Council SPD on S106 contributions. As an agreement has not been completed, this will be included as a reason for refusal.

### Conclusion

The proposed development is not considered to satisfactorily address the previous reasons for refusal. By virtue of its detrimental impact on the character of the existing dwelling and streetscene; its loss of boundary landscaping; impact on neighbouring amenity; and, the absence of a section 106 agreement, refusal is recommended.

### **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Refuse Consent

### **CONDITIONS/REASONS:**

- (1) The proposed extensions, by virtue of their excessive bulk, massing and design, including the loss of side bay feature without a suitable and proportionate replacement, would detract from the character of the existing semi-detached dwelling and the character of the streetscene, in particular as the site is in a prominent corner location. As such, the proposal is contrary to policies BE2, BE7 and BE9 of the Adopted Brent Unitary Development Plan 2004, policy CP17 of the Adopted Brent Core Strategy 2010 and Supplementary Planning Guidance 5 - "Altering & Extending Your Home."
- (2) The proposal, by reason of the height of the single storey rear extension and the provision of a raised patio, will have an adverse impact on the neighbouring property at no. 51 Lavender Avenue causing loss of light and outlook and loss of privacy due to the elevated position of the patio. As a result, the proposal is contrary to policies BE9 and H15 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 5: Altering and Extending our Home.
- (3) The proposal would result in the loss of existing mature trees, shrubs and hedges which form part of the character of the area on a prominent corner location without any details provided of replacement landscaping and fails to provide satisfactory details of means of enclosure and boundary treatments, contrary to policy BE6 of the adopted Brent Unitary Development Plan 2004.
- (4) In the absence of a legal agreement to control the matter, the development would fail to secure contributions to education, open space and sustainable transport, as required by policies CF6, TRN2, TRN3 and TRN11 respectively of the adopted Brent Unitary Development Plan 2004 and policy CP18 of the adopted Brent Core Strategy 2010. It also fails to comply with the guidance of Supplementary Planning Document: "S106 Planning Obligations".

**INFORMATIVES:**


None Specified

**REFERENCE DOCUMENTS:**

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

## Committee Report Planning Committee on 15 February, 2012

Case No. 11/3102



### Planning Committee Map

Site address: OPEN ANSWERS, MASONS HOUSE, 1-3 Valley Drive, London, NW9 9NG

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This map is indicative only.

**RECEIVED:** 22 November, 2011

**WARD:** Fryent

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** OPEN ANSWERS, MASONS HOUSE, 1-3 Valley Drive, London, NW9 9NG

**PROPOSAL:** Change of use of ground, first and second floors from educational institution (Use Class D1) to health and fitness centre only (Use Class D2)

**APPLICANT:** The Manor Health and Leisure Ltd

**CONTACT:** Prospect Planning Limited

**PLAN NO'S:**  
See condition 2.

---

## **RECOMMENDATION**

Grant Consent

## **EXISTING**

Masons House is an 8 storey building which was constructed in the 1970s. The subject premises comprise three floors of vacant offices which were previously used for higher educational purposes with ten residential flats on the above floors. The application site is located on the southern side of Kingsbury Road at its junction with Valley Drive.

The site is located to the south of Roe Green Park within the north of the Borough. Located on the corner of Kingsbury Road and Valley Drive, the site is approximately 400m from Kingsbury Station to the west and 2m from the A5 to the east.

The site is mainly level, with ground level rising from Valley Drive via steps. The eastern boundary comprises the flank wall and garden of a number of blocks of flats on the south side of Old Kenton Lane and the rear gardens of properties on Sedum Close. The southern boundary is formed by Valley Drive, a residential street with mainly two storey semi-detached houses. These are set about 3-4m back from the footpath and most front gardens are used for parking; soft landscaping is minimal.

There is an existing basement which provides car parking. The basement car park contains 40 car parking spaces in total, which includes 10 spaces allocated to the existing residential flats. The car park has two vehicular means of access and egress, with access via Valley Drive and egress via Old Kenton Lane.

Public transport access to the site is moderate (PTAL 2), with Kingsbury Underground station and three bus services, two of which are nos. 183 and 204, within close proximity.

## **PROPOSAL**

The application seeks the Council's consent to change the use of the existing educational floor space (Use Class D1) to a Health and Fitness Centre (Use Class D2). The ground, first and second floors of educational floorspace are proposed to be converted into a Health and Fitness Club, involving a floor area of 1482sq.m.



The proposed Fitness and Leisure centre provides;

Ground floor: Main Gym  
First floor: Cardio-Vascular Area  
Second floor: Ladies Gym

The main car park area will be located within the basement of the site. The car park will comprise:  
28 health and fitness related car parking spaces;  
10 resident car parking spaces;  
10 cycle spaces;  
Two parking spaces will be provided to the front of the site, on Valley Drive, of which will be designated for disabled use.

## **HISTORY**

The site has a lengthy planning history. The relevant and most recent permissions have been provided below.

**08/0191** Change of use to non-residential institution training centre (Use class D1). **Granted** 18/04/2008.

**06/0736** Change of use from an office to a health & fitness centre (D2) **Granted** 11/10/2006.

**80/1132** Change of ground floor from showroom to offices. **Granted** 30/09/1980.

## **POLICY CONSIDERATIONS**

### **POLICY CONSIDERATIONS**

#### ***Local***

The development plan for the purposes of S38 (6) of The Planning and Compulsory Purchase Act 2004 is the Adopted Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan 2011.

#### ***Brent Unitary Development Plan 2004***

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

#### ***Strategic***

STR3 In the interests of achieving sustainable development, development of previously developed urban land will be maximised

STR5 Reduces the need to travel, especially by car.

STR6 Parking controls

STR15 Major Development should enhance the public realm

#### ***Built Environment***

BE4 Access for Disabled People

BE5 Urban Clarity & Safety

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

BE12 Sustainable Design Principles

#### ***Housing***

H22 Protection of Residential Amenity

#### ***Transport***

TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.

TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.

TRN4 Measures to make transport impact acceptable

TRN10 Walkable environments

TRN11 The London cycle network, schemes should comply with PS16

TRN12 Road safety and traffic management

TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.

TRN34 - Servicing new developments

TRN35 On transport access for disabled people and people with mobility difficulties.

PS10 Parking standards for assembly and leisure

PS15 Parking standards for disabled people

PS16 Cycle parking standards

### *Community Facilities*

CF2 - Location of small scale community facilities

CF3 - Protection of community facilities

### *Open Space, Sport and Recreation*

OS19 Location of indoor sports facilities

### *Brent Core Strategy 2010*

The following spatial policies are considered relevant to this application:

CP18 Protection and enhancement of Open Space, Sports & Biodiversity

CP23 Protection of existing and provision of new Community and Cultural Facilities

### *Brent Supplementary Planning Guidance*

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

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

### **Regional**

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:

3.2 Improving Health and Addressing Health Inequalities

3.16 Protection and Enhancement of Social Infrastructure

3.17 Health and Social Care Facilities

3.18 Education Facilities

### **National**

#### *Planning Policy Statement 1 – Creating Sustainable Communities (2005)*

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

#### *Planning Policy Guidance 13 – Transport (2010)*

PPG13 outlines the Government's aim of achieving reduced car dependency via transport and planning policies that are integrated at the national, strategic and local level. The guidance places

an emphasis on putting people before traffic, indicating that new development should help create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.

## **CONSULTATION**

### ***Local consultees***

Local residents and businesses, a total of 66 addresses were consulted on 28 December 2011. Ward Councillors for Fryent were also consulted.

The consultations were carried out from 28th December for a minimum of 21 days. A total of 3 objections were received during the process raising the following issues:

- Opening times are inconvenient to the residential area
- Increase in noise, traffic and parking
- Existing soundproofing is not sufficient
- Loss of short term parking in place of the proposed disabled parking
- Security concerns if the access gate to the basement is left open all day

*Officer Comment:* These matters will be discussed in the *Remarks* section of the report.

### ***Internal consultees***

The Council's Transportation department and Environmental Health service were consulted, along with officers within the Policy section of the Planning service to comment on matters of sustainability.

#### **Transportation**

No objections on transportation grounds to this proposal subject to securing a Travel Plan for the centre.

#### **Environmental Health**

No objection subject to conditions securing the following:

- (1) A scheme of sound insulation measures to mitigate the potential impact of noise and vibration from the proposed use.
- (2) A report detailing measures to ensure that no amplified sound or music shall be audible beyond the site boundary to be secured by condition.

## **REMARKS**

### ***Introduction***

In summary it is considered that the proposal benefits from significant planning merit in respect of bringing the site back into use, its day-to-day operation and the provision of additional health and fitness facilities for Brent's residents. The proposal is very similar to an unimplemented previous approval in 2006, prior to the grant of planning permission for a training centre.

### ***Key considerations***

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

1. Principle of the Change of Use
2. Impact on neighbouring amenity
3. Transportation matters
4. Response to objections

#### ***1. Principle of the Change of Use***

The proposal is to convert the three lower floors of vacant education floorspace (Use Class D1), leaving 5 levels of residential accommodation above comprising of 10 units.

### Policy context

The application proposes the change of use of an education facility (Use Class D1) to a health and fitness centre (Use Class D2). As the existing use falls within Class D1, consideration must be given to Policy CP23 in the Core Strategy which seeks to protect existing community and cultural facilities, to ensure the continuing needs of Brent's diverse community are met.

The education and training centre that occupied the building was a private institution. Whilst this proposal would result in the loss of this facility (which has now ceased operating), it is considered that this is adequately compensated for by the provision of a health and fitness centre. Policy 3.16 in the London Plan highlights the importance of protecting and enhancing social infrastructure by providing a range of facilities such as recreation, sports facilities, colleges and universities. In this case, as the proposal would provide a facility which will assist in meeting the Mayor's objective to improve access to sport and recreation facilities, the principle of the change of use is acceptable subject to other policy considerations.

The overall floor area of the fitness centre is in excess of 1000sq.m therefore a sequential approach is adopted whereby the application needs to demonstrate that there is no appropriate site within the town centre. Kingsbury town centre is clearly the nearest one, and the proposal needs to ensure that the viability and vitality of the centre is not affected. The application was assessed on this basis in 2006 when planning permission was previously granted for a health and fitness centre.

The proposed use is not considered to have a significant impact on the Kingsbury Town centre due to the type of activity offered (non-retail use). In addition, Kingsbury Town centre has a high occupancy rating (as reported in Brent Retail Need and Capacity Study Feb 2006 and confirmed in a recent assessment of the occupancy in December 2011) and is very successful and vibrant and therefore it is reasonable to assume that a large vacant site suitable for this type of activity within the district centre is not readily available. Therefore, the test for the sequential approach is met.

## ***2. Impact on neighbouring amenity***

### Residential Amenity

To safeguard the amenity of the residential occupiers on the above floors of the building, a condition is proposed for soundproofing and vibration details to be approved and implemented prior to commencement of the use. In addition, details to control any amplified music is also to be required by condition to protect the amenities of residential occupiers, in accordance with advice from Environmental Health.

The hours of opening would be beyond the previous use as an education facility. Given the nature of the proposed use, large numbers of people coming and going at any one time which may have been the case with an education facility is unlikely to be a characteristic of the proposed use. The entrances into the Health and Fitness Centre and the residential parts are separate thereby minimising any disruption. It is recommended that the hours of use are conditioned to accord with those agreed under the 2006 consent.

## ***3. Parking & access***

### Transportation

Objections have been received regarding transportation issues and the impact arising from the proposed conversion of part of the building; in particular, the increased congestion adding to the amount of traffic using Valley Drive as a short cut.

Masons House is located on the south side of Kingsbury Road which is a local distributor road, between its junctions with Valley Drive and Old Kenton Lane. The site has a moderate access to public transport services (PTAL 2), with Kingsbury underground station (Jubilee line) and three bus services within 640 metres (8 minute walk).

The underground car parking will provide a total of 38 car spaces, which will be accessed via a 2.5m wide ramp from Valley Drive with a separate egress ramp to a minimum width of 2.5m onto Old Kenton Lane. A separate 11m long service road is also located in front of the main building entrance on Valley Drive.

Ten of the basement car parking spaces are to be allocated to the upper floor residential units, with 28 allocated to the health and fitness centre and provision will be made for cycle parking and waste/recycling refuse area. A further two disabled car parking spaces are to be marked within the service road at the front of the site. Vehicular access arrangements will otherwise remain unaltered.

#### Parking

Car parking allowances for the existing and proposed use of the three lower floors are set out in standards PS6 and PS10.

The proposed use as a health and fitness centre requires parking allowance for staff of 1 space per 5 employees, giving a maximum allowance of four spaces. One space is also permitted per 60 patrons, giving a further allowance of two spaces. With about 400 sq.m of non-assembly area proposed, a further two spaces would be allowed, taking the total to eight spaces.

The provision of 28 spaces provided within the basement exceeds standards. However, this is already the case and as this proposal does not alter the overall parking allowance for this site, the continued over provision of parking within the site can be accepted.

Consideration is also given to the likely impact of any overspill parking generated by the proposal on traffic flow and highway safety in the area; to this end, data from other similar facilities around outer London has been examined. This indicates that up to about 80 people could be expected to be within the centre at any time and that car use of about 40% would be typical. This would give a peak demand of about 30-35 parking spaces. This corresponds reasonably well with the applicant's own estimate of 80 members on site at peak times, of which 40% arrive by car.

This being the case, the majority of demand would be able to be accommodated within the site, with perhaps up to seven cars overspilling onto local streets at peak times. There is considered to be sufficient spare capacity along Old Kenton Lane, Valley Drive and Kingsbury Road to accommodate this level of overspill parking. It is not considered that this would have significant impacts on the use of the road network, particularly in view of the existing use as an education facility. Local residents, however, have raised concerns about overspill parking so your officers recommend a condition is attached to this permission to require the provision of a travel plan to encourage non-car modes of transport. This should aim to increase awareness of non-car and sustainable modes of transportation, such as use of bicycles, walking (using Members' postal codes), car sharing, public transport and information etc. Every effort should be made to reduce the use of motor car for travel to the centre by the staff and the members. Targets will need to be set for car use and monitored on an annual basis.

With regard to the shared on-site parking area (commercial and residential), this would be a management issue and therefore some of this information can be provided as part of the Travel Plan and a separate condition has been attached to safeguard the residential parking spaces. In practice, a fold down bollard is an example of an installation to achieve this.

#### Disabled parking and cycle parking

Standard PS15 requires at least 5% of spaces to be widened and marked for disabled persons, giving a requirement for two spaces. To this end, two new spaces are to be marked within the service road on the Valley Drive frontage of this site and this provision is welcomed. Standard PS16 requires at least three bicycle spaces per 10 staff, giving a total requirement for six spaces. The proposal provides 10 spaces within the basement car park.

#### **4. Response to objections**

The concerns raised in regards to opening times, soundproofing, car parking and access, potential security concerns in regards to leaving the access gate to the basement open all day have been addressed with relevant conditions applied.

Concerns raised in regards to the loss of short term parking in place of the proposed disabled parking bays is not considered to be outweighed by the need to provide accessible disabled parking bays. There is dedicated parking in the basement for the residential flats and there is no requirement to provide a short term drop off for such a use.

#### **6. Conclusion**

The proposal is considered to provide an additional community facility within the north of the Borough where such provision is insufficient and the proposal is not likely to create significant traffic problems within the immediate vicinity and therefore, as expanded above, the proposal is recommended for approval subject to conditions.

### **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent

### **REASON FOR GRANTING**

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

Brent's Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 19

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  
Employment: in terms of maintaining and sustaining a range of employment opportunities  
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness  
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation  
Transport: in terms of sustainability, safety and servicing needs  
Community Facilities: in terms of meeting the demand for community services

### **CONDITIONS/REASONS:**

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

Planning Statement (Prospect Planning Ltd, November 2011)  
Appendix A to Planning Statement (Prospect Planning Ltd, November 2011)  
Site Location Plan (Papa Architects Ltd, October 2011)  
Drg.no. 0519\_98\_201  
Drg.no. 0519\_98\_202  
Drg.no. 0519\_00\_201C  
Drg.no. 0519\_00\_202B  
Drg.no. 0519\_00\_202C  
Drg.no. 0519\_00\_203  
Drg.no. 0519\_00\_203B  
Drg.no. 0519\_00\_204  
Drg.no. 0519\_00\_204B  
Drg.no. 0519\_00\_210B  
Drg.no. 0519\_00\_211B  
Drg.no. 0519\_00\_212B  
Drg.no. 0519\_00\_213B (all plans provided by Papa Architects Ltd, October 2011)

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

- (3) The application site, shall be used as a Health and fitness centre and for no other purpose (including any other purpose in Use Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order or within any later additions).

Reason: For the avoidance of doubt and in the interests of controlling any other uses that fall within the D2 Use Class category.

- (4) A Sustainability statement must be submitted providing measures to incorporate targets for minimising energy use and associated measures to meet those targets, shall be submitted to and approved in writing by the Local Planning Authority and shall be fully implemented prior to the commencement of the use of the building.

Reason: To ensure that the proposal takes a pro-active role in and promotes sustainable methods of energy.

- (5) Prior to the commencement of the use of the building, a Travel Plan together with a management plan of sufficient quality to score a PASS rating using TfL's ATTrBuTE programme, to incorporate targets for minimising car use, monitoring of those targets and associated measures to meet those targets, shall be prepared, submitted to and approved in writing by the Local Planning Authority and shall be fully implemented.

Reason: To ensure that the proposal takes a pro-active role in minimising car trips and promotes sustainable methods of travel for staff and members.

- (6) The development shall not be occupied until the car parking layout shown on the approved plans have has been marked out in accordance with the approved details, providing 10 spaces designated for residential use, 28 spaces for the health and fitness centre and 2 disabled spaces to the front of the building. The parking layout shall be retained thereafter.

Reason: To ensure that suitable parking provision is available for the use which is in accordance with the Council's policies.

- (7) Prior to commencement of the development, further details of the disabled access ramp shall be submitted to and approved in writing prior. The access ramp shall be provided in full accordance with the approved details prior to commencement of the use.

Reason: To ensure suitable access for disabled persons to the building.

- (8) The hours of use shall be limited to 0700 to 2200 hours Mondays to Saturday and 0800 to 1900 on Sundays.

Reason: To ensure that the amenity of the residential occupiers are safeguarded.

- (9) Prior to the commencement of works, a report detailing measures to ensure that no amplified sound or music shall be audible beyond the site boundary, shall be submitted for approval. All approved measures shall then be undertaken in full prior to commencement of the use.

Reason: To protect the amenity of neighbours from potential noise nuisance.

- (10) All doors within the application premises shall be fitted with self-closing devices.

Reason: To ensure that the premise does not cause nuisance to the residential occupiers on floors above

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

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

**INFORMATIVES:**

None Specified


**REFERENCE DOCUMENTS:**

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



## Committee Report Planning Committee on 15 February, 2012

Case No. 11/2509

 **Planning Committee Map**  
Site address: 16-18 & 24 High Street, London, NW10 4LX  
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This map is indicative only.

**RECEIVED:** 6 December, 2011

**WARD:** Harlesden

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** 16-18 & 24 High Street, London, NW10 4LX

**PROPOSAL:** Change of use and reconfiguration of Units 16-18 (even) to A1 (Retail) Use, demolition of existing two storey element to the rear and its replacement with a two storey rear extension to provide retail and storage space, 4-storey stairwell extension to offices and alterations to shop front.

**APPLICANT:** Lomin Ltd

**CONTACT:** Barton Willmore LLP

**PLAN NO'S:**  
See condition 2

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### **RECOMMENDATION**

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

### **SECTION 106 DETAILS**

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Join and adhere to the Considerate Contractors scheme.
- Sustainability obligations, including a score of at least 50% on the Sustainability Checklist submitted with the application and overall BREEAM 'very good' rating with appropriate compensatory measures should this not be achieved.
- Delivery & Servicing Management Plan

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

### **EXISTING**

The application site consists of parts of the ground floor of the 4-storey frontage building, the 4-storey office building to the rear and the part single/part 2-storey extension across most of the rear of the site. The site is the former Meanfiddler music venue and offices on High Street, Harlesden.

The site is within Harlesden Conservation Area and Harlesden Town Centre Primary Shopping Frontage.

## **PROPOSAL**

See description above.

## **HISTORY**

This planning application has been made alongside a concurrent application for Conservation Area Consent (11/3167) required for the demolition of the existing rear extension on the site. The application for Conservation Area Consent also appears on this agenda.

01/0652 Granted

16-20, 20A, 22, 22A-B & 24-26, High Street, Harlesden, London, NW10

Retention and completion of works involving internal alterations, ground-floor alterations and extensions, first-floor rear extension, first- and second-floor infill rear extensions and new third-floor extension above 16-26 (even) High Street in conjunction with the use of 1st, 2nd and 3rd floors together with rear ground-floor of 20-26 (even) as hostel accommodation for homeless persons and use of front ground-floor at 20-24 (even) as 3 retail shops and an office unit (Class A2) at No. 26 and installation of new shop fronts

n.b. condition limited use to 5 years.

## **POLICY CONSIDERATIONS**

### **UDP 2004**

BE2 Townscape: Local Context & Character

BE3 Urban Structure: Space & Movements

BE5 Urban Clarity & Safety

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

BE9 Architectural Quality

BE25 Development in Conservation Areas

BE26 Alterations & Extensions to Buildings in Conservation Areas

TRN11 London Cycle Network

TRN34 Servicing in New Development

TRN35 Transport Access for Disabled People

### **Core Strategy 2010**

CP16: Town Centres and the Sequential Approach to Development

CP19: Brent Strategic Climate Change Mitigation and Adaptation Measures - For non-residential, a rating of BREEAM 'Excellent' is expected

SPG17: Design Guide for New Development

SPD: S106

## **SUSTAINABILITY ASSESSMENT**

Following officers comments, a green roof has been added to the extension and the applicants now calculate that a score of 50.3% is achieved on the sustainability checklist.

The development is partly new development and partly refurbishment of existing buildings. The applicant confirms that the design of the extension, if assessed alone, would achieve a BREEAM rating of 'Excellent', this is a requirement of Policy CP19. However they advise that the sustainability improvements proposed to the refurbishment element mean the development as a whole would achieve BREEAM 'Very Good'.

Further information has recently been provided however it is not yet sufficient to clarify exactly why it is felt that BREEAM Excellent cannot be achieved, further detail will be sought before officers can confirm whether the proposal is satisfactory or whether a contribution may be required to mitigate the shortfall.

Officers will update Members at the Committee Meeting.

## **CONSULTATION**

Neighbouring occupiers were consulted on 8<sup>th</sup> December 2011, a site notice and press notice were also published. No comments have been received.

### **Internal**

Highways – Delivery & Servicing Plan required by s106

- Further information sought prior to decision regarding the servicing of the unit.

## **REMARKS**

### Principle

The Use Class of the former music venue is D2, the proposal envisages the change of use of the venue to retail (A1), along with the demolition and rebuild of the 2-storey rear extension. The site is within the Primary Shopping frontage of Harlesden.

The use of the site as retail is considered to comply with policy CP16 which requires a sequential approach to the location of major development in the borough. Harlesden is a District Centre, only below Wembley and Kilburn in the retail hierarchy, the development also proposes the re-use of an unused site which would contribute to revitalising the vitality and viability of the centre.

The offices (Use Class B1), situated to the rear of the frontage terrace buildings, were ancillary to the venue. The current application does not seek to change the use of the office building but proposes its refurbishment as well as internal alterations to allocate an area at ground floor to accommodate waste storage from the offices. A 4-storey extension is proposed to the rear of the office buildings accommodating a new stairwell.

### Design & Conservation Area

#### Shopfront

The existing shopfront arrangement consists of a central door with a window to either side set within a rendered elevation. The applicant proposes alterations to the shopfront but this is restricted by their preference to work within the existing arrangement of the openings, not a complete replacement of the rendered elevation.

It is proposed that the entrance door would be moved to the right and this element of the elevation would be recessed, this is demonstrated most clearly on the ground floor plan. The existing door and window to the left will be replaced with powder coated aluminium framed windows, these include transom and fanlight details. A solid panel is proposed below the windows continuing to ground level. The general arrangement shown will provide an acceptable quality of shopfront. The plan also states 'recessed roller shutters' though no details are provided, a condition is recommended to secure further details of these to ensure they fit within the shopfront rather than projecting from the fascia and an 'open' style.

#### Extension

The site currently has an extension, or series of extensions, which largely fill the rear of the plot. The proposal is to demolish this, the proposed replacement extension has a slightly reduced footprint at ground floor level but projects further rear at 2-storeys by approximately 7.4m more

than the existing. There are large rear extensions to the rear of most High Street commercial properties.

Compared to the existing extension the scale of the proposal would not further harm the character of the building, the additional depth at first floor is considered to balance with the reduction at ground floor and the single extension rather than the various elements of the existing extensions will result in an improved appearance. Details, including samples, of the proposed brick and cladding will be required, the inclusion of a green roof is a positive addition.

As access on the roof of the extension is required for maintenance a low attachment rail will be incorporated in the design, this is not shown on plans but its height should mean it would not be visible in elevation. A condition is recommended to require details.

The proposal also includes an extension to incorporate a new stairwell to the 4-storey office building. This would also be clad in composite panels, further details will be required by condition. The position of the extension is adjacent to the approved Apart-hotel which is under construction to the rear of the application site. This extension would not impact on neighbouring residential amenity.

### Residential amenity

#### Upper floor of High Street

Above ground floor, 24 High Street is currently in use as a hostel and its continued use, on a temporary basis, is being considered while other future uses for these floors could include self-contained residential units. The rear facing windows would be sensitive to rear extensions and particularly at first floor the relationship is tight.

It is proposed that the height of the 2-storey rear extension will increase by 1m from 6.4m to 7.4m (measured closest to the rear elevation of the frontage building), this has been reduced by about 0.5m since the original submission based on officers comments about its impact on rear facing windows. Drawing PP-24 shows the height and position of the 2-storey extension in relation to the first floor rear facing windows, the extension begins at a distance of 4.5m and falls easily below an angle of 30 degrees set 2m from floor level however the combination of its proximity to windows and height could still result in a worse impact than the current situation. A revised sketch has been proposed showing the roof of the extension sloping so that it does not exceed the angle set by the existing relationship. Subject to plans being revised in accordance with this sketch, officers consider that a balance has now been struck between the requirements of the proposed retail use and the protection of light and outlook to windows above. Members will be updated at the meeting.

#### Jubilee Close

The existing extension partially projects the full depth of the site, at ground floor it extends right up to the boundary with the rear garden of 9 Jubilee Close. The 2-storey extension currently has a depth of 24m from the rear elevation of the frontage building (measured on first floor plan), ending, on average, about 14.5m from the rear of the site.

The proposed 2-storey extension ends about 7m from the rear of the plot and is at least 5m from the rear boundary of the rear gardens of Jubilee Close. Section CC demonstrates that the extension does not exceed an angle of 45 degrees measured from a height of 2m at the rear garden boundary.

The reduction in the footprint of the extension and set off from the garden boundary is balanced with its increase in height, the extension is to the north of the gardens and meets the guidance of SPG17.

## Highways

The applicant is aware that officers required more detail was to demonstrate that the servicing of the unit could be managed in a way which would prevent a detrimental impact on highway or pedestrian safety.

Servicing for an A1 use is defined in PS17 of the UDP 2004 as a requirement for a full sized lorry bay per 1000sqm or part thereof. Theoretically this would mean that two 16.5m bays would be needed to service the site. In practice this is not a reasonable request in many town centre retail locations so a measured view is taken. In this instance servicing for an 8m rigid vehicle is deemed appropriate and it is agreed that on-street servicing is the only practical solution as there is no scope for servicing off-street within the site.

The applicant proposes to service from the lay-by adjacent to the site on High Street. This is restricted to permit holders and Pay and Display between 0800hrs and 1830hrs. Servicing is proposed by means of an articulated lorry, typically twice a week though up to four or five during peak trading periods (Christmas). It is proposed that deliveries would take place between 0600hrs and 0800hrs before the controls come into force.

Officers consider that this could be workable but intend to undertake further research on the parking conditions and the likelihood of delivery vehicles obtaining a space in a bay. If reliance on the existing situation is not workable then a loading bay may need to be designated for an allotted time in the morning e.g. 0800hrs to 0900hrs, this would need to be agreed separately under Highways legislation and the implementation of the application would then be bound to this being successful. Officers will report back with a recommendation of how this will be addressed in the supplementary report.

It is noted that the Council's current 'Options' which are under public consultation for Harlesden Town Centre include alterations to the road layout and the provision of loading bays which would meet the requirements of this proposed retail unit. Unfortunately the acceptability of this scheme cannot rest on either of these options coming forward as they are not confirmed at this point in time, but it does indicate the importance of securing servicing facilities within the busy town centre.

The management plan will provide further detail of the schedule and frequency of deliveries, the routing of delivery vehicles and the management of deliveries. For clarity, this current application proposes a non-food retail store on the site.

## S106

The Delivery & Servicing Management Plan will be sought via a legal agreement as will sustainability requirements as discussed above.

## Conclusion

The proposed extension, refurbishment and change of use of part of the site will be of benefit to Harlesden and the vitality of the centre.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

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

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

Built Environment: in terms of the protection and enhancement of the environment  
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness  
Transport: in terms of sustainability, safety and servicing needs  
Community Facilities: in terms of meeting the demand for community services

#### **CONDITIONS/REASONS:**

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

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

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

PP-01 B, PP-03 B, PP-04 B, PP-05 B, PP-06 B, PP-07 A, PP-08, PP-09 B, PP-10 B, PP-15 D, PP-16 D, PP-17 D, PP-18 C, PP-19 C, PP-20 B, PP-21 D, PP-22 D, PP-23 D, PP-24 C

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

- (3) No goods, equipment, waste products, pallets, scrap or other materials shall be stored or deposited on any open area within the site, except those areas approved in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the area and the efficient operation of activities within the site and to ensure adequate parking and servicing is retained in the interests of the general amenities of the locality and the free flow of traffic and conditions of general highway safety within the site and on the neighbouring highways.

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

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

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

- large scale drawings of proposed shopfront including roller shutter detail (shutter should be open style)

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

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

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

- details of the installation and maintenance of the green roof
- height and material of boundary treatment around rear yard
- material for hardstanding to rear yard (permeable)
- soft landscaping to screen boundary with Jubilee Close
- further details of refuse storage
- height and position of low level rail on roof of extension

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

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

**INFORMATIVES:**


- (1) The applicant is advised that this application in no way relates to the use of the upper floors of 24 High Street.
- (2) Advertisement consent will be required for any proposed fascia signage, this should be design to be sympathetic to Harlesden Conservation Area and any illumination should be external.
- (3) 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](http://www.communities.gov.uk)

Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



## Committee Report Planning Committee on 15 February, 2012

Case No. 11/3167

 **Planning Committee Map**  
Site address: 16-18 & 24 High Street, London, NW10 4LX  
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This map is indicative only.

**RECEIVED:** 6 December, 2011

**WARD:** Harlesden

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** 16-18 & 24 High Street, London, NW10 4LX

**PROPOSAL:** Conservation Area Consent for demolition of existing two storey element to the rear

**APPLICANT:** Lomin Ltd

**CONTACT:** Barton Willmore

**PLAN NO'S:**  
See condition 2

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## **RECOMMENDATION**

Approval

## **EXISTING**

The application site consists of parts of the ground floor of the 4-storey frontage building, the 4-storey office building to the rear and the part single/part 2-storey extension across most of the rear of the site. The site is the former Meanfiddler music venue and offices on High Street, Harlesden.

The site is within Harlesden Conservation Area and Harlesden Town Centre Primary Shopping Frontage.

## **PROPOSAL**

See description above.

## **HISTORY**

This planning application has been made alongside a concurrent application for full planning permission (11/2509) for the change of use of the existing ground floor and the replacement of the rear extension. This application also appears on this agenda.

01/0652 Granted

16-20, 20A, 22, 22A-B & 24-26, High Street, Harlesden, London, NW10

Retention and completion of works involving internal alterations, ground-floor alterations and extensions, first-floor rear extension, first- and second-floor infill rear extensions and new third-floor extension above 16-26 (even) High Street in conjunction with the use of 1st, 2nd and 3rd floors together with rear ground-floor of 20-26 (even) as hostel accommodation for homeless persons and use of front ground-floor at 20-24 (even) as 3 retail shops and an office unit (Class A2) at No. 26 and installation of new shop fronts

n.b. condition limited use to 5 years.

## **POLICY CONSIDERATIONS UDP 2004**

BE25 Development in Conservation Areas

SPG17: Design Guide for New Development

## **CONSULTATION**

Neighbouring occupiers were consulted on 8<sup>th</sup> December 2011, a site notice and press notice were also published. No comments have been received.

## **REMARKS**

The demolition of the existing extension is required to facilitate a wider redevelopment of the former Meanfiddler venue as set out in planning application 11/2509. The existing extension consists of a number of different elements erected at different times and it has been unused for a number of years. The site forms part of Harlesden Conservation Area where there are numerous large extensions to the rear of the High Street commercial properties though they do not enhance the Conservation Area character.

There is no objection to this demolition however if Members are minded to grant planning permission for the wider redevelopment of the site then Conservation Area Consent should also be approved subject a condition requiring the full implementation of the approved proposals.

**RECOMMENDATION:** Grant Consent

## **REASON FOR GRANTING**

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

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

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

Built Environment: in terms of the protection and enhancement of the environment  
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness  
Transport: in terms of sustainability, safety and servicing needs

## **CONDITIONS/REASONS:**

(1) The works to which this consent relates must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: To conform with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

PP-01 B, PP-03 B, PP-04 B, PP-05 B, PP-06 B, PP-07 A, PP-08, PP-09 B, PP-10 B, PP-15 D, PP-16 D, PP-17 D, PP-18 C, PP-19 C, PP-20 B, PP-21 D, PP-22 D, PP-23 D, PP-24 C

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

- (3) The demolition of the building should not be allowed in the absence of an acceptable replacement scheme, following demolition of the buildings as permitted by this consent, the development permitted by planning permission 11/2509 shall be fully implemented in all respects

Reason: In the interest of the visual amenity and character of the Harlesden Conservation Area.

**INFORMATIVES:**

None Specified


Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377

## Committee Report Planning Committee on 15 February, 2012

Case No.

### ITEM 9

11/3039

	<b>Planning Committee Map</b>
Site address: 105-109, Salusbury Road, London, NW6	
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This map is indicative only.

**RECEIVED:** 23 November, 2011

**WARD:** Queen's Park

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 105-109, Salusbury Road, London, NW6

**PROPOSAL:** Extension to time limit of planning permission 07/0863 dated 23/07/2007 for Outline planning permission for erection of an additional fourth-storey and part fifth-storey extension to the existing 3-storey building to form an additional 14 self-contained flats (3 no. 3-bedroom, 9 no. 2-bedroom and 2 no. 1-bedroom), comprising 10 flats at third-floor level and 4 flats at fourth-floor level, with internal alterations, including installation of an internal lift (matters to be determined: means of access, siting and design) and subject to a Deed of Agreement dated 23/07/2007 under Section 106 of the Town and Country Planning Act 1990 (as amended)

**APPLICANT:** Silverhawk Ltd

**CONTACT:** ROH Architects

**PLAN NO'S:**  
See condition 2

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### **RECOMMENDATION**

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

### **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
- Join and adhere to the Considerate Contractors scheme.
- Sustainability obligations, including a score of at least 50% on the Sustainability Checklist submitted with the application, Code for Sustainable Homes Level 3 with appropriate compensatory measures should this not be achieved.
- A contribution of £237,000 towards the following local infrastructure provision:
  - £150,000 towards off-site provision of affordable housing.
  - £87,000 towards the provision and/or improvement of education facilities, sustainable transport improvements and local public realm and open space improvements in the Borough.

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

## **EXISTING**

The application relates to a 3-storey building on the east side of Salusbury Road. The building is in use as office (B1), a local supermarket (A1) and a gymnasium (D2).

The building is not listed and is not within a conservation area, however the Paddington Cemetery Conservation Area is directly to the rear of the site. Paddington Cemetery is designated as Grade II on the English Heritage Register of Parks and Gardens of Special Historic Interest in England. The chapel buildings in Paddington Cemetery are Grade II Listed.

The Queens Park District Centre is 90m to the south.

## **PROPOSAL**

See above description.

## **HISTORY**

09/1278                      Granted

Approval of reserved matters, relating to the residential development's appearance and landscaping, of outline planning permission reference 07/0863, dated 23/07/2007, for erection of an additional fourth-storey and part fifth-storey extension to the existing 3-storey building to form an additional 14 self-contained flats (2 no. 3-bedroom, 10 no. 2-bedroom and 2 no. 1-bedroom), comprising 10 flats at third-floor level and 4 flats at fourth-floor level, with internal alterations, including installation of an internal lift

09/0145                      Granted

Details pursuant to condition 3 (acoustic report) of full planning permission reference 08/1744, dated 14/08/2008, for installation of ATM and new shopfront to front elevation, installation of condenser units to rear elevation and minor alterations to windows and doors at side elevation in connection with permitted change of use from restaurant (Use Class A3) to retail store (Use Class A1)

07/0863                      Granted

Outline planning permission for erection of an additional fourth-storey and part fifth-storey extension to the existing 3-storey building to form an additional 14 self-contained flats (2 no. 3-bedroom, 10 no. 2-bedroom and 2 no. 1-bedroom), comprising 10 flats at third-floor level and 4 flats at fourth-floor level, with internal alterations, including installation of an internal lift (matters to be determined: means of access, siting and design) and subject to a Deed of Agreement dated 23/07/2007 under Section 106 of the Town and Country Planning Act 1990 (as amended)

99/1631                      Granted

Variation of full planning permission ref. 98/0088 dated 01/07/98 for a change to the layout and design of the new 3rd floor comprising 12 self-contained flats: 5 x 1-bedroom, 5 x 2-bedroom and 2 x 3-bedroom flats (part of a mixed-use scheme originally approved under ref. 97/0145 dated 11/09/97)

97/0145                      Granted

Change of use of ground floor from retail and general industrial (Use Class A1, B2) to and caf (Use Class A3), first and second floors to offices and health club, and addition to 3rd floor comprising 12 self-contained flats: 5 one-bedroom flats, 5 two-bedroom flats and 2 three-bedroom flats (as revised by plans received 14/08/97).

## **POLICY CONSIDERATIONS**

### **UDP 2004**

BE2 Townscape: Local Context & Character

BE3 Urban Structure: Space & Movements

BE5 Urban Clarity & Safety  
BE6 Public Realm: Landscape Design  
BE7 Public Realm: Streetscape  
BE9 Architectural Quality  
H4 Off-site affordable housing  
H12 Residential Quality; Layout Considerations  
H13 Residential Density  
H14 Minimum Residential Density  
TRN11 London Cycle Network  
TRN23 Parking Standards: residential  
TRN34 Servicing in New Development  
TRN35 Transport Access for Disabled People

Not replaced in Site Specific Allocation:

DP3: Lonsdale Road and Salisbury Road, North of Queens Park District Centre

### **Core Strategy 2010**

CP 2: Population and Housing Growth - The borough will aim to achieve the London Plan target that 50% of new homes should be affordable. At least 25% of new homes should be family sized (3 bedrooms or more).

CP19: Brent Strategic Climate Change Mitigation and Adaptation Measures - In all areas a minimum rating of Code Level 3 should be achieved

CP 21: A Balanced Housing Stock - An appropriate range and mix of self contained accommodation types and sizes

SPG17: Design Guide for New Development

SPD: S106

London Plan 2011

PPS5: Planning for the Historic Environment - There should be a presumption in favour of the conservation of designated heritage assets

### **SUSTAINABILITY ASSESSMENT**

The s106 agreement requires compliance with the sustainability checklist ensuring a minimum score of 50% is achieved. Code for Sustainable Homes Level 3 is also required.

### **CONSULTATION**

External

Neighbouring occupiers were consulted on 28<sup>th</sup> December 2011 and a press notice and site notice were both published. No comments have been received.

Internal

Highways engineers – the number of parking spaces should not exceed 10, however the arrangement for 11 spaces is as originally approved. No objection is expressed.

### **REMARKS**

The application is for the extension of the time limit of the original application granted in 2007.

in 2009 the Government recognised the financial difficulties facing the construction/house building industry and introduced legislation to help maintain the delivery of sustainable development in the face of the UK recession. As of October 2009 applications have been able to apply to the Local Planning Authority (LPA) for a new planning permission to replace an existing permission which is



in danger of lapsing, in order to obtain a longer period in which to begin the development. This has been introduced in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the economic downturn so that they can be more quickly implemented when economic conditions improve.

The process is referred to as an extension but actually results in a new planning permission with a new reference number. This new permission will be subject to a new standard timescale condition and all original conditions and s106 obligations will be retained. There is scope to impose additional conditions and obligations if necessary, to overcome minor policy changes.

The submission is for the renewal of an outline application, the reserved matters of 'appearance' and 'landscaping' were approved under reference 09/1278 in 2009. In the document 'Greater flexibility for planning permissions' the Government states 'if both the local planning authority and the applicant are still content with the reserved matters approvals, they can simply be referred to in the new decision notice'. This is considered below.

### Policy Changes Since July 2009

Below is a summary of the main changes since the permission was granted in 2009. If a policy is now at odds with the scheme this should be balanced with the guidance from the Government, that LPAs take a positive and constructive approach to deciding these applications.

#### National Policy Changes

PPS5: Planning for the Historic Environment.

#### Regional Policy Changes

London Plan adopted July 2011

#### Local Policy Changes

Brent Core Strategy 2010

Some minor changes have been required to the scheme to comply with current planning policy and guidance these relate to:

- Unit mix
- Unit size
- Level of detail provided for consideration of relationship of building with Paddington Cemetery

### Urban Design & Conservation Area

The proposed extensions, in terms of bulk and massing, are identical to those previously approved. The design has been reviewed against the requirements of PPS5 giving consideration to the relationship of the proposed extension with Paddington Cemetery Conservation Area to the rear, a 3D image of the proposed rear of the building has been supplied in addition to the previous detail. The additional storeys are set well back from the existing rear elevations and while overall height would increase it is not considered the building would be overbearing. The proposed design detail could improve the quality and appearance of this building and would not harm the quality of Paddington Cemetery as a Conservation Area, registered park & garden or as the setting of a listed building.

The details design was addressed under the reserved matters application and the approved details remain acceptable.

The positions of some windows has been altered but this is not considered to have any significant effect of the appearance of the building or its impact on the character and appearance of the area and neighbouring conservation area. Detailed design would be addressed through the reserved matters.

The outline proposed drawings propose terraces at 3<sup>rd</sup> and 4<sup>th</sup> floor levels with railings running around the perimeter of much of the building which would be visible from the public realm of Salisbury Road and Paddington Cemetery. The provision of terraces and appearance of the railings were considered to be acceptable but it was noted that the style, horizontal railings, would not comply with building regulations. The railings were revised to glazed balustrades under the reserved matters applications.

### Residential use and amenity

14 new residential units are proposed, but the commercial uses at ground, 1<sup>st</sup> and 2<sup>nd</sup> floors are unaffected. The principle of new residential flats in this position is welcomed, and is indeed established as lawful by the part-implementation of the 1997 permission which provided for 12 new flats. This proposal is preferable to the 1997 scheme in that additional units are provided and as discussed below they are of a higher quality.

The new accommodation proposed is summarised below:

Flat no.	Beds	Floor area	Complies London Plan	Amenity Area	Aspect
1	2	86m <sup>2</sup>	Y	61m <sup>2</sup>	W
2	2	89.6m <sup>2</sup>	Y	29m <sup>2</sup>	N
3	2	87.6m <sup>2</sup>	Y	21m <sup>2</sup>	E
4	2	67.4m <sup>2</sup>	N	61m <sup>2</sup>	W/N
5	2	69.1m <sup>2</sup>	N	93m <sup>2</sup>	W
6	2	74.6m <sup>2</sup>	Y	20m <sup>2</sup>	S/E
7	1	45.3m <sup>2</sup>	N	22m <sup>2</sup>	S
8	2	67.9m <sup>2</sup>	N	15m <sup>2</sup>	S/W
9	1	46.2m <sup>2</sup>	N	38m <sup>2</sup>	E
10	3	88.4m <sup>2</sup>	Y	19m <sup>2</sup>	E/N
11	2	77.8m <sup>2</sup>	Y	63m <sup>2</sup>	W
12	2	77.8m <sup>2</sup>	Y	63m <sup>2</sup>	E
13	3	116.2m <sup>2</sup>	Y	173m <sup>2</sup>	W
14	3	109.4m <sup>2</sup>	Y	109m <sup>2</sup>	E

Since the approval of the original application the London Plan has been adopted, under Policy 3.5 the London Plan provides minimum space standards for new dwellings. While the proposal achieves the space standards set out in SPG17 it narrowly falls short of the London Plan standards in 5 of the 14 units. A 2-bed 4 person flat should be 70sqm, the smallest proposed is 67.4sqm, a 1-bed 2 person flat should be 50sqm while Flat 7 is 45.3sqm and Flat 9 is 46.2sqm. All units have private outdoor amenity space which in many cases significantly exceeds the amount required by SPG17. Across the development, in terms of internal and external space, the floor areas are larger than often achieved in a flatted scheme, and the slight shortfall of some units from the London Plan standards would not result in an unacceptable standard of accommodation. As a renewal of an extant permission this arrangement is considered to be reasonable, in a new development however applicants would be encouraged to meet the London Plan standards in all cases.

Most of the units are single aspect, but all except one have either west, east or south-facing windows. On balance the standard of accommodation in terms of access to light and outlook is considered acceptable.

There are some instances where proposed living areas are located above bedrooms presenting potential stacking issues, but given the development is a new-build then conditions ensuring suitable insulation can be imposed to ensure the potential for noise transmission between floors is eliminated.

The neighbours to the site include the Salusbury Primary School to the south (side), the Paddington Cemetery to the east (rear) and an office building (Class B1) to the north (side). The nearest residential neighbour that could be affected by the proposal is a first floor flat on the opposite side of Salusbury Road 18m away.

The bulk and massing of the proposed extensions are such that no significant effects would be caused to daylight, sunlight or outlook at any neighbour. The proposed terraces have the potential to affect privacy to residential properties but there are no residential properties that are within 20m of the proposed terraces. It is not considered that overlooking to the school or cemetery would be harmful, or that the proposed overlooking would be significantly greater than from existing side-facing windows to the building. Details of screens or other means to prevent overlooking from proposed terraces to other proposed flats were sought via condition under the original application and these were detailed in the reserved matters to show full height frameless sandblasted glass privacy screens.

The commercial neighbours in the existing building present the potential for harm to be caused to the amenity of future occupiers from noise. However as the new dwellings are new-build then conditions can be imposed to ensure that adequate sound insulation is provided.

#### Residential density and affordable housing

Policy CP2 of Brent's Core Strategy, adopted in 2010, requires that 25% of all new dwellings provide family size accommodation (at least 3 beds). In the original application two 3-bed units were approved, this has now been increased to three which results in 21.4% of the 14 units providing family accommodation according to the definition in the Core Strategy. Given the location of the units on upper floors, also without access to ground floor amenity space, the provision of family housing is less important and this proportion is acceptable. The mix of the rest of the development, 64% 2-beds and 14% 1-beds, is acceptable and given the arrangement in the extent permission the proposal is on balance acceptable.

The overall provision of residential floorspace exceeds the minimum London Plan floorspace requirement by almost 100m<sup>2</sup>, which would be sufficient floorspace to provide up to two additional one-bed flats. While not suggesting that only the minimum floorspace be sought in new developments it appears on these grounds alone that the maximum reasonable provision of units is not being achieved.

Further the proposed density of development falls below the density band specified in SPG17 for a development of this type, within 600m of a centre this is 240-450hr/ha. There are no obvious reasons as to why lower density should be allowed on the site. It is a regular shape, is near a centre and has an urban character, it is all above ground and not ideally suited to larger family units, there are no immediately adjoining developments that are specifically sensitive to residential development such as effects of overlooking, or uses that would harm residential amenity within the building, car-free housing would be appropriate, has a good public transport accessibility level being within 400m of an underground and rail station, is on a local distributor road, the site would be mixed use, is created from extensions rather than new-build, and would not require retention of any existing landscape features. All of these factors suggest density in the higher end of the SPG17 range would be appropriate.

Policy 3.4 Optimising Housing Potential of the London Plan also seeks to ensure development proposals achieve their maximum density. At the time of the original application the UDP 2004

policy on affordable housing sought its on-site provision in all residential developments of 15 units or more. The provision of further housing on the site would have resulted in this threshold for affordable housing provision of (now superseded) policy H2 being exceeded, and therefore that affordable housing would need to be provided on site. Provision of affordable housing at the site would be welcomed.

The applicant recognised that further housing could be provided on site within the proposed envelope but also provided a considered assessment of the potential for the site to provide further housing above the affordable housing threshold, including an assessment of the costs of an affordable housing development on the site. In particular the applicant noted that the costs associated with providing affordable housing on site would make the development financially unviable, and noted that if on-site provision were insisted upon the applicant would be likely revert to the extant 1997 permission for 12 units. This would be unfortunate as the number of units and the standard of accommodation proposed here is better than the 1997 scheme.

The applicant instead agreed to pay £150,000 toward off-site provision of affordable housing as is provided for under policy H4 in exceptional circumstances.

Policy CP 2 of Brent's Core Strategy seeks for 50% of all new development to be affordable and this is applied to developments providing at least 10 units. This is still subject to the viability of the scheme and the Council's Affordable Housing officer has advised that in the circumstances particular to the site detailed by the applicant, the payment in-lieu of off-site provision remains acceptable.

#### Landscaping

No soft landscaping exists on site and there is none proposed, nor is there any obvious opportunity for improvement of the ground floor landscaping as the entire ground floor space is used as vehicle servicing and parking space. While the level of amenity space provided in the form of terraces is acceptable, and there is good access to Public Open Space (Queen's Park Public Open Space is 220m from the site). The standard contribution will assist with improvement of the public realm in the area to accommodate the new residents.

Landscaping of the terraces was an issue covered in the reserved matters application, planters were proposed on the terrace both in the interest of the future occupiers and the design quality of the building. Sedum is also proposed to parts of the roof. A condition was attached for details of the planting to be submitted and approved.

#### Parking and transport

Salisbury Road is a Local Distributor Road, is within a CPZ and has a PTAL of 4. The Queen's Park underground and Overground station is 325m to the south and there are several local bus services.

The proposed development would attract a car parking provision of 11.3 spaces, recognising it is within a CPZ and has a good PTAL rating. 11 spaces, including one disabled space have been proposed. This provision is consistent with what was approved under the approved scheme and is acceptable. The proposed development makes adequate provision for the storage of refuse and bicycles.

#### Reserved Matters

Subject to the minor revised details and Heads of Terms officers remain of the opinion that the proposal and the details agreed under the reserved matters application 09/1278 are acceptable.

## Conclusion

The development involves extensions to the existing commercial building to create new residential units, which is welcomed in principle. The applicant previously demonstrated that on-site affordable housing provision would not be financially viable, and that a payment for off-site provision would enable a better development of the site while still making some contribution toward affordable housing. While the threshold for affordable housing provision has changed since this decision was made the contribution toward off-site provision of affordable housing remains appropriate. Therefore the development is considered to comply with relevant policy in the Brent Unitary Development Plan 2004 and should be approved.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 17 - Design Guide for New Development

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

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

## **CONDITIONS/REASONS:**

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

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

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

S[1-]01 Rev. B: Location plan and Site plan, E-100 Rev. A, E-101 Rev. A, E-102 Rev. A, E-200 Rev. A, E-201 Rev. A, E-202 Rev. A, E-300 Rev. A, E-301 Rev. A, E-302 Rev. A, E-303 Rev. A, L-100 Rev. B, L-101 Rev. A, L-102 Rev. A, L-103 Rev. I, L-104 Rev. B, L-200 Rev. B, L-201 Rev. B, L-202 Rev. A, L-203 Rev. B, L-300 Rev. A, L-301 Rev. B, L-302 Rev. B, L-303 Rev. B

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

- (3) The development shall be carried out and completed in all respects in accordance with the reserved matters details submitted and approved under application number 09/1278 before the development is occupied.

NOTE - Other conditions may provide further information concerning details required.  
Reason: To ensure that a satisfactory development is achieved.

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

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

- (5) Adequate noise insulation shall be provided to walls and/or floors between units in separate occupation in accordance with the Local Planning Authority's preferred design standards, or to such other alternative specifications as may be submitted to and approved in writing by the Local Planning Authority, and the insulation shall be installed prior to occupation of the units hereby approved.

Reason: In the interests of neighbouring occupiers.

- (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.


**INFORMATIVES:**

None Specified

Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377

## Committee Report Planning Committee on 15 February, 2012

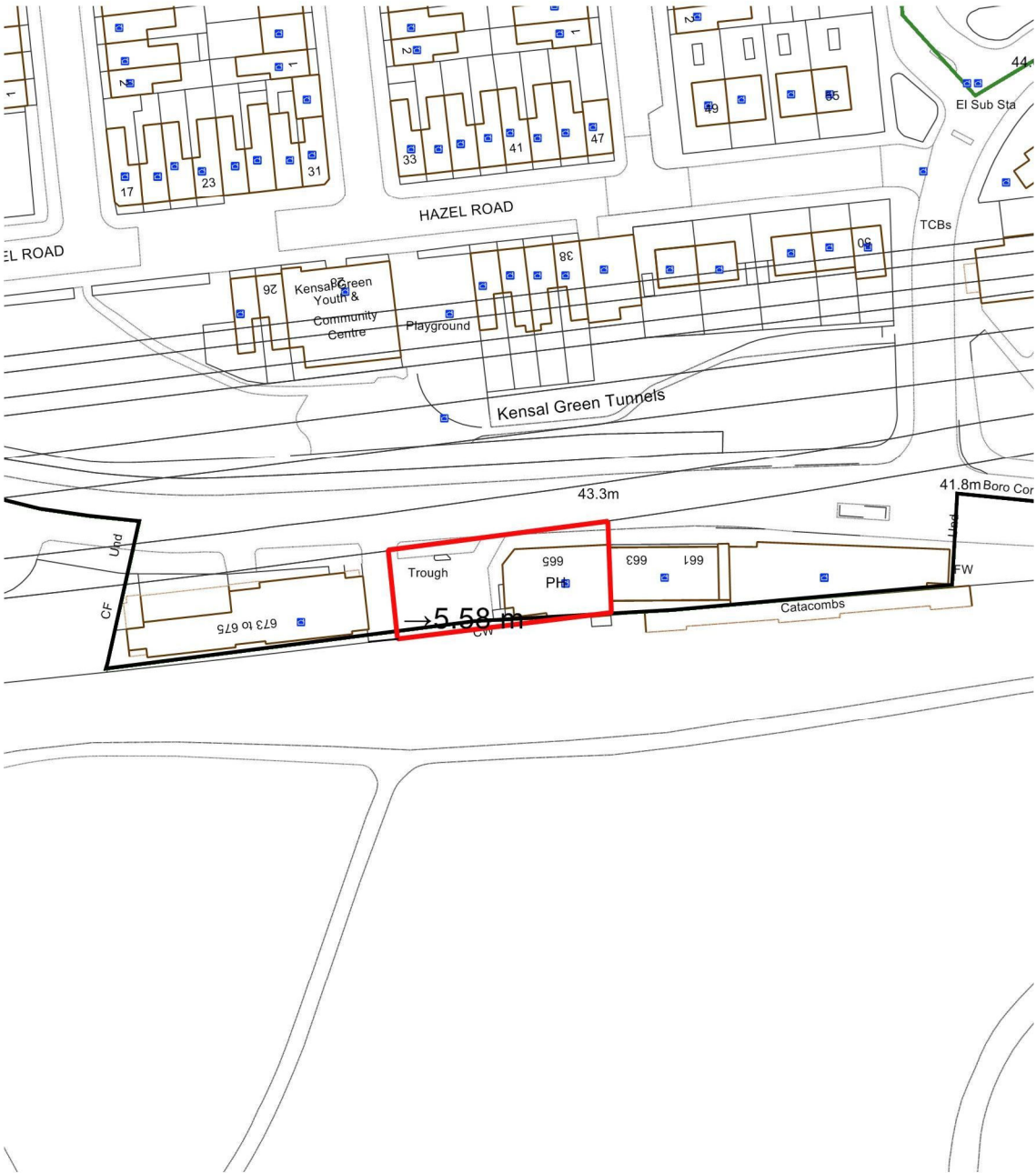
Case No. 11/2038



### Planning Committee Map

Site address: 665 Harrow Road, London, NW10 5NU

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This map is indicative only.

**RECEIVED:** 4 January, 2012

**WARD:** Kensal Green

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** 665 Harrow Road, London, NW10 5NU

**PROPOSAL:** Retrospective application for a decked area in the existing beer garden; the erection of a timber-framed bin enclosure and the relocation of a timber fence to side/rear of the premises.

**APPLICANT:** Realpubs Ltd

**CONTACT:** Smith Coldham Design Ltd

**PLAN NO'S:**  
Please see condition 2

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## **RECOMMENDATION**

Grant consent subject to conditions

## **EXISTING**

The site is occupied by the Masons Arms Pub which has an associated beer garden. The property also contains a grade II listed horse trough that is enclosed by a pergola to the side of the property. A builders yard is located to the South of the beer garden. The builders yard gains access to the west of the beer garden. The property is not located within a Conservation Area. The works proposed have been substantially completed.

## **PROPOSAL**

See above

## **HISTORY**

An enforcement investigation (E/11/0204) for the installation of wooden decking to form elevated seating area in rear garden of the premises; the erection of timber-framed bin enclosure and relocation of timber-framed fence to rear of the premises is ongoing.

Full planning application (Ref No: 06/0884) for the retention of existing pergola along the Harrow Road side of the beer garden was granted permission on 26 May 2006.

Full planning application (Ref No: 05/2925) for the erection of new 2.1 metre high brick and railing boundary to enclose the existing external seating and servicing area (as revised by plans received on 08/12/2005) was granted permission on 8 December 2005.

## **POLICY CONSIDERATIONS**

### **London Borough of Brent Unitary Development Plan 2004**

BE2 Townscape: Local Context & Character  
BE9 Architectural Quality



## CONSULTATION

An application was received in 2011, 5 Neighbouring properties were consulted on 14 October 2011. The application was subsequently made invalid when it became clear that the necessary notices had not been served on the relevant parties. The application was re-validated on 4 January 2012

The Local Authority has received 2 objections to date. The principle objections are noted as:

- The reduced width of the access from approx 7m to approx 4m will not permit flexible use of the builders yard, thereby reducing productivity.
- Loss of old cobble stones
- The beer garden located adjacent to the cemetery causes disturbance to grieving family members
- The building works caused stress to neighbouring properties
- During building works (4 weeks) no access to the storage yard was gained
- The new boundary fence was attached to a neighbouring property without consent
- The application was not made by the lawful owner.
- The construction of a fence around the listed feature

The original submission indicated the bin enclosure at 2.5m wide. During the assessment of the application officers found the bin store to be built at 3m wide and not 2.5m as indicated. An amended submission correctly reflecting the size of the bin enclosure was received and a 14 day re-consultation period began on 1st of February 2012. Members will be briefed on the outcome of this consultation. For the avoidance of doubt the width of the access is unchanged as the wider binstore takes space from within the beer garden.

### Transportation:

No objection:

subject to gates not opening onto pavement

- The pre-existing access area is not wide enough to provide a standard sized turning head for small vehicles
- The provision of refuse and recycling storage is welcomed in principle

### Streetcare

No objection:

- The bin enclosure is large enough to accommodate servicing of the pub - based on a weekly service

It is unfortunate that no recycling facilities have been provided, however this form of servicing is not statutory and it is likely recycling is accommodated for by a private contractor.

## REMARKS

### Context

The proposal seeks permission for the retention of a decked area in the existing beer garden; the erection of a timber-framed bin enclosure and the relocation of a timber fence to side/rear of the premises. For the information of Members some context on the proposal including explanations of other developments shall be addressed in turn:

### Planning History

- In 2005 an application for the existing pergola adjacent to Harrow Road was granted permission
- In 2006 an application for the existing front boundary treatment enclosing the beer garden was granted permission
- The beer garden is an ancillary use to the pub and therefore does not require express planning permission
- The external cooking area enclosed in a single storey building has been insitu since 2004 and is lawful benefiting from deemed consent

- No part of the proposed development affects the setting of the grade II listed trough, therefore a listed building consent is not required for the current application.

#### Ownership and Access

Whilst Members are aware that ownership disputes are civil matters the points raised by objectors are summarized below:

- The application is not made by the owner of the property
- The reduced width of the access from 7m to 4m will not permit flexible use of the builders yard, thereby reducing productivity.

Originally the applicant incorrectly filled in Certificate A on their application, stating they were the only party that had an interest in the land. Subsequently, the applicant filled in Certificate B of the planning application form stating all necessary parties have been served with the relevant notices. Although it has been queried the matter falls beyond the remit of planning control and can not form a reason for refusal.

The Beer garden and access to the builders yard do not belong to the pub, but rather are in third party ownership. Occupiers of the builders yard have a right of access over the third party land. These rights of access are detailed in the title deed as,  
*'...has benefit of a right to enter upon and use the surface of the land (i.e. third party land - constituting the beer garden and adjacent access) ... as garden ground and for agricultural purposes or for other purposes except building as the same may be properly applied to without injury to the tunnels of the London and North Western Railway Company'*

The pre-existing access arrangements saw lorries reversing into the builders yard and leaving in a forward gear. The relocation of the fence (in particular) resulted in the width of access being reduced from 7m to 4m. The 4m access continues to allow lorries to reverse into the property and leave in a forward gear.

Whilst it is acknowledged the new narrower access no longer permits a small vehicle to carry out a multi-point turn and leave in a forward gear there is still scope for similar manoeuvring to take place on the builders yard.

Although neither the pre-existing or current arrangement are ideal, the fact that the builders yard is still accessible and turning facilities are still permitted, albeit somewhat more restrictively, means that no objection on principle is raised.

#### Retention of decked area.

The dark wood decked area has been built over cobble stones and is contained within the beer garden. The new decking extends around the external cooking area, has a height of 300mm and is bound by 1.1m high safety balustrades.

The pre-existing cobble stones are not protected features and are not considered to form an integral part of the character of the pub, therefore no objection is raised with their loss in principle. However replacement materials should be at least as attractive. Timber is a traditional material and is considered to be a suitable replacement.

The new decked area, seeks to improve the amenity provided by the existing beer garden. As the decked area is contained within the beer garden, not visible from or to any neighbouring properties at ground floor, it is not considered that the new decking will create any additional loss of amenity to neighbouring residents. Further, the new wooden decking provides better pedestrian access and mobility as the cobbles were old and slippery.

Your officers consider the decked dark wood timber area to be an acceptable replacement material that respects neighbouring amenity and enables better pedestrian access and movement.

### Bin Enclosure

The timber bin enclosure has a height of 1.8m, a width of 3m wide and a depth of 1.2m. The enclosure is capable of accommodating 2x 1100L bins which will be serviced once a week. Recycling details have not been supplied, however recycling is not a statutory requirement of the pub.

The original submission saw the bin doors opening onto the pavement. Your officers considered this arrangement to cause detrimental harm to highway and pedestrian safety. The submission has since been amended to accommodate slide track doors that will not encroach onto the pavement but slide behind the existing metal railing boundary treatment. This arrangement is now considered to be acceptable.

The bin store is constructed of timber and will be stained in an agreed colour. Details of which shall be secured by condition.

The pre-existing situation resulted in the bins being left on pavement. The principle of the refuse storage area is therefore supported.

### Relocated boundary fence

The Western 1.8m high boundary fence has been moved by 3m so as to be sited on the access path of the rear builders yard. The remaining 4m vehicle access and a 1.5m wide pedestrian access is considered to be wide enough for the rear yard to be accessed as discussed above.

The objection to the reduced width of the access claims the rear yard will not be in a position to operate flexibly resulting in reduced productivity. As explained above officers are of the view the yard will still be accessible, and can therefore not form a reason for refusal

### Response to Objections

The requirements for nuisance control during building works are not covered by the Town and Country Planning Act. However any further development (e.g. Change in bin doors, treatment of boundary fence etc) will be required to meet requirements under the 'Control of Pollution Act 1974'. The applicant will be reminded of their responsibilities by way of an informative

The matter of access and the fence being attached to a private boundary treatment is not a matter for the Council as these constitute civil disputes.

The concern about works being carried out without prior approval or notice is obviously unfortunate but is essentially a civil dispute between the parties. It would be difficult to make a planning decision on this basis.

All other matters have been addressed in the body of this report.

### Conclusion

Whilst your officers acknowledge your objectors are extremely unhappy about the development, it appears that most objections raised are not covered by the Town and Country Planning Act and are matters for the parties to resolve between themselves. The operational development that forms the subject of this report is acceptable in planning terms as discussed, therefore a recommendation to approve subject to conditions is set forward.

## **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

## **CONDITIONS/REASONS:**

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

5604-11-101B  
Outline Garden Design V2  
5604-11-102B

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

- (2) The replacement doors shall be installed within 3 months of date of this permission. The work shall be carried out in accordance with the approved details.

Reason: In the interest of Highway Safety .

- (3) Details of treatment (including colour) of wooden bin enclosure and associated fence for shall be submitted to and approved in writing by the Local Planning Authority within 3 months of date of permission. The work shall be carried out in accordance with the approved details.

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

## **INFORMATIVES:**

- (1) The applicant is advised that during any works on site:
- The best practical means available in accordance with British Standard Code of Practice B.S.5228: 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

## **REFERENCE DOCUMENTS:**

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

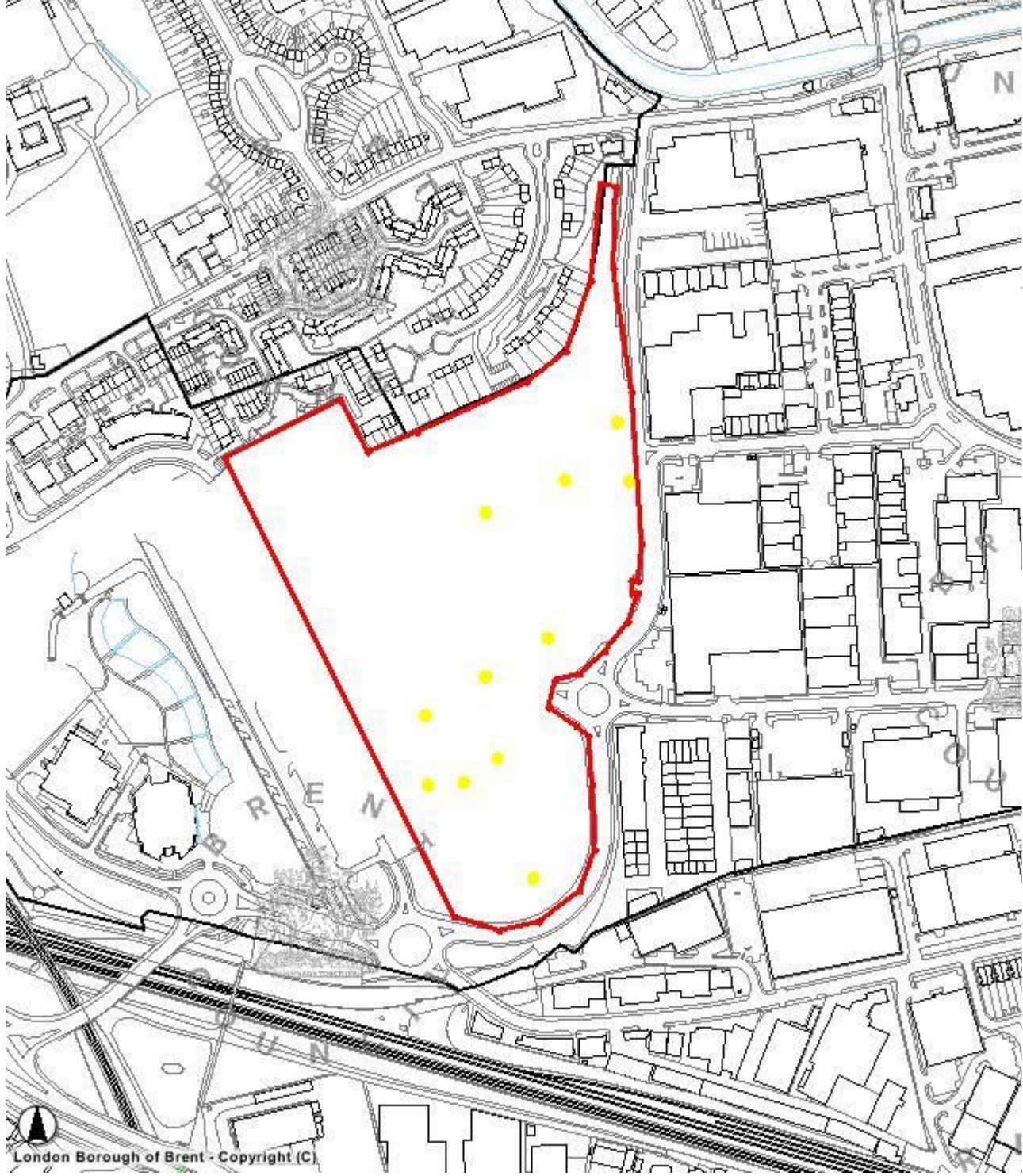
Committee Report  
Planning Committee on 15 February,  
2012

Case No. 10/3310

 **Planning Committee Map**

Site address: Former Guinness Brewery Site, Rainsford Road, Park Royal, NW10

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London Borough of Brent - Copyright (C)

This map is indicative only.

**RECEIVED:** 22 December, 2010

**WARD:** Stonebridge

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** Former Guinness Brewery Site, Rainsford Road, Park Royal, NW10

**PROPOSAL:** Extension to time limit of full planning permission 07/1293 dated 24/01/08 for the erection of 8 buildings providing 49,797m<sup>2</sup> of B1(c), B2 and B8 floor space and including a cafe, gatehouse, creation of new vehicular and pedestrian access points, 332 car-parking spaces, servicing, landscaping, the creation of a pocket park, installation of CCTV security cameras and provision of external lighting, and subject to a Deed of Agreement dated 10<sup>th</sup> January 2008 under Section 106 of the Town and Country Planning Act 1990, as amended.

**APPLICANT:** Brixton (Origin) Limited

**CONTACT:** Drivers Jonas Deloitte

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

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## **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 Borough Solicitor

## **SECTION 106 DETAILS**

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

- (a) *Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance.*
- (b) *contribution of £800,000, index-linked from the date of agreement, with 50% due on Material Start and 50% due 6 months after Material Start, based upon £750,000 for Sustainable Transportation in the local area, including but not limited to Fast Bus, pedestrian and cycling routes to and from the development to local bus and tube services; £50,000 towards local landscaping and environmental improvements including but not limited to 10,000 'Trees for Park Royal' project.*
- (c) *Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score and BREEM Excellent rating is achieved, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.*
- (d) *A minimum 10% on site renewable generation, unless it is proven to the Council's satisfaction that it is not practically feasible to do so on-site. To achieve 25% improvement on the 2010 Building Regulations Carbon Dioxide Target Emission Rates, this to be demonstrated through the submission of a revised Energy Strategy to be submitted to the Council. Acceptable evidence for which must be submitted before Material Start and post construction validation of this. Where it is clearly demonstrated that this cannot be achieved on-site, any shortfall may be provided off-site or through an in-lieu contribution to secure the delivery of carbon dioxide savings elsewhere in the Borough.*
- (e) *Notify Brent 2 Work of forthcoming job and training opportunities associated with the development.*

- (f) *Submission and approval in writing of a Framework Travel Plan and to fully implement the Framework Travel Plan approved by the Council, (or as amended by agreement of the Council and the Owner in writing) on first occupation of any of the units.*
- (g) *the provision of park land - shown on plan number 10514/TP/002, revE as 'Pocket Park', to be open to the public not less than 350 days a year, during daylight hours, maintained at the owners expense.*

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 9.72 Hectare site forms part of Guinness's former Park Royal Brewery and forms part of the PR1 Guinness Brewery Site Specific Allocation. It is bounded to the east by Rainsford Road, the remnants of a former railway siding and Cumberland Business Park; to the south by Coronation Road and beyond that the Central Line; to the west by the First Central Office Park development site; and to the north by residential properties in the London Borough of Ealing.

The site has been cleared of all buildings and is surrounded by hoardings.

### **PROPOSAL**

This application seeks to extend the time limit of full planning permission **07/1293** dated 24/01/08 for the redevelopment of the site, permitting the erection of 8 buildings providing 49,797m<sup>2</sup> of B1(c), B2 and B8 floor space and including a cafe, gatehouse, creation of new vehicular and pedestrian access points, 332 car-parking spaces, servicing, landscaping, the creation of a pocket park, installation of CCTV security cameras and provision of external lighting. This was subject to a Deed of Agreement dated 10<sup>th</sup> January 2008 under Section 106 of the Town and Country Planning Act 1990, as amended.

If granted this would allow a further three years from the date of permission for the implementation of the consent.

### **HISTORY**

Formerly the Guinness Park Royal Brewery, brewing ceased in 2005 and the site has now been cleared. There are numerous historical planning and building control records relating to operational development carried out while the brewery was still in use.

In July 1999 outline planning permission was granted for a mixed-use development of the whole of the 22.18-hectare Guinness site comprising the existing brewery, playing fields, laboratories, head office buildings and other ancillary development. The proposal included the retention of the brewery and the development of 116,100m<sup>2</sup> of offices (Use Class B1); 61 residential units; an underground station including ancillary retail; 150-bed hotel; indoor leisure facilities and open space; with associated access/servicing, landscaping and car-parking and the creation of new access roads. There have been a number of applications since for reserved matters and for details pursuant to various conditions imposed upon the outline planning permission. Further reserved matters applications for later phases of the development have been approved.

In September 2006 consent was granted for a variation to the details for the alignment of the proposed Rainsford Link Road which will run down the eastern side of the former Guinness site.

As referred to above, application 10/3221 has recently come forward for the development of the remainder of undeveloped land within the First Central site. Brent's Planning Committee has resolved to grant permission to this application subject to referral to the Mayor and completion of a s106 agreement.

### **07/1293 – Granted**

Erection of 8 buildings providing 49,797m<sup>2</sup> of B1(c), B2 and B8 floor space and including a cafe, gatehouse, creation of new vehicular and pedestrian access points, 332 car-parking spaces, servicing, landscaping, the creation of a pocket park, installation of CCTV security cameras and provision of external lighting and subject to a Deed of Agreement dated 10<sup>th</sup> January 2008 under Section 106 of the Town and Country Planning Act 1990, as amended.

### **10/3221 – Resolution to grant subject to completion s106 agreement & Stage 2 Mayoral response**

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.  
(*N.B. this relates to the adjoining site to the west often referred to as First Central*)

## **POLICY CONSIDERATIONS**

### **National Policy Context**

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

Planning Policy Statement 4: Planning for Sustainable Economic Growth (Dec 2009)

Planning Policy Guidance 13: Transport

Planning Policy Statement 25: Development & Flood Risk

### **Regional Policy Context**

The London Plan Spatial Development Strategy for Greater London (July 2011)

The following London Plan Policies are considered to be particularly relevant to this application:

*2.13; Opportunity Areas & Intensification Areas*

*2.17; Strategic Industrial Locations: - The Mayor will, and boroughs and other stakeholders should, promote, manage and where appropriate, protect the strategic industrial locations.*

*4.1; Developing London's Economy: - Promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London.*

*4.4: Managing Industrial Land & Premises*

*5.1; Climate Change Mitigation.*

*5.2 Minimising Carbon Dioxide Emissions: - Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy.*

*5.3; Sustainable Design & Construction:*

*5.7; Renewable Energy:*

*5.11: Green Roofs & Development Site Environs*

*5.12; - Flood Risk Management*

*5.13; - Sustainable Drainage*

*5.21; - Contaminated Land*

*6.3; - Assessing Effects of Development on Transport Capacity*



- 6.5; - *Funding Crossrail & Other Strategically Important Transport Infrastructure*
- 6.9; - *Cycling*
- 6.13; - *Parking*
- 7.5; - *Public Realm*
- 7.14; - *Improving Air Quality*
- 7.15; - *Reducing Noise & Enhancing Soundscapes*
- 7.21; - *Trees & Woodlands*

### **Sub-Regional Context**

Park Royal Opportunity Area Framework (OAPF) – This is a non-statutory planning framework document issued by the Mayor of London as Park Royal has been identified as an opportunity area within the London Plan. Although non-statutory this is considered to be a material consideration to a development of this size.

### **Local Policy Context**

#### ***Brent UDP 2004***

- BE2**        *Townscape: Local Context & Character*
- BE3**        *Urban Structure: Space & Movement*
- BE4**        *Access for Disabled People*
- BE5**        *Urban Clarity & Safety*
- BE6**        *Public Realm: Landscape Design*
- BE7**        *Public Realm: Streetscape*
- BE8**        *Lighting & Light Pollution*
  
- BE9**        *Architectural Quality*
- BE12**       *Sustainable Design Principles*
- BE13**       *Areas of Low Townscape or Public Realm Quality*
- BE33**       *Tree Preservation Orders*
  
- EP2**        *Noise & Vibration*
- EP3**        *Local Air Quality Management*
- EP6**        *Contaminated Land*
- EP12**       *Flood Prevention*
  
- TRN1**       *Transport Assessment*
- TRN2**       *Public Transport Integration*
- TRN3**       *Environmental Impact of Traffic*
- TRN4**       *Measures to Make Transport Impact Acceptable*
- TRN10**      *Walkable Environments*
- TRN11**      *The London Cycle Network*
- TRN22**      *Parking Standards Non-Residential Development*
- TRN31**      *Design and Land Take of Car Parks*
- TRN34**      *Servicing in New Development*
- TRN35**      *Transport Access for Disabled People*
- PS6**        *Parking Standard*
- PS16**       *Cycle Parking Standards*
- PS19**       *Servicing Standards*
- EMP5**       *Designation of Strategic Employment Areas*
- EMP8**       *Protection of Strategic Employment Areas*
- EMP10**      *The Environmental Impact of Employment Development*
- EMP11**      *Regeneration of Employment Areas*
- EMP12**      *Public Realm Enhancements in Employment Areas*
- EMP18**      *General Industrial Developments*
- EMP19**      *Warehouse Developments*
  
- PR1**        *Major Developments in Park Royal*

**PR3** *Public Realm Improvements in Park Royal*

**LDF Brent Core Strategy 2010**

**CP3** *Commercial Regeneration*

**CP12** *Park Royal*

**CP14** *Public Transport Improvements*

**CP15** *Infrastructure to Support Development*

**CP19** *Brent Strategic Climate Change Mitigation & Adaptation Measures*

**CP20** *Strategic Industrial Locations*

***Brent DPD Site Specific Allocations PR1;-***

This allocation supports industrial and warehousing development. Regard is to be had to the business park development occurring to the west. Development proposal should have regard for the possible Fast Bus route through Park Royal and provide east/west cycle route and pathway at the north of the site. Proposals should seek to conserve and enhance the adjacent Nature Conservation designation.

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

*SPG 17 sets out the Councils minimum design standards to ensure that development does not prejudice the amenities of the occupiers of neighbouring properties or the occupiers of the application site.*

**Supplementary Planning Guidance (SPG) 18** - "Employment Development".

*SPG 18 sets out design guidance for employment uses to ensure that the proposed development does not prejudice against the employment land and to minimise impact to the nearby residential uses.*

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

*SPG 19 complements existing design and planning guidance on urban design, transportation, economic and community issues. It focuses on the principles and practice of designs that save energy, sustainable materials and recycling, saving water and controlling pollutants.*

**Guinness Brewery Supplementary Planning Document & Planning Position Statement** -

*This seeks to secure the prompt redevelopment of the former Guinness Brewery site for employment related uses.*

**Supplementary Planning Document** – "Section 106 Planning Obligations"

**Main Considerations;**

- (a) Principle of use
- (b) Employment and regeneration benefit
- (c) Layout and visual impact
- (d) Scale and quantum of development
- (e) Impact on transport network
- (f) Sustainability credentials and climate change mitigation
- (g) Environmental impacts of development
- (h) Impact on surrounding users

## **SUSTAINABILITY ASSESSMENT**

See 'Remarks' section and the paragraph titled '*Energy strategy*' for discussion on the sustainability credentials.

Sustainability measures including compliance with Brent's TP6 Sustainability Checklist, achieving BREEAM 'Excellent', delivering on-site renewables and reducing carbon dioxide emissions 25% above Building Regulations Target Emission Rates will be secured as Heads of Terms in the revised s106 legal agreement. A revised Energy Strategy demonstrating carbon dioxide reductions will need to be submitted to and approved in writing by the Local Planning Authority.

## **CONSULTATION**

**Date site notices erected: 31 January 2011**

**Advertised in the press on 13 January 2011**

### **Public**

447 letters were sent to adjoining residences and nearby businesses on 18 Jan and 4 Feb 2011. This included some 209 properties in the adjoining London Borough of Ealing.

Five individual letters of objection were received raising the following grounds for objection;-

1. The proposed development will cause noise and light pollution to residents of Abbeyfields Close. This will be caused by vehicular noise, noise generated by the operation of machinery, human noise and the installation of floodlighting.
2. This is the only green space in the area, with many native trees.
3. This will worsen traffic conditions.
4. The area will become overdeveloped.
5. The development will result in increased areas of tarmac and concrete on land immediately uphill from Rainsford Ct, posing greater risk of flooding during heavy rainfall.

Comments have been received from Lamberts Chartered Surveyors, who act in capacity of managing agents to Abbeyfields Management Limited, the freeholders of 1-202 Abbeyfields Close, Park Royal. Situated within the London Borough of Ealing.

Observations have been submitted on two main issues;-

1. **Noise Pollution**;- Residents are concerned that that an industrial warehouse and/or distribution centre will result in noise that may adversely affect Abbeyfields Close residents. This noise may for example arise from vehicular movement, opening and closing of shutter doors and beeping of reversing lorries. It is requested that appropriate sound proofing measures be secured. Another suggestion is that there ought to be a time limit condition restricting the movement of vehicles onto and around the site.
2. **Light Pollution**;- Residents are concerned about the potential erection of floodlighting, that may cause light pollution to Abbeyfields Close residents.

Many of the above grounds of objection were considered and dealt with when granting the previous planning permission.

Ward Councillors consulted (no responses received).

### **Statutory Consultees**

*London Borough of Ealing*;- No objection raised.

*The Greater London Authority (GLA) and Transport for London*;-

The application was referable under Category 1B, 2C and 3F of the Schedule to the Order 2008. Having assessed the application to extend to the time limits of the previous permission the GLA advises that this does not raise any new strategic planning issues that were not previously dealt with.

The GLA is supportive of the scheme and it complies with the London Plan.

It is confirmed that the GLA does not need to be consulted further on this application.

*Environment Agency;-*

Initially raised **objection** to the proposal after a lengthy period of negotiations, and following the submission of a revised information the EA have since confirmed by letter dated 26 October 2011 this latest set of changes to the FRA addresses their concerns and their objection is removed (subject to recommended conditions being attached to any grant of permission).

*Park Royal Partnership;-*

No response received.

*Thames Water;-*

No response received.

**Internal**

*Landscape Design:*

No objection to development is raised, although conditions are requested. One of these is to secure further details of a comprehensive landscaping scheme. As the original consent has a condition (No.5) requiring the submission and approval of a detailed landscaping scheme including boundary treatments the same condition will apply to any extension of time permission. To satisfy this condition details of all new tree planting shall be submitted.

*Highways & Transport Delivery:*

Since the original planning consent was granted in 2008 major alterations have been made to the local road network, with Rainsford Road having been extended southwards to link Coronation Road and Cumberland Avenue via new full-sized roundabouts (the second of which provides an arm into this site).

A total of 335 car parking spaces (incl. 38 disabled) and 50 bicycle stands are proposed within the site, accessed via new spine roads of 8m (min) width with 2m footways. Full-sized loading bays are proposed for the larger units, with 8-10m bays for the smaller units.

The main access will be via a fourth 18m-wide arm from the roundabout at the junction of Cumberland Avenue and Rainsford Road, with a gatehouse set 18m from the highway boundary. A secondary gated vehicular access (no egress) is also proposed onto the service road for Units 24-32, from Rainsford Road at a position 80m north of the main access, whilst Units 13-16 at the northern end of the site are accessed solely via a separate 12m wide crossover from Rainsford Road.

This part of Park Royal is located within a free CPZ with un-restricted on-street parking bays available near to the site.

Public transport accessibility to the site is currently low-moderate (PTAL 1-2), with Park Royal station (Piccadilly line) within 960m (12mins walk) of the southern half of the site, and five bus routes within 640m (8mins walk) of the site.

The size and scale of the development triggers the need for a Transport Assessment (TA), and one has been prepared by Waterman Engineers.

*Site layout;-*

Car parking allowances for employment uses are set out in PS6, of the adopted UDP 2004. Accordingly a relaxed allowance of 1 space per 150m<sup>2</sup> applies to the site. As such, up to 331 car parking spaces would be permitted, and the provision of 298 standard width spaces would meet standards.

To ensure that excessive parking does not occur in practice, it would be beneficial to provide additional soft landscaping within redundant areas of the service yards and car parks (such as in front of Units 8a, 8b, 10 and 25-31). To secure this a condition is recommended requiring the submission and approval of additional soft landscaping.

UDP standard PS15 requires at least 5% of all spaces to be widened and marked for disabled persons, the provision of 38 such spaces more than satisfies the requirement. The proposed provision of cycle parking facilities would satisfy standard PS16.

UDP standard PS19 requires units of over 280m<sup>2</sup> to be provided with full-size loading bays (at least 2 in the case of units over 2000m<sup>2</sup>), with smaller units requiring 8m loading bays. The requirement is met by all the larger units, but the layout causes problems for some of the smaller units. In particular Units 13 and 14 cannot accommodate full-size delivery vehicles whilst any deliveries by full-size vehicles to Units 24, 25, 31 and 32 would be likely to obstruct access to the adjoining units.

In the case of the latter there is at least a shared loading bay shown within the service yard for Units 24-32, which is an acceptable compromise.

The proposed layout of the access roads is fine, tracking runs have been produced to show access to all units by suitable vehicles.

It is commented that the gates at the access to Units 13-16 and 24-32, from Rainsford Road are set at the highway boundary, leading to vehicles waiting on the highway whilst they are opened and closed. A condition is recommended requiring them to be kept open throughout normal business hours, to minimise disruption.

#### *Transport impact:-*

Since the granting of planning permission in 2008 there are two further factors that need to be considered in relation to this extension of time application.

The first being that since the 2007 assessment, Rainsford Road has been extended to link Coronation Road with Whitby Avenue, allowing actual flows to be recorded rather than estimated. A comparison of the two reveals that the original estimates were reasonably accurate, the only difference being that during the evening peak hour, almost 30% less traffic uses the link than was forecast.

This link has also had the effect of reducing traffic flows through the problematic Abbey Road/Cumberland Avenue roundabout junction. To quantify this revised flows have been obtained through another development proposal in the Park Royal area. This shows that there would be a redistribution of flows, which in turn will allow the junction to operate within capacity, and so the impact of the development on the roundabout junction is no longer of concern.

The site roundabout junction has also been retested and found to operate within capacity.

The second factor that needs to be taken into account is the revised application for the First Central development (ref; 10/3221). Despite potential problems being identified on junctions with the A40 the traffic impact of this development is considered acceptable insofar as it affects roads within the remit of Brent Council, particularly in light of the redistribution of traffic flows resulting from the opening of Rainsford Road link and the amendments to the First Central development proposals.

The s106 legal agreement once again will need to secure a financial contribution of £750,000 towards non-car access improvements and a Travel Plan will need to be approved for the site (this was not secured previously).

*Recommendation;-*

No objections subject to the renewal of the s106 agreement, plus conditions requiring (i) a minor alteration to the parking layouts to incorporate additional soft landscaping to ensure parking is restricted to the marked spaces only; and (ii) that gates to Units 13-16 to remain open throughout normal business hours.

*Environmental Health;-*

No objections to the extension of time application

A condition is recommended, this relates to validation of any soil imported, including the 'pocket park'.

**REMARKS**

**Site location**

The site is located in Park Royal, London's largest industrial and Business Park. Approximately 40% of the Park Royal estate is within Brent, 50% in Ealing and 10% in Hammersmith and Fulham. The site is designated as Strategic Industrial Land and is also subject to a Major Opportunity Site designation; PR1 – *Former Guinness Brewery site in the LDF Core Strategy Site Specific Allocations (DPD)* in the Brent LDF Core Strategy, and is identified as within an Opportunity Area in the London Plan (2011). Additionally, Park Royal Partnership (including LB Brent representation) has produced a 10 year Regeneration Strategy it sets out the local regeneration strategy context, and particularly outlines the importance of quality development at gateway locations in Park Royal.

**Employment benefit**

The site is located within designated Strategic Industrial Land and therefore the proposed mix of B1(c), B2 and B8 uses complies with Council policy and the 2011 London Plan. The Former Guinness Brewery Combined Supplementary Planning Document & Planning Position Statement adopted 12 December 2005 set out a range of uses that might be considered acceptable within the former Guinness site. These included industrial, storage and distribution uses, but also went further setting out a more aspirational approach to the sites potential including the option for an education or health led redevelopment.

Due to its size and potential for job generation this scheme would deliver significant economic and employment benefits to the Borough.

The new Rainsford Road Link road, Cumberland Avenue Roundabout and the realignment of the existing Rainsford Road, along with a new bus lane have been delivered since the previous grant of planning permission. These road works were originally agreed as part of the First Central Redevelopment.

**Extension of Time Proposal**

This application seeks to extend the time limits for the implementation of the development that was approved through planning consent reference 07/1293 on 24 January 2008. The development proposed for extension, has by definition been judged to be acceptable to the Council. The original delegated report can be found on our website; - (<https://forms.brent.gov.uk/servlet/ep.ext?extId=101150&reference=89551&st=PL>)

The issues discussed within the original report will not be discussed again, unless the relevant policies have changed.

**Background**

*Why is development stalled?*

The recession has had a significant impact on the development industry over the past two years. The ability for developers to raise finance to purchase and construct schemes has been restricted as bank lending has contracted.

As a result a number of consented schemes are at risk of not being commenced within three years of the permission being issued.

#### *Government response*

In 2009 the Government recognised the difficulties facing the industry and introduced legislation to help maintain the delivery of sustainable development in the face of the UK recession. As of October 2009 applicants have been able to apply to their Local Planning Authority (LPA) for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development. This has been introduced in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. Guidance titled '*Greater Flexibility for Planning Permissions: Guidance*' has been published by the Government and this document informs LPAs how to approach these types of applications (Communities and Local Government, revised 2010).

#### *Procedural matter*

The process is referred to as 'extension' for convenience. More formally, a new permission will be granted, with a new reference number, for the development granted permission by the original decision. This new permission will be subject to a new standard timescale condition and all original conditions and S106 obligations will be retained; a new S106 is required in this case to reflect the new sustainability requirements. There is scope to impose additional conditions and obligations if necessary, to overcome minor policy changes (see below).

The Department for Communities and Local Government stresses that, although this is not a rubber-stamp exercise, "***development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date***" (CLG, 2010: 7-8).

#### *How Brent should approach such applications*

LPAs are instructed to take a "*positive and constructive approach*" towards those applications which improve the prospect of sustainable development being taken forward quickly (2010: 7). The focus of attention in determining the application should be on those development plan policies and other material considerations (including national or regional policies) "which may have changed *significantly* since the original grant of permission" (CLG, 2010: 8, author's emphasis).

The principle of development is accepted and 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.

#### *Policy changes since the previous grant of permission*

A number of new plans and guidance documents have been adopted, such as:-

- LDF Core Strategy 2010,
- The London Plan 2011
- LDF Site Specific Allocations DPD 2011,
- Planning Policy Statement 4; Planning for Sustainable Economic Growth*
- Planning Policy Statement 25; Flood Risk*

At the time the application was considered and determined previously, the relevant national guidance on development and flood risk was PPS25; this was revised on 29 March 2010. The changes involve revision of the definitions of floodplains and the application of the policy to essential infrastructure projects.

The applicant has provided the Environment Agency with an updated Flood Risk Assessment and the Environment Agency have no objection to this proposal (subject to the imposition of conditions - see discussion below).

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

- a) The Mayor's energy hierarchy (discussed within the 'energy strategy' section of this report).
- b) The risk of flooding and proposed mitigation measures (discussed below).

### **Energy Strategy**

The previous grant of permission secured the following sustainability measures, through the s106 legal agreement;

- Submission of and compliance with TP6 sustainability checklist ensuring a minimum score of 50% is achieved.
- To achieve BREEAM 'Excellent' rating
- Provide 10% on site renewable energy generation

Since the previous grant of permission London Plan energy policies have been revised, and there are more stringent requirements for large developments to minimise carbon dioxide emissions. To satisfy London Plan Policy 5.2 ***“development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy”***:

1. ***Be lean: use less energy***
2. ***Be clean: supply energy efficiently***
3. ***Be green; use renewable energy***

London Plan Policy 5.2 also states that major developments should meet targets for carbon dioxide emissions reduction. These targets are expressed as minimum improvements over the Target Emission Rate (TER) outlined in the national Building Regulations. For non-domestic buildings a 25% improvement on the 2010 building regulations should be achieved.

A clause within the s106 legal agreement will ensure compliance with this.

Major developments should further reduce carbon dioxide emissions through the use of on-site renewable technologies. Previous policies required that 10% of the sites carbon dioxide emissions be off-set through the use of renewable technologies, the London Plan increased this to 20%, this occurred after the previous grant of permission. Now the 2011 London Plan no longer sets a minimum proportion but still requires major developments to ***“provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible”*** (Policy 5.7).

In support of this extension of time application an updated Energy Strategy has been prepared by Watkins Payne. This strategy has been prepared in accordance with planning policy set out in 2011 London Plan, Brent's Core Strategy and planning guidance set out in Planning Policy Statement: Renewable Energy.

The Strategy adopts a hierarchical approach of using passive and low energy design technologies to reduce the baseline energy demand. The analysis shows that by incorporating passive and low energy design measures (the lean scheme) there is a reduction of 10.5% in the developments annual regulated CO<sub>2</sub> baseline emissions over the 2010 baseline carbon emissions.

The renewable energy strategy is to utilise solar thermal panels, plus 760m<sup>2</sup> of pv arrays positioned on the main roof of the buildings. These measures combined are expected to deliver a 5% reduction in annual CO<sub>2</sub> emissions (be lean).

The combined measures have been shown to achieve a 45% reduction in annual CO<sub>2</sub> emissions over the previous Building Regulation Part L2A. However London Plan Policy 5.2 (adopted July 2011) requires improvements on carbon dioxide emissions to be based on baseline 2010 Building



Regulations Target Emission Rates. Therefore a revised energy strategy will need to be submitted for approval demonstrating compliance with policy, and this will form an obligation within the updated s106 legal agreement.

Aside from proposed changes to the energy efficiency measures the scheme remains as approved previously and these changes have no effect on the layout or quantum of development.

### **Flood Risk**

The Environment Agency initially raised objection in the absence of an acceptable Flood Risk Assessment (FRA), which failed to comply with the requirements of Planning Policy Statement 25 (PPS25). The basis for this objection (Feb 2011) was that (i) the FRA fails to be supported by appropriate information to demonstrate Sustainable Drainage Systems (SUDS) have been maximised on site (ii) the FRA fails to demonstrate that the proposed development layout and surface water systems can cope with storm events, and (ii) take the impacts of climate change into account.

In March 2011 the EA provided an updated response which confirms their objection still stood, this requested further information in relation to SUDS and storage volume/run-off calculations in the event of a storm.

Following the submission of further information the EA responded on 10 June 2011, still raising objections. Having been satisfied on the surface water storage they removed this part of their objection, but still maintained an objection on the basis that SUDS have not been utilised, nor has their non-inclusion been fully justified.

A further response from the EA, dated 6 July 2011 confirms that having reviewed the revised drainage scheme the EA maintains its objection.

The latest response from the EA, dated 26 October 2011 confirms they are satisfied with the principles for the revised drainage scheme (drg SS/015190-46 P7), and are able to remove their objection.

The proposed development will only be acceptable to the EA if the following measures, as detailed in the FRA, Windes Quickstorage Estimates (submitted in email dated 17 May 2011) and drawing SS015190-46-P7 submitted on 20 October 2011 are implemented and secured by way of a planning condition on any extension of time consent. Officer's recommend this through condition, which did not form part of the previous consent.

### **Comments on objections received**

#### ***Noise pollution;-***

This issue was considered in the previous grant of planning permission, which was supported by an Environmental Noise Assessment, prepared by WSP Acoustics. This assessment considered the noise impacts at the nearest sensitive receptors, which are residential properties immediately to the north. The environmental noise assessment was submitted and approved as part of the previous permission, this by definition was adjudged to be acceptable, and it follows that the scheme as a whole has, by the same definition been adjudged acceptable in noise impact terms. No changes to the layout are proposed which would have a material impact in noise terms.

Where mitigation is required to ensure that noise levels are acceptable at the nearest affected residential units suggested amelioration measures are put forward.

It is considered that acceptable plant noise emission levels are readily achievable without the need for excessive amelioration measured due to the layout, distance and existing barriers between the nearest affected residential units and the site (see condition about the installation of plant).

It is considered the change in background noise levels due to vehicles associated with the new development will be insignificant (less than 1dB).

The assessment considers the potential installation of plant, and it is recommended that all operational plant associated with the development be designed such that it does not exceed a combined noise level which is 5dB below the existing lowest measured  $L_{A90}$  noise level assessed over a 24-hour period at 3.5m from the nearest ground floor noise sensitive façade and 1m from the nearest first floor noise sensitive façade.

Service yards and vehicle movements have been assessed. The report identifies that based on typical goods-transportation vehicle movement noise levels and the proximity of the nearest affected residential units, it is apparent that mitigation measures would need to be applied between Units 8b and 9, as proposed, to ensure that noise levels do not exceed reasonable internal living conditions.

It is recommended that mitigation be provided by way of a solid, imperforable barrier attached to both structures to ensure the acoustic integrity of surrounding spaces. Officers also suggest this should be the case between Units 14 and 15 also. Further details of these measures will need to be approved as a condition of any approval prior to the commencement of works.

Breakout noise from the units has been considered. This is difficult to quantify though as end users are not known. The assessment identifies that doors should be designed such that breakout noise levels are controlled. Doors should also be designed to match the performance of the cladding system of the building, when closed, such that breakout noise levels are controlled. It also says that doors, other than escape doors which are normally closed should not be located in the rear facades of units overlooking residential areas. Provided these measures are incorporated it is not considered that noise breakout from the units would cause any noise impact.

The approved layout permits a scheme that turns it back on the residential properties to the north, there are no openings approved on the façade facing the residential properties thus reducing the potential for breakout noise to occur. In addition the landscaping condition will secure further details of boundary landscaping, which will help to form a buffer between units and residential properties. Further details of any plant will need to be approved in writing as a condition of any approval, this will ensure such plant has an acceptable impact on the nearest residential premises.

As the scheme has not changed since the previous grant of permission, it has already by definition been judged to be acceptable in noise pollution terms.

Conditions are recommended requiring the submission and approval of any plant equipment. Also details of mitigation by way of an acoustic barrier are required through condition, this will apply to the areas between Units 8b and 9 and 14 and 15. This follows a recommendation of the noise assessment, and will ensure the acoustic integrity of surrounding uses. In addition the detailed landscaping scheme to be approved as a condition will also include planting along the northern boundary between units and residential facades.

An additional condition is recommended on this extension of time application, which is for the submission and approval of sound proofing/insulation measures to be installed to Units 8a, 8b, 9, 10, 11, 13, 14, 15 and 16 to prevent the potential for breakout noise.

#### ***Light pollution;-***

The representation on behalf of Abbeyfield Close residents raises a concern about the potential for light pollution to these residences, as a result of any floodlighting being installed.

When approving the previous application external lighting layout plans were considered, these confirm that along the northern boundary of the site only low level bollarded lighting is proposed. This by its very nature would not have a harmful impact. Taller, pole mounted lighting at 10m high

is located further away from sensitive boundaries and the nearest residential properties, so as to avoid any light pollution. The fact that the units effectively turn their back on properties to the north removes the need to have pole mounted lighting along the northern boundary, and such high level lighting will be concentrated within the central site areas predominantly.

To ensure an acceptable residential environment the previous planning permission included the following condition No8:-

*“Notwithstanding the details shown in drawing numbers 2961/ME/01 -1 & 2 further details of a scheme for lighting the development shall be submitted and approved in writing by the local planning authority prior to the commencement of works on site. Such details shall pay attention to further reducing light spillage at sensitive boundaries with residential neighbours.*

*Reason: In the interests of the residential amenity of adjoining occupiers.”*

It is recommended that the same condition form part of any extension of time approval. This provides the opportunity for further scrutiny of the external lighting proposals, to ensure no harm to the residential environments on adjoining sites.

***Loss of green space/trees:-***

There is no loss of open space. The site was a former Guinness brewery. The approved layout in fact includes the provision of a new 'Pocket Park' in the north eastern site corner, this will be publicly accessible. A large number of trees were cut down three years ago. Details of new tree planting across the site will be secured as part of the landscaping condition.

***Increased risk of flooding:-***

After lengthy negotiations between the developers and the Environment Agency (EA) the EA have confirmed that they have no objection. The EA are satisfied with the amended Flood Risk Assessment, and subject to a condition to ensure acceptable Greenfield run-off rates for all storm events, provision for on-site surface water storage, and the implementation of sustainable drainage that the development would not pose a risk to flooding.

**Other matters**

*Substantial physical changes to the area since 24 January 2008*

No changes have occurred along the boundaries of the site. An application for development of the remainder of the First Central site has been agreed in principle, subject to the completion of a s106 agreement. This decision was made in the knowledge that the Guinness brewery site benefited from a planning consent.

A large industrial/warehouse development has been completed on the opposite side of Rainsford Road, at the junction with Cumberland Avenue. This provides approximately 11,000m<sup>2</sup> of employment floorspace. It is understood the unit(s) are vacant following recent completion.

*Changes to the scheme*

No changes to the scheme considered and approved under delegated powers in 2008 are proposed. This extension of time application is being reported to Members as a greater number of objections have been received (the nature of which are discussed above).

*Changes to the planning permission*

To reflect the changes in policy described above, the following changes are made to the decision notice:

- a) Update 'Summary reasons for approval'
- b) Attach additional conditions (including a condition listing all the approved plans and documents)
- c) Re-number conditions to follow new standard of listing restrictive conditions first

And the S106 agreement will be re-drafted to reflect the new planning permission, accounting for additional sustainability obligations which would be issued if members approve.

### **Conclusion**

The Government, when introducing this legislation, expected LPAs to assist the wider economy and the delivery of sustainable development by keeping alive those planning applications which would otherwise lapse during the UK recession. No significant policy changes have occurred with the exception of the adoption of the LDF Core Strategy and the 2011 London Plan but the scheme is deemed to comply with the relevant policies within these documents.

Your officers are of the opinion that there are no planning policy changes which mean permission should not be given to extend the planning permission. In reaching this decision, your officers have attached weight to the Government's guidance on how to approach these applications.

**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  
Employment: in terms of maintaining and sustaining a range of employment opportunities  
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation  
Transport: in terms of sustainability, safety and servicing needs  
Park Royal: to promote the opportunities and benefits within Park Royal  
Site-Specific Policies

### **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):

30165/PL/300  
Capita Symonds letter dated 7th December 2010, Geo-Environmental Considerations  
Capita Symonds letter dated 7th December 2010, Flood-Risk Considerations

Bernie Harverson, Arboricultural Constraints letter, dated 27 October 2010  
EPR, Ecological Appraisal Update, dated 2 December 2010  
Drivers Jonas Deloitte, Planning Statement, December 2010  
Oxford Archaeology, Desk Based Assessment, Issue No.1, November 2010  
Drivers Jonas Deloitte, Environmental Impact Assessment Screening Report,  
December 2010  
Watkins Payne, Energy Strategy, April 2011

**Other related plan numbers/documents approved within planning permission  
07/1293;**

10514/TP/001, 002E, 003A, 004B, 005A, 006A, 007B, 010, 011, 012, 013, 020, 021,  
022, 030A, 031B, 032A, 040, 041, 042, 050, 051, 052, 060, 061, 062, 070A, 071A,  
080, 081, 082, 090; 091, 10514/SL/2002 & 2961/ME/01-01 & 02; & SS/i5190-11/P2 &  
12/P2

**Flood Risk documents;**

Waterman Civils, Flood Risk Assessment, April 2007

Drg SS/015190-46-P7

Drg SS/015190-47/P5

Drg SS/015190-48/P5

Drg SS/015190-49/P5

Windes Quickstorage Estimates, submitted under cover of Capita Symonds letter  
dated 17 May 2011 (*ref; SS015190-01-PE-11-092-L1*)

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

- (3) The gates proposed to the vehicular access serving Units 13-16 shall remain open throughout normal business hours.

Reason; In the interests of highway safety and to prevent vehicles from obstructing the highway.

- (4) During demolition and construction on site:
- The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site;
  - The operation of the 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 and opposite premises shall not be impeded;
  - All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only;
  - No waste or other material shall be burnt on application site;
  - A barrier shall be constructed around the site, to be erected prior to demolition;
  - A suitable and sufficient means of suppressing dust must be provided and maintained at all times during construction works.

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

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

and the development carried out in accordance with the approved details.

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

- (6) Notwithstanding the plans hereby approved, further details of site wide landscaping and boundary treatments, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The proposed landscaping shall include provision for new tree planting and shall be completed in accordance with the approved details before the development hereby approved is occupied and thereafter shall be maintained to the satisfaction of the Local Planning Authority, with any trees or plants that die, are badly damaged or become seriously diseased being replaced in the first five planting seasons.

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

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

- details of additional refuse and recycling facilities;
- details of bicycle storage facilities;
- further details of the proposed external lighting;

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

- (8) Notwithstanding the details hereby approved further details of the proposed pedestrian/cycle access to the site from Lakeside Drive shall be submitted to and approved in writing by the local planning authority prior to the commencement of works on site. And the access shall be provided prior to first occupation of any of the units hereby approved.

Reasons: To ensure that the development provides an acceptable level of access for cyclists and pedestrians.

- (9) Notwithstanding the details shown in drawing numbers 2961/ME/01 -1 & 2 further details of a scheme for lighting the development shall be submitted and approved in writing by the local planning authority prior to the commencement of works on site. Such details shall pay attention to further reducing light spillage at sensitive boundaries with residential neighbours.

Reason: In the interests of the residential amenity of adjoining occupiers.

- (10) Notwithstanding the plans hereby approved further amended details of the access and servicing arrangements to Units 13, 14, 15 and 16 shall be submitted showing the provision of two full sized loading bays and two 8m rigid vehicle bays. These revised details to be submitted and approved in writing by the local planning authority prior to the commencement of works on site, unless otherwise agreed in writing by the local planning authority..

Reasons: To avoid obstructing the highway and ensure the free flow of traffic.

- (11) Notwithstanding the details hereby approved further details of the proposed CCTV cameras shall be submitted showing how cameras located adjacent to the boundary with adjoining residential neighbours will be restricted in order to prevent overlooking of private residential gardens and residential windows. Submitted details to be approved in writing by the local planning authority prior to the commencement of works on site, and the cameras shall be installed fully as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To protect the privacy of neighbouring residential occupiers.

- (12) The quality of soil imported to site for the purposes of soft landscaping, including the 'Pocket Park' must be tested to ensure that it does not pose an unacceptable risk to the health of future end users of the 'Pocket Park'. The results must be submitted to the Local Planning Authority for written approval, prior to the commencement of works

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

- (13) No mechanical extraction, ventilation, cooling or other such plant equipment shall be installed to any of the units hereby approved without the prior approval in writing of the local planning authority.

Reason: To protect adjoining occupiers from potential noise and odour nuisance.

- (14) If the development is to be carried out in a phased manner then the details required to discharge the conditions relating to that phase shall be submitted to and approved by the Local Planning Authority before any work in relation to that phase is commenced

Reason: To allow the phased implementation of the development

- (15) Prior to the commencement of works on site further details of an acoustic barrier to be installed between Units 8b and 9 and Units 14 and 15 shall be submitted to and approved in writing by the local planning authority. Such details shall specify the materials and height, and shall be installed fully, with details as approved in writing, unless otherwise agreed in writing by the Local Planning Authority.

Reason; In the interests of maintaining the amenity of neighbouring residential occupiers.

- (16) Notwithstanding the plans hereby approved revised parking layout plans shall be submitted to and approved in writing by the local planning authority prior to the commencement of development on any of the units, such revised details are required to demonstrate the incorporation of additional soft landscaping in areas not required for marked parking areas, and parking areas shall be constructed fully in accordance with these revised details.

Reason; In the interests of the visual amenities of the area, and to prevent overspill parking in non-designated areas.

- (17) Further details of sound proofing insulation measures to Units 8a, 8b, 9, 10, 11, 13, 14, 15 and 16 shall be submitted to and approved in writing, prior to the commencement of development. Thereafter these details shall be installed fully, unless otherwise agreed in writing by the Local Planning Authority.

Reason; To safeguard the amenity of neighbouring residential properties

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**


See Delegated Report for planning application 07/1293. This can be downloaded from the Brent website; - <https://forms.brent.gov.uk/servlet/ep.ext?extId=101150&reference=89551&st=PL>

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



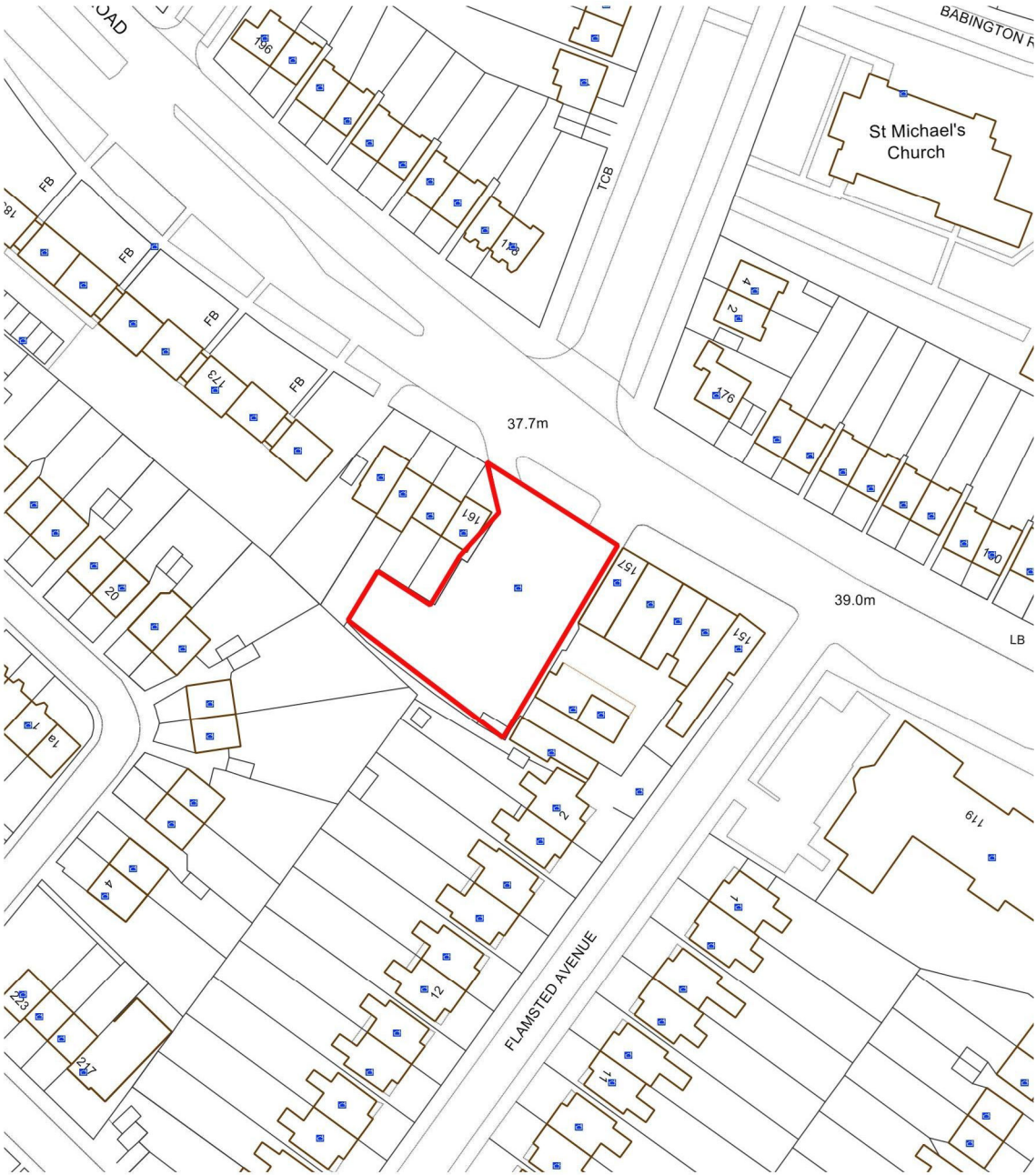
Committee Report  
Planning Committee on 15 February,  
2012

Case No. 11/2416

 **Planning Committee Map**

Site address: 159 Harrow Road, Wembley, HA9 6DN

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This map is indicative only.

**RECEIVED:** 20 September, 2011

**WARD:** Tokyngton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 159 Harrow Road, Wembley, HA9 6DN

**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

**APPLICANT:** PLCM

**CONTACT:**

**PLAN NO'S:**  
See condition 2

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### **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.

### **SECTION 106 DETAILS**

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

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) 100% Affordable Housing
- (c) A contribution of £2,400 per bedroom, due on material start and, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 4, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (e) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- (f) Join and adhere to the Considerate Contractors scheme.

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 application relates to an L shaped piece of land on the South West side of Harrow Road opposite the junction with St Michael's Avenue. The site is 40 metres deep and has a frontage to Harrow Road of 22 metres widening to 36 metres at the rear where the site extends behind the two storey terrace houses at 161 and 163 Harrow Road. The site is presently vacant but has a covered basement built as part of an earlier uncompleted consent. On the last site visit the basement was

completely submerged in water.

The site's Harrow Road frontage is set between a terrace of two storey hipped roof houses and a three storey parade of shops with residential accommodation above. Apart from this parade and the three storey Middlesex Manor Nursing Home located on the corner of the Flamsted Avenue/Harrow Road the remainder of this section of Harrow Road is formed of two storey housing.

To the rear of the shops and flats, with access off Flamsted Avenue are two buildings that back onto the application site. One is a low flat roofed part single/part two storey storage building which appears to be vacant. The other is a low flat roofed commercial building with residential accommodation above. This residential unit has a window in its rear elevation facing into the application site. The remainder of Flamsted Avenue is formed of two storey semi-detached houses.

To the rear of the application site are the rear gardens of properties in Nettleden Avenue.

## **PROPOSAL**

Development comprising a new building ranging in height from 1 to 7 storeys comprising 16 residential units and including basement car parking, cycle parking, refuse and recycling storage and external amenity space.

## **HISTORY**

Most recent planning history:

02/0445 - Demolition of existing, redevelopment and erection of 3 storey frontage building with 3 storey rear extension both with accommodation in the mansard roof to provide 2 ground floor shops and 14 residential units (6 x 2 bedroom maisonettes, 7 x 1 bedroom flats and 1 studio flat) provision of access road from Harrow Road and formation of 12 parking spaces.

**Withdrawn** - 22/04/2003

03/0983 - Demolition of existing single-storey building and canopy and erection of part 2-, 3-, 4-, 5- and 6-storey frontage building comprising 14 self-contained flats (3 studio flats, 7 one-bedroom flats and 4 two-bedroom flats) and provision of 14 underground car-parking spaces and amenity space to rear of site

**Granted** - 07/07/2003

06/1933 - Details pursuant to condition 8 (site investigation) of planning permission 03/0983, dated 7 July 2003, for demolition of existing single-storey building and canopy and erection of part 2-, 3-, 4-, 5- and 6-storey frontage building comprising 14 self-contained flats (3 studio flats, 7 one-bedroom flats and 4 two-bedroom flats) and provision of 14 underground car-parking spaces and amenity space to rear of site

**Refused** - 10/11/2006

07/2416 - Details pursuant to condition 2 (external finishes), condition 3 (landscaping), condition 4 (vehicular access) and condition 6 (boundary treatment of Full Planning Permission reference 03/0983 dated 7 July, 2003, for Demolition of existing single-storey building and canopy and erection of part 2-, 3-, 4-, 5- and 6-storey frontage building comprising 14 self-contained flats (3 studio flats, 7 one-bedroom flats and 4 two-bedroom flats) and provision of 14 underground car-parking spaces and amenity space to rear of site

**Withdrawn** - 05/10/2009

07/2493 - Retention of a car park to the lower ground-floor of the showroom

**Withdrawn** - 05/10/2009

## **POLICY CONSIDERATIONS**

### **LDF Core Strategy 2010**

- CP1** - Spatial Development Strategy
- CP2** - Population and Housing Growth
- CP17** - Protecting and Enhancing the Suburban Character of Brent
- CP18** - Protection and Enhancement of Open Space, Sports and Biodiversity
- CP19** - Brent Strategic Climate Change Mitigation and Adaptation Measures
- CP21** - A Balanced Housing Stock

### **Brent Unitary Development Plan 2004**

**STR3** - In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).

**STR5** - A pattern of development which reduces the need to travel, especially by car, will be achieved.

**STR9** - The Council will ensure that development proposals do not conflict with the role of GLA Roads and London Distributor Road whilst discouraging through traffic on local roads.

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

**STR12** - Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.

**STR13** - Environmentally sensitive forms of development will be sought.

**STR14** - New development to make a positive contribution to improving the quality of the urban environment in Brent

**STR15** - Major development should enhance the public realm.

**BE2** - Townscape: Local Context & Character

**BE3** - Urban Structure: Space & Movement

**BE4** - Access for disabled people

**BE5** - Urban clarity and safety

**BE6** - Public Realm: Landscape design

**BE7** - Public Realm: Streetscene

**BE9** - Architectural Quality

**BE12** - Sustainable design principles

**EP10** - Protection of Surface Water

**TRN1** - Transport assessment

**TRN3** - Environmental Impact of Traffic

**TRN4** - Measures to make transport impact acceptable

**TRN10** - Walkable environments

**TRN11** - The London Cycle Network

**TRN14** - Highway design

**TRN23** - Parking Standards – residential developments

**TRN24** - On-Street Parking

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

**PS14** - Residential Parking Standards

**PS15** - Parking for disabled people

**PS16** - Cycle parking standards

### **Brent Council Supplementary Planning Guidance and Documents**

**SPG12** - Access for disabled people

**SPG17** - Design Guide for New Development

**SPG19** - Sustainable design, construction and pollution control

**SPD** - Section 106 Planning Obligations

## **Mayor of London**

The London Plan 2011

Mayor of London Supplementary Planning Guidance

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

## **Planning Policy Guidance and Statements**

**PPG13-** Transportation

**PPS1-** Delivering Sustainable Development

**PPS1 - Supplement:** Planning and Climate Change

**PPS22 -** Renewable energy

## **SUSTAINABILITY ASSESSMENT**

The sustainability checklist currently achieves 44%, which is under the council 's 50% requirement. The applicant has however signed up to achieving 50% in the S106 agreement.

The applicant has made a commitment to achieving Code Level 4 on the Government's Code for Sustainable Homes. This will be achieved by:

- The Target Emissions Rate under the national building regulations will be reduced by 44% or a factor of .56.
- All relevant areas of the development should comply with the design guidance set out in the Energy Efficiency guidance for Level 4.
- Provision will be made to limit the effects of internal temperature rises in summer caused by excessive solar gain.
- The quality of construction and commissioning will meet the requirements set out in the Energy Efficiency guidance for Level 4
- Residents will be provided with clear and simple instructions regarding the efficient running and maintenance of the dwellings.

While this commitment is welcomed little detail has been provided as to how these criteria will be met. The requirement to achieve Code Level 4 in Brent's growth areas (which this site is) is now an adopted policy in the Council's Core Strategy. Further details will need to be provided at pre-construction stage, demonstrating how these policies have been met, including a revised TP6 checklist and an energy options assessment.

In order to meet Council policy the s106 agreement will require that no later than one month prior to a material start being made a sustainability strategy demonstrating how the measures above and others listed in the Sustainability Development Checklist (TP6 form) submitted with application are integrated into the scheme. The development shall not commence until the sustainability strategy has been approved by the Council.

A BRE sustainable assessment must also be submitted prior to commencement demonstrating that the development will be constructed to achieve a Code for Sustainable Homes level 4 rating. Prior to first occupation of the development a review by a BRE approved independent body (appointed at the developer's expense) shall be undertaken to see whether or not the measures set out in the sustainability strategy and Code Level 4 have been achieved. Failure to have

achieved any of the measures and/or a Code Level rating with require mitigating measure or compensation to be used by the Council towards the provision of sustainability measures on other site within the Borough.

## **CONSULTATION**

### **Neighbours/Local Consultees**

Standard three week consultation period carried out between 13 Oct 2011 and 4 Nov 2011 in which 116 properties and ward councillors were notified. Notices have also been posted outside the site and within the local press.

8 letters of objection have been received raising the following issues:

- Height of the building is not in keeping with the area of 2 and 3 storey houses and flats
- The site is not within the regeneration area and should not exceed 3 storeys
- Inadequate play areas for 20 family dwellings on a small site
- Entrance to the site at this point on Harrow Road would worsen highway safety
- Development will increase the population by at least 50 persons and diminish peace currently enjoyed by immediate neighbours
- Traffic from existing nursing home is already a problem. New development will aggravate this and leave no space for existing residents and guests parking
- Loss of privacy to properties in Flamsted Avenue
- Previous digging for houses has adversely affected Flamsted Avenue properties. How will these properties be protected?
- Loss of sunlight to neighbouring properties garden and property due to the size and height of the building.

It should be noted that the previous application for this site which was of a similar scale to the current application but of a different design attracted 40 letters of objection and a 5 signature petition objection to the proposal. This application was withdrawn earlier this year following concerns from officers about the design approach.

### **Consultees**

**Environmental Health** - Previous soil investigations relating to prior planning applications have found contamination on site. The applicant has submitted a "Remedial Contamination Strategy" written by SLR. The recommendations for soil remediation within this report are satisfactory. Recommend a condition to ensure that the remediation is carried out in accordance with this specification.

**Transportation** - No objection.

## **REMARKS**

### **Principle of development**

The principle of the redevelopment of the site for a residential use has been confirmed through a previous planning application (ref: 03/0983) which granted consent for 14 self-contained residential units on the basis that the site is surrounded by predominantly residential uses. No significant policy changes have occurred since this time which would alter this position.

### **Background**

A fuller description of the previously approved scheme is provided in order to assist with a

comparison between the existing scheme. The previous proposal involved the erection of a part 3 storey, part 4 storey, part 6 storey building which adjoined the existing parade. A modern design approach was adopted with a mixture of brick finish and render and a flat roof. The main feature of the scheme was a central curved tower which comprised the tallest section of the building and reached 6 storeys. Either side of this feature, lower elements were provided in order to provide a stepped appearance within the street scene. A smaller, narrower rear element projected into the rear garden of the site however this was set away significantly from side boundaries. Access to the site and to the basement parking area was provided between the proposed building and 161 Harrow Road. This same arrangement is proposed in the current scheme.

### Density

Density: The proposed density has been calculated to be 133 units per hectare (down from 153 prior to the latest amendments) and 425 habitable rooms per hectare (down from 450). The site is situated within a predominantly urban context being within 800m of a district centre, located on a main arterial route and adjacent to a tall 3 storey commercial parade. Whilst it is noted that immediately to the south of the site, the character of the area changes to a more suburban context it is considered more appropriate to assess the scheme against the urban criteria as defined within The London Plan. This criteria suggests an appropriate density for a location with a PTAL rating of 3 as being between 45-120 units per hectare and between 200-450 habitable rooms per hectare. The scheme still exceeds the unit density and is close to the upper limit of habitable room density. Both of these recommended guidelines which seeks to locate higher densities in locations where there is good access to public transport. However it should be noted that density is only one calculation for assessing a scheme and should be considered in conjunction with layout, scale, bulk and massing. Mayoral guidance relating to density suggests that such levels can be exceeded where a good degree of livability is offered. Such factors to assess livability include proposed housing mix, design and quality of the scheme, amenity space provision, access to services, sustainable design and construction, levels of car parking and contribution to local place shaping. On the basis of this guidance, the proposed density is assessed in conjunction with these factors in order to ascertain whether the proposal is of a suitable standard to justify a higher density. These considerations will be principally discussed under the headings Massing, Scale and Design, Quality of Accommodation and Access, Parking and Servicing.

### Massing, Scale and Design

The scheme proposes one L-shaped building. The main side elevation which would be visible within the street scene when approaching the site on the Harrow Road from Wembley Town Centre is broken down into three elements which step down from 7 storeys to 5 storeys to 2 storeys as the building extends back towards the rear boundary of the site. The front elevation is broken down into two stepped elements made up of the 7 storey tower and a four storey element linking it to the adjoining parade.

The design approach has been amended from the previous application and a contemporary scheme utilising large glazed elements and white render is proposed employing strong clean lines. This is considered to be an improvement on the confused and over complicated approach taken with the earlier application.

The revised design approach from the previous application is welcomed and considered an improvement. While the tallest element of the scheme is a storey higher than the previously consented scheme it is only one metre higher due to lower floor to ceiling heights in this current scheme. The revised design approach is considered acceptable and the slight additional height can be supported.

Previous concerns about the massing of the building and its relationship to the adjoining parade, the flats above it and properties in Flamstead Avenue are considered to have been addressed.

### Impact on neighbouring residential amenity

Considerable efforts have been undertaken by the applicants to improve the footprint and scale of buildings proposed on the rear part of the site in order to ensure a satisfactory relationship with neighbouring gardens which abut the rear of the site and also achieving a subordinate approach relative to the main frontage development. Concerns regarding the relationship of the building to the neighbouring property at 161 Harrow Road have also been addressed. The higher element of the rear projecting wing has been set away from the side boundary of 161s rear garden by just over 9 metres. The amendment means that this element of the proposed building is now considered to comply with the 45 degree set down test set out in SPG17. A 5 storey element of the scheme does project beyond the rear building line of the neighbouring semi-detached house, this is just 4 metres from the side boundary of the neighbouring rear garden, however it projects just 2 metres beyond the rear building line of the adjoining house and is considered to have an acceptable relationship to it.

A number of first floor bedroom windows are located in the rear projecting wing of the building which face the side boundary of the adjoining rear garden of 161 Harrow Road. These windows are only 5.5 metres from this boundary. In order to protect the privacy of this garden a number of these bedroom windows will be fitted with vertical louvers that prevent overlooking.

In terms of the relationship with the adjoining parade, the proposal has been staggered in order to mitigate the impact on habitable room windows within the rear elevation of the parade. The initial portion of the building which reaches 5 storeys in height, projects 1.5m beyond the rear windows within the existing parade whilst the 6 storey element is separated from the boundary shared with this property by 4m. This element is also considerably less deep than the 4 storey element proposed in the previously consented scheme. Whilst the 1.5m projection is a deeper relationship for a 5 storey element than was agreed in the previously consented scheme, this is considered to have a reasonable relationship with habitable room windows within the existing parade as these are set away from the boundary at both first and second floor levels. Moreover, the impact of this projection is considered to be outweighed by the benefit of reducing the depth of the rear element in comparison with the previous scheme. On this basis, the proposal is considered to have an acceptable relationship with these adjoining neighbours.

The remainder of the eastern side boundary is flanked by commercial buildings with the exception of 2B Flamsted Avenue which has a main habitable room window within its rear elevation and is immediately adjacent to the eastern boundary of the site. Unit 4 has however been designed to consider this window with no primary habitable room windows being situated on upper levels within the rear elevation thereby safeguarding the privacy of the existing occupants of this property and future occupants of the proposed development.

Finally, in considering the impact of the proposal on the residential gardens to the south of the site, the rear portion of the building has been reduced and no longer breaches the 45 degree line taken from 2m above the garden level of the nearest neighbour. This test is advocated by SPG17 in order that new developments achieve a satisfactory scale in comparison with neighbouring properties.

### Quality of Accommodation

Mix and Tenure: All the units are proposed as affordable housing. At the time of writing the report the exact proportion of social rented and intermediate housing had not been finalised. This will be reported in a supplementary report. The scheme is comprised of 5x3 bed; 8x2 bed & 3x1 bed flats.

Unit Size: All units now meet or exceed recommended unit sizes set out within SPG17 and the more generous areas set out in the Mayor's Housing Design Guide.



Light, Outlook & Privacy: All units are afforded adequate light and outlook onto the public realm of Harrow Road, communal amenity areas within the site or private gardens in the case of the ground floor units. Unit 01 which is on the ground floor, in close proximity with Harrow Road is dual-aspect with bedrooms being afforded outlook onto a rear garden. Whilst one of the bedrooms in this unit would be immediately adjacent to a four storey element of the building, the width of the window together with the outlook provided onto a private garden area for this unit is considered to offset any potential overshadowing impact.

All windows in close proximity with the public realm or pathways within the scheme are afforded a privacy buffer to provide a degree of separation from public areas. This is consistent with the approach taken for similar residential schemes. The scheme has, on the whole, been designed to provide 10m between primary habitable room windows and boundaries where there is a direct view into neighbouring gardens. The only exception to this are the first floor bedroom windows of three units which are 5.5m from the boundary with number 161 Harrow Road and would be afforded a view into the private amenity space belonging to this property. As stated above vertical louvers are proposed across these windows that will prevent overlooking of the neighbouring rear garden, this will restrict the outlook from these windows which while not desirable is on balance considered an acceptable compromise.

External amenity space: apart from the three one bed units, all are provided some form of private amenity space with private gardens provided for ground floor units, private balconies provided the majority of upper floor units and communal amenity space which would be used by all occupants. The remaining units have adequate levels of amenity space to meet the SPG17 requirement.

Cycle storage: Cycle storage is provided within a dedicated store within the proposed basement. This can be accessed directly from the ground floor of the building. One space is provided per unit which meets UDP standards.

Refuse storage: Refuse storage is provided on the ground floor of the building within a dedicated store. This arrangement, together with the proposed collection of waste from servicing vehicles is currently being reviewed by Streetcare . Responses will be reported within the supplementary.

### Landscaping

The ground floor plan shows areas with indicative soft landscaping on the site frontage to provide a setting for the building together with soft landscaping in all private amenity areas and the communal amenity space. The indicative layout demonstrates there is sufficient potential for landscaping to positively contribute to the public realm in accordance with policy BE6 of Brent's Unitary Development Plan 2004. A detailed landscaping proposal would be secured by condition, prior to the commencement of works on site which is the standard approach in the event that a scheme could be considered favourably.

### Access, Parking and Servicing

The access to the site remains consistent with the previously approved scheme. 14 parking spaces are proposed within a basement car parking including 2 disabled spaces. The parking provision and access and servicing arrangements are considered acceptable by Transportation Officers.

### Environmental Issues

The previous use of the site as a petrol filling station results in a high risk of contamination with a more vulnerable use being proposed as a replacement. As a result, Environmental Health officers have assessed the Remedial Contamination Strategy submitted by the applicants. Officers are satisfied that the remediation measures proposed are adequate for the proposed use of the site.

## Conclusion

The applicants have demonstrated a willingness to engage with officers to continually improve the scheme throughout the application process. Significant improvements have been made to the architectural treatment and the massing of the scheme. It is now largely compliant with SPG17 with some minor exceptions. The first floor bedroom windows are only 5.5 metres from the side boundary of the adjoining rear garden and therefore are reliant on louvers to protect the privacy of the adjoining garden. While not ideal these measure are considered an acceptable compromise given the site constraints. The amended proposal is larger than the previous consented scheme and will be a significant intervention in the streetscene. It will clearly stand out in height and appearance from the buildings around it. However this is considered to be a unique site along this stretch of Harrow Road and a development of this scale and type is unlikely to be repeated. Whilst it is understood why some may consider this an inappropriate form and scale of development it must be remembered that the site has been blighted now for some years by the stalled attempt to implement the previous permission. This amended scheme is considered to meet enough of the relevant standards set out in the Council's design guidance, achieve an acceptable quality of accommodation and an acceptable design and appearance. The benefits of achieving the redevelopment of this blighted site together with the provision of new affordable housing is considered to outweigh any misgivings regarding the scale and form of development proposed and on balance the proposal is recommended for approval.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent's Core Strategy 2010

Brent's Unitary Development Plan 2004

The following Council's Supplementary Planning Guidance:

**SPG12** - Access for disabled people

**SPG17** - Design Guide for New Development

**SPG19** - Sustainable design, construction and pollution control

**SPD** - Section 106 Planning Obligations

## **CONDITIONS/REASONS:**

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

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

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

247/A-01 Rev11 - Site Location Plan

247/A-10 Rev11 - Existing Basement Plan

247/A-011 Rev11 - Existing Ground Floor

247/A-90 Rev11 - Proposed Basement Plan

247/A-100 Rev11 - Proposed Ground Floor Plan

247/A-101 Rev11 - Proposed First Floor Plan

247/A-102 Rev11 - Proposed Second Floor Plan

247/A-103 Rev11 - Proposed Third Floor Plan

247/A-104 Rev11 - Proposed Fourth Floor Plan

247/A-105 Rev11 - Proposed Fifth Floor Plan

247/A-106 Rev11 - Proposed Sixth Floor Plan  
247/A-107 Rev11 - Proposed Seventh Floor Plan  
247/A-200 Rev11 - Harrow Road Elevation  
247/A-201 Rev11 - Side Elevation  
247/A-203 Rev11 - Longitudinal Section  
247/A-204 Rev11 - Cross Elevation  
247/A-205 Rev11 - Cross Elevation  
247/A-208 Rev11 - Longitudinal Section

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(3) During demolition and 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.

(4) The proposed communal amenity space at the rear of Block A shall be made available at all times to all tenure groups of the proposed development.

Reason: To ensure communal amenity space in the proposed development is accessible and available for use at all times by all its future occupants.

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

Monday to Fridays        08:00 to 18:00

Saturday:        08:00 to 13:00

At no time on Sundays or Bank Holidays unless agreed in writing with the Local Authority.

Reason: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance from plant and machinery

(6) No part of the development hereby approved shall be occupied until all parking spaces, turning areas, loading bays, access roads and footways relevant to that phase have been constructed and 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.

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

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

- (8) Further details of the bicycle-storage facility shall be submitted to and approved in writing by the Council prior to the commencement of construction on site. The approved shelter shall be available for use prior to the first occupation of any of the flats and shall not be obstructed or used for any other purpose, except with the prior written permission of the Local Planning Authority.

Reason: To ensure a bicycle-storage facility is available for use by the occupiers of this residential development.

- (9) Notwithstanding any details of landscape works referred to in the submitted application a scheme is to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any construction work on the site. Such landscape works shall be completed (a) prior to occupation of building(s) and/or (b) within 18 months of commencement of the development hereby approved.

Such details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (ii) Hard surfaces including details of materials and finishes. These should have a permeable construction.
- (iii) The location of, details of materials and finishes of, all proposed street furniture, storage facilities and lighting.
- (iv) The location of all proposed signage on site.
- (v) Proposed boundary treatments including walls and fencing, indicating materials and heights.
- (vi) Screen planting along the boundaries.
- (vii) All planting including location, species, size, density and number.
- (viii) Specification of any Nursery Stock trees and shrubs in accordance with BS 3936 (parts 1, 1992, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).
- (ix) Children's play equipment.

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

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

amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (10) The development is within an Air Quality Management Area and is therefore likely to contribute to background air pollution levels. The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by the demolition and construction operations. This must include:
- damping down materials during demolition and construction, particularly in dry weather conditions,
  - minimising the drop height of materials by using chutes to discharge material and damping down the skips/ spoil tips as material is discharged,
  - sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
  - ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
  - utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
  - install and operate a wheel washing facility to ensure dust/debris is not carried onto the road by vehicles exiting the site,
  - the use of demolition equipment that minimises the creation of dust,
  - 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 demolition and construction activities, clearance work and other site preparation activities, provision of adequate screening, watering down of haul routes and material likely to give rise to dust away from the site boundary.

**Reason:** To minimise dust arising from the operations.

- (11) a) No development (other than demolition) shall commence unless the applicants submit a Noise Report that details the background noise level of the site and provides precise details (and drawings where necessary,) of Acoustic Measures to be used to insulate the proposed residential units to a noise level approved by the Local Planning Authority (including consideration of special glazing for proposed windows and the use of acoustic trickle vents or other equivalent ventilation equipment and insulation between floors where appropriate.) This shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing and thereafter the works shall only be undertaken in accordance with the approved details.
- b) Following completion of the building works a post-completion report demonstrating that "the approved" internal noise levels (in accordance with BS8233:1999 Sound insulation and noise reduction for buildings) have been achieved in 10% habitable rooms including units on the first floor, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the units
- c) Should the predicted noise levels exceed those required by this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

**Reason:** The site is subject to high noise levels, where planning permission may only be granted with appropriate conditions that provide commensurate protection against noise according to PPG24

- (12) Notwithstanding the approved plans further details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material (including litter bins inside and outside the premises) shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved. The approved detail shall be able to provide 60l of residual waste storage and 60l of dry recycling storage for each bedroom in the approved scheme and 23l of organic waste storage per unit.

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

- (13) 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.

- (14) 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 the commencement each relevant phase 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.

- (15) Prior to the commencement of development details of 'green' and 'brown' roofs relevant to that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of sustainability and biodiversity.

- (16) Detailed drawings shall be submitted to and approved in writing by the Local Planning Authority before any work commenced on the relevant phase 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 and the highway, and that satisfactory gradients are achieved.

- (17) Soil remediation measures shall be carried out in accordance with the approved submitted Remedial Strategy. Prior to occupation of the development, a verification report that demonstrates the effectiveness of the remediation must be produced, and 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

- (18) Prior to first occupation 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

- (19) 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.

### **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) In relation to the soil remediation condition 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.
- (3) In relation to the surface water drainage condition the Environment Agency advises the applicant that the following information will be required;
- a) Clearly labelled drainage layout showing pipe networks, attenuation ponds, green roofs, swales and other SUDS features. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
  - b) Confirmation of the critical storm duration.
  - c) Where on site attenuation is achieved through attenuation ponds or similar, calculations showing the volume of these are also required.
  - d) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown in the plan with the agreed rate of discharge stated.
  - e) Calculations should demonstrate how the system operates during a 1 in 100 year critical duration storm event, with an appropriate allowance for climate change in line with PPS25. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths.
  - f) Where green roofs are provided as part of the drainage system, calculation should be submitted to demonstrate the volume of attenuation provided.

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



# Agenda Item 14

## Agenda Item 03

### Supplementary Information Planning Committee on 15 February, 2012

Case No. 11/2959

Location 123 & 125 Preston Hill, Harrow, HA3 9SN  
 Description Demolition of existing two bungalows and erection of six x four-bedroom two-storey detached dwellinghouses with accommodation in the roof and associated changes to existing two vehicular crossovers, new access road, twelve off-street parking spaces and hard and soft landscaping accompanied by Design & Access Statement and completed Brent Sustainable Development Checklist

#### Agenda Page Number: 11-28

Members made a site visit on Saturday 11 February.

Robert Dunwell representing Queensbury Area Residents Association, who has also provided a letter of objection, and approximately six objectors were present.

Members did not raise any matters requiring further comment, with the exception of the level of parking proposed on site. For clarity, the number of parking spaces proposed is 12; the development description incorrectly states 11 and has been revised accordingly.

A further letter of objection has been received, objecting on the following grounds:

- Access and highway safety
- Loss of trees
- Density
- Internal highway layout

Most of these matters have been addressed in the Committee Report. The internal highway layout has been considered by the borough Transportation officer and your officers agree with his conclusion that the internal layout would not raise significant vehicular and/or pedestrian safety concerns.

For clarity, as detailed on page 17 of the agenda, Ward Councillors have objected to this application and requested that the application be called-in for Members to make the decision. Confirmation has not been provided as to the reason for this request. However, this application would have been reported to Planning Committee in any event.

#### Recommendation: Remains refusal

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## Agenda Item 06

### Supplementary Information Planning Committee on 15 February, 2012

Case No. 11/3102

Location OPEN ANSWERS, MASONS HOUSE, 1-3 Valley Drive, London, NW9 9NG  
 Description Change of use of ground, first and second floors from educational institution (Use Class D1) to health and fitness centre only (Use Class D2)

#### Agenda Page Number: 59-68

Access to the basement car park is controlled by key operated security shutters. Details have not been provided to confirm how access will be provided for persons using the health and fitness centre and maintained for

existing residents. As such, it is recommended that a further condition be imposed to require a Car Park Management Plan to be submitted for approval as follows:

*Prior to commencement of the use of the building, a Car Park Management Plan shall be submitted to and approved in writing by the local planning authority detailing access arrangements and management of the basement car park. The car park shall operate in full accordance with the approved Car Park Management Plan.*

*Reason: To ensure that suitable parking provision is available for the use which is in accordance with the Council's policies.*

In addition, for clarity, it is recommended that Condition 9 is amended as follows:

Prior to the commencement of works, a report detailing measures to ensure that no amplified sound or music shall be audible beyond the site boundary (*including the walls adjoining communal areas and the ceiling adjoining the upper residential flats*), shall be submitted for approval. All approved measures shall then be undertaken in full prior to commencement of the use.

Reason: To protect the amenity of neighbours from potential noise nuisance.

**Recommendation: Remains Approval**

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Agenda Item 07

**Supplementary Information  
Planning Committee on 15 February,  
2012**

Case No.

11/2509

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Location	16-18 & 24 High Street, London, NW10 4LX
Description	Change of use and reconfiguration of Units 16-18 (even) to A1 (Retail) Use, demolition of existing two storey element to the rear and its replacement with a two storey rear extension to provide retail and storage space, 4-storey stairwell extension to offices and alterations to shop front.

**Agenda Page Number: 69**

Members were advised in the Committee report that they would be updated on a number of issues.

Extension

Following the submission of a sketch of a revision to the extension where it is adjacent to first floor windows of the existing hostel use full revised plans have been received.

The minimum distance between the windows and extension increases from 4m to 4.5m. The eaves of this elevation are 2.6m from the internal floor level of the first floor, it then slopes away at an angle of 24 degrees achieving its maximum ceiling height at a distance of 6.5m from the windows. The proposed relationship is considered to be comparable to the existing situation with some of the windows while two windows would have a more restricted outlook than they currently do.

The applicant has been advised that the extension may limit potential future uses of the first floor of the High Street buildings. The upper floors of the High Street buildings are in use as hostel accommodation, though this does not benefit from a current planning consent. The scale of the extension may impact on the possibility of an implementation of an application for the continuation of the hostel use subject to further information about daylight/sunlight

Servicing

Two surveys of the on-street parking situation on High Street have now been carried out in order to establish whether it is likely that delivery vehicles would be able to park in bays between 0600hrs and 0800hrs, not obstructing the highway. A very similar situation was witnessed both times; the bays directly in front of the application site on both sides of the road were full but a short distance to the north of the site there were

numerous empty bays which could accommodate a delivery vehicle.

While it cannot be confirmed that this will be the exact situation everyday of the week, officers are of the opinion that subject to adherence to a Delivery & Servicing Plan (secured through s106 agreement) and the condition that they shall only deliver between 0600hrs and 0800hrs, this arrangement can, on balance, be accepted.

### Sustainability

The sustainability rating of the extension has been given more consideration. Further scrutiny of the checklist suggests that currently the proposals would not quite achieve 50%, this will remain a requirement of the development and a contribution would be required if this could not be demonstrated on completion. The applicant has agreed to the requirement of achieving 50% on the sustainability checklist.

Officers consider that across the development, consisting partly of new build and partly of refurbishment, a BREEAM rating of 'Very Good' can be accepted acknowledging the extra difficulty of achieving an 'Excellent' rating within the constraints of the existing building. However, in order to balance out this reduction to the target of policy CP19 of the Core Strategy officers are seeking for the development achieve a 25% CO2 emissions reduction over Target Emissions Rate (TER) (2010 Building Regulations). This is a requirement of the BREEAM 'Excellent' rating and also a requirement of Policy 5.2 of the London Plan.

The agent has confirmed that 'best endeavours' will be made to achieve this. One option now being considered is connection to the Combined Heat and Energy Plant (CHP) which will be installed in the adjacent Apart-hotel - the viability of this is being considered.

The s106 Heads of Terms will be revised to include:

- a 25% CO2 emissions reduction over TER (2010 Building Regulations).
- but delegate authority to the Head of Area Planning to vary the terms subject to further information.

### Consultation

A comment has been received from Cllr Long, this states that the proposal could improve the existing blank frontage. The issue of parking was also raised discussing proposed possible changes to the parking arrangements and Controlled Parking Zones locally which may impact on parking options for the development. Officers remain of the opinion that the town centre location and accessibility of the site mean that there are no significant highways concerns in terms of visitors. The arrangement described above for deliveries is acceptable and options being consulted upon for alterations to parking arrangements and the one-way system would include designated bays for delivery/servicing vehicles.

### Conditions

The site is within an Archaeological Priority Area and a desktop report has been produced which suggests there is a very low chance of archaeological survival at the site, the following condition is recommended:

*During excavation works for footings or foundations the contractor must notify the Local Planning Authority of any archaeological remains of human activity within the excavations and cease works until the Local Planning Authority representative has visited the site and confirmed in writing that excavations can proceed.*

*Reason: To ensure archaeological remains within the Archaeological Priority Area are properly assessed.*

The following condition is recommended by Environmental Health Officers and is appropriate as the application involves demolition:

*The development falls within an Air Quality Management Area that has been declared due to levels of particulate matter. The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by demolition and construction operations. This must include as a minimum:*

- *damping down during demolition and construction, particularly in dry weather conditions,*
- *minimising the drop height of materials by using chutes to discharge material and damping down the skips/ spoil tips as material is discharged,*
- *sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,*
- *ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,*
- *utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,*
- *the use of demolition equipment that minimises the creation of dust.*
- *A suitable and sufficient means of suppressing fugitive emissions of dust must be provided and maintained.*

*Reason: To minimise dust arising from the construction and demolition works.*

Plan Numbers

PP-01 B, PP-03 B, PP-04 B, PP-05 B, PP-06 B, PP-07 A, PP-08 B, PP-09 B, PP-10 B, PP-15 D, PP-16 D, PP-17 D, PP-18 E, PP-19 E, PP-20 D, PP-21 D, PP-22 F, PP-23 D, PP-24 E

**Recommendation: Remains approval subject to conditions and s106 agreement, with authority delegated to the Head of Area Planning to determine the final wording of the sustainability requirement.**

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## Agenda Item 08

### Supplementary Information Planning Committee on 15 February, 2012

Case No. 11/3167

Location 16-18 & 24 High Street, London, NW10 4LX  
Description Conservation Area Consent for demolition of existing two storey element to the rear

**Agenda Page Number: 77**

In line with revisions to application 11/2509 (which appears on this agenda) the plan numbers for this application are revised as follows:

PP-01 B, PP-03 B, PP-04 B, PP-05 B, PP-06 B, PP-07 A, PP-08 B, PP-09 B, PP-10 B, PP-15 D, PP-16 D, PP-17 D, PP-18 E, PP-19 E, PP-20 D, PP-21 D, PP-22 F, PP-23 D, PP-24 E

**Recommendation: Remains approval subject to conditions**

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## Agenda Item 10

### Supplementary Information Planning Committee on 15 February, 2012

Case No. 11/2038

Location 665 Harrow Road, London, NW10 5NU  
Description Retrospective application for a decked area in the existing beer garden; the erection of a timber-framed bin enclosure and the relocation of a timber fence to side/rear of the premises.

**Agenda Page Number: 81- 86**

The Council received a petition signed by 29 residents on 9 February 2012. The petition highlighted the following objections:

- Remove the beer garden extension as it results in noise and nuisance;
- Allow public access to the historic horse trough.

These issues have been addressed in the main body of the report, in summary:

- The beer garden is incidental to the pub and does not require express planning permission.
- No part of this application affects the setting of the horse trough.

On advice from the Borough Solicitor, it is recommended that Condition 3 be amended as follows:

'Details of treatment (including colour) of the wooden bin enclosure and associated fence for shall be submitted to and approved in writing by the Local Planning Authority within 3 months of date of permission. The treatment

of the bin enclosure shall be carried out in accordance with the approved details *within 2 months of the date of the details being approved.*

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

**Recommendation: Remains Approval**

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## Agenda Item 12

### Supplementary Information Planning Committee on 15 February, 2012

Case No. 11/2416

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Location	159 Harrow Road, Wembley, HA9 6DN
Description	Development comprising a new building ranging in height from 1 to 7 storeys comprising 17 residential units and including basement car parking, cycle parking, refuse and recycling storage and external amenity space

#### Agenda Page Number: 107

There are two errors in the committee report relating to the number of units proposed. Under the Description of development it refers to 18 units and in the description of development it refers to 16 units. This amended scheme is actually for 17 units, down from the 20 units originally proposed in this application on submission..

A final set of revised drawings have been submitted. These confirm the changes described in the report but include a further amendment tabled by the applicant. Keeping within the agreed envelope the applicants have re-organised the internal space in order to increase the number of 3xbed Units. The revised layout achieves a total of ten 3xbed units but still meets the London Plan's minimum internal floor standards. Four of the units have private rear gardens providing 48 sqm of amenity space. The remainder all have access to private balconies of between 6 and 10 sqm. In addition all units have access to a communal amenity space of 220 sqm. The final agreed mix is now 10x3 bed, 4x2 bed and 3x1 bed units. It remains a 100% affordable scheme with ASRA as the agreed provider. Members are asked to delegate agreement on the final mix of affordable rent and intermediate units to officers.

**Recommendation: Grant consent to the scheme as amended by the following drawings:**

247/A-01 Rev14, 247/A-10 Rev14, 247/A-011 Rev14, 247/A-90 Rev14, 247/A-100 Rev14, 247/A-101 Rev14, 247/A-102 Rev14, 247/A-103 Rev14, 247/A-104 Rev14, 247/A-105 Rev14, 247/A-106 Rev14, 247/A-107 Rev14, 247/A-200 Rev14, 247/A-201 Rev14, 247/A-203 Rev14, 247/A-204 Rev14, 247/A-205 Rev14 and 247/A-208 Rev14

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