



## Planning Committee

**Wednesday 14 March 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  
020 8937 1354, [joe.kwateng@brent.gov.uk](mailto:joe.kwateng@brent.gov.uk)

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

[www.brent.gov.uk/committees](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 - 8
<b>Extract of Planning Code of Practice</b>		
<b>NORTHERN AREA</b>		
3. The Crest Boys' Academy & The Crest Girls' Academy, Crest Road, London NW2 7SN (Ref. 11/3393)	Dollis Hill	13 - 32
4. Thames Water Utilities, St Michaels Road, London NW2 6XD (Ref. 11/1135)	Mapesbury	33 - 62
5. 165 Edgware Road, Kingsbury, London NW9 6LL	Fryent	63 - 70
6. Meera House, 146-150 Stag Lane, London NW9 0QR (Ref. 12/0060)		71 - 84
<b>SOUTHERN AREA</b>		
7. 72 High Street, London NW10 4SJ (Ref. 11/3017)	Kensal Green	85 - 90
8. First Floor, 1-3 Lonsdale Road, London NW6 6RA (Ref. 11/3247)	Queens Park	91 - 96
9. 2-12 inclusive, Priory Park Road, London NW6 7UG (Ref. 11/3364)	Kilburn	97 - 110
10. Brookford, 13 Kilburn Lane, North Kensington, London W10 4AE (Ref. 11/3064)	Queens Park	111 - 118
11. Miracle Signs and Wonders Ministries, Church Road, London NW10 9NR (Ref. 11/3173)	Dudden Hill	119 - 130
12. Lonsdale House, 43-47 Lonsdale Road, London NW6 6RA (Ref. 12/0049)	Queens Park	131 - 138
<b>WESTERN AREA</b>		
13. Ground and first floors, 967 Harrow Road, Wembley HA0 2SF (Ref. 11/3205)	Sudbury	139 - 150
14. 210 Preston Road, Wembley, HA9 8PB	Preston	151 - 158
15. Texaco Star Market, Forty Avenue, Wembley HA9 8JS	Preston	159 - 176

## **SPECIAL ITEM**

16. Land surrounding Wembley Stadium, Empire Way, Tokyngton 177 -  
Wembley, HA9 (Ref. 03/3200) 188

## **PLANNING APPEALS**

17. Planning and enforcement appeals December 2011 and All Wards 189 -  
January 2012 242
18. 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 10 MARCH 2012**

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
11/3205	Ground, First and Second Floor, 967 Harrow Road, Wembley, HA0 2SF	13	Sudbury	9:40	139 - 150
11/2976	Texaco Star Market, Forty Avenue, Wembley, HA9 8JS	15	Preston	10.10	159 - 176
11/3173	Miracle Signs and Wonders Ministries, Church Road, London NW10 9NR	11	Dudden Hill	10:45	119 -130
11/1135	Thames Water Utilities, St Michaels Road, London NW2 6XD	4	Mapesbury	11:10	33 - 62
12/0049	Lonsdale House, 43-47 Lonsdale Road, London, NW6 6RA	12	Queens Park	11:45	131 - 138

**Date of the next meeting: Tuesday 17 April 2012**

The site visits for that meeting will take place the preceding Saturday **{DATE}** at 9.30am when the coach leaves Brent House.



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

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





## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE Wednesday 15 February 2012 at 7.00 pm

PRESENT: Councillors Daly (Vice-Chair), Cummins, Hashmi, Kabir, McLennan, Mitchell Murray, RS Patel, Singh and Thomas (In place of Ketan Sheth)

ALSO PRESENT: Councillor Shafique Choudhary

Apologies for absence were received from Ketan Sheth

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

123 – 125 Preston Hill, Harrow HA3 9SN

Councillor Hashmi declared that he had dealt with the applicant in the distant past and had received a telephone call from him which he had referred to Planning Services. The representative of the Director of Legal and Procurement advised Councillor Hashmi to withdraw from the meeting room and take no part in the discussion or voting during consideration of the application in the interest of probity.

105 – 109 Salusbury Road NW6 (Ref. 11/3039)

Councillor Cummins declared a prejudicial interest that he had a relationship with the firm of architects acting for the applicant. He therefore indicated to withdraw from the meeting and take no part in the discussion or voting during consideration of the application.

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

RESOLVED:-

that the minutes of the previous meeting held on 18 January 2012 be approved as an accurate record of the meeting.

#### 3. **123 & 125 Preston Hill, Harrow, HA3 9SN (Ref. 11/2959)**

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.

RECOMMENDATION: Refuse planning permission.

With reference to the tabled supplementary report, Rachel McConnell, Area Planning Manager, corrected the number of parking spaces from 11 to 12. She added that a further letter had been received raising issues on access, highway safety, loss of trees and density which had mostly been addressed in the main report. In respect of highway safety the Area Planning Manager stated that the Borough's Head of Transportation had agreed with her conclusion that the internal layout would not raise significant vehicular and/or pedestrian safety concerns.

Mrs Sheila Menku raised the following objections to the application;

- Massive over-development of the site.
- Inadequate parking facilities.
- Traffic congestion which could result in increased accidents.
- Obstruction to waste and refuse collection trucks.
- Undue pressure on utilities.
- Lack of privacy.
- Loss of trees.

Mr Robert Dunwell speaking on behalf of Queensbury Area Residents Group of Associations (QARA) stated that without a proper footpath, the shared access would be inadequate to serve the development. He also raised concerns about loss of trees and highway access safety.

Mr Hamid Mirza the applicant stated that the proposal which would incorporate new frontage and new highways layout would not constitute a back-land development or an over-development of the site. He added that as the area was characterised by a mix of dwellings without a unique character, the proposed development would not affect the overall character of the area. In his view the development, with its improved outlook and low density, would enhance the appearance of the area without raising traffic congestion and highways issues. Mr Mirza cited as a precedent, a development at 1A Rochester Way which was granted planning permission, albeit on a site about a third of his application site.

In reiterating the recommendation for refusal, the Area Planning Manager drew members' attention to the reasons set out in the main report.

DECISION: Planning permission refused.

**4. 27 The Drive, Wembley, HA9 9EF (Ref.11/3313)**

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).

RECOMMENDATION: 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

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.

DECISION: Planning Permission granted 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

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.

**5. 49 Lavender Avenue, London, NW9 8HG (Ref. 11/3171)**

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.

RECOMMENDATION: Refuse planning.

Mr Michael Denning, an objector, in endorsing the officer's recommendation for refusal added that the proposed development would have an adverse visual impact on the streetscene resulting in irretrievable loss of character.

Mr Martin Williams speaking in a similar vein stated that the proposal would lead to parking and highway safety problems and due to lack of turning circle, visibility would be sacrificed.

DECISION: Planning permission refused.

**6. Open Answers, Masons House, 1-3 Valley Drive, London, NW9 9NG (Ref. 11/3102)**

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)

RECOMMENDATION: Grant planning permission subject to conditions, as amended in condition 9 and an additional condition requiring a car park management plan as set out in the supplementary report.

With reference to the tabled supplementary report, Rachel McConnell, Area Planning Manager informed members that access to the basement car park was controlled by key operated security shutters. As the applicant had not submitted details on how access would be provided for persons using the health and fitness centre, she recommended a further condition requiring a car park management plan as set out in the supplementary report. She also suggested an amendment to condition 9, for clarity and to protect the amenity of neighbours from potential noise nuisance.

Mr Lawrence Segal an objector noted that the two parking bays earmarked for disabled persons would result in loss of parking for delivery vehicles to the site. He also raised concerns that the opening and closing times of the premises would lead to an unacceptable level of noise nuisance to local residents. Mr Segal also enquired as to whether the applicant would carry out cleaning during the hours of operation.

In response to an enquiry by Councillor Mitchell-Murray, the Area Planning Manager stated that as there was no provision in the basement area for disabled parking as there was no lift access to this floor and hence parking bays were proposed. Steve Weeks, Head of Area Planning added that the acoustic measures proposed should mitigate against the noise that was likely to be generated. He however suggested that authority be delegated to him to vary the wording for the condition on hours of use in terms of the period to allow cleaning.

DECISION: Planning permission granted subject to conditions as recommended, an additional condition requiring a car park management plan as set out in the supplementary report and subject to further amendment to condition 9 relating to a review of measures to limit noise from stairwells and delegated authority to the Head of Area Planning to vary the wording for the condition on hours of use in terms of the period to allow cleaning.

**7. 16-18 & 24 High Street, London, NW10 4LX (Ref. 11/2509)**

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.

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, subject to amended drawings and additional conditions relating to any archaeological remains and delegated authority to the Head of Area Planning to vary the wording of the sustainability requirement as set out in the supplementary report.

With reference to the tabled supplementary report, Steve Weeks, Head of Area Planning informed the Committee that the upper floors of the buildings were in use as hostel accommodation. He advised that the scale of the extension may impact on the possibility of an application for the continuation of the hostel use. He

considered the servicing arrangements, on balance, acceptable, subject to adherence to a Delivery & Servicing Plan to be secured through a Section 106 agreement and the condition that deliveries shall take place between 0600hrs and 0800hrs. He sought delegated authority to vary the terms of the Section 106 legal agreement on sustainability.

The Head of Area Planning recommended an additional condition on archaeological remains during excavation as set out in the supplementary report, although he had noted that the site had a very low chance of archaeological survival. He also drew members' attention to an additional condition recommended by Environmental Health Officers to control the impact of demolition and construction. In response to a member's enquiry, he stated that there would be no direct impact from the electricity sub-station.

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 and subject to amended drawings and additional conditions relating to any archaeological remains and delegated authority to the Head of Area Planning to vary the wording of the sustainability requirement as set out in the supplementary report.

**8. 16-18 & 24 High Street, London, NW10 4LX (Ref. 11/3167)**

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

RECOMMENDATION: Grant planning permission subject to conditions with amended drawing numbers as set out in the supplementary report.

Officer introduction  
Objectors, ward councillors & applicants/agent.

DECISION: Planning permission granted subject to conditions with amended drawing numbers as set out in the supplementary report.

**9. 105-109, Salusbury Road, London, NW6 (Ref. 11/3039)**

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).

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

DECISION: Planning permission granted subject to 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.

***Note: Councillor Cummins declared a prejudicial interest, left the meeting room and took no part in the discussion or voting on this application.***

**10. 665 Harrow Road, London, NW10 5NU (Ref. 11/2038)**

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.

RECOMMENDATION: Grant planning permission subject to conditions and informatives and amendments to condition 3 as set out in the supplementary report.

Rachel McConnell, Area Planning Manager in reference to the tabled supplementary report and in response to the issues raised in the petition signed by twenty nine (29) residents against the beer extension and to allow public access to the historic horse trough submitted the following:

- The beer garden was incidental to the pub and did not require express planning permission.
- No part of this application would affect the setting of the horse trough.

On advice from the Director of Legal and Procurement, she recommended an amendment to condition 3 on details of treatment (including colour) of the wooden bin enclosure and associated fence.

DECISION: Planning permission granted subject to conditions and informatives and amendments to condition 3 as set out in the supplementary report.

**11. Former Guinness Brewery Site, Rainsford Road, Park Royal, NW10 (Ref. 10/3310)**

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.

RECOMMENDATION: Grant planning 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.

In endorsing the recommendations, members delegated authority to the Head of Area Planning to agree an appropriate phasing of the Section 106 contribution and amend condition 2 to ensure appropriate phasing to required flood alleviation measures.

DECISION: Planning consent granted subject to the completion of a satisfactory Section 106 or other legal agreement and delegated authority to the Head of Area Planning to agree an appropriate phasing of the Section 106 contribution and amend condition 2 to ensure appropriate phasing to required flood alleviation measures.

**12. 159 Harrow Road, Wembley, HA9 6DN (Ref. 11/2416)**

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

RECOMMENDATION: Grant planning consent subject to conditions, informatives, 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 and subject to amended drawings as set out in the supplementary.

Neil McClellan, Area Planning Manager, corrected the number of units to 17 from 18 (stated in error in the report). He informed members that the applicant had submitted revised drawings which complied with the minimum internal floor standards of the London Plan. He confirmed the final agreed mix and added that the scheme would be a 100% affordable scheme with a housing association, ASRA, as the agreed provider.

DECISION: Planning consent granted subject to conditions, informatives, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement and with amended drawings as set out in the supplementary.

**13. Any Other Urgent Business**

None raised at this meeting.

The meeting ended at 8:00pm

M DALY  
Vice Chair (in the 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**

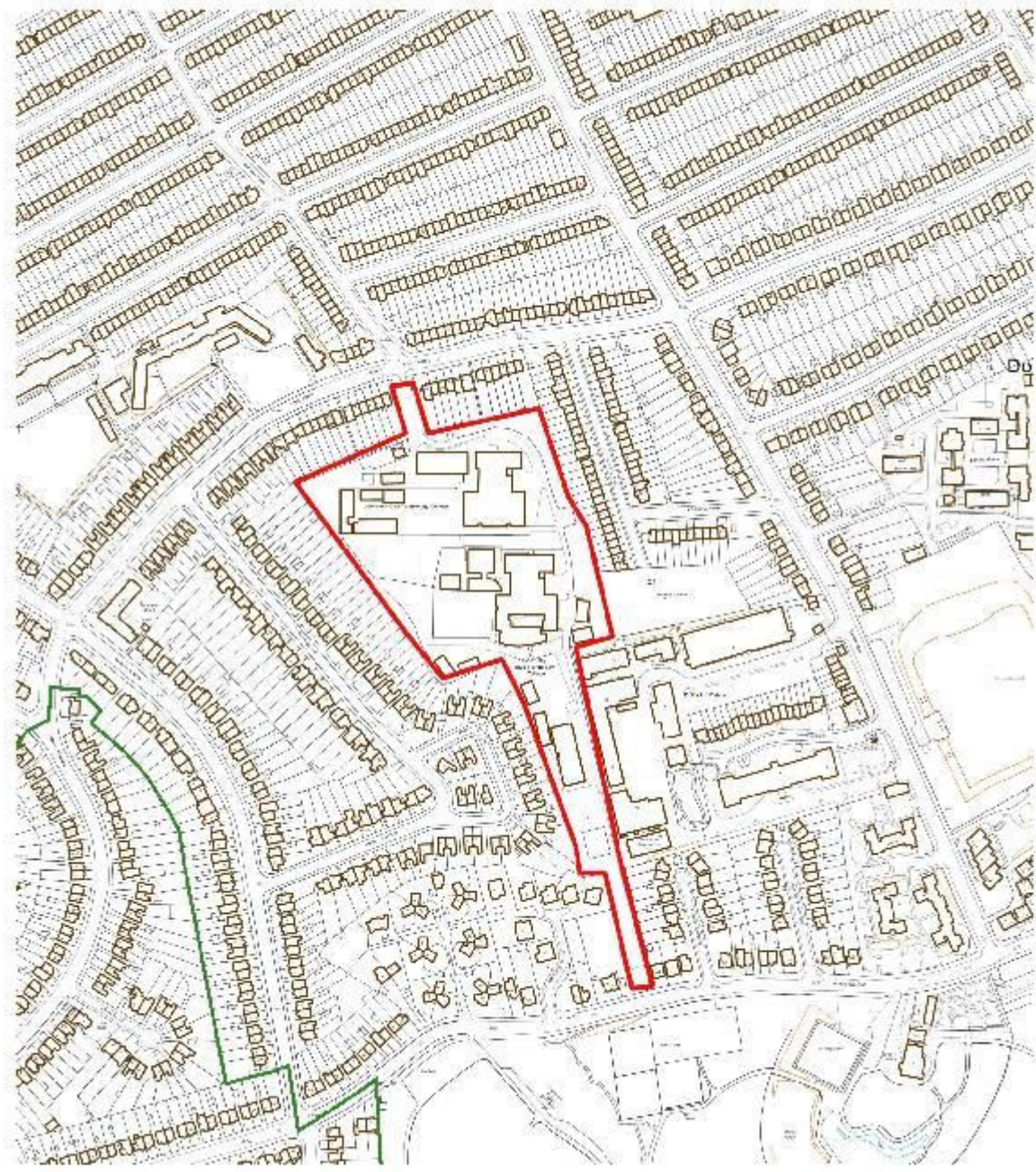
- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions 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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	<b>Planning Committee Map</b>
Site address: The Crest Boy's Academy & The Crest Girl's Academy, Crest Road, London, NW2 7SN	
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This map is indicative only.

**RECEIVED:** 26 December, 2011

**WARD:** Dollis Hill

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** The Crest Boy's Academy & The Crest Girl's Academy, Crest Road, London, NW2 7SN

**PROPOSAL:** Variation of condition 3 (development to be carried out in accordance with approved plans and documents) and condition 32 (details of facade/cladding works) of full planning permission 11/1698 dated 19/10/2011 for *Phased development comprising enabling works including demolition of existing temporary structures, formation of new access road from Dollis Hill Lane and car park (44 spaces), erection of temporary school accommodation (2.5 year permission); Phase 1: erection of new school buildings comprising four no. four- to six-storey blocks with four-storey linking structures, associated hard and soft landscaping works and car park providing 61 spaces (6 accessible spaces), 238 no. cycle spaces, internal service road from Crest Road, grading, cutting and filling of ground, provision of building mounted mobile telephone antennae; and Phase 2: demolition of permanent school buildings, associated hard and soft landscaping works including one no. Multi Use Games Areas and one no. all-weather pitch with floodlighting (as amended by plans received 31/08/11) to allow minor material amendments to:*

Condition 3

- (i) reduce the width of Block 3 by moving southern elevation northwards by 900mm and eastern elevation westward by 1m;
- (ii) move Block 4 northwards by 900mm towards Block 3 to maintain building separation;
- (iii) omit part of the basement of Block 3
- (iv) remove one storey from Entrance Pod;
- (v) amend the shape of the sprinkler tank;
- (vi) show new sub-station as approved by LPA ref: 11/3206; and
- (vii) minor amendment to fenestration on southern elevation of Block 3

Condition 32

- (i) allow the details to be submitted prior to commencement of each part of the facade work in Phase 1.

**APPLICANT:** CREST BOY'S & CREST GIRL'S ACADEMIES

**CONTACT:** Planning & Development Associates

**PLAN NO'S:**

See condition 3

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**RECOMMENDATION**

That conditions 3 and 32 be varied as proposed and a new permission issued.



## EXISTING

Planning permission 11/1698 was granted on 19 October 2011 with the following description:

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

A number of details pursuant applications have been made to satisfy various pre-commencement conditions; some have been granted and others are pending a decision.

## PROPOSAL

Variation of condition 3 (development to be carried out in accordance with approved plans and documents) and condition 32 (details of facade/cladding works) of full planning permission 11/1698 dated 19/10/2011 for *Phased development comprising enabling works including demolition of existing temporary structures, formation of new access road from Dollis Hill Lane and car park (44 spaces), erection of temporary school accommodation (2.5 year permission); Phase 1: erection of new school buildings comprising four no. four- to six-storey blocks with four-storey linking structures, associated hard and soft landscaping works and car park providing 61 spaces (6 accessible spaces), 238 no. cycle spaces, internal service road from Crest Road, grading, cutting and filling of ground, provision of building mounted mobile telephone antennae; and Phase 2: demolition of permanent school buildings, associated hard and soft landscaping works including one no. Multi Use Games Areas and one no. all-weather pitch with floodlighting (as amended by plans received 31/08/11)* to allow minor material amendments to:

### Condition 3

- (i) reduce the width of Block 3 by moving southern elevation northwards by 900mm and eastern elevation westward by 1m;
- (ii) move Block 4 northwards by 900mm towards Block 3 to maintain building separation;
- (iii) omit part of the basement of Block 3
- (iv) remove one storey from Entrance Pod;
- (v) amend the shape of the sprinkler tank;
- (vi) show new sub-station as approved by LPA ref: 11/3206; and
- (vii) minor amendment to fenestration on southern elevation of Block 3

### Condition 32

Allow the details to be submitted prior to commencement of each part of the facade work in Phase 1.

## HISTORY

**12/0148** Details pursuant to condition 11(b) (phase 1 external materials), 12(b) (phase 1 tree protection plan), 13(b) (phase 1 arboricultural method statement), 14(i)-(iv) (soft landscaping) and 15 (landscape management plan) of full planning permission 11/1698 **Granted** 13/02/2012

**11/3348** Details pursuant to condition 22 (access road gates), 23 (electric vehicle charging points), 24 (cycle storage), 30 (rainwater harvesting measures), 31 (photovoltaic cells and wind turbine), 35 (green roof), 36 (further details of internal layouts) and 37 (disabled parking bays) of full planning

permission 11/1698 **Granted** 10/02/2012

**11/3206** Erection of electricity sub-station adjacent to shared boundary with Nos. 110 & 112 Crest Road **Granted** 03/02/2012

**11/3181** Details pursuant to condition no.26 (agreement with local highway authority or highway construction funding) and condition no.38(a) (bus strategy), of the full planning application reference 11/1698 **Under Consideration**

**11/2802** Details pursuant to condition no.11(a) (details of external materials), condition no.12(a) (Tree Protection Plan), condition no.13(a) (Arboricultural Method Statement), condition no.16 (part thereof) (soil contamination test details), condition no.18(i) (programme of archaeological work), condition no.19 (Surface Water Scheme), condition no.27 (PERS assessment) and condition no.34 (wheel wash facilities) of full planning application reference 11/1698 **Granted** 16/12/2011

**11/1698** Phased development comprising enabling works including demolition of existing temporary structures, formation of new access road from Dollis Hill Lane and car park (44 spaces), erection of temporary school accommodation (2.5 year permission); Phase 1: erection of new school buildings comprising four no. four- to six-storey blocks with four-storey linking structures, associated hard and soft landscaping works and car park providing 61 spaces (6 accessible spaces), 238 no. cycle spaces, internal service road from Crest Road, grading, cutting and filling of ground, provision of building mounted mobile telephone antennae; and Phase 2: demolition of permanent school buildings, associated hard and soft landscaping works including one no. Multi Use Games Areas and one no. all-weather pitch with floodlighting (as amended by plans received 31/08/11) **Granted** 19/10/2011

## **POLICY CONSIDERATIONS**

### ***Development Plan***

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

#### *Built Environment*

- BE2 on townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE9 seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.

#### *Brent Supplementary Planning Guidance*

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

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

#### ***National***

*Greater flexibility for planning permissions Guidance, Department for Communities and Local Government, November 2010.*



## **CONSULTATION**

Neighbouring residents and Ward Councillors were consulted. The Environment Agency were consulted as the site exceeds 1ha.

Letters to consultees: 07/02/12

Site notice: 15/02/12

Press notice: 16/02/12

No objections or comments received from residents to date (1 March).

Environment Agency have confirmed they have no comments.

## **REMARKS**

### ***Background***

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

### ***1. Minor material amendments to school accommodation***

In summary, the changes proposed are a slight reduction in the size of Block 3 (reduce the width of Block 3 by moving southern elevation northwards by 900mm and eastern elevation westward by 1m; omit part of the basement of Block 3; minor amendment to fenestration on southern elevation of Block 3); the relocation of Block 4 further away from the boundary (move Block 4 northwards by 900mm towards Block 3 to maintain building separation); a reduction in the height of the main entrance (remove one storey from Entrance Pod); a change to the shape of the sprinkler tank; and show new sub-station as approved by LPA ref: 11/3206.

These changes arise from a value engineering exercise and your officers view them as as rither neutral or positive alterations in respect of the impact of the development on neighbouring amenity.

### ***2. Timing of details of façade treatment***

The applicant is seeking to alter the timing of condition 32 in respect of the submission and approval of the required details arises because the details required form part of a complex façade package which will not be available in time for the commencement of Phase 1 works in April 2012.

The applicant's programme has the façade works commencing in November 2012 and the applicant is seeking to reword condition 32 to require the details to be submitted and approved prior to the commencement of the façade work, instead of prior to commencement of any Phase 1 works.

Your officers do not have any concerns with this alteration.

In this respect the proposed changes are considered acceptable.

### ***Conditions***

The conditions attached to the original decision notice are repeated, although the standard time condition is amended to reflect the original decision date and where further details have been approved, these are included in the conditions.

## **Conclusion**

The changes proposed are not considered to significantly change the approved scheme, but are necessary to overcome funding requirements and to fit with the programme of works. Your officers recommend the minor material amendments be approved.

## **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  
Brent Core Strategy 2010  
London Plan 2011  
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  
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation  
Transport: in terms of sustainability, safety and servicing needs  
Community Facilities: in terms of meeting the demand for community services

## **CONDITIONS/REASONS:**

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of permission 11/1698 dated 19/10/2011.

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

- (2) The development hereby permitted shall be carried out in accordance with the following Phasing plan:

### **(a) Enabling Works**

The temporary building hereby permitted under 'Enabling Works' of the proposals shall be removed: (i) within a period of 48 months of the date of the first occupation of the temporary building, or (ii) within nine months of first occupation of the new academy buildings, whichever is sooner.

### **(b) Phase 1**

The works hereby permitted under 'Phase 1' of the proposals shall be completed: (i) within a period of 48 months of the date of the first occupation of the temporary buildings, or (ii) prior to occupation of the new academy buildings, whichever is sooner.

(c) Phase 2

The works hereby permitted under 'Phase 2' of the proposals shall be commenced:  
(i) within a period of 48 months of the date of the first occupation of the temporary buildings, or (ii) within three months of the occupation of the new academy buildings.

The development shall be completed in full in accordance with the plans hereby approved and/or any such plans approved pursuant to any condition attached to this planning permission within eighteen months of the occupation of the new academy buildings.

Reason: To ensure the permission for the temporary building is time limited and that the first and second phases of the development are commenced and completed in full in good time to minimise disruption to pupils, in the interests of the amenity of local residents and users of the academy.

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

910001-P00 *Existing Site Location Plan*  
910002-P00 *Existing Site Plan*  
910004-P01 *Planning SPG17 Distance Plan*  
910005-P00 *Site Constraints*  
910010-P01 *Proposed Site Plan*

062003 CP1  
062004 CP1  
062005 CP1  
062006 CP1  
062007 CP1  
062010-P00 *Proposed Site Elevation (N, E)*  
062011-P00 *Proposed Site Elevation (S, W)*  
602020-P00 *Crest Road & Dollis Hill Lane Entrance Elevations*

061001 CP1  
061011 CP1  
061021 CP1  
061031 CP1  
061041 CP1  
061051 CP1  
061061 CP1  
061071 CP1

063001 CP1  
063002 CP1  
063003 CP1  
063004 CP1  
063005 CP1

063001-P00 *Existing Site Sections A-C*  
063002-P00 *Existing Site Sections D & 1-4*  
063101-P01 *Typical External Wall Sections - Sheet 1 - Wing 1 & 4*  
063102-P01 *Typical External Wall Sections - Sheet 2 - Wing 2 & 3*  
063201-P00 *Planning SPG17 Sections Sheet 1*

063202-P00 *Planning SPG17 Sections Sheet 2*

060001-P00 *Daylight/Shadow Path Modelling Sheet 1*

060002-P00 *Daylight/Shadow Path Modelling Sheet 2*

060003-P00 *Daylight/Shadow Path Modelling Sheet 3*

060004-P00 *Daylight/Shadow Path Modelling Sheet 4*

060005-P00 *Daylight/Shadow Path Modelling Sheet 5*

910003-P00 *Temporary Accommodation Site Plan*

063203-P00 *Planning SPG17 Temporary Accommodation*

910501-P00 *Existing Site Plan with Tree Survey*

940502-P01 *Proposed Tree Removals and Tree Works*

940506-P01 *Existing tree impact sections Sheet 1 of 2*

940507-P00 *Existing tree impact sections Sheet 2 of 2*

940508-P01 *Existing tree impact sections Dollis Hill Lane access*

940510-D01 *Proposed Landscape Masterplan*

940511-D01 *Proposed Hard Landscape General Arrangement Plan Sheet 1 of 3*

940512-D01 *Proposed Hard Landscape General Arrangement Plan Sheet 2 of 3*

940513-CP1 *Proposed Hard Landscape General Arrangement Plan Sheet 3 of 3*

940515-D01 *Proposed Softworks General Arrangement*

940516-D01 *Proposed Hard Landscape Soft Landscape General Arrangement Sheet 1 of 3*

940517-D01 *Proposed Hard Landscape Soft Landscape General Arrangement Sheet 2 of 3*

940518-CP1 *Proposed Hard Landscape Soft Landscape General Arrangement Sheet 3 of 3*

940521-P01 *Proposed Site Sections A/B/C*

940522-P01 *Proposed Site Sections D/E/F*

940526-P02 *The Crest Girls' Academy All Weather Pitch Site Sections Sheet 1 of 2*

940527-P01 *The Crest Girls' Academy All Weather Pitch Site Sections Sheet 2 of 2*

940528-P01 *The Crest Boys' Academy Multi-Use Games Area Site Sections*

940531-P00 *The Crest Academies Dollis Hill Lane Entrance Proposed Sections*

940541-P02 *The Crest Girls' Academy All Weather Pitch Court Setting Out Details*

940542-P00 *The Crest Boys' Academy Multi-use Games Area Court Setting Out Details*

940543-P00 *The Crest Boys' Academy Informal Ballcourt and Four Lane Cricket Net Setting Out Details*

940551-P01 *Proposed Site Boundary Fencing*

900400-P00 *Indicative Incoming Site Services Routes*

900401-P01 *External Lighting Planning*

900402-P03 *MUGA Lighting Plan*

900405-P00 *Proposed External Lighting Layout*

910020-P00 *Indicative Light Spill Diagram;*

UKS7310-7-HSPILL *Horizontal Overspill;*

UKS7310-7-VSPILL *Vertical Overspill*

060001 Rev A *Proposed Phase 1 Drainage Layout*

060002 Rev A *Proposed Phase 2 Drainage Layout*

TCP-01 *Tree Constraints Plan [Onsite trees]*  
TCP\_01\_REV1 *Tree Constraints Plan [Offsite trees]*

060011-P00 *View of Entrance and Crest Promenade*  
060012-P00 *View of Main Entrance*  
060013-P00 *View of Entrance to Girl's Academy*  
060014-P00 *View of Entrance to Boy's Academy*  
060015-P00 *View of Courtyard Boy's Academy*  
060016-P02 *View of Crest Academies from Vincent Gardens*  
060017-P00 *Aerial View of Crest Academies*  
060018-P00 *View of Entrance at Crest Road 1*  
060019-P00 *View of Entrance at Crest Road 2*  
060020-P00 *View of Entrance at Dollis Hill*

CS048373/H1/001 Rev C *Proposed Vehicular Access Works*

72/0008174-121 Rev E *Temporary Classroom Accommodation*  
72/0008174-122 Rev D *Temporary Classroom Accommodation*  
72/0008174-123 Rev D *Temporary Classroom Accommodation*

500400-P01 *Indicative Roof Plant Information*

Manufacturer's literature for FlaktWoods eQ-027 and eQ-036  
Manufacturer's literature for Galglass *Sprinkler Suction Tank Specification and LPS1276*  
Manufacturer's literature for Abacus Lighting *Challenger 1 AL5760 and Typical Mast Column Floodlight – Crest MUGA*  
Manufacturer's literature for Hidria *Extract Unit – Heat Recovery A-J and Air Handling Units General*

### **Supporting documents**

*Arboricultural Impact Assessment* (Capita Symonds, July 2011)  
*Bat Emergence/Re-entry Survey Report* (Capita Symonds, ref CS\048373, June 2011)  
*BB101 Assessment* (Capita Symonds, June 2011)  
*Building Regulations Part L* (Capita Symonds, June 2011)  
*Community Use Statement* (Wates, June 2011)  
*Construction Method Statement* (Wates, June 2011)  
*Construction Vehicles Management Plan* (Wates, 12 September 2011)  
*Design & Access Statement* (Wates, June 2011) and *Sports Pitch Flood Lighting Ecological Verification Survey Report and Impact Assessment* (Capita Symonds, June 2011)  
*Education Statement* (Wates, June 2011)  
*Flood Risk Assessment* (Capita Symonds, June 2011)  
*Lighting Assessment* (Capita Symonds, June 2011)  
*Noise Impact Assessment* (Capita Symonds, June 2011) and *Update to Mechanical Services Noise Impact Assessment* (Capita Symonds, 4 August 2011)  
*Operational Travel Plan* (Capita Symonds, June 2011)  
*Phase I Non-Intrusive Desk Study* (Risk Management, June 2011)  
*Phase II Intrusive Contamination Investigation* (Risk Management, June 2011)  
*Planning Statement* (Open Planning, ref P1195/AG-J, June 2011)  
*Sports Strategy Statement* (Wates, June 2011)  
*Statement of Community Involvement* (Arcatelier, June 2011) and *Response to Third Party Representations and Comments of Statutory Consultees Sustainability Checklist TP6* (9 August 2011)

*Sustainability & Energy Statement* (Synergy Consulting Engineers, June 2011)  
*Telecoms Statement* (Wates, June 2011)  
*Temporary Accommodation* (Wates, June 2011)  
*Townscape and Visual Impact Assessment* (Capita Symonds, 2011)  
*Transport Impact Assessment* (Capita Symonds, CS/048373-18/D\_002, June 2011)  
and *Technical Note D\_006* and *Technical Note D\_007*

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

- (4) The 'Phase 1' works shall not be occupied and brought into use until the Dollis Hill Lane access road and associated 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 used for no other purpose at any time unless otherwise agreed in writing with the local planning authority beforehand.

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

- (5) The proposed 16 no. 8m high colum-mounted floodlights shall be erected on the site strictly in accordance with the approved details including directional details, style and baffles where applicable, and shall thereafter be maintained and operated in accordance with the manufacturer's guidelines unless otherwise agreed in writing by the local planning authority beforehand.

Reason: In the interest of safeguarding local amenity

- (6) The two sports pitches hereby approved shall only be permitted to be used between 08.00-21.00 Mondays to Fridays, 08.00-20.00 Saturdays and 09.00-19.00 Sundays and Bank Holidays any floodlights associated with the two sports pitches shall be switched off within 15 minutes of these times and the pitch vacated. Within these time parameters, the floodlights shall only be switched on when the court is in active use. The development shall operate within these parameters unless otherwise agreed in writing with the local planning authority beforehand.

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties in respect of noise and light disturbance.

- (7) No other floodlights or lighting for any of the external sporting facilities other than the 16 no. 8m high column-mounted floodlights hereby approved shall be installed on site without the prior submission to and approval in writing by the Local Planning Authority. This shall include the specification, manufacturer, lux level, model, direction and the siting of each lamp. Thereafter the lights shall be installed and operated in accordance with the details so approved prior to installation.

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

- (8) No music, public address system or any other amplified sound system shall be installed or used externally on the site without the prior written approval of the Local Planning Authority. Any proposed system(s) shall be submitted to and approved in writing by the Local Planning Authority prior to installation and thereafter only installed and operated in accordance with the details so approved.

Reason: To safeguard the amenities of the adjoining occupiers

- (9) The external lighting hereby approved, with the exception of the floodlights which are subject to separate control and those which are required for security purposes, shall be controlled by a photocell/time clock control and be arranged in such a manner that the photocell will switch the external lighting on once it becomes dark with a time clock switching the external lighting off at the pre-set time in line with the following core operating times: 08.00-21.00 Mondays to Fridays, 08.00-20.00 Saturdays and 09.00-19.00 Sundays and Bank Holiday, or with any later times agreed within the Community Access Plan. The photocell shall also be used to switch the external lighting off should it become light prior to the pre-set time in order to save energy. The development shall operate within these parameters unless otherwise agreed in writing with the local planning authority beforehand.

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties in respect of noise and light disturbance.

- (10) Prior to use of the floodlights other than for testing purposes, the applicants shall submit post-completion testing results that demonstrate that the floodlights are in accordance with the approved lightspill and glare plot plans. If the results fail to demonstrate this, a mitigation strategy shall be submitted to the Local Planning Authority that considers one or a combination of the following:

- (a) additional floodlight baffles/shielding;
- (b) alternative light designs;
- (c) revised light directions;
- (d) provision of partial lighting controls such that the option exists for lighting part of the pitch;
- (e) reduced hours of use

This information shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the details so approved. The floodlights shall only operate in accordance with these details and no subsequent alterations to the floodlights shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To ensure the normal operation of the floodlights does not cause light nuisance to nearby residents

- (11) Prior to the commencement of Phase 2, details of external materials shall be submitted to and approved in writing by the local planning authority. Such details shall include materials, including samples and/or manufacturer's literature, for all external surfaces of the buildings, means of enclosure and hard surfacing.

The works for the Enabling Works shall be carried out in accordance with the details approved in application 11/2802, the works for Phase 1 shall be carried out in accordance with the details approved in application 12/0148, the works for Phase 2 shall be carried out in accordance with the approved details and the works shall be retained thereafter unless otherwise agreed in writing with the local planning authority.

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

- (12) No works shall commence for Phase 2 of the development before a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority.

This shall include method statements and plans which:

- (i) adhere to the principles embodied in BS5837:2005
- (ii) indicate exactly how and when the retained trees, hedges and shrubs on-site or off-site near the site boundaries will be protected during each relevant phase; and
- (iii) show root-protection zones

Provision shall also be made for supervision of tree protection by a suitably qualified and experience arboricultural consultant and details shall be included within the tree protection statement. All the development shall be carried out strictly in accordance with the agreed details, including the Enabling Works in accordance with details approved by application 11/2802 and Phase 1 in accordance with details approved by application 12/0148.

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

- (13) No Phase 2 works shall commence for before an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. Such details shall include:

- (i) A schedule of all works to trees on-site to facilitate the development or ensure the health of the tree(s)
- (ii) For those areas to be treated by means of any hard landscape works including access roads or sports pitches, 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
  - a schedule of materials and samples if appropriate.

The works for the Enabling Works shall be carried out in accordance with the details approved in application 11/2802, the works for Phase 1 shall be carried out in accordance with the details approved in application 12/0148, the works for Phase 2 shall be carried out 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

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

- (14) The works shall be carried out in accordance with the details of the soft landscaping hereby approved and by further details approved by application 12/0148 within 12 months of first occupation of the new academy buildings.

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.

- (15) The works shall be carried out in accordance with the details of the Landscape Management Plan approved by application 12/0148 and the hard and soft landscaping shall be maintained in accordance with the approved Landscape Management Plan.

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

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

- (16) Prior to bringing any soil for the purposes of soft landscaping onto the site during the development, the soil shall be tested for contamination in accordance with the testing methodology approved by application 11/2802 to ensure that it does not pose a risk to future site users in accordance with a scheme that will in advance be submitted to and approved in writing by the Local Planning Authority. Once the development is complete, a report shall be submitted to the Local Planning Authority stating that the imported soil is suitable for use.

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

- (17) Prior to the occupation of the new academy buildings, a Community Access Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall allow for a minimum of 30 hours of community use each week with at least one day (or equivalent hours) at the weekend within the core hours of use of between 08.00-21.00 Mondays to Fridays, 08.00-20.00 Saturdays and 09.00-19.00 Sundays and Bank Holidays. The Plan shall include details of:

- (i) written notification to the local planning authority of the date of implementation of the Plan within 21 days of commencement;
- (ii) the facilities to be made available including: the Girls' all-weather pitch; the Boys' large MUGA (including which sports the MUGA shall be used for); and which internal accommodation will be used;
- (iii) access by non-school users/non-members and management responsibilities including the ongoing promotion of the availability of the facilities for community use including up-to-date information about this on the school website;

- (iv) rates of hire based upon and comparable with those charged at other public facilities;
- (v) terms of access;
- (vi) hours of use of each facility; and
- (vii) the number and details of large community events;
- (viii) the number and details of late community events which would extend beyond the aforementioned core hours of use but not later than 23.00 on any day;
- (ix) the number and details, including timings, of those occasions when use of the Dollis Hill Lane vehicular access and upper car park is required; and
- (x) a mechanism for review after one year following implementation of the Plan with both upward or downward review open, depending on the impact on local amenity.

The approved scheme shall include arrangements for consultation and shall be brought into operation upon completion of the 'Phase 2' works and it shall remain in operation for the duration of the use of the development unless otherwise varied in writing with the local planning authority.

Reason: To secure well-managed, safe community access to the sports and other community facilities, to ensure sufficient benefit to the development of sport and to accord with local and regional policies for the maximum use of community facilities.

(18) Works shall be carried out in accordance with:

- (i) the Written Scheme of Investigation approved in application 11/2802; and
- (ii) an appropriate mitigation strategy, which may include archaeological excavation, in the event of significant archaeological remains being encountered

English Heritage will advise on whether archaeological remains are significant and the programme of archaeological work shall be implemented on commencement of works.

Reason: The development of this site may cause damage to heritage assets of archaeological interest.

(19) Development shall be carried out in accordance with the details for 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, approved by application 11/2802 before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

(20) Notwithstanding the plans hereby approved, further details of the telecommunications equipment shall be submitted to and approved in writing by the local planning authority prior to installation of the equipment. Such details shall include:

- (i) details of how the antennae will be matched to the underlying panels; and
- (ii) a full ICNIRP certificate for each set of equipment.

The equipment shall be installed in accordance with the approved details and be retained as such unless otherwise agreed in writing with the local planning authority beforehand and notwithstanding the provisions of Part 24 of the GPDO 1995 (as

amended), no further telecommunications equipment shall be installed on the new academy buildings without the prior written approval of the local planning authority.

Reason: To ensure the equipment matches the facade of the building on which it is mounted and to ensure the equipment meets the International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines.

- (21) The new academy buildings shall not be occupied until a School Travel 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, has been submitted to and approved in writing by the local planning authority and the details shall be fully implemented. The targets and monitoring shall include the following:

(i) Targets

- To reduce the existing car modal share by pupils to 16% and 58% by three years; and
- to reduce the existing car modal share by pupils to 15% and by staff (drivers) to 50% by five years

(ii) Monitoring

- Within 3 months of occupation, the Travel Plan shall be audited, with a site and staff ITrace- compliant survey and these details shall be submitted to the Local Planning Authority and approved in writing within 6 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.
- A review of the Travel Plan measures over the first 12 months of operation shall be submitted to the Local Planning Authority within 15 months of the commencement of the use and the review shall be approved in writing within 18 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.
- A review of the Travel Plan measures over the first 3 years of operation shall be submitted to the Local Planning Authority within 36 months of the commencement of the use and the review shall be approved in writing within 39 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.
- A review of the Travel Plan measures over the first 5 years of operation shall be submitted to the Local Planning Authority within 60 months of the commencement of the use and the review shall be approved in writing within 63 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to promote sustainable transport measures where on-street parking and manoeuvring may cause highway safety problems

- (22) The development shall be carried out in accordance with the details of the gates to the access roads approved by application 11/3348 and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

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

- (23) The development shall be carried out in accordance with the details of the provision of electric vehicle charging points approved by application 11/3348 and retained thereafter unless otherwise agreed in writing with the local planning authority

beforehand.

Reason: In the interests of climate change mitigation and to comply with London Plan policy

- (24) The development shall be carried out in accordance with the details of the secure cycle storage approved by application 11/3348 and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: In the interests of climate change mitigation and to comply with London Plan policy.

- (25) Notwithstanding the plans hereby approved, a Coach Management Strategy shall be submitted to and approved in writing by the local planning authority prior to the commencement of the 'Phase 2' works. Such details shall include:

- (i) details of the existing arrangement to manage coaches waiting, loading and unloading;
- (ii) confirmation that this arrangement will be maintained;
- (iii) a reasonable estimate of the number of occasions coaches are required;
- (iv) written confirmation from all interested parties and particularly the Governors of Braintcroft Primary School of this arrangement; or
- (v) any other acceptable arrangement following consultation with the borough Highway & Transportation officer

The details shall be fully implemented and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

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

- (26) Prior to commencement of the development, the applicant shall make appropriate arrangements in writing to enter into an agreement with the Local Highway Authority to directly implement or otherwise fund construction of the highway works shown indicatively on plan CS048373/HI/001 Rev C, which for avoidance of doubt shall also include re-provision of the existing SCHOOL KEEP CLEAR zig-zag markings, together with any ancillary accommodation works or works to statutory undertakers' equipment arising as a result of these works.

The new academy buildings shall not be occupied until the above works have been completed to the satisfaction of the Local Highway Authority and have been certified in writing as being substantially complete by or on behalf of the local planning authority.

Reason: In the interests of highway and pedestrian safety.

- (27) The findings of the PERS assessment approved by application 11/2802 and any further works necessary shall be undertaken at the applicant's expense in accordance with a timetable agreed in writing by the local planning authority within the Bus Strategy required by condition 38.

Reason: In the interests of highway and pedestrian safety.

- (28) Within 12 months of occupation of the new academy buildings, a review by a BRE approved independent body which verifies that the development has met or exceeded a BREEAM 'Excellent' rating shall be submitted to and approved in writing

by the local planning authority. If the review specifies that the development has failed to meet the above levels, compensatory measure to ensure the development meets or exceeds a BREEAM 'Excellent' rating shall be submitted to and approved in writing by the local planning authority within 24 months of occupation of the new academy buildings.

Reason: To ensure a satisfactory development which incorporates sustainability measures that are commensurate to the scale of development proposed.

- (29) Prior to the commencement of the 'Phase 2' works, a statement detailing how the ICE Demolition Protocol Methodology has been applied in setting DRI and/or NBRI targets for recycled materials or content will be submitted to and approved in writing by the Local Planning Authority . The demolition and construction works shall be carried out in accordance with the approved details.

Reason: To accord with sustainability objectives.

- (30) The development shall be carried out in accordance with the details of the rainwater harvesting measures approved by application 11/3348 and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: To ensure satisfactory water efficiency measures are implemented to reduce water demand.

- (31) The development shall be carried out in accordance with the details of the educational photovoltaic cells and wind turbine approved by application 11/3348 and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: To accord with sustainability objectives.

- (32) Prior to the commencement of works to the facades of the new academy buildings, further details of the proposed development shall be submitted to and approved in writing by the local planning authority. Such details shall include drawings, including sections where appropriate, at a suitably large scale (e.g. 1:5, 1:10, 1:20, 1:50) or manufacturer's literature which show:

- (i) the junctions of different materials e.g. timber cladding and render, timber cladding and brick, the entrance pavilion cladding and glazed wall;
- (ii) the junctions of the different building types e.g. the blocks with the glazed walkways, the glazed walkways with the pods, the glazed atrium with the blocks;
- (iii) the window and door reveals (including the entrance pavilion glazed wall), headers and sills, including the depth of the reveals and the junction of materials around the returns;
- (iv) the junctions around any wall mounted external vents, if applicable;
- (v) the frames for the glazed atrium, the glazed walkways and the glazed ground floor of the pods; and
- (vi) the window frames including materials, colour and samples if necessary.

The development shall be completed in accordance with the details so approved before the new academy buildings are occupied.

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

- (33) Prior to the commencement of the 'Phase 2' works, a Management and Maintenance Plan shall be submitted to and approved in writing by the local planning authority in consultation with the borough Sports officer, which shall include details of a scheme for a period of 20 years to include:
- (i) a maintenance schedule including regular and planned maintenance of the artificial surface of the Girls' all-weather pitch and the porous macadam surface of the Boys' large MUGA pitch and replacement as necessary of the fencing and lighting depending on the quality and safety of those features;
  - (ii) measures to ensure the replacement of the artificial surface of the Girls' all-weather pitch within the next 8-12 years depending on the playing quality and safety of the pitch;
  - (iii) measures to ensure the replacement of the porous macadam surface of the Boys' large MUGA pitch depending on the playing quality and safety of the pitch;
  - (iv) management responsibilities; and
  - (v) a mechanism for review.

The measures set out in the approved scheme shall be complied with in full, with effect from commencement of the use of the 'Phase 2' works.

Reason: to ensure that new facilities are capable of being managed and maintained to an acceptable standard which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (PPG17 Para 14).

- (34) No works involving demolition or site clearance shall commence until the wheel wash facilities have been installed in accordance with the details approved by application 11/2802. Thereafter the facilities shall remain in place and operational until construction works have concluded.

Reason: In the interests of highway and pedestrian safety.

- (35) The development shall be carried out in accordance with the details of the 140sqm green roof to the entrance porch approved by application 11/3348 and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: In accordance with London Plan policy 5.11

- (36) The development shall be carried out in accordance with the details of the internal layouts of the new academy buildings approved by application 11/3348 and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: In accordance with London Plan policy 7.2

- (37) The development shall be carried out in accordance with the details of the provision of 'blue badge' disabled parking bays approved by application 11/3348 and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: In the interests of inclusivity and accessibility

- (38) (a) Prior to commencement of the 'Enabling works', a Bus Strategy shall be submitted to and approved in writing by the local planning authority in consultation with Transport for London and shall include details of:
- (i) Bus Stop Improvement Works including a scope of works and schedule for implementation of improvements to a maximum of four no. bus stops in the vicinity of the development; and
  - (ii) Bus Capacity Enhancements including (1) a timetable to undertake a Bus Capacity Assessment to establish the impact of this development on existing conditions of morning peak capacity of bus routes within 800m of the site and (2) a scope of mitigation works and schedule for implementation of the Bus Capacity Enhancements if required.
- (b) Prior to the occupation of the new academy buildings, the applicant shall enter into an appropriate agreement with Transport for London, which shall be submitted to and approved in writing by the local planning authority in consultation with Transport for London, to directly implement or otherwise fund the (i) Bus Stop Improvement Works; and, in the event that the Bus Capacity Assessment identifies a shortfall in morning peak capacity on the 245 route or its successor as a result of this development, (ii) the Bus Capacity Enhancements in accordance with the approved scope of works and schedule for implementation within the approved Bus Strategy.

Reason: In the interests of public transport accessibility.

**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

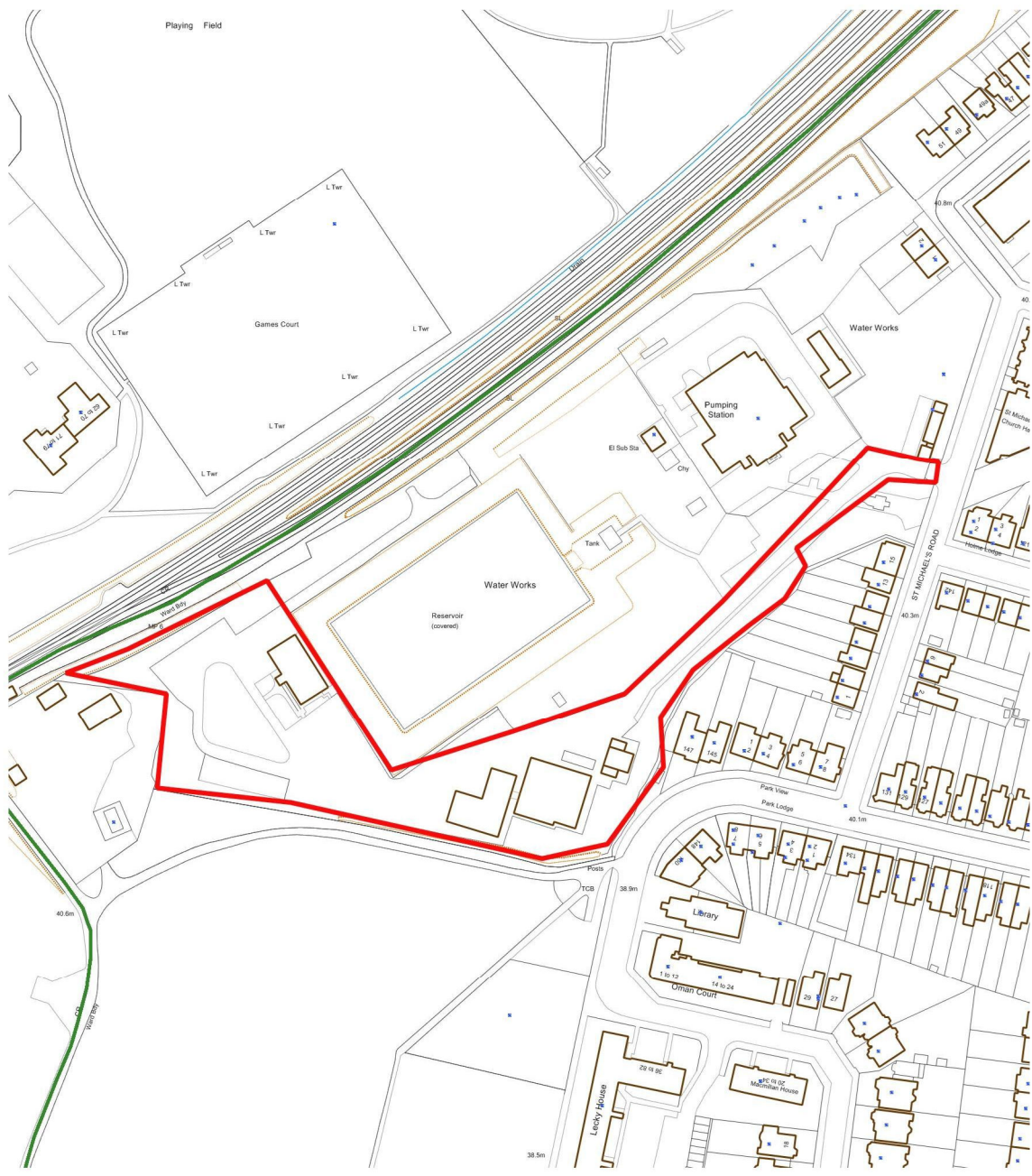
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 **Planning Committee Map**

Site address: THAMES WATER UTILITIES, St Michaels Road, London, NW2 6XD

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This map is indicative only.

**RECEIVED:** 6 January, 2011

**WARD:** Mapesbury

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

**LOCATION:** THAMES WATER UTILITIES, St Michaels Road, London, NW2 6XD

**PROPOSAL:** Demolition of existing industrial buildings and erection of a residential development comprising 23 houses (17 x 4-bed, 5 x 3-bed, 1 x 2-bed) and 16 flats (2 x 3-bed, 10 x 2-bed flats, 4 x 1-bed flats), with 44 parking spaces and associated landscaping and cycle storage with combined vehicular and pedestrian access via existing access from St Michael's Road and pedestrian access onto Olive Road accompanied by a Design & Access Statement and as amended by revised plans received 29/02/12.

**APPLICANT:** Kensal Developments Ltd

**CONTACT:** Studio Aitken

**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:

- (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) Provision of 15 units (38%) for Affordable Housing.
- (c) A contribution £329,400 (£3,000/£2,400 per market/affordable bedroom), due on material start and index-linked from the date of committee for Sustainable Transportation, Education, Open Space and Sport in the local area.
- (d) Submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 3 for the market sale housing and Level 4 for the affordable housing, with compensation should it not be delivered.
- (e) Sign up and adhere to the Considerate Contractors Scheme.
- (f) Adhering to the Demolition Protocol.
- (g) Provision of 20.35% CO<sub>2</sub> emissions reduction from on-site renewable generation.
- (h) Improvement of 43% over the Target Emission Rate of Part L of 2010 Building Regulations

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 extends to a 1.08ha section of the Thames Water Utilities site in Cricklewood. The site is currently used by Thames Water for employment and storage purposes and it is covered with extensive areas of hardstanding and a number of single storey structures. With the exception of the boundaries the site lacks significant landscape features; however the boundaries contain significant mature plants which form an effective screen to the site, particularly from Gladstone Park and Olive Road.

The main vehicular and pedestrian access is from St Michaels Road via an existing entrance close to the junction with Ivy Road and south of the junction with Mora Road. Pedestrian access is also provided from Olive Road by the entrance to Gladstone Park, utilising rights established over land under the control of No. 147 Olive Road.

The site is irregularly shaped with the access road running north-east to south-west along the rear of back gardens of properties on St Michaels Road for approximately 120m. The majority of the application site lies within the south-western part of the site, with a 170m southern boundary with Gladstone Park. The retained reservoir intrudes from the north, creating a pinch-point roughly in the middle of the main part of the site. To the north and west the site is bound by a railway line and a Brent Council Parks Service depot; a wildlife corridor runs along the railway line and part of this site. To the south and east the site adjoins the land of No. 147 Olive Road, including a narrow ransom strip: as such the site does not abut the adopted highway of Olive Road.

The site is generally level at around 40.5m above ordnance datum (AOD) and as such it is higher than adjoining land towards its southern part—specifically Olive Road and Gladstone Park—by approximately 1-1.5m. The site does rise gradually to the north-west, increasing to 42m AOD close to the railway line.

Due to its history as operational land for Thames Water, significant sub-surface infrastructure crosses the site and thus parts of the site cannot be developed.

The character of the area is mixed. To the east the area is characterised by two-storey terraced housing dating from the turn of the 19<sup>th</sup> century with some later, interwar additions. Surrounding Gladstone Park is a mix of two-, three-, four- and five-storey residential buildings. Gladstone Park itself is a large, open park with recreational facilities including a rugby pitch, gym, children's play area and multi-use games areas. The site is low-scale industrial in appearance but the grand Pumping Station and chimney beyond are good examples of their type and are locally listed structures.

Public transport access to the site is poor (PTAL 1), with just one service (226) within 640 metres.

## **PROPOSAL**

The proposal involves the demolition of the existing buildings and the erection of buildings to provide 39 residential units (23 dwellinghouses and 16 flats). The employment uses would cease and the functions performed here would be distributed amongst other Thames Water sites in the area.

The residential development comprises:

- (i) 23 market sale houses comprising two-bed, three-bed and four-beds.
- (ii) Seven social rented houses comprising five no. two- and three-bed houses and two no. three bed flats. Two houses and two flats would be for wheelchair users.
- (iii) Eight shared ownership flats comprising four no. one-bed and four no. two-beds

Vehicular and pedestrian access would remain as present, from St Michaels Road and for pedestrians only, Olive Road.

The market sale houses would meet Code for Sustainable Homes Level 3 and the affordable housing would meet Level 4.

All units would be 100% Lifetime Homes compliant.

Part of the site would be reduced in ground level to minimise the difference in levels with adjoining land, particularly in the eastern corner adjacent to Olive Road and Gladstone Park, where levels would be reduced to 39.35m AOD, just 0.35m above the adjoining land. This would not be the usual relationship, however, with level differences of 0.5-1m more common.

## **HISTORY**

None relevant to this part of the site. To the north-east of the site, part of the Thames Water works was released for housing development in 2010 and planning permission was granted on 9 December 2010 for the following works:

*Development to provide 25 dwellings, comprising a three-storey building fronting St Michaels Road (11 x 1-bedroom, 7 x 2-bedroom, 1 x 3-bedroom flats), a two-storey terrace to the rear (2 x 2-bedroom, 4 x 4-bedroom houses), with 15 car-parking spaces, 25 bicycle spaces, associated hard and soft landscaping and provision of a vehicular crossover on land adjacent to the pumping station and Thames Water utilities site, subject to a Deed of Agreement dated 9 December 2010 under Section 106 of the Town and Country Planning Act 1990, as amended.*

## **POLICY CONSIDERATIONS**

### ***Local***

#### *Brent Unitary Development Plan 2004*

The development plan for the purposes of s.38(6) of the Planning and Compulsory Purchase Act 2004 is the adopted Brent Unitary Development Plan 2004 and Core Strategy 2010 and the London Plan 2011. Within the 2004 UDP the following list of policies are considered to be the most pertinent to the application.

### Strategic

- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR5 A pattern of development which reduces the need to travel, especially by car, will be achieved.
- 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.

### Environmental Protection

- EP3 Noise and vibration
- EP3 Requires developments within Air Quality Management Areas to support the achievement of National Air Quality Objectives.
- EP6 Contaminated land

### Housing

- H9 Requires developments capable of 15 or more dwellings to have a mix of family and non-family units.
- H11 Housing on brownfield sites
- 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.

### 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.

- TRN10 Walkable environments
- TRN11 London cycle network
- 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

### Employment

- EMP9 Development of local employment sites

### Open Space

- OS12 Development on SSSIs and sites of metropolitan and borough (Grade 1) nature conservation importance
- OS14 Wildlife corridors
- OS18 Children's play areas

### *Brent Core Strategy 2010*

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

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

The following spatial policies are considered relevant to this application:

- CP1 Spatial development strategy
- CP2 Population and housing growth
- CP5 Placemaking
- CP6 Design and density in place shaping
- CP17 Protecting and enhancing the suburban character of Brent
- CP19 Brent strategic climate change mitigation and adaptation measures
- CP21 A balanced housing stock

## **Regional**

### *London Plan 2011*

The following chapters are considered relevant to this application:

- 3. Housing
- 5. London's response to climate change
- 7. London's living places and spaces

### *London Plan SPG*

London Housing Design Guide

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

Sustainable Design and Construction – Supplementary Planning Guidance (2006)

## **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 (2005)*

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

### *Planning Policy Statement 3 – Housing (3<sup>rd</sup> Edition, 2010)*

This document's objective will be to deliver new homes at the right time in the right place and will reflect the need for flexibility in planning between urban and rural areas, and in areas experiencing high or low demand. The aim is that the planning system is used to its maximum effect to ensure the delivery of decent homes that are well designed, make the best use of land, are energy efficient, make the most of new building technologies and help to deliver sustainable development.

### *Planning Policy Statement 9 - Biodiversity and Geological Diversity (2005)*

PPS9 promotes sustainable development, the conservation and enhancement of wildlife and geology and rural renewal. The aim of planning decisions is to prevent harm to biodiversity and geological conservation. In the PPS, local authorities are charged with taking measures to protect habitats and species of importance for conservation, including biodiversity action plan species (as listed in Section 74(2) of the Countryside & Rights of Way Act 2000) as well as those with legal protection. The value of sites of local biodiversity interest for wildlife and local communities should also be recognised and a criterion based approach used to judge impacts of development on or near to such sites

*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.

*Planning Policy Statement 25 – Development and Flood Risk (2010)*

PPS25 seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. PPS25 looks to reduce flood risk to and from new development through location, layout and design, incorporating sustainable drainage systems (SUDS).

## **CONSULTATION**

### ***Local consultees***

Existing occupants of the site, neighbouring residents, businesses, school and ward councillors were consulted by letter on 09/01/12.

Site notices were posted on 11/01/12. A notice was posted in the local press on 16/01/12.

To date eight objections have been received from local residents and one from a Ward Councillor (for Mapesbury ward). The reasons for objecting are categorised and summarised as follows:

#### Principle

- No right of access over 147 Olive Road land

#### Visual Impact

- Out of character with the area
- Loss of green space when viewed from Olive Road
- Impact on views from Gladstone Park

#### Impact on neighbouring occupants

- Impact the amenity of St Michaels Road residents from the access road: light, noise, privacy
- Impact on occupants of No. 147 Olive Road
- Overlooking and loss of privacy for park users
- Noise and disturbance arising from construction works

#### Parking & Access

- Harm to highway and pedestrian safety arising from Olive Road entrance



- Increase in traffic on local roads, used as a rat-run
- Overspill parking on local roads
- Large vehicles accessing site during school hours

#### Impact on local infrastructure

- Impact on local infrastructure such as schools

#### Landscape and ecology

- Impact on ecology and wildlife
- Loss of trees

#### General

- Risk of crime for the general public and local residents
- Harm to security of retained Thames Water infrastructure

Cllr Leaman, Mapesbury Ward, objects on the following grounds:

- Excessive and a nuisance to nearby residents

These comments are addressed in the main section of the report, *Remarks*, below. Most will be addressed within the discussion of key considerations and those not covered will be addressed in the sub-section *Response to objectors*.

#### ***Internal consultees***

Internal consultees (Transportation, Environmental Health, Housing, Landscape & Trees, Policy - including Sustainability, Ecology, Design, S106) were consulted on 09/01/12.

#### *Transportation*

No objections subject to a number of conditions and s.106 requirements.

#### *Environmental Health*

No objections subject to a number of conditions

#### *Housing*

No objections

#### *Landscape & Trees - including ecology*

No objections subject to conditions

#### *Policy*

No objections subject to conditions and s.106 clauses on sustainability

#### *Urban Design*

No objections

#### ***External consultees***

External consultees (Environment Agency, Met Police, Network Rail, Thames Water) were consulted on 09/01/12.

#### *Environment Agency*

No objection subject to the following conditions to ensure the development is carried out in accordance with the Flood Risk Assessment (FRA) and further details to be submitted relating in particular to discharge and drainage.

*Metropolitan Police*

No comment

*Network Rail*

No comment

*Thames Water*

No objections

## **REMARKS**

### ***Introduction***

The application is discussed under the following headings:

1. Principle of development
2. Mix and tenure
3. Design
4. Impact on neighbouring residents
5. Standard of accommodation
6. Parking and access
7. Sustainability
8. Other
9. Response to objections
10. Conclusion

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

Given the site's current use, consideration must be given to the policies within the Development Plan which afford protection to employment uses and which encourage the use of surplus sites for residential development.

#### ***1.1 Employment uses***

The site is not in a strategic industrial location, and nor it identified as a borough employment area in the UDP. It is however considered a local employment site, and thus covered by UDP policy EMP9 which protects B class uses unless it is demonstrated that there is a lack of demand or the use causes an unacceptable environmental impact.

Since the site is used for purposes ancillary to the statutory function of Thames Water and is not an employment site in its own right, the weight given to policy EMP9 is substantially reduced. This land is becoming available as a result of a re-organisation within Thames Water and the functions which are at present carried out on the site will be moved to a number of other locations within north-west London. The site is not considered suitable for other employment uses due to its location and neighbouring land uses. As such the principle of the loss of an employment use on the site can be accepted.

#### ***1.2 Density***

National, regional and local policies seek to optimise 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 housing potential of a site taking account of local context, London Plan design principles and public transport capacity. Policy 3.4 also provides density matrix which gives a range of appropriate density ranges related to setting in terms of location, existing building form and massing, and the index of public transport accessibility (PTAL). The recently adopted Core

Strategy policy CP6 seeks to ensure developments have proper regard to the London Plan 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”.

For the purposes of calculating density (a) the site area includes the frontage to the midpoint of the highway (p104, Appendix 3, UDP 2004) and (b) habitable rooms include kitchens over 13sqm, bed-sitting rooms are counted as 1.5 habitable rooms and a room which is larger than 18sqm is counted as 2 habitable rooms (p.288, Glossary, UDP 2004).

The site has an area of 1.08ha and a total of 213 habitable rooms, giving a density of 197 habitable rooms per hectare. It is in a suburban location with low public transport accessibility and the appropriate density range given in the London Plan is 150-200hrh: this scheme falls within that range and is considered acceptable.

### *1.3 Summary*

Your officers are satisfied that redevelopment of this previously developed land is appropriate and fully complies with the relevant national, regional and local policies, specifically PPS3 and strategic policy STR3 of the UDP, which seeks to maximise the use of previously developed land.

## **2. Mix and tenure**

The applicant is Kensal Developments, a wholly owned subsidiary of Octavia Housing & Care, one of the Council's preferred Housing Association partners. The applicants have confirmed they benefit from a funding allocation for the affordable elements of the proposals from the London Homes and Communities Agency (HCA) and therefore, subject to planning, the scheme is highly deliverable.

### *2.1 Mix*

There is a particular need for larger family homes of three bedrooms or greater in the borough and, across the whole scheme, larger family homes comprise 64% of the units, rising to 76% of habitable rooms. This comfortably complies with Core Strategy policy CP2 that states at least 25% of all new homes should be family sized accommodation of three bedrooms or more and meets the London Plan Housing Supplementary Planning Guidance that identifies a London-wide need to the year 2020 for 32% one bedroom, 38% two and three bedroom and 30% four bedroom housing.

### *2.2 Tenure*

The application proposes a split of 62:38 market and affordable housing by unit, changing to 69:31 by bedrooms and 66:34 by habitable rooms; this is somewhat below Brent's strategic target that 50% of new homes should be affordable. In line with London Plan Affordable Housing Policy, the applicant has therefore submitted a development appraisal to demonstrate that the level of affordable housing proposed represents the maximum reasonable amount of affordable housing that can be viably delivered by the scheme.

Whilst the build cost in the development appraisal is high, your officers are satisfied that it reflects cost of the high quality scheme before you. With that in mind, the proposed level of affordable housing is considered acceptable in this case. In any case, since Octavia is a charity, if any additional surplus is generated from the scheme this would have to be re-invested back into affordable housing and the furtherance of the charitable objectives of the organisation.

The affordable housing tenure mix is broadly in line with the Local Development Framework objective that new affordable housing generally be provided at a 70:30 rented to intermediate ratio.

The larger family homes are concentrated in the social rented element of the scheme, representing 71% of social rented units, rising to 77% of social rented habitable rooms. This is welcomed due to the high levels of overcrowding in the social rented sector and the consequent pressing need for this type of accommodation in the borough, as well GLA and HCA guidance that 42% of publicly funded social rented homes be three bedrooms or greater.

### *2.3 Summary*

The new development will provide for a mix of different unit sizes to meet a number of needs. The tenure split of the scheme provides a mix of tenures that includes private and intermediate homes and is considered to be balanced and supportive of sustainable community objectives, in line with policy 3.9 *Mixed and Balanced Communities* of the London Plan 2011.

The Council's Housing department supports the proposals to redevelop this part of the Thames Water site for residential use. These proposals will help to deliver new, quality affordable homes to help meet the needs of residents in the borough and, with an identified funding allocation, are deliverable in an otherwise difficult climate.

## **3. Design**

Good design is a vital aspect of successful development and this has been reiterated by recent policy document including the Draft National Planning Policy Framework 2011 (see paras 114-123), the London Plan 2011 (specifically policies 3.5 *Quality & Design of Housing Developments*, 7.4 *Local Character*, 7.5 *Public Realm* and 7.6 *Architecture*) and Brent's Core Strategy 2010 (policy CP5), in addition to the existing policies requiring good design in Brent's Unitary Development Plan 2004 (saved policies) and Supplementary Planning Guidance No. 17 "Design Guide for New Development".

### *3.1 Form, massing and layout*

The development occupies a site which currently has only low-level structures and hardstanding. It has a hawthorn hedge running along its boundary with Gladstone Park, a relic of former field boundaries, and has a number of small trees near its boundary with Olive Road. The most significant local landmark is the chimney--and accompanying pumping station--of the retained Thames Water works, to the north-east of the site.

The character of the area is mixed, with no prevailing style or pattern that demands adherence: to the east the area is characterised by two-storey terraced housing dating from the turn of the 19<sup>th</sup> century with some later, interwar additions. Surrounding Gladstone Park is a mix of two-, three-, four- and five-storey residential buildings from throughout the 20<sup>th</sup> century. Your officers are satisfied that a combination of two- and three-storey terraced and detached houses and blocks of flats are an acceptable form of development which would not be harmful to the character of the area.

The layout of the units is a result of the constraints of the site: the awkward shape and the presence of sub-surface infrastructure has limited the options available to the applicants and one compromise which is particularly obvious is the fact a number of the houses back onto the site boundaries, particularly in the south-eastern corner. This type of development is not usually successful as the rears of houses typically lack the grandeur of the frontages and over time the boundary treatments will change and lose coherence.

The applicant has overcome this by the attention paid to the design of the rear of the properties, with large aluminium-framed windows at first floor, the picture windows at second floor and the same brick as used on the frontage.

Medium- and long-distance views to the site will focus on the south-western and south-eastern facades, although the south-eastern corner of the site is the most important due to its prominence and its relationship with Gladstone Park and Olive Road. The north-western part of the site would be lost somewhat on the skyline due to the distance from the boundary and the retained hedge with Gladstone Park. Views from Gladstone Park to the chimney and pumping station will be retained with a 35m gap between the north-west and south-east parts of the site.

### *3.2 Architecture and materials*

The three-storey terrace houses have a simple form and employ an understated language with a limited palette of materials utilising a London stock brick as the main finishing material. Some tile and metal cladding is proposed to enliven the upper floors and some faces of the houses.

A similarly restrained design approach is taken with the flat blocks. Although they display slightly differing usages of materials with more prominent use of tile hanging, they employ the same restrained palette.

In both the houses and the flats, their success will depend on the quality of the design being maintained throughout the preparation of the working drawings. As such details will be sought by condition to demonstrate how that quality will be locked into the scheme, such as the depth of the window reveals, the junctions between different type of materials, the glazed balustrade of the houses, the final design of the windows, doors and balconies and, of course, samples of the materials themselves.

### *3.3 Summary*

It is a locally prominent site with extensive views from public areas and development must have regard to the local landmarks and to its relationship with Gladstone Park; with that in mind, the applicant's appear to have paid particular attention to the design and attractiveness of the proposal and your officers are satisfied that the site layout and buildings themselves display the high quality required.

## **4. Impact on neighbouring occupants**

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 these standards 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.

There is only one property, No. 147 Olive Road which has the potential to be directly affected by the proposed building, due to its proximity to the built-up part of the site. The relationship of the access road with the backs of properties on St Michaels Road is considered, as is the relationship of the scheme with Gladstone Park in light of resident's objections.

### *4.1 Relationship with Olive Road*

No. 147 is divided into three flats, with two on the ground floor and one on the first floor. Houses C8 and E are the only properties which would have a relationship with the habitable part of No. 147.

A single storey side and rear extension was allowed at appeal in 1999 (LPA ref: 99/1730). The plans show two windows on the flank of the extension, serving a bedroom and a kitchen. The bedroom window would be approximately 15m away from the nearest habitable room window of House E, at an angle of about 40 degrees from perpendicular. The normally accepted distance for privacy of flank windows to side boundaries is 5m and for rear windows to rear boundaries is 10m. This combined distance of 15m is achieved and this, combined with the angle of the relationship and the fact there are trees to be retained in front of the flat's windows, mean your officers are satisfied no material loss of privacy would occur for those occupants of the side extension flat.

The other two flats also have habitable rooms with windows on the flank. The plans for the conversion show the layout of the ground floor flat was changed to create three bedrooms, two of which have flank windows. The privacy of these rooms is limited at present as they look out onto an access shared with the flat in the side extension. The windows would be approximately 14m from the rear of House E and applying the same principles as above, this is only marginally less than the 15m normally required by SPG17. Additional planting is proposed along the boundary along with a new impermeable fence, which will further restrict views between the properties. On balance the relationship is considered acceptable in terms of privacy and outlook.

At first floor the habitable room is marked as a study; three other bedrooms are marked and as such the relationship with the new development is considered acceptable.

Your officers are satisfied that proposed development would not have a materially harmful impact on the amenity of neighbouring occupants, nor would it result in a loss of their privacy or an unacceptable impact on their sunlight or daylight.

#### *4.2 Relationship with St Michaels Road and garden of No. 147 Olive Road*

The access road will be the sole vehicular access to the site and it will be available for pedestrians as well. Pedestrians will also have access direct to Olive Road from the main part of the site. Your officers have considered the impact this access road would have on the back gardens of St Michaels Road properties and note that some objections have been received, particularly in terms of noise and disturbance.

Consideration should also be given to the effect of lighting along the access road on residents. Your officers are satisfied that a lighting scheme can be installed which would not harm neighbouring amenity and this will be secured by condition.

In terms of privacy and noise and disturbance, the combination of the distance between the access road and the back gardens (between 10m and 20m), the depths of the gardens themselves (between 25m and 80m) the fact the access road is already in frequent use and the new planting proposed along the boundary with No. 147 means your officers consider this part of the scheme is acceptable, subject to replacing the proposed rumble strips with speed humps.

#### *4.3 Relationship with Gladstone Park*

Some residents have objected to the proposed development on the grounds of the impact on users of Gladstone Park in terms of loss of privacy. Six units would be located close to the boundary and would have views over Gladstone Park. Gladstone Park is a public open space and visitors should not expect total privacy; your officers are satisfied that no park visitors amenity would be materially harmed by this development.

## **5. 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.

All accommodation in the scheme meets the standards in the London Housing Design Guide (GLA, 2010), which exceed the minimum sizes in SPG17. All units are laid out coherently with kitchen-living-dining rooms commonplace and no bedroom smaller than 8sqm, as required by the London Housing Design Guide.

Where possible all flats and houses have private amenity space as either gardens or balconies and communal amenity space is provided in accordance with SPG17 standards.

External factors such as noise disturbance from the railway line or the retained Thames Water works are not likely to be detrimental to the living standards of future occupants, as explained below in the discussion of the noise report. Air quality, also discussed below, is acceptable.

### *Summary*

Your officers are satisfied that the scheme would provide a good standard of accommodation at a density suitable for this type of suburban location and would, as a result, offer a good living environment for future occupants.

## **6. Parking & Access**

### *6.1 Parking*

The scale of this proposal is such that it is unlikely to have a significant impact on the local transportation network; nevertheless a supporting Transport Statement has been provided to demonstrate that the overall transport impact will be acceptable. This has been prepared by Campbell Reith.

A total of 44 car parking spaces (incl. four disabled) and two bicycle stores are proposed around the site, with the majority of proposed houses having off-street car parking within their curtilage.

In terms of car parking, allowances for residential use are set out in standard PS14 of the adopted UDP 2004. As the site does not have good access to public transport services and is not located within a Controlled Parking Zone, the full parking allowance applies. As such, up to 60.8 spaces would be permitted for this development, so the proposed provision of 44 spaces would accord with standards considering affordable housing units are assumed to generate parking at about 50% of the maximum standard (Parking Standard PS14, UDP 2004: p138).

The provision of four disabled parking spaces close to the four wheelchair units complies with standard PS15 (10% of spaces in social housing schemes), whilst a further two spaces could be provided close to Block A.

### *6.2 Overspill parking on neighbouring roads*

Consideration also needs to be given to the impact of any overspill parking on traffic flow and road safety: the adjoining roads do have spare on-street capacity to safely accommodate overspill parking but your officers consider it unlikely that this would be a regular choice for residents due to the distance to many of the properties: it is more likely that visitors would use on-street capacity on an irregular basis.

Local residents are concerned about overspill parking and your officers are aware that this is the third development to be considered in recent months, the others being the northern part of the Thames Water site (ref: 10/2247) and Oman Court on Oman Avenue (ref: 10/2012). These schemes noted that availability of on-street parking on St Michaels Road and Mora Road and to the front of Oman Court on Oman Avenue respectively.

The site is located within Controlled Parking Zone "GM", operational between 10am-9pm Mondays to Saturdays and the immediate area is generally lightly parked during the day. Surveys also show St. Michael's Road and Oman Avenue to be lightly parked at night, although parking in Olive Road as a whole was sufficient for the street to be classified as heavily parked in Appendix TRN3 of the adopted UDP 2004. On a previous late night visit to the area (10.30pm, 23<sup>rd</sup> November 2010), both Oman Avenue (22%) and St. Michael's Road (16%) were lightly parked.

Your officers consider the likelihood of residents frequently parking on adjoining roads is likely to be low, given the distance from resident's properties. Occasional visitors may need to park on-street but there are parking controls in the area to limit this and as such your officers are satisfied that the impact on any overspill parking will be limited and acceptable and would not result in an unacceptable increase in illegal or unsafe parking.

### *6.3 Impact on nearby road network*

Residents have objected on the grounds of additional traffic on local roads and the use of those roads as rat-runs during the morning and evening rush hours. In terms of traffic impact, the submitted Transport Statement estimates that the development would generate 14 vehicular movements in both the morning and evening peak hours. The increase in traffic as a result of this development would amount to less than 5% of existing two-way peak hour flows along the street (which were surveyed at 294 vehicles in the am peak and 225 vehicles in the pm peak). As such, the predicted volume of traffic likely to be generated by the development is not considered significant enough to warrant any further road capacity analysis in this lightly trafficked area, particularly once the traffic generated by the site at present is removed.

### *6.4 Access*

Vehicular access to the site is gained via a 4.8m wide (plus 1.5m footway), 120m long driveway along the eastern side of the Thames Water works, on which signage for a 10mph speed limit is provided. This road widens to 7m with 3m kerb radii and gates as it approaches the site access junction with St. Michael's Road. However, the footway terminates some 5m short of the St. Michael's Road highway boundary. A secondary pedestrian access gates with steps is located in the southeastern corner of the site onto Olive Road.

Once the development is complete, vehicular and pedestrian access will continue to be provided via the existing site access from St. Michael's Road, with traffic calming measures (build-outs with tree planting, rumble strips and a large block paved area) incorporated along the route. Improvements are also indicated to the access junction with St. Michael's Road, including an extension of the footway to meet the highway boundary (which is essential) and the provision of gates set 6m from the highway boundary.

No other vehicular access is proposed as part of this application, although residents have objected to an access from Olive Road. The original application drawings showed a road up to the site boundary in the south-eastern corner of the site, adjacent to Olive Road. The application did not extend right up to the boundary of the public highway as the adjacent property, No. 147 Olive Road, has a 'ransom strip' of land between the highway and the site. Thames Water have secured a pedestrian right of way over this land over time, which will also benefit this development, but no agreement has been reached between the owners of the freehold of No. 147 and the applicants to secure rights over the 'ransom strip' to form a vehicular access. As a result the road shown in the



south-eastern corner on the original plans would not have formed a vehicular access and would have been an unsightly part of the site and revised plans have been received which show this reverting to a pedestrian-only route with soft landscaping.

Objections have been received on the impact of construction traffic on the operation of the nearby school; a condition is proposed which secures a construction method statement to establish, amongst other things, the times of deliveries to avoid peak school hours.

### *6.5 Layout*

The scheme proposes a shared surface throughout the area of the new development. This is acceptable in principle for 39 units. Surfacing is generally proposed in pre-cast concrete block paving, with some tarmac used to provide a contrast through the site. A minimum width of 4.8m meets the relevant standards and ensures that cars and pedestrians can pass one another safely.

The proposed improvements to the access road, including kerb build-outs with planting, rumble strips and a large block paved area near to the site entrance are suitable means of keeping speeds to an acceptably low level. Residents have objected to the proposal on the basis of noise generated by traffic along this route and the borough Transportation officer notes that speed humps are usually preferred to rumble strips in residential areas due to the noise generated by the latter: your officers propose speed humps be secured as part of the details of the road which will be required to ensure that the measures proposed and the final appearance of the road are appropriate. These details should also include larger scale drawings of the design of the measures along the road, including lighting, drainage and construction materials and any ancillary footway/carriageway resurfacing works.

### *6.6 Cycle provision*

Standard PS16 requires at least one secure bicycle parking space per unit. Bicycle storage in the flats comprises 149 spaces in five storage rooms, which provides a suitable number of spaces that are secure and weather-protected. Each house has a private rear garden, so can store bicycles with a rear garden shed, although it is proposed to provide a hoop for bicycles to be secured to the front of the houses to reduce the need to bring the bicycle through the house.

### *6.7 Servicing*

With regard to servicing, a turning stub has been incorporated into the design of the car parking area to the front of House L-M. Tracking diagrams have been submitted within the Transport Statement demonstrating that this is of sufficient depth to allow large refuse vehicles to turn, whilst refuse storage is shown to the front of both of the blocks of flats to allow easy collection. As such, servicing and emergency access requirements have been met for the site.

### *6.8 Summary*

Subject to a number of conditions and s106 obligations, the proposed development complies with the relevant UDP policies.

## **7. Landscape, trees and ecology**

Supporting information on the above is included in the Planning Statement.

### *7.1 Landscaping*

A Landscape Concept and masterplan, prepared by Grontmijj, was submitted with the application. In general officers are satisfied with the landscape proposals, which provide a large communal space for the development and planting to the front gardens of the houses.

Officers are satisfied with the provision of landscape buffers along the boundaries of the site and the retention of most of the existing laurel hedge and the entire hawthorn hedge along the boundary with Gladstone Park. No landscape features of any significance are to be removed

Where possible land which would otherwise be dead-space with no overall care or control has been allocated to ground floor units in each of the three flat blocks; this provides benefits in respect of crime and anti-social behaviour as well as ensuring units have as much private amenity space as is practicable.

Details of the construction and planting, hard and soft landscape and maintenance of all communal areas and buffer zones will be required as a condition. It should be noted that when preparing those details for submission, the applicant and their consultants should ensure as much soft landscape as possible should be included and all opportunities for planting are taken; in particular those areas which may be neglected as being out-of-sight, such as the emergency access route, should not be omitted.

## *7.2 Trees*

A Report on Inspection of Trees, prepared by Broad Oak Tree Consultants (October 2010), was submitted with the application. A tree survey was prepared and recommendations for removal of trees were made, which the borough Tree officer agrees with. There are no Tree Protection Orders in place on trees on the site.

A tree protection plan has been provided (see drawing W105864L04) to ensure the protection of retained trees, particularly the Oaks (T14 and T16) and the Poplar in Gladstone Park (T20) during the demolition and construction phases; however a more detailed specification within the arboricultural method statement will be secured by condition. Further details of the no-dig construction and ground protection methods will also be secured by condition.

## *7.3 Ecology*

The site is generally hard landscaped with the exception of self-seeded scrub, trees and some deliberate hedge planting around the boundaries. The area of land adjacent to the railway track is a Grade One Nature Conservation Area and also a wildlife corridor. An ecological assessment was submitted with the application (within the Planning Statement). The ecology value of the existing site is low and the development would result in a decrease in the extent of hard standing and a net increase in soft landscape areas including as private gardens, play space and buffer areas. In consequence there would be a net increase in the extent of trees and shrubs and open grassland areas. The ecological assessment concludes that further surveys for the presence of bats and reptiles should be undertaken in suitable months (between May and September for bats and April and October for reptiles). A condition will be imposed to secure these surveys before any work commences on site and to ensure a relocation programme and/or provision of bat and bird boxes is included should protected species be present on site. A condition will also be imposed to ensure no vegetation removal works occur during the bird breeding season.

Further details of site-wide lighting and restrictions on rear security lights will be sought due to the proximity of the car park and rear gardens of Houses L1-M2 to the wildlife corridor.

## *7.4 Play*

Housing developments of this size require on-site provision of age-appropriate play areas to meet the estimated child yield (policy OS18). A small area of informal play is provided in the larger communal area, which is acceptable subject to a conditions detailing some more formal play to meet policy OS18.

## **8. Sustainability**

Achieving sustainable development is essential to climate change mitigation and adaptation. The most recent relevant policy framework includes Brent's adopted Core Strategy 2010 policy CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures and the GLA's London Plan 2011 policies within Chapter Five London's Response to Climate Change.

The application is supported by an Environmental and Sustainability Strategy prepared by Ramboll (April 2011).

In support of the proposal's objective of satisfying Core Strategy policy CP19 *Brent Strategic Climate Change Mitigation and Adaptation Measures*, a pre-assessment score of Code for Sustainable Homes Level 3 for the private dwellings and Code for Sustainable Homes Level 4 for all other dwellings

Brent's UDP 2004 policy BE12 and SPG19 *Sustainable Design, Construction & Pollution Control* 2003 require the submission of a Sustainable Development Checklist; the application is supported by a completed Brent Sustainable Development Checklist which demonstrates a score of 52% can be achieved. This will comprise one of the approved documents, should planning permission be granted.

In respect of Brent's sustainability policies, the proposal is considered acceptable.

The scheme includes measures to minimise the impact of this proposal on, and mitigate for the effects of, climate change and your officers consider the proposal to be in accordance with the energy hierarchy as required by London Plan 2011 policy 5.2 *Minimising carbon dioxide emissions* part (a): (i) be lean: use less energy; (ii) be clean: supply energy efficiently; (iii) be green: use renewable energy.

The scheme would provide a 42% or more improvement over Part L of the Building Regulations 2010 and is projected to provide a 20.35% CO<sub>2</sub> emissions reduction across the development. In terms of renewable energy the scheme proposes use of PV panels to provide 12.69% on site renewable energy.

Your officers are satisfied that the development is acceptable in respect of the sustainability matters in London Plan 2011.

## **9. Other**

### **9.1 Air Quality Assessment**

The site lies in an Air Quality Management Area (AQMA) as defined in the UDP (policy EP3 and SPG19) and air quality can be a material consideration in development control decisions as set out in PPS23 (Planning and Pollution Control, 2004). An Air Quality Statement, prepared by Campbell Reith (dated April 2011), was submitted with the application and was reviewed by the borough Environmental Health officer. The statement identifies three possible sources of air quality impact: (1) the construction phase and the associated works and emissions of vehicles; (2) post-completion traffic generated by the site; and (3) domestic boilers. The report concluded that the site has a medium-risk potential for the construction activities to generate pollutants but the other two sources are low-risk; the borough Environmental Health officer agrees with this conclusion and recommends a condition will be imposed to ensure a Construction Method Statement and appropriate dust and fine particles control measures are in place during works.

## *9.2 Flood Risk Assessment*

As the site is over 1ha a Flood Risk Assessment (FRA) has been Campbell Reith (February 2012) in accordance with PPS25 (Development & Flood Risk, March 2010). This has been assessed by the Environment Agency, the statutory consultee on matters relating to flood risk; the EA are satisfied that, subject to conditions, the development is acceptable in terms of flood risk.

## *9.3 Daylight & Sunlight Report*

A Daylight & Sunlight Report was prepared by Savills (April 2011) and submitted with the application. The report was prepared in accordance with the standard measure of daylight and sunlight, the Building Research Establishment (BRE) report and considered the impact of the development on 147 Olive Road. The report found that the proposal is fully compliant with the BRE guidance in respect of its impact on surrounding properties in terms of both daylight and sunlight. Your officers accept the conclusion of the report and find the scheme acceptable in terms of daylight and sunlight.

## *9.4 Noise & Vibration Assessment*

An Environmental Noise & Vibration Assessment, prepared by Bickerdike Allen Partners (dated May 2011) was submitted with the application and was considered by the Council's Environmental Health department. Prepared in accordance with the guidance in PPG24 (Planning & Noise, 1994), the report found that the site falls within the lower range of Noise Exposure Category B (as defined in PPG24) on the facade facing the railway line. Such a level is not normally considered a barrier to development and what little attenuation is required will be addressed with specific construction techniques and double glazing. The report also concludes that the vibration levels will be below the threshold level for "a low possibility of adverse comment" as defined by the relevant British Standards. The borough Environmental Health officer has reviewed the assessment and, subject to the specific measures within section 5.2 of the report being secured by condition, is satisfied with the likely living conditions for future occupants in terms of noise and vibration. Your officers concur with this conclusion and no further conditions are required.

Members are asked to note that whilst at present the railway line is used for a low number of freight movements, the above report anticipates a doubling of the frequency of movements along the line. Further, in recent years the line has been subject to various studies investigating the possibility of introducing passenger services, in light of the long-term proposals for Brent Cross. An aspiration for a light-rail passenger service was abandoned a few years ago but the recent steps towards a proposed High Speed Two railway line has resulted in Transport for London (TfL) reconsidering this line to provide a link between the proposed High Speed Two station at Old Oak Common and Brent Cross. At this early stage TfL envisage this line could become part of the London Overground network and thus would become a higher frequency heavy-rail line. This project is in early stages and no detailed design or feasibility studies have been undertaken.

## *9.5 Ground Investigations*

Due to the industrial history of the site, a Geoenvironmental and Geotechnical Report was prepared by Campbell Reith (May 2011). The report was assessed by the borough Environmental Health officer who, subject to the imposition of two conditions to control further investigations and a remediation strategy, is satisfied with the proposals and as such your officers are satisfied that the development would not have an unacceptable geo-environmental impact.

## *9.6 Statement of community involvement*

A section providing a statement of community involvement is included in the Planning Statement prepared by Studio Aitken in support of the scheme (May 2011), this details the pre-application consultation with both the public and other consultees. A public consultation event was held near

the site in March 2011 and this was advertised with a widespread leaflet drop to surrounding residents the week before the event. Local councillors from three wards were also invited. Turnout was low with 11 visitors but those who did attend raised concerns about (1) traffic congestion in the area; (2) the impact on No. 147 Olive Road; and (3) the nature of the boundary treatment to Olive Road. A meeting was also held with representatives of the Gladstone Park Consultative Committee, North-West-Two Residents' Association and the Cricklewood Homeless Shelter in February 2011: concerns about traffic impact were also raised in this meeting and stakeholders expressed a desire to see s.106 funding benefit Gladstone Park and the local highway. The standard charge is applicable to this scheme and the monies required by the s.106 will be used for a range of projects to mitigate the impacts of this development, including sustainable transportation works and improvements to open space in the area as well as contributing to education requirements. Your officers do not have details of specific projects at this stage.

#### *9.7 Crime & antisocial behaviour*

Many local residents have objected to the proposed development on the basis that the development would bring about an increase in crime and anti-social behaviour. There is no evidence that housing generates crime; in this case the development will be designed to meet the principles of Secured By Design. Residents have also expressed concerns about the security of the retained Thames Water works. The retained works site will retain its security fencing and gates and the access road will remain gated. In terms of security of the Thames Water works this proposal is considered acceptable.

#### *9.8 Impact on local infrastructure*

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 (as the education and highway authority) and the PCT to provide improvements and enhancements of local facilities to accommodate the new population. This application secures a total of about £330,000 to provide improvements to local infrastructure.

### **10. Responses to objectors**

The majority of objections to the scheme have been addressed in the sections above.

### **11. Conclusion**

The application would provide a significant contribution to much-needed family accommodation for general needs rent whilst providing a good living environment for future occupants and making a positive contribution to the visual amenities of the area. The development is not expected to materially harm the amenity of neighbouring occupants nor would it harm the setting of the local listed pumping station and chimney. The loss of employment facilities are considered acceptable in this instance and local infrastructure would receive a financial contribution to facilitate improvements. The scheme is judged to be sustainable development which optimises the use of previously developed land for housing and as such is in general accordance with the objectives of the draft National Planning Policy Framework, other national policy statements, the London Plan 2011 and the Brent development plan documents and approval is recommended.

## **REASONS FOR CONDITIONS**

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

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

Brent Unitary Development Plan 2004  
Brent Core Strategy 2010  
London Plan 2011  
Central Government Guidance including draft National Planning Policy Framework  
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

#### **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):

PL(00)001 Rev A *Location Plan*  
PL(00)002 Rev A *Existing Site Plan*  
PL(00)003 Rev G *Proposed Site Plan*  
PL(00)004 *Ground Floor Plans (1)*  
PL(00)005 *First Floor Plans (1)*  
PL(00)006 *Second Floor Plans (1)*  
PL(00)008 Rev A *Ground Floor Plans (2)*  
PL(00)009 Rev A *First Floor Plans (2)*  
PL(00)010 Rev A *Site Plan*  
PL(00)011 Rev A *Roof Plan*

PL(00)200 *Site Sections*

PL(00)300 *Block A Elevations*  
PL(00)301 Rev A *Houses H, K, J and Block B Elevations*  
PL(00)302 Rev A *Houses C1-5, D & G Elevations*  
PL(00)303 Rev A *Houses C6-8, E, F & G Elevations*  
PL(00)304 *Block B, Houses L & M Elevations*  
PL(00)305 *Typical Elevations of Type C Houses*

PL(00)400 *Key Details*  
PL(00)401 *Pergola and Front Garden*

W105864L01 Rev C *Landscape Masterplan*  
W105864L02 Rev A *Planting Plan 1 of 2*  
W105864L03 Rev B *Planting Plan 2 of 2*  
W105864L04 Rev A *Tree Protection and Removal Plan*  
W105864L05 *Front Gardens Detail*  
W105864D01 Rev A *Landscape Section 1 of 2*  
W105864D02 Rev A *Landscape Section 2 of 2*  
W105864D03 *Garden Fence Detail*

Air Quality Statement (Campbell Reith, April 2011)  
Daylight & Sunlight Report (Savills, April 2011)  
Environmental Noise & Vibration Assessment (Bickerdike Allen Partners, 17 May 2010)  
Environmental & Sustainability Strategy (Ramboll, April 2011)  
Flood Risk Assessment (Campbell Reith, January 2012)  
Geoenvironmental and Geotechnical Due Diligence Report (Campbell Reith, May 2011)  
Report on Inspection of Trees (Broad Oak Tree Consultants Ltd, 12 October 2010)  
Supporting Planning Statement (Studio Aitken, May 2011)  
Transport Statement (Campbell Reith, April 2011)

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

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

Reason: in view of the restricted size of the site for the proposed development no further enlargement or increase in volume beyond the limits set by this permission should be allowed without the matter being first considered by the Local Planning Authority, to prevent an over development of the site and loss of amenity to adjoining occupiers, and in view of the restricted gardens.

- (4) The existing laurel boundary hedge situated on the south-western boundary of the site with Gladstone Park shall be retained at a minimum height of 2.25m above the Finished Floor Level of Houses C1-C3 and D. Should any part die or be damaged during the course of development, replacement planting shall be undertaken in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

Reason: Permission is granted having regard to the present screening and boundary planting in existence, the retention of which will ensure a satisfactory visual appearance considering the prominence of the site from Gladstone Park.

- (5) All parking spaces, turning areas, access roads and footways shall be constructed and permanently marked out in accordance with the approved plans prior to occupation of any part of the development approved by the Local Planning Authority and shall be retained thereafter. Parking spaces shall be used only for domestic vehicles and no other use.

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

- (6) The development shall be carried out in accordance with the sound insulation measures hereby approved and no part of the development shall be occupied until the approved sound insulation measures has been fully implemented. The sound insulation measures shall be retained thereafter.

Reason: To safeguard the amenities of the occupiers.

- (7) Prior to commencement of works, further details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in full prior to first occupation on in accordance with a timetable to be agreed with the Local Planning Authority and shall be retained thereafter. Such details shall include:

- (i) all lighting for the site, including the access road, pedestrian access, communal amenity space, parking areas, building security lights and rear gardens;
- (ii) a low-height proposal for the access road to protect the amenity of residents of St Michael's Road and Olive Road from glare;
- (iii) a lighting regime within the northern part of the site along the boundary with the railway which minimises potential effects on bats foraging around the site i.e. 'Dark Skies' compliant with fittings to prevent any upward light and the use of deflectors to reduce backlighting;
- (iv) the output of each light and a site-wide light-spill diagram; and
- (v) manufacturer's literature showing the mounting and/or fixtures of each light e.g. column-mounted, bollard-mounted, wall-mounted

No other security lights shall be installed on the rear or in the gardens of Houses M1, M2 and L1-3.

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

- (8) The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (Campbell Reith, dated January 2012, ref: 10471) and the following mitigation measures detailed within the FRA:

- (i) limiting the surface water run-off generated by all events up to and including the 1:100 year storm event to 25l/s;
- (ii) provision of onsite storage to attenuated the critical duration 1:100 year storm event (including an allowance for climate change); and
- (iii) surface water attenuation to be provided using sustainable techniques including green roofs

Reasons: to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to prevent flooding by ensuring the satisfactory storage of surface water from the site; to improve the quality of surface water run-off and provide amenity

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

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



- (10) Details of all materials, including samples and/or manufacturer's literature, for those areas to be treated by means of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved scheme shall be implemented in full prior to first occupation of the development and shall be retained thereafter.

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

- (11) No works shall commence before an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. Such details shall include:

- (i) a schedule of all works to trees, hedges and shrubs on-site and within the street frontage to facilitate the development or ensure the health of the tree(s) to adhere to BS3998:2010;
- (ii) 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; and
- (iii) a detailed methodology for works within root protection zones including no-dig construction techniques and ground protection matting;

Provision shall also be made for supervision of tree protection and tree works 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. any works to the retained trees should take place outside the main breeding period for birds (March to August) unless preceded by a survey, to be submitted to and approved in writing by the Local Planning Authority, to check for the presence of breeding birds. Should nesting birds be identified, all works to the trees shall stop until the young birds have left the nest.

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 land benefits from mature trees, hedges and shrubs on site and off site near the boundaries 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, in the interests of the occupants and general public and to enable the Local Authority to monitor such measures

- (12) In addition to the plans hereby approved, prior to the commencement of any works further details of the soft landscaping shall be submitted to and approved in writing by the Local Planning Authority and all areas shown on the approved plan(s) shall be suitably landscaped in accordance the approved details prior to occupation of the development or in accordance with a programme to be agreed with the Local Planning Authority.

Further details shall include:

- (i) the laurel hedge within the gardens of Houses C1-3 and D, to show it narrowed and lowered in height to a minimum height of 2.25m above the Finished Floor Level of Houses C1-C3 and D;
- (ii) revised planting along the pedestrian access between Olive Road and the access road to provide a more structured scheme with some larger shrubs and hedging; and
- (iii) revised play equipment to include age-suitable equipment for pre-school and junior children to NPFA standards

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.

- (13) A Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the local planning authority prior to commencement of works and shall be implemented within a timescale to be agreed.

This should comprise a maintenance schedule and any specific management duties and such details may include:

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

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

The landscaping shall be maintained in accordance with the approved Landscape Management Plan.

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

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

Such details shall include:

- (i) type of fence, e.g.; palisade, close-board, railings, etc;
- (ii) all dimensions including height, length and thickness;
- (iii) material(s), construction and manufacturer if appropriate;
- (iv) for walls specify type, brick colour/pattern, mortar, render, or other finish, including construction details; and
- (v) any alterations, extensions or repairs to existing boundaries.

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

- (15) Prior to the commencement of building works further details of wildlife and ecology shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details and shall be retained thereafter.

Such details shall include:

- (i) a bat survey;
- (ii) a reptile survey; and
- (iii) appropriate mitigation measures including a relocation strategy and/or provision of habitat improvements for bats and reptiles if necessary

Reason: In the interests of wildlife and ecology, given the presence of mature trees and areas of scrub on site and in light of the adjoining Grade One Nature Conservation Area and wildlife corridor.

- (16) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the timing of deliveries (to avoid peak school hours) and the control of traffic entering the site;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;

- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel washing facilities to be installed prior to commencement of any works;
- (vii) measures to control the emission of dust and fine particles during construction; and
- (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of the the retained landscape features, highway safety and the freeflow of traffic, residential amenity and Air Quality Management Area objectives.

- (17) Prior to commencement of any works, a detailed soil remediation strategy shall be submitted to and approved in writing by the Local Planning Authority. Such a remediation strategy shall specify measures to contain, treat or remove any soil contamination to bring the site to a condition suitable for the intended residential use. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The works shall be carried in accordance with the approved details in accordance with the approved timetable and the Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

- (18) Prior to occupation of any part of the development and following completion of measures identified in the approved remediation strategy, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

- (19) Prior to commencement of the development, further details of the access road from St Michaels Road shall be submitted and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details and retained thereafter. Such details shall include:

- (i) replace the proposed rumble strips with speed humps
- (ii) details of all signage

Reason: In the interests of the general amenities of the locality in terms of the noise of rumble strips and nearby residents and the free flow of traffic and general conditions of the highway safety on the neighbouring highway.

(20) Prior to the commencement of the superstructure of the buildings hereby approved, further details of the proposed development shall be submitted to and approved in writing by the local planning authority. Such details shall include drawings, including sections where appropriate, at a suitably large scale (e.g. 1:5, 1:10, 1:20, 1:50) or manufacturer's literature which show:

- (i) the junctions of different materials e.g. brick and metal cladding, hung tiles and brick;
- (ii) the window and door reveals, headers and sills, including the depth of the reveals and the junction of materials around the returns;
- (iii) the glass balustrades to roof terraces;
- (iv) the metal coping; and
- (v) the window frames including materials, colour and samples if necessary.

The development shall be completed in accordance with the details so approved before the buildings are occupied.

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

#### **INFORMATIVES:**

(1) The applicant is advised that during demolition and construction on site:


- The best practical means available in accordance with British Standard Code of Practice BS5228:1984 shall be employed at all times to minimise the emission of noise from the site
- The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays
- Vehicular access to adjoining premises shall not be impeded
- All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only
- No waste or other material shall be burnt on the application site
- A barrier shall be constructed around the site, to be erected prior to work commencing
- A suitable and sufficient means of suppressing dust must be provided and maintained

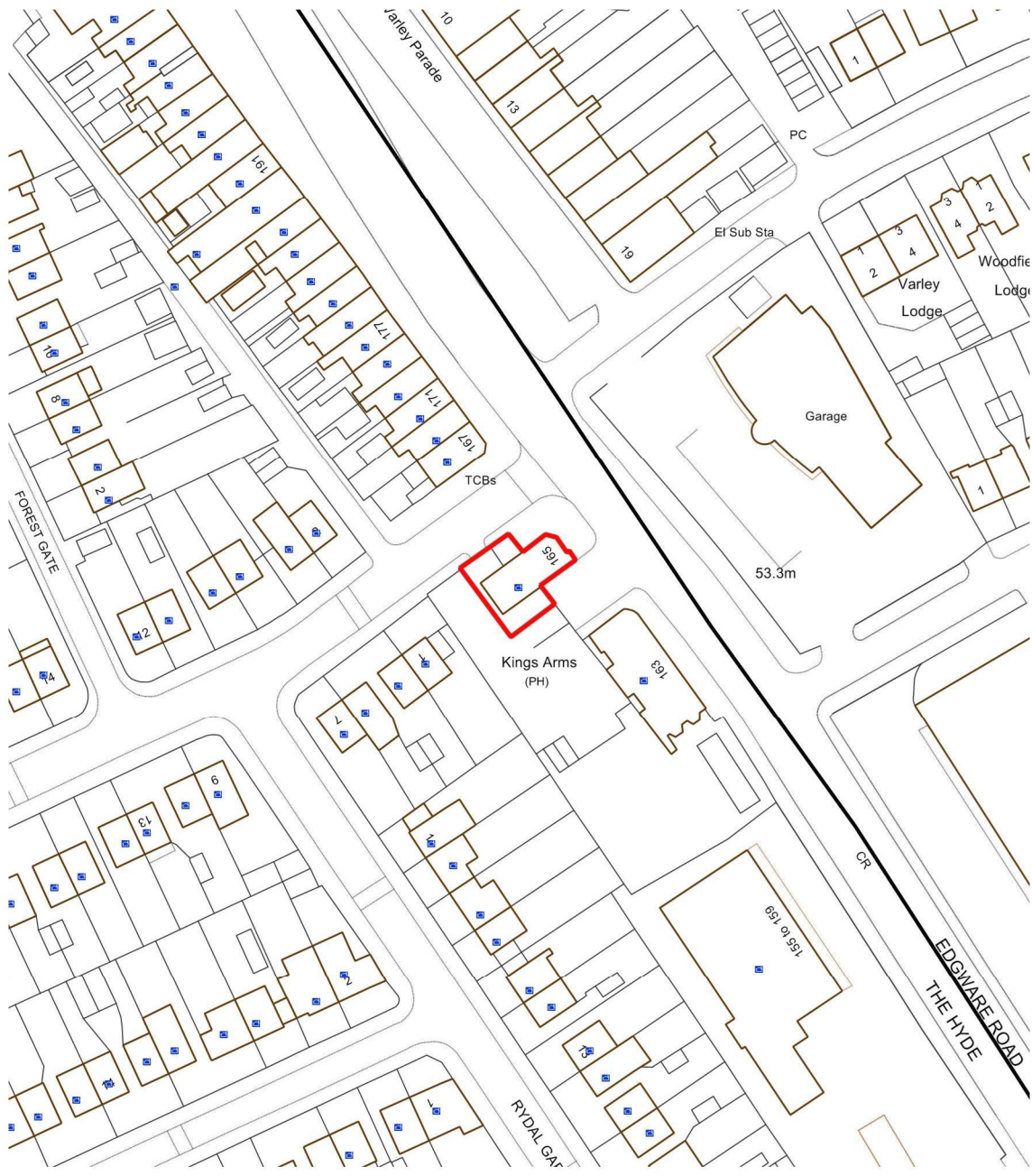
(2) Japanese knotweed is classed as a noticeable weed under the Wildlife and Countryside Act 1981. It is an offence to "plant or otherwise cause to grow in the wild" such a weed, which has implications for control methods. Vegetative material and contaminated soil is classed as "controlled waste" under section 43 of the Environmental Protection Act 1990, and therefore must be disposed of at a licensed landfill site in accordance with the Environmental Protection (Duty of Care) Regulations, 1991.

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

**RECEIVED:** 21 October, 2011

**WARD:** Fryent

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

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

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

**APPLICANT:** Mr T O'Sullivan

**CONTACT:** Studio 136 Architects Ltd

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

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### **DEFERRED FOR FURTHER CONSULTATION**

The application was deferred at the Planning Committee on 18 January 2012; this was to allow time to gather further information regarding residents' and Ward Councillors' concerns about anti-social behaviour in the local area and in particular to seek the views of, and evidence from, the Metropolitan Police's Safer Neighbourhoods Team for Fryent Ward.

As a result of this evidence, your officers have reconsidered the merits and harm of the application and have concluded the application should be refused. The reasoning is discussed in greater detail below.

Two further objections have been received, on the following grounds:

- Increase in crime and antisocial behaviour;
- Lack of parking in the area

### **Recommendation: Refusal**

The updated committee report is set out below.

### **RECOMMENDATION**

Refuse consent

### **EXISTING**

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

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



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

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

### **PROPOSAL**

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

### **HISTORY**

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

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

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

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

### **POLICY CONSIDERATIONS**

#### **Adopted Brent Unitary Development plan 2004**

#### **H22:** Protection of Residential Amenity

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

#### **TRN3:** Environmental Impact of Traffic

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

#### **TRN22:** Parking Standards - Non-Residential Developments

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

#### **TRN34:** Servicing in New Development

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

#### **SH13:** Amusement Centres

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

#### **SH18:** Other Shopping Parades

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

## **CONSULTATION**

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

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

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

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

### *External Consultees*

London Borough of Barnet - No comments or objections received.

### *Internal Consultees*

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

## **REMARKS**

### ***Introduction***

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

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

### ***1. Principle of use***

s.38 (6) of the Planning Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

#### *1.1 Development Plan*

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

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

Frontage, it is located adjacent to the Primary Shopping Frontage and should be assessed against the criteria of Policy SH13 to consider whether the proposal meets the aims of this policy.

### *1.2 Other material considerations*

In terms of whether it is reasonable to consider the fear of crime and anti-social behaviour when assessing a planning application, it is acknowledged that public safety and its perception are material considerations. Local authorities have a duty under s.17 of the Crime and Disorder Act 1998 to exercise their functions with due regard to their likely effect on crime and disorder and the guidance document Safer Places – The Planning System and Crime Prevention 2004 states that "The prevention of crime and the enhancement of community safety are matters that a local planning authority should be considered when exercising its functions under the Town and Country Planning legislation". (CLG, 2004: p7)

The guidance document goes on to say that: "Community safety is an aspect of the quality of life, in which people, individually and collectively, are sufficiently free from or reassured about a range of real and perceived risks centering on crime and related misbehaviour; are able to cope with the consequences of those incidents that they experience; and if unable to cope alone, are helped to do so. All this establishes the conditions for them to pursue the necessities of their cultural, social and economic life." (CLG, 2004: p8)

## **2. Assessment against Policy SH13**

### *2.1 Residential amenity*

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

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

#### *2.1.1 Evidence from the Metropolitan Police*

Your officers have contacted the Metropolitan Police's Fryent Safer Neighbourhoods Team (SNT) to establish the general situation with anti-social behaviour in the area, whether the Fryent SNT was aware of any anti-social behaviour associated with other similar premises in the area and whether, in their experience, such a use would exacerbate existing anti-social behaviour.

An officer replied with information on the history of anti-social behaviour in this location (the junction of Springfield Mount and Edgware Road), which was affected by anti-social behaviour and street robberies in 2006. As a result of this the SNT and the Council secured a dispersal area but this was generally ineffective. In 2007 the anti-social behaviour, characterised by groups of youths up to 40 in number, worsened and a second dispersal area was introduced at the end of 2007. The Council provided gates to the access to the flats above the (former) fried chicken takeaway opposite and this helped in the short term but the locks have twice been removed and not replaced the second time.

By the end of 2008 the problem had returned but the SNT did not have the option of a third

dispersal area and instead sought to reduce the amount of youths involved through mediation with the youths, local residents and local schools, to some effect.

The SNT do not have any direct evidence that this particular type of premises is associated with anti-social behaviour. They have provided some limited data on instances of nuisance and disturbance caused at betting shops across Brent; as the use is different and the data is limited, your officers can only give limited weight to this evidence.

The officer from Fryent SNT concludes that since the fried chicken takeaway has closed the number of youths congregating is much reduced; that commercial unit is about to re-open as an ice-cream parlour. He expressed a clear concern that the change of use of the off-licence to a gaming centre would mean the location again becomes a magnet for youths, with the associated anti-social behaviour that Fryent SNT have attempted to manage over the past six years.

It is clear that residents are fearful and concerned that the proposed change of use would result in a return of the anti-social behaviour which blighted this location and surrounding areas for a number of years and these concerns have been supported by the officer from Fryent SNT. In the absence of firm evidence on gaming centres that this proposed use will result in an increase in anti-social behaviour, your officers must make a judgement on whether the fears and concerns of members of the public and of the Fryent SNT constitute a material consideration in this case and if so, that they outweigh the planning merits of the application.

Your officers reverted to the Fryent SNT officer to seek further evidence and the police officer summarised the discussion held at a Ward panel meeting on Thursday 23 February in which this case was brought up, which is paraphrased here: members of the panel were concerned that the shop's location on the Edgware Road at the junction with Springfield Mount is the main route into the estate, either by vehicle or on foot. The panel estimated over 75% of residents use this entrance and it would mean passing the gaming centre every time they leave or return home, which is considered an "in your face" location. Some members of the panel are also fearful that gangs would return and hang around above the shops above the former fried chicken shop; they were also fearful of a rise in litter associated with these gangs. The officer concluded that: "if a slot machine/gambling (slot machines) was awarded then this would encourage the teenagers who were under eighteen a few years ago, to return where they once used to hang out and being of legal age start to cause problems again." (email from PC Stout, Fryent Safer Neighbourhood Team, Saturday 25 February 2012).

In reaching a judgement on a planning application, the local planning authority must often balance conflicting objectives and in order to do so, decision-makers must give weight to those objectives. In this particular case, your officers have given substantial weight to the concerns and fears local residents and the Metropolitan Police have that this land use would result in a return of significant anti-social behaviour and a decrease in community safety.

Your officers have given substantial weight to this issue because your officers believe these fears to be reasonably supported by the clarity of the testimony of the Metropolitan Police officer on both the history of anti-social behaviour at this location and in his conclusion that the proposed use would result in a significant increase in the number of youths and anti-social behaviour.

### *2.2 Proximity to sensitive uses*

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

### *2.3 Traffic Impacts*

There is no designated parking or servicing on site. Transportation have confirmed that parking and servicing requirements would be unaltered from the existing retail use. As such, the proposal is not considered to result any unacceptable transportation impacts.

#### *2.4 Concentration of similar uses*

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

#### **Conclusion**

The proposed change of use would, on the balance of evidence provided, result in a return of youths congregating in this location with associated harm to community safety and an unacceptable worsening of the public's perception of crime, security and safety. This would result in harm to the amenity of local residents and would be contrary to policy SH13(a) of the UDP.

#### **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Refuse Consent

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

- (1) The proposed change of use to Slot Machine Arcade (Sui Generis) would, on the balance of evidence provided, result in an increase in the number of youths congregating in this location with associated harm to community safety and an unacceptable worsening of the public's perception of crime, security and safety. This would result in unacceptable harm to the amenity of local residents and would be contrary to policy SH13(a) of the adopted Brent Unitary Development Plan.


#### **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

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 **Planning Committee Map**  
Site address: Meera House, 146-150 Stag Lane, London, NW9 0QR  
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This map is indicative only.

**RECEIVED:** 4 January, 2012

**WARD:** Queensbury

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

**LOCATION:** Meera House, 146-150 Stag Lane, London, NW9 0QR

**PROPOSAL:** Demolition of No.s 1 and 3 Tintern Avenue and construction of two storey building to provide a 10 bed (net increase of 9 bedrooms) extension to Meera Nursing Home with ground and first floor link to existing home, replacement laundry facilities and associated works as revised by plans received 23/02/2012.

**APPLICANT:** Meera Care Ltd.

**CONTACT:** CLA.

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

---

## **RECOMMENDATION**

To:

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

## **SECTION 106 DETAILS**

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

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) A contribution of £5,000, index linked from the date of committee and due on material start for sustainable transportation and public realm 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 subject site comprises the existing 54-bedroom 2-storey residential care home located on Stag Lane at the junction shared with Tewkesbury Gardens, and the pair of 2-storey semi-detached dwellings located to the rear of the care home Nos. 1 and 3 Tintern Avenue, NW9. The surrounding uses are residential. The site does not contain a listed building and is not located within a conservation area.



## **PROPOSAL**

Demolition of No.s 1 and 3 Tintern Avenue and construction of two storey building to provide a 10 bed extension to Meera Nursing Home with ground and first floor link to existing home, replacement laundry facilities and associated works.

## **HISTORY**

### Full site history

Address: Meera House, 146-150 Stag Lane, London, NW9 0QR

**11/2072:** Demolition of Nos. 1 & 3 Tintern Avenue and construction of two storey building to provide a 10-bedroom extension to Meera Nursing Home with ground and first floor link to existing nursing home, and associated landscaping and boundary treatments (revised description 07/09/2011) – withdrawn 20/10/2011

**05/1766:** Full planning permission sought for erection of conservatory at rear of building – granted 12/08/2005

**96/1654:** Full planning permission sought for erection of single-storey rear extension and 2-storey front extension to provide entrance porch and bay windows, erection of first-floor extension to rear, with roof alterations, including front dormer window, to provide extension to elderly persons' home – granted 03/12/1996

**93/0452:** Full planning permission sought for erection of three storey side extension and single storey rear extension (revised plans received 23.06.93) – granted

**89/1646:** Full planning permission sought for removal of condition 11 of of p.p. 87/2878 + erec. of garage – granted 09/01/1990

**88/2780:** details pursuant to cond 4 of p.p. dtd 10may 88, ref 87/2828

**87/2878:** Full planning permission sought for erec of part 2/storey, part 1<sup>st</sup> flr side & rear extns, & s/s side extn & prov of escape staircase, car pkgng & c/use to home for elderly – granted 10/05/1988

**89/1733:** det/ pursuant to cond.4 (materials) of p.p. 87/2878 dated 100589 for erect. Of part 2 +1<sup>st</sup> floor side +rear extns. +s.s ext. prov. Of escape staircase, car parking + c/u to home for elderly – granted 14/12/1989

## **POLICY CONSIDERATIONS**

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

STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment.

BE1 Requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.

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.

- BE3 Proposals should have regard to the existing urban grain, development patterns and density in the layout of the development sites, and should be designed to ensure that spaces are satisfactorily enclosed by the built form; its layout is defined by pedestrian circulation; emphasis is placed upon prominent corner sites, entrance points etc; it respects the form of the street of which it is part by building to established frontages unless there is a clear urban design justification; connections are established where appropriate to open space.
- BE4 Access for disabled people.
- BE5 Development shall be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 High standards 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.
- BE1 Requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.
- 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.
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- 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.
- BE29 In Areas Of Distinctive Residential Character, particular attention shall will be paid to the design, height and space between buildings in order to protect their individual qualities and character.
- H23 Applications for supported housing / day centres should meet a known need within the Borough. They are acceptable in residential areas, and on suitable sites in or adjoining town / district centres unless the proposed client group would overstress local health and/or social services, over-concentration of such facilities would harm local amenity or the site other than for a client group totally dependant on carers, lacks access to local shopping / public transport facilities within 400m.

TRN3 Environmental Impact of Traffic

TRN23 Parking Standards – Residential Developments

TRN35 Transport Access for Disabled People and others with Mobility Difficulties

PS13 Car Parking Standards – Residential Institutions (Use Class C2) & Hostels

PS15 Parking for Disabled People

PS16 Bicycle Parking

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

CP17 The distinctive character of suburban Brent will be protected from inappropriate development. Development of garden space and infilling of plots with out-of-scale buildings that do not respect the settings of existing dwellings will not be acceptable

CP21 The plan seeks to maintain and provide a balanced housing stock in Brent by protecting existing accommodation that meets known needs and by ensuring that new housing appropriately contributes towards the wide range of borough household needs including:

- an appropriate range and mix of self-contained accommodation types and sizes including family sized accommodation
- Non-self contained accommodation that meets identified needs
- Care and support accommodation to enable people to live independantly
- Residential care homes which meet a known need in the Borough

Supplementary Planning Guidance/Documents:

**Supplementary Planning Guidance Note (SPG) 5 "Altering and Extending Your Home"**

## Supplementary Planning Guidance Note (SPG) 17 “Design Guide for New Development” Planning Obligations (S106) Supplementary Planning Document

### CONSULTATION

Public consultation undertaken 18/01/2012 - 08/02/2012. 53 neighbouring properties were consulted. 3 letters of objection were received during the consultation period outlining the following concerns:

- loss of light;
- loss of privacy;
- odour nuisance;
- previous extensions to the premises resulted in damage to neighbouring properties;
- size of extension will have an overbearing impact;
- on-street parking capacity in the locality will become further restricted following introduction of extra rooms;
- change in character of the area;
- extension will be visible from neighbouring properties and will be unsightly;
- impact on local property value

Another letter of objection was received which could not be acknowledged as the full address of the objector was not provided. However, their concerns are within the list of issues above.

**Officer Comment:** Issues above relating to design, neighbouring amenity impacts and transportation/parking impacts shall be addressed as part of the assessment of the application within the remarks section of the report.

The impact on the value of local properties resulting from the proposal is not a material planning consideration. Comments regarding damage caused to neighbouring properties during construction of previous extensions and alterations on the site are not covered by planning legislation and would be a civil matter between those with an interest in the neighbouring land and the site itself. However, in the interests of good neighbourliness, a standard informative could be added to any subsequent grant of permission that the provisions of the Party Wall Act 1996 may be applicable in undertaking the works.

### Statutory consultees:

London Borough of Barnet: No comments received

London Borough of Harrow: Raise no objection to the proposal.

Transportation: No objections subject to contributions for sustainable transportation.

Landscaping: No objections on landscaping grounds. If approval given, a condition requiring full details of boundary treatments, details of hard and soft landscaping within the site should be applied.

### REMARKS

The application will be considered under the following headings:

- Principle of development
- Design
- Impact on residential amenity
- Parking and Transportation
- Landscaping
- Conclusion

## **1. Principle of development**

Policy CP21 in the adopted Core Strategy sets out the need to provide a balanced housing stock by protecting existing accommodation that meets known needs and by ensuring new housing appropriately contributes to the wide range of Borough household needs. This includes family sized accommodation (capable of providing three or more bedrooms) and residential care homes which meet known needs within the Borough.

Supporting text for Policy CP21 in the Core Strategy outlines that there is a significant shortage of family sized accommodation within the Borough but also makes clear that the policy seeks to make locally appropriate provision for Brent's wide range of specific and special housing needs including housing providing support (including extra care accommodation for older persons) and residential care homes.

To consider whether the loss of 2 family sized houses can be acceptably balanced against the need to extend the existing care home, it must be demonstrated that this type of accommodation is required to meet a known need in the Borough. The following information has been provided by the applicant in support of this:

- Email dated June 2010 from Quality & Market Development Officer in Brent Housing and Community Care to the manager of Meera Nursing Ltd which states that they would be happy to support an application to extend the care home as it would bridge a gap for ethnic minority residents in the community;
- Email dated May 2011 from Quality & Market Development Officer in Brent Housing and Community Care to the Planning Service which sets out that they expect the demand for residential dementia services to increase in the future and that the development would help to support the residents of Brent who have a need for such services within an ethnic and vegetarian setting.
- Email dated May 2011 from the West London Alliance Senior Category Manager confirming that they anticipate demand for residential dementia care services to increase and this development would support residents in Brent and other WLA boroughs that have needs for these services within an ethnic and vegetarian setting.
- Statistics to show that service users from the London Borough of Brent range from 8 in 2001, peaking at 19 in 2006. In 2011, the statistics outlined that 15 service users are from the London Borough of Brent.

Policy H23 in the UDP also requires that consideration is given to whether there is an over provision of such facilities in the locality. Information has been provided setting out the location of other residential homes however they are generally smaller in scale and not located in close proximity to the site.

It is considered that, on balance, sufficient justification has been provided to demonstrate that the proposed expansion of the care home would meet a known need in the Borough and on this basis the loss of 2 family sized houses can be accepted.

## **2. Design**

The proposed design and layout of the proposal has been refined and is considered to have been significantly improved following the withdrawal of the previous application for an extension to the care home (LPA Ref: 11/2072).

Local residential properties are two storeys in height and predominantly semi detached, some with attached garages and space for off road car parking on the front drive. It is noted that a number of properties in the locality have either single or two storey side extensions. The application proposes to demolish two existing semi detached houses and the erection of a replacement two storey building on Tintern Avenue with a link extension to the existing care home with dormer windows

facing Tewkesbury Gardens in the roof. The site is located in an Area of Distinctive Residential Character (ADRC) where particular attention must be given to the design of proposals in the area.

The accommodation in the new development comprises 10 bedrooms (6 at ground floor and 4 at first floor). The proposed link extension will result in the loss of one existing bedroom in Meera House, therefore creating a net increase of 9 bedrooms.

The proposed two storey building is set on the same building line as the existing houses that occupy the plot, being set 6 metres back from the pavement edge of Tintern Avenue. The design of the proposed development takes reference from the existing 2 semi-detached dwellings, adopting features that are prevalent in the design of dwellings within the locality, including a bay frontage and a hipped roof form.

The ground floor finished floor level of the existing pair of semi detached houses is 52.11m (AOD). The proposed building is to have a finished floor level 51.57m (AOD) requiring some levelling of the frontage. The finished floor level will be similar to that of the neighbouring property at 5 Tintern Avenue. This results in the height of the proposed development when viewed from the Tintern Avenue being similar to that of the neighbouring property at 5 Tintern Avenue and ridge height lower than the existing buildings on the site.

It is acknowledged that the bulk of the new development will be greater than the existing semi detached houses principally as a result of the increase in first floor accommodation however the design approach is considered to be an appropriate response to the site constraints. The two storey element of the proposal which faces Tewkesbury Gardens will be a similar depth to the existing house that is to be replaced though there will be no set down at roof level. A set back from the frontage will be provided in addition to a bay feature which will assist in providing articulation to this elevation.

The link extension between the existing care home and the area currently occupied by 1 & 3 Tintern Avenue has been designed with a dual-pitched roof (height 5.7m) and 2 front dormers facing Tewkesbury Gardens and 2 ground floor projecting bays. The projecting bay element of the extension is set-back 2.4 metres from the public highway whilst the remaining section of the extension is set-back 4.8 metres from the highway, to ensure the existing 2 off-street parking bays can be retained. The set-back also allows for additional soft landscaping to be provided on the Tewkesbury Gardens elevation. Currently, there is a brick boundary wall with close-boarded fence above approximately 2 metres in height.

Overall, it is considered that the design of the proposal is acceptable in the context of the locality. The building has been designed with attention paid to replicating features that are characteristic of buildings in the locality. Whilst the proposal increases the extent and bulk of building on the site, it is considered that proposal would not detract from the character and appearance of the area, designated as an ADRC.

### ***3. Impact on residential amenity:***

It is not considered that the proposed extensions would result in an unacceptable impact upon the privacy levels of neighbouring occupants, or their access to natural daylight and outlook.

The proposed two storey extension does have a greater depth than the existing semi-detached house adjacent to 5 Tintern Avenue, which without extension measures approximately 8 metres depth. The proposed 2-storey extension would have a depth of 11 metres, set-in 1 metre from the side boundary shared with neighbouring 5 Tintern Avenue. No. 5 Tintern Avenue has a single storey side to rear extension adjacent to the shared boundary which projects approximately 3 metres beyond the original main rear wall of the dwelling. The proposed two storey extension would project the same extent rearwards as the existing single storey rear extension of No. 5 Tintern Avenue.

In the flank elevation of 5 Tintern Avenue, there are 2 side windows at first floor level which are both obscure glazed. It was not possible to gain internal access to No. 5 Tintern Avenue to verify the layout. However your officer visited neighbouring property no. 3 Tintern Avenue which would seem to replicate the layout of No. 5. It was confirmed that the first floor side windows served the stairs and a side bathroom; this would concur with the obscure glazing to this flank window. There is a small window to the rear of the property which serves a toilet, closest to the side wall of the property.

On this basis, the nearest habitable rear window which could be affected by the extension would be the first floor bay bedroom window of no. 5 Tintern Avenue, located approximately 8 metres away from the side wall of the extension. The two storey extension would project approximately 3 metres beyond this window and the main rear wall of the dwelling at 5 Tintern Avenue. Such a relationship would comply with SPG5 in terms of the 2:1 guide which is applied where a two storey rear extension is proposed to an existing house. On this basis, it is considered that the impacts on the neighbouring property in particular terms of loss of light and outlook will be within reasonable limits. It is noted that there are ground floor windows in the flank elevation of the single storey extension however they appear to serve a room that is dual aspect, with windows also facing rearward into the garden.

Whilst the projection of the 2-storey rear extension would be visible from neighbouring properties, particularly the adjoining property No. 5 and also No. 7 Tintern Avenue, it is not considered that the extension would be visually overbearing in appearance to an extent that would warrant refusal of the application.

The proposed two storey extension has 1 ground floor window and a side door and 2 first floor side windows facing the side wall of No. 5 Tintern Avenue. The windows shall serve the stairs and landing areas of the care home. All of these windows and the door shall be obscure glazed as indicated on the submitted elevations and therefore would not result in a loss of privacy for the occupants of No. 5. A condition shall be applied that requires the windows to be obscure glazed and non-opening.

Whilst the proposed link extension is not a feature characteristic of buildings in the locality, the extension would be located 10.4 metres away from the boundary shared with the nearest neighbouring dwelling No. 5 Tintern Avenue. The infill extension would comfortably comply with the 45 degree rule when applied to this boundary as set out in Supplementary Planning Guidance 17 (SPG 17), which sets out that where a proposed development adjoins private garden areas, the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2 metres. The dormer windows have been positioned in the elevation facing Tewkesbury Gardens to ensure privacy to neighbouring residents is not compromised. Given the relationship to other properties in the locality, it is not considered that the development would have any significant impacts on amenity. It should also be noted that a large outbuilding is proposed to be removed which will be an improvement to adjoining residents.

An objection was received in relation to odour disturbance that may arise from installation of larger laundry facilities. The plans do show that a new 20m<sup>2</sup> laundry room shall be located within the single storey link extension facing Tewkesbury Gardens, with 2 air vents positioned within the roof of the extension facing the street. Given that the vents would terminate on the street frontage and would serve a laundry room, it is not considered that they would result in unacceptable odour disturbance on the occupants of neighbouring properties. Environmental Health have confirmed that they do not consider that the vents would give rise to any significant noise or odour disturbance and therefore do not consider it necessary for a condition to be imposed requiring means of extraction to be submitted for approval.

The proposed accommodation for the care home is considered to have good access to daylight and outlook for future residents and an acceptable level of privacy.

#### **4. Parking and transportation**

Noting that the residents of the care home are largely immobile, the site will only be accessed by visitors and staff. The site is located in an area with moderate transport accessibility.

The care home currently provides 11 off-street parking spaces to the front of Meera House. The site currently has 54 bedrooms, 26 full-time and 12 part-time staff. Parking standards within the adopted UDP set out that the maximum parking allowance for the site would be 11 off-street parking spaces. Therefore, the current provision is compliant with adopted parking standards.

The proposal would increase the number of bedrooms on site to 63 and increase the number of full-time staff to 32 and part-time to 14. The maximum parking allowance would increase to 13 spaces. The proposal does not provide any additional off-street parking spaces, and would remain therefore at 11 spaces including 1 disabled parking bay. There is provision of a designated ambulance bay to the front of Meera House.

Whilst no additional parking is being provided on site, the proposal would enable the removal of the wide vehicular accesses serving Nos. 1 & 3 Tintern Avenue, increasing on-street parking provision. In addition, the provision of one designated off-street parking space on Tintern Avenue will mitigate the loss of one space to the frontage parking which is not readily accessible.

A total of 6 cycle parking bays would be provided in the forecourt of the site facing Stag Lane, around which additional soft landscaping would be provided. The level of cycle parking would comply with standards within the UDP which set out that at least 5 spaces should be provided. Details of the means of enclosure of the cycle parking can be conditioned.

A condition will be applied that all vehicular crossovers onto Tintern Avenue that are rendered redundant by the proposal shall be reinstated to foot way at the expense of the developer.

A financial contribution of £5,000 payable upon material start was requested to be utilised by the Council towards the provision of sustainable transport in the local area and public realm improvements.

#### **5. Landscaping:**

The proposed development would present a significant improvement in terms of both soft landscaping to boundaries and landscaping within the confines of the care home itself. Additional soft landscaping would be provided within the area currently occupied by the forecourt of Nos. 1 & 3 Tintern Avenue which is predominantly hard standing and a secure garden with landscaped courtyard would be created to the rear of the proposed 2-storey extension. This involves the demolition of a large existing outbuilding within the site which is an improvement.

The proposed landscaping treatment would therefore improve the boundary appearance of the site and the introduction of the courtyard shall ensure that a better standard of environment is created for the occupants of the care home. All details of boundary treatments and of the court yard, including details of all hard and soft landscaping, shall be required by way of condition prior to any start on site.

#### **6. Conclusion**

It is considered that, on balance, sufficient justification has been provided to demonstrate that the proposed expansion of the care home would meet a known need in the Borough and on this basis the loss of 2 family sized houses can be accepted in accordance with Policy CP21 in the Core Strategy. The design of the proposal is acceptable in the locality and not considered to give rise to any significant amenity concerns. There will be improvements to the landscaping of the site and a



contribution has been secured for public realm improvements and sustainable transport.

## **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent

## **REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 17 - "The 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  
Transport: in terms of sustainability, safety and servicing needs

Relevant policies in the Adopted Core Strategy

## **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):

10-182-101  
10-182-105  
10-182-110 revision D  
10-182-111 revision C  
10-182-120 revision A  
10-182-121 revision A  
10-182-135 revision A  
10-182-150 revision B  
A1 11F121/001

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

- (3) All vehicular crossovers onto Tintern Avenue that are rendered redundant by this proposal shall be reinstated to footway with full height kerbs at the developer's expense prior to occupation of the development.

Reason: In the interests of highway and pedestrian safety and the free flow of traffic within the locality.

- (4) The side windows on the southern elevation of the 2-storey extension shall be installed as obscure glazed and non-opening and maintained thereafter as such.

Reason: In the interests of the privacy levels of neighbouring occupants.

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

- brick, tile and window frame samples
- further details including scaled elevations and cross-sections of the proposed windows
- further details including scaled elevations of the proposed doors and details of materials

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

- (6) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed prior to occupation of the building(s).

Such scheme shall detail:

(i) Walls and fences

Proposed walls and fencing, indicating materials and heights.

(ii) Planting on boundaries and within proposed courtyard

Details of all planting along the boundaries and within the courtyard of the site. Such details shall include, layout, planting heights, densities and species.

(iii) Physical separation

Adequate physical separation, such as protective walls and fencing, between landscaped and paved areas.

(iv) Hardsurfacing

Details of all materials for all proposed hardsurfacing within the site

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.

- (7) 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 approved details before prior to occupation and retained thereafter. Such details shall include:-

(a) details of secure cycle storage

(b) details of storage for refuse, recyclable materials and waste storage;

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

**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)

**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

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 **Planning Committee Map**  
Site address: 72 High Street, London, NW10 4SJ  
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This map is indicative only.

**RECEIVED:** 7 December, 2011

**WARD:** Kensal Green

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** 72 High Street, London, NW10 4SJ

**PROPOSAL:** Change of use from amusement arcade (sui generis) to retail (use class A1).

**APPLICANT:** Harvey & Thompson Ltd

**CONTACT:**

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

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## **RECOMMENDATION**

Approval.

## **EXISTING**

The existing property is located on the southern side of Harlesden High Street. It is currently vacant, but the last use appears to be as an amusement arcade. The property forms part of the Harlesden Town Centre Primary Shopping Frontage. It is not a listed building, but it is within the Harlesden Town Centre Conservation Area.

## **PROPOSAL**

See above.

## **HISTORY**

**R1682 811681M.** Change of use of shop premises to amusement centre. Allowed on appeal 26/08/1982.

In addition, there are two applications currently awaiting determination that relate to the property and cover signage (11/3316) and shopfront (11/3315) proposals for the building. These applications will be determined once the principle of the use has been established through this proposal.

## **POLICY CONSIDERATIONS**

### **UDP 2004**

TRN 22 - Parking Standards - Non Residential Development.  
SH1 - Network of Town Centres.  
SH3 - Major Town Centres and District Centres.  
SH6 - Non-retail uses appropriate to primary shopping frontages.  
SH13 - Amusement Centres.

## **SUSTAINABILITY ASSESSMENT**

Not applicable.

## **CONSULTATION**

All neighbouring properties were consulted by letter, a site notice (20 January 2012) was displayed outside the site and a press notice (26 January 2012) was published.

Three objections have been received from adjoining properties all stating that they do not want the unit to become a pawnbrokers.

## **REMARKS**

### **Principle of the Change of Use**

The application property is located within the Harlesden Town Centre Primary Shopping Frontage as well as the Harlesden Conservation Area. As explained above the most recent use has been as an amusement arcade with consent for that dating back to 1982. Amusement arcades are defined within the Use Classes Order as being sui generis (ie: falling outside any class) and are not a type of use that the Council consider appropriate within any Primary Shopping Frontage throughout the Borough. The UDP does not include specific policies covering changes of use to retail (A1) within Town Centres (policy SH7 sets out the relevant criteria where the change is from retail), however the strategic policy for town centres seeks to ensure that development sustains, and enhances, the vitality and viability of the Borough's town and district centres (policy STR29).

This proposal will result in the loss of a non-retail use, and one which the Council's policies would not normally allow in a Primary Shopping Frontage. The application proposes a new A1 retail use and, as a result, must be considered acceptable in principle as it has the potential to increase the amount of retail floorspace within the Frontage, precisely the enhancement of the Centre that the UDP seeks.

For clarity, this application is submitted by a pawn brokers and there has been some debate in the past over whether that sort of use is, in fact, retail. The Land Use Gazetteer, which provides a comprehensive guide to land uses and their use classes, sets out that a Pawnbrokers premises will fall within Use Class A2, unless the use also involves retail sales of goods and/or services appropriate to a shopping area to visiting members of the public in which case the use will fall within Use Class A1. The applicants are aware of this and have submitted an application that they feel demonstrates that the proposal is A1. This includes a floor plan which shows a window display and a retail sales area to the front of the shop. Other Councils have confirmed that in their view the proposed activities do fall within the A1 use class, although Brent have not formally made such a decision relating to premises within the Borough.

The Council is being asked to approve a retail use here, which is acceptable for the reasons set out above. However, should it transpire that, in the view of the Planning Service, the use of the premises by the way that it subsequently operates on a day-to-day basis is not actually considered to be retail then the Council would be able to use its Enforcement powers to address the breach of planning control. Members will note that the proposal will not result in a loss of an existing retail use, given its historic use as an amusement arcade, and therefore even if were to be decided at some time in the future that the premises was been operated as an A2 use it would be difficult to argue that such an A2 use would not be an improvement on the most recent situation in planning policy terms. Policy SH6 indicates that A2 uses are amongst those considered to be appropriate to Primary Shopping Frontages.

## Highway Considerations

In relation to car parking this Town Centre site has very good public transport accessibility and will not result in an increase in vehicular trips or pressure for parking in the local area. The Council's Highways Officer has confirmed that there will be no detrimental impact on local highway conditions as a result of the proposed change. The proposal for an A1 retail use in this location is, therefore, considered to be acceptable.

## Conclusion

This application comes before the Committee because of the number of letters of objection that have been received. All 3 indicate that they do not want to see a pawnbrokers in Harlesden. The decision needs to be taken on planning policy grounds and, as explained above, the historic use of the site is sui generis meaning that any change to a use falling within the "A" class could be considered to enhance the range of goods and services available to visitors. Pawnbrokers could fall within either A1 or A2 depending on how the business operates, but the applicants here are clear that they are proposing an A1 retail use. It is evident that people feel strongly about particular uses within the use class order but, as explained above, every application needs to be determined on adopted planning policy.

The proposed change of use is considered to be in accordance with Council planning policy and guidelines and accordingly planning approval is recommended. It should be noted that this application relates solely to the proposed change of use and does not relate to the alterations to the shopfront which are the subject of current full planning and advertisement consent applications as explained above.

**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:-

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

## CONDITIONS/REASONS:

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

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

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

260-1020-002



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

**INFORMATIVES:**

None Specified


**REFERENCE DOCUMENTS:**

Brent UDP 2004

Three letters of objection.

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229

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 **Planning Committee Map**  
Site address: FIRST FLOOR, 1-3 Lonsdale Road, London, NW6 6RA  
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This map is indicative only.

**RECEIVED:** 10 January, 2012

**WARD:** Queen's Park

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

**LOCATION:** FIRST FLOOR, 1-3 Lonsdale Road, London, NW6 6RA

**PROPOSAL:** Variation of condition 4 (for temporary one year period) involving the extension of hours of usage to 06:00 - 22:00 Monday to Saturday and 06:00 - 21:00 Sundays and bank holidays of full Planning Permission ref:11/1956 *Change of first floor use from office (use class B1) to yoga studio (use class D2)*

**APPLICANT:** Dr Susannah Tomkins

**CONTACT:**

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

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## **RECOMMENDATION**

Grant Consent.

## **EXISTING**

The site is the first floor yoga studio at 1-3 Lonsdale Road, which is a road characterised by mixed employment uses. The adjoining uses are as follows. Downstairs, unit 1-3 Lonsdale Road is B1 office, next door units 5-7 Lonsdale Road the use is D2 dentist. The building abuts the rear gardens of residential properties 1, 3 and 5 Hartland Road, the gardens are approximately 7m in length. The property is end of terrace so its east flank wall faces the residential properties approximately 12m away the other side of Donaldson Road, whilst the front elevation faces the flank elevation of 40 Donaldson Road which has first floor residential use. The property is not in a Conservation Area and is not listed.

## **PROPOSAL**

See above.

## **HISTORY**

Planning reference 11/1956: Change of first floor use from office (use class B1) to yoga studio (use class D2), granted 17/10/2011. Approved hours of use were conditioned as follows;

*0900 hours and 2100 hours Mondays to Fridays  
0900 hours and 2000 hours Saturdays and  
0900 hours and 1930 hours on Sundays and Bank holidays*

## **POLICY CONSIDERATIONS**

### **UDP 2004**

**TRN22** Parking Standards - Non - Residential Developments  
**EP2** Noise & Vibration

### **Adopted 2010 Core Strategy**

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

## **CONSULTATION**

### *Neighbours/Consultees*

35 letters sent to neighbouring owner/occupiers. To date 12 representations have been received, consisting of 3 objections and 10 letters of support.

The main points in the objections are as follows;

- Current hours of use form a key part of Councils noise control since the permission contains no conditions limiting noise.
- Noise generated from people arriving and leaving classes in close proximity to residential properties.
- Increase in visitor numbers material consideration.
- Parking is already stretched on Hartland Road.

Letters of Support raised the following points;

- Yoga is a quiet form of exercise.
- Would allow for classes before going to work which would be very beneficial.
- Would create additional business for existing businesses in the area.
- Promotes health and well being.

### *Statutory Consultees*

Environmental Health Officers recognise the potential noise disturbance generated by people coming and going early in the morning if not carefully controlled.

### *Response*

The following responds to some of the concerns shown above. Those that are not addressed here will be in the remarks section. The use is expected to be quiet and the applicant has provided details of installed sound installation. Also conditions attached to this permission are a means of mitigating potential noise disturbances generated from the extended hours.

Regarding an increase in visitor numbers, this is a material consideration and its impact has been assessed in relation to parking. The following report will demonstrate that the current CPZ in operation, the parking standards for the use and low volume of car usage from users means that the extension of hours will have a minimal impact toward neighbouring parking capacity.

The following report responds to other concerns listed above.

## **REMARKS**

### *Impact to neighbouring Amenity*

The Yoga/Pilates studio use was granted 17/10/2011 ref:11/1956, partly on the basis it was not expected to cause significant noise disturbances. The use was restricted through condition to only this activity so as to safeguard neighbouring amenity from other uses falling within D2 that could be potentially more noise generating. Environmental Health colleagues report that no noise complaints have been received since the use commenced.

The proposed extended hours will be outside of normal working hours, both in the morning and evening, with an additional 3 hours proposed in the morning and extra 1 or 2 hours (depending on the day) in the evening, so its potential to cause disturbance in particular to the adjacent residential properties needs to be assessed.

In terms of noise mitigation for the use itself, the applicant has provided detail of the installed soundproofing for the floor achieving 49dB airborne sound insulation and 36dB impact sound insulation. This exceeds 2010 Building Regulations Part E which states for more sensitive

residential uses that airborne insulation measures should achieve a minimum 43dB airborne sound insulation whilst impact sound insulation should not exceed 64dB. This demonstrates that the adjoining non residential uses will be successfully safeguarded from the limited noise generated from the classes. Furthermore it is expected these neighbours will not be present outside of working hours so are less likely to be affected by the early and late classes.

In terms of the neighbouring residential properties, the rear elevation of the building abuts the rear gardens of several residential properties on Hartland Road. Whilst they are in close proximity, the rear elevation of the property is a solid wall with no windows, hence it would successfully shield any limited sound generated by the classes. The front elevation however contains windows and faces onto the flank elevation of 40 Donaldson Road which is a residential property with a first floor window that could potentially be habitable. As such, despite the quiet nature of the activity there is potential for some limited disturbance given the early start proposed.

As a safeguard, it is considered appropriate to require that the windows remain closed whilst activities (including cleaning) are taking place in the yoga studios before 8am Monday to Saturday and 9am on Sundays and bank holidays. As an additional safeguard, a condition will require that no music shall be played on the premises so as to be audible in adjoining premises or the highway. In addition to this, it is considered appropriate to make this permission temporary for a period of a year, unless otherwise confirmed in writing by the Local planning Authority. This will enable the Council to monitor the impact of the works and assess any impact on amenity. In 12 months time it would allow the return to the previously approved hours if the extended hours prove to cause problems.

#### *Parking*

Some concerns have been expressed regarding the possibility of over spill car parking causing highway safety issues in the nearby Donaldson Road and Hartland Road, both of which are defined in the UDP-2004 as being heavily parked. Between the hours of 08:30 and 18:30 on weekdays, both roads are subject to a CPZ so are not at risk of over spill. Also as the following paragraph will explain, the low volume of car use generated by the yoga studio currently has little impact on the parking capacity outside of the CPZ hours and is expected to do so if hours of use are extended.

The scale of the operation is not considered large. At most 40 people could be accommodated at the premises, and classes are likely to be smaller than this. The applicable car parking standard for a D2 use is PS10 of the UDP-2004, which will permit 1 car space per 60 patrons, plus employee parking of 1 car space per 5 staff. This would mean 2 car spaces would be the maximum permissible for the use. The private frontage of the site can accommodate 2 car spaces, making over spill parking very much less likely.

The scale of the operation is certainly not so large that a Travel Plan would be required, however in light of the concerns raised, with particular regard for strain on existing provision and potential noise generated from shutting car doors, the applicant was asked to provide a survey to demonstrate the typical modes of transport for the current use.

The applicant supplied the following data collected during a recent week. *A large majority- 74%- came on foot or by bicycle. Of the remaining 26% around half came by public transport (so arrived on foot) and half by car. 18 people by car in a week and the majority of those in the evening. No one drove to any morning classes.* Whilst it is fair to say that early and late classes may operate differently, the survey does demonstrate that the overall car usage is low and broadly in line with the standards for a D2 use as set out above. Officers consider that the patterns are unlikely to change significantly.

In terms of impact on existing parking provision outside of CPZ hours, in the unlikely event of over spill parking during the early morning classes it is expected that spaces will already be filled by residents so will not impact on the overall quantum of parking available for people who live nearby.

In the evening, given the limited volume of car usage recorded, it is not considered to amount to any significant impact beyond what the current hours of operation generate. Also in relation to noise from car doors closing early in the morning, given that the volume of car usage is minimal this is not expected to cause a significant disturbance.

The applicant has indicated a willingness, and will be reminded through an informative, to provide information about public transport access to the site via their website and/or via leaflets provided on-site, in the interests of encouraging sustainable travel to the site and minimising use of the private car.

#### *Summary*

The main issues for consideration including parking and noise disturbance have been discussed and it is considered that, providing appropriate measures of control are applied through the permission, the extension of hours will not have an unacceptable impact. In addition it is considered the extension of hours meets a specific local need given the number of letters of support from local residents received and the application is recommended for approval.

### **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:-

- Environmental Protection: in terms of protecting specific features of the environment and protecting the public

### **CONDITIONS/REASONS:**

(1) This extension to the hours of use, hereby approved, must be read in conjunction with the conditions attached to planning permission 11/1956 which granted consent for the original change of use.

Reason: In order to ensure that the Local Planning Authority is able to exercise proper control over the development in the interests of safeguarding neighbouring amenity.

(2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s), in addition to those approved in the original permission ref:11/1956.

Soundproofing for yogaloft:1-3 Lonsdale Road, London NW6 6RQ

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

(3) All front windows shall be kept shut while activities (including cleaning) are taking place at the yoga loft studio before 0800 Monday - Saturday and before 0900 Sundays and bank holidays.

Reason: To safeguard the amenities of neighbouring occupiers and the area generally.

- (4) No music shall be played on the premises in such a way as to be audible within the adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of neighbouring occupiers and the area generally.

- (5) This approved variation of condition shall be valid for a period of a year from the date of approval, after which the hours of use shall revert to that specified through condition 4 in original permission ref:11/1956 unless otherwise confirmed in writing by the Local Planning Authority.

Reason: To allow the Local Planning Authority to assess the impact of the proposal and to safeguard the amenities of neighbouring occupiers and the area generally.

- (6) The use of the premises to hold yoga classes shall not be carried out outside the following times: between 0600 - 2200 Monday - Saturday and 0600 - 2100 Sundays and bank holidays.

Reason: To safeguard the amenities of neighbouring occupiers and the area generally.

**INFORMATIVES:**

- (1) The applicant is encouraged to provide information about public transport access to the site via their website and/or via leaflets provided on-site


Reasons: In the interest of encouraging sustainable travel to the site and minimising use of the private car.

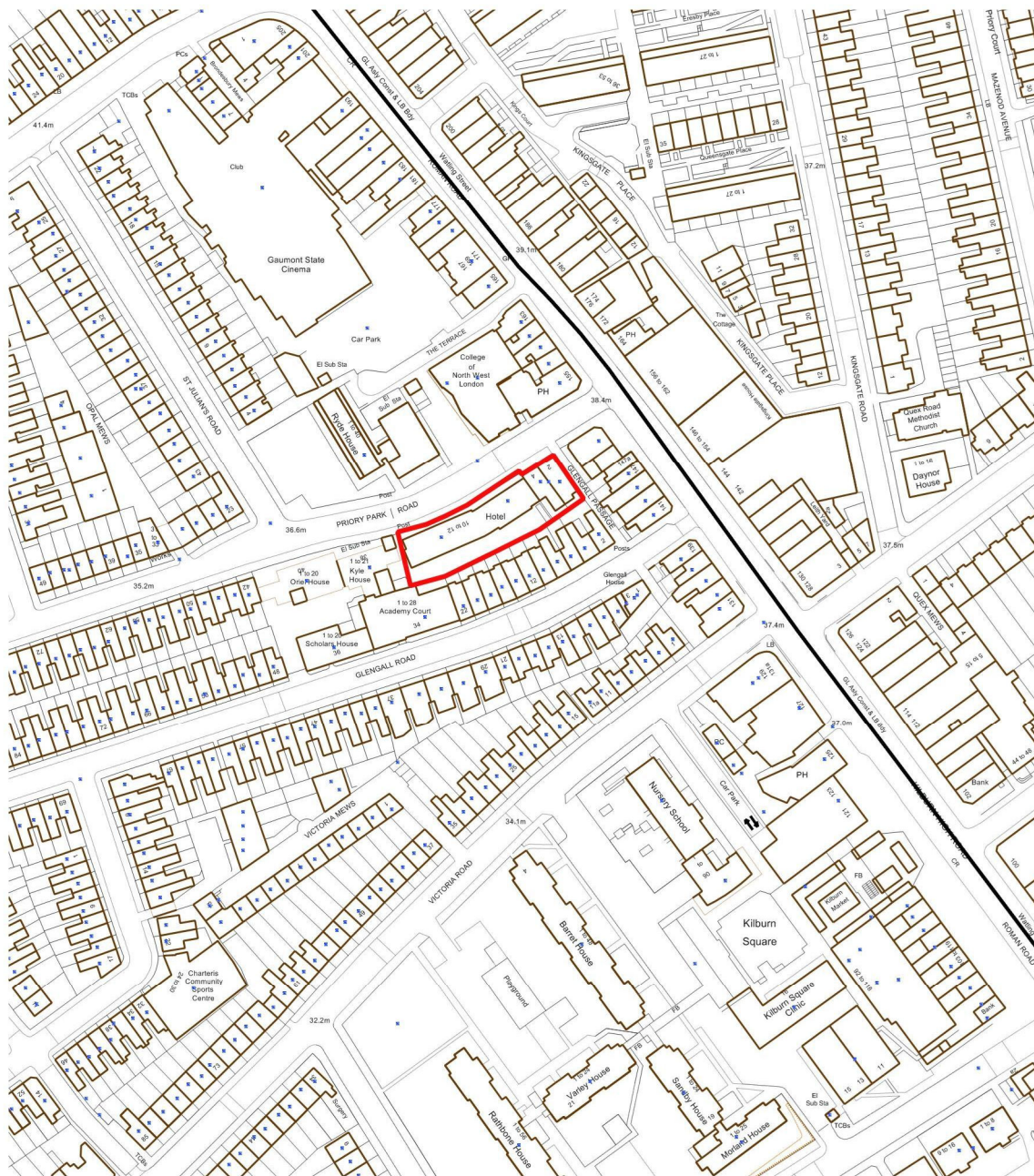
- (2) This granting of permission does not preclude the use from any noise investigation/enforcement action, should complaints be made.

**REFERENCE DOCUMENTS:**

Any person wishing to inspect the above papers should contact Samuel Gerstein, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5368



 **Planning Committee Map**  
Site address: 2-12 inclusive, Priory Park Road, London, NW6 7UG  
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This map is indicative only.

**RECEIVED:** 29 December, 2011

**WARD:** Kilburn

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

**LOCATION:** 2-12 inclusive, Priory Park Road, London, NW6 7UG

**PROPOSAL:** Demolition of 2-12 Priory Park Road [inclusive] (currently accommodating a HMO and a 79 room/ 198 person hostel) and erection of a proposed 6 storey building (plus basement), accommodating a 178 room/ 351 person hostel, with associated communal facilities at ground and lower ground level, and landscaping works.

**APPLICANT:** Topclass Investments Ltd

**CONTACT:** Nicholas Taylor & Associates

**PLAN NO'S:**

Planning Statement by Nicholas Taylor & Associates Dated December 2011

02-001; 02-100; 02-101; 02-102; 02-103; 02-104; 02-105; 02-106; 02-107

02-108; 02-109A; 02-110; 02-111A; 02-112; 02-113; 02-114; 02-115; 02-116B

02-117B; 02-119; 02-200; 02-201; 02-202A; 02-203A; 02-204; 02-205; 02-300B

02-301A; 02-302B; 02-303A; 02-303A; 02-400A; 02-401; 02-402; 02-403A; 02-404;

02-405; 02-406; 02-407; 02-408;

Accompanying Documents:

Design and Access Statement

Sustainability Report

Energy Report

Daylight and Sunlight Report

Photomontages 1,2 and 3

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**RECOMMENDATION**

Refusal

**EXISTING**

The existing site includes 3 four storey Victorian Apartment Blocks located on the south side of Priory Park Road within Kilburn. There is an existing hostel use on the four floors of the two buildings St Lawrence House (6-8 Priory Park Road) and Priory Mansion (10-12 Priory Park Road). The hostel is shown as having 79 rooms providing accommodation for a maximum of 182 people. The groundfloor of the apartment block at Nos. 2 and 4 Priory Park Road contains vacant commercial units which form part of the Kilburn Town Centre secondary shopping frontage. While the upper units which have fallen into disrepair are stated to have been most recently in use as an HMO.

The site has an area of 0.14 hectares and is close to and partially within Kilburn Town Centre and has a ptal rating of 6a as taken from the TFL database in March 2012. As such it is considered to have excellent public transport accessibility and is within 900m of two national rail stations, one underground station and numerous bus routes. To the north the site is bounded by Priory Park Road, to the east Glengall passage (a pedestrian route to the rear of the shops on Kilburn High Road between Priory Park Road and Glengall Road), to the south the rear gardens of the

residential properties on Glengall Road and to the west a new residential development that was part of the former College of North West London Site.

The buildings are not listed nor are they within a Conservation Area.

## **PROPOSAL**

As above.

## **HISTORY**

**07/2810** - Demolition of existing building and erection of a 1, 4- and 6-storey building, comprising 37 studio flats, 2 retail units on ground level, cycle parking and roof balcony to fifth floor – Withdrawn

**03/2938** - Creation of 11 dwellings involving demolition of existing buildings and erection of 1 five-storey block, comprising 7 two-bedroom flats, 3 one-bedroom flats, 1 three-bedroom flat and 2 retail units – Withdrawn

**02/2547** - Alterations and extensions to convert entire building, comprising restaurant and office with flats above, to House in Multiple Occupation, comprising 37 double bedrooms with access through Nos. 10-12 next door, including demolition of existing three-storey rear extension and erection of part single-storey, part four-storey extension to both buildings, construction of new mansard roof, erection of 4-storey external metal staircase to the rear and railings at front - Refused for the following reasons:

- 1. The proposed change of use of the property to a hostel for homeless people would be unacceptable, in that the Council is no longer able to support such proposals for new hostel accommodation, when the preference is for the provision of rented affordable accommodation, to reduce the numbers of homeless and families in any form of temporary bed & breakfast, hostel or hotel accommodation. In addition, the hostel would result in the loss of a site suitable for permanent residential accommodation and is, therefore, contrary to Policy H30 of the Brent Revised Unitary Development Plan.*
- 2. The proposed change of use of the property to a hostel for homeless people would be unacceptable, by reason of the absence of on-site amenity space and the limited facilities within the building for the numbers of residents proposed, as well as the poor standard of environment proposed for certain of the proposed rooms (in particular, the ground-floor rear rooms). The proposal is, therefore, contrary to Policy H30 of the Brent Revised Unitary Development Plan.*
- 3. The proposal would result in the loss of the existing ground-floor commercial units, which are designated as forming a Secondary Shopping Frontage in both the adopted and emerging Unitary Development Plans, and their replacement with a use that does not provide a service to visiting members of the public. As a result, the proposal is contrary to policy S8 of the adopted Brent Unitary Development Plan 1996 and policy SH10 of the Revised Replacement Draft Unitary Development Plan 2001.*
- 4. The proposed mansard roof extension, by reason of its height, bulk, design and appearance, would constitute an unacceptable form of development, detracting from the appearance of the building, in particular, and the locality, in general. The proposal would be visually incongruous, relating poorly to surrounding forms of development, and as a result, would be contrary to policies E1 and H6 of the adopted Brent Unitary Development Plan and policy BE9 of the emerging Brent Unitary Development Plan Replacement Revised Deposit Draft.*
- 5. The proposed four-storey rear extension and rear external staircase would, by reason of their height, bulk, design and appearance, constitute an unacceptable form of development,*

*detracting from the appearance of the building in particular, and the locality in general. Furthermore, the proposed alterations to the ground-floor frontage of the building would, by reason of their external appearance, relate poorly to the existing building. The proposal would be visually incongruous, relating poorly to surrounding forms of development, and as a result, would be contrary to policies E1 and H6 of the adopted Brent Unitary Development Plan and policy BE9 of the emerging Brent Unitary Development Plan Replacement Revised Deposit Draft.*

6. *The proposed extensions to the building would, by reason of their height, size and siting, constitute an unacceptable form of development, detracting from the amenities of those people living nearby. The proposals would result in overlooking to, and create a sense of overbearing for, these residents and would be contrary to policies E1 and H6 of the adopted Brent Unitary Development Plan and policy BE9 of the emerging Brent Unitary Development Plan Replacement Revised Deposit Draft.*
7. *The applicant has failed to demonstrate that additional car-parking provision can be made within the site to meet the Standards set out in the emerging policies of the Council. As a result, the proposal is likely to add to the already high demand for on-street parking in the area, to the detriment of the free and safe flow of traffic, and would be contrary to policies TRN23 and PS13 of the Brent Unitary Development Plan Replacement Revised Deposit Draft.*

## **POLICY CONSIDERATIONS**

### **London Plan 2011**

**3.8 - Housing Choice** - Taking account of housing requirements identified at regional, sub-regional and local levels, boroughs should work with the Mayor and local communities to identify the range of needs likely to arise within their areas and ensure that other supported housing needs are identified authoritatively and co-ordinated action is taken to address the in LDF and other relevant plans and strategies.

**3.14 - Existing Housing** - Loss of housing should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floor space (this policy includes loss of hostels and accommodation that meets an identified need). The loss of housing to short term provision should also be resisted.

### **Core Strategy 2010**

**CP6 - Design & Density in Place Shaping**

**CP14 - Public Transport Improvements (Infrastructure)**

**CP15 - Infrastructure to Support Development**

**CP18 - Protection and Enhancement of Open Space, Sports and Biodiversity**

**CP19 - Brent Strategic Climate Change Mitigation and Adaptation Measures**

**CP21 - A Balance Housing Stock** - the plan seeks to maintain and provide a balanced housing stock in Brent in support of Policy CP2 by protecting existing accommodation that meets known needs and by ensuring that new housing appropriately contributes towards the wide range of borough household needs including:

- Non self-contained accommodation to meet identified needs.

### **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**

**BE9 - Architectural Quality**

**EP3 - Local Air Quality Management**  
**EP6 - Contaminated Land**  
**H6 - Protection of Existing Affordable Housing (inc HMOs)**  
**H10 - Containment of Dwellings**  
**H12 - Residential Quality - Layout Considerations**  
**H13 - Residential Density**  
**TRN3 - Environmental Impact of Traffic**  
**TRN4 - Measures to Make Transport Impact Acceptable**  
**TRN 11 - The London Cycle Network**  
**TRN23 - Parking Standards**

#### **Non-planning Guidelines**

**Housing Strategy 2009-2014 - Shaping the Future of Housing in Brent.**

#### **SUSTAINABILITY ASSESSMENT**

The applicants have submitted an energy report and a sustainability report with the application. The applicants have provided an assessment of the predicted energy performance and carbon dioxide emissions of the proposed development. The development is expected to achieve a reduction in CO2 emissions of 50.2% over Building Regulations Part L (2010). They also state that they will have a BREEAM 'Excellent' rating. However they have filled in an out of date version of the Council's Sustainability Checklist. As such the full impact of the proposed development on sustainable design and construction cannot be fully assessed.

The Council would seek to ensure that the sustainability proposals that form part of this development are controlled and monitored through an appropriate legal agreement. In the absence of such an agreement the Council will not be able to ensure that they are carried out and as such it will need to be included as a reason for refusal.

#### **CONSULTATION**

All neighbouring residents were consulted. Site notices were installed outside the site and a press notice was served. Internal consultation was undertaken with letters sent to Highways, Landscape Design, Housing, Policy, Urban Design and Environmental Health.

32 letters of objection and a petition with 1000 signatories were received in relation to the proposed development. The following issues were raised.

- The existing buildings make a valuable contribution towards the character and appearance of the area and should not be demolished.
- An expanded hostel use would have an unwelcome impact on the amenity and the character of the local area.
- The proposal will result in additional strain on existing parking on Priory Park Road and surrounding streets.
- There will be a detrimental impact on the amenity of neighbouring residents on Glengall Road in terms of increased overlooking, loss of daylight and sunlight.
- There is a need for more homes and flats in the area not a hostel.
- The proposed hostel expansion will result in an increase in anti-social behaviours in the local area in particular noise, waste and pests.
- The proposed building is out of keeping with the character of the area and does not relate well to neighbouring buildings.
- The proposal lacks a mix of uses required to create a balanced community.

- Unsustainable to demolish an existing building which could be refurbished
- The increase in the temporary accommodation will result in residents not being committed long term to the area which can result in problems with anti-social behaviour.
- Existing residents have been overlooked and in some cases filmed by residents of the hostel they are concerned that this sort of behaviour may be exacerbated by an intensification of the use.
- There will be an over-concentration of such facilities within this area given a recent approval in Camden on Quex Road.

There has also been 1 letter from a local resident in support, with comments including:

A well designed modern building will be welcomed.

### **Housing**

Confirm that the Council is currently using Priory Mansions and St Lawrence Mansions to accommodate homeless clients, and has been doing so for some time. At the time of writing there are 47 households occupying 55 rooms in these two hotels.

An improvement in the quality of the existing hotel provision on this site would be welcomed. However the scale of the proposal is too large and Brent Council would not use all the proposed rooms. Given the proximity of the hostel to neighbouring boroughs of Westminster and Camden it is likely that any additional rooms would be used by these Authorities.

### **Urban Design**

The design of the scheme has improved throughout a lengthy pre-application process. There are positive attributes of this scheme however there are a number of improvements that could be made. These include improvements to the amenity space, front boundary treatment and the perception of scale to the rear.

The main concern is with the size and quality of the accommodation proposed. Accommodating two persons for any length of time in such a confined space is not viewed as providing decent living space. The proposal is let down by the small unit sizes.

### **Environmental Health**

No objections to the proposed development however additional information is required in relation to the proposed CHP, the measures to mitigate against the impacts of dust and fine particles generated during demolition and construction. Conditions should be attached to ensure that wheel washing and development is controlled on site.

### **Highways**

No Highways and Transport Delivery objections subject to a Section 106 Legal Agreement confirming payment towards improving highway safety, new parking controls and better non-car access. A condition is strongly advised requiring the door shown opening onto Glengall Passage to be altered to open inwards, so as not to obstruct the public highway.

### **Landscape design**

The area of amenity space proposed seems low in relation to the number of people that could be accommodated on the site. Further details of landscaping including the green roof would be required by condition should the application be approved.



## Kilburn and Queens Park Safer Neighbourhood Team

Comments submitted stating that the proposed intensification of the hostel in this location could result in additional pressures on the already stretch local emergency services. There are existing problems with anti-social behaviour associated with the bookmakers at the top end of Priory Park Road and around Glengall Passage.

### London Borough of Camden

No objections to the proposed development.

## REMARKS

### Principle

#### *Provision of expanded hostel*

The main policy relating to hostels is set out in CP21 of Brent's Core Strategy 2010. This seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent Households by, amongst other criteria, ensuring appropriate dwellings range and mix and providing an appropriate range of non-self-contained accommodation to meet identified needs. In the supporting text for this policy it states that non self-contained accommodation, such as hostels for households without children (including key workers and students).

To date St Lawrence House and Priory House are in use as hostels, the applicants have provided evidence that indicates that the use has existed in both premises since the mid 1990s. They have been used to provide accommodation for homeless households from Brent and other Boroughs. At present rooms are booked out by Brent Council Housing Services on a flexible basis, to provide temporary accommodation for homeless households. The applicants have provided details of all of the current bookings. A break down of the size of each house hold is set out in the table below, this data was provided by the applicants in the form of current bookings from Brent Council:

<b>Family Size</b>	<b>St Lawrence Mansions</b>	<b>Priory Park Mansions</b>
Individuals	2	10
Mother with Child	1	4
One Child	9 (1 of which is a 2-parent family)	15 (2 of which are 2 parent families)
Two Children	7 (2 of which are 2-parent families)	6 (2 of which are 2-parent Families)
Three Children	5 (1 of which is a two-parent family)	1
4+ children	3 (3 of which are two-parent families)	1

As the majority of the existing rooms do not have private bath room facilities the maximum length of stay for any household is only 6 weeks. There are a limited number of en-suite rooms and the household resident in these can stay in the room for an indefinite period. The existing facilities are considered to be of a poor condition and in need of renovation.

There is a discrepancy within the submission documents regarding the number of rooms within the proposed development and the total number of people it can accommodate. The design and access statement states that there are 176 rooms with 351 beds while the planning statement refers to 179 rooms which can accommodate 398 persons. From the plans submitted there are 178 rooms proposed with 351 beds. The proposal will therefore be assessed on the basis of the information contained within the proposed plans.

The accommodation proposed can be broken down in to the following room sizes 8 x one-bed rooms (6 of which a disabled accessible), 167 x two beds (of which 12 are disabled accessible) and 3 x three-bed units. Communal facilities proposed include a lounge on the lower ground floor, communal amenity space, laundry room, tv room and gym. Most of the communal facilities are on the lower ground floor. Each room will be en-suite and they will all have a kitchenette with sink facilities.

The information submitted states that there is an outstanding need of about 30 households with each household having an average of 4-5 persons. As such the applicants contend that there is a need for 150 bed spaces and that the proposed development would meet that existing need.

In response to this it should be noted that this is not a consistent level of demand for temporary accommodation as it fluctuates over the short term. However the Council's Housing Department have provided information on current and emerging trends for temporary accommodation. In the year 2010/11 the council accepted a duty to rehouse 367 homeless households following a downward trend with a peak of 1300 acceptances in 2001/02. There has also been a significant decline in the use of hostels/hotels for housing households for housing homeless families over the same period. Although there is uncertainty with regards to future trends due to changes in housing and employment benefit the Housing Service do anticipate that they would use or need the level of accommodation proposed.

The demand for accommodation is highest amongst households with children, as demonstrated with 35% of the households accommodated in the existing hostel having two or more children. The proposed accommodation is predominantly 2-bedroom rooms with a kitchenette and bathroom. This would result in children being accommodated in separate rooms from parents should the proposed accommodation be used for the housing of families with two children or more.

Therefore it is considered that there is not sufficient local demand for the number of rooms or the type of accommodation proposed (mainly two-bed units). The Council's Housing Department have confirmed that they while they would use some of the rooms proposed they would not use all of the accommodation and would not enter into a block booking arrangement for any rooms due to their view on medium term demand and as a result of previous block bookings resulting in payments being made for empty rooms.

The applicants state that there is a need for temporary accommodation such as hostels as set out in the Core Strategy Policy CP 21 and that the proposed scheme as well as meeting need for homeless accommodation will also provide accommodation for students and temporary workers. In the Core Strategy it sets out that over the period from 2007-2017 the Borough aims to provide 1000 new non-self contained homes. The Borough has already met this target as a study for the Wembley Area Action Plan found that by summer 2012 the 1095 student rooms will have been provided in Victoria Hall (completed Sept 2011) and Quintain iQ (to be completed by summer 2012). It also notes that there are a further 1441 within consented schemes. As such there is not considered to be a significant need for accommodation for students and temporary workers.

Notwithstanding this the upper floors of Nos. 2 and 4 Priory Park Road are stated to be in use as HMO's. It is likely that they were originally constructed as apartment blocks and there is no planning history for the change of use from flats to HMO for either property. Notwithstanding this evidence has been submitted to show that the existing upper floors of No. 2 have been used as an HMO for a period of over 10 years while number 4 is described as being in a state of disrepair. The expansion of the proposed hostel into these facilities is not considered to be acceptable as they could be more effectively used as self-contained residential accommodation to meet existing demand.

#### *Demolition of Existing Buildings*

The proposal includes the staged demolition of the existing four storey buildings 2-4 Priory Park Road, Priory Mansions and St Lawrence Mansions. These buildings are considered to have some architectural merit being Victorian Mansion Blocks with traditional detailing from this period.



However it should be noted that there is no formal protection for these buildings as they are not within a Conservation Area and are not listed buildings. Therefore if the structures are to be demolished it will only be considered acceptable if the replacement building is of an exceptional design. As explained below this proposal does not meet the Council's expectations in this regard.

#### *Loss of secondary shopping frontage*

There are two groundfloor commercial units at 2-4 Priory Park Road. These units form part of the secondary shopping frontage of Kilburn Town Centre which is classified as a Major Town Centre. The proposal will result in the loss of these commercial units without adequate replacement. The proposal provides no justification for the loss of these units as no evidence has been submitted to demonstrate that they have been marketed without demand. As such the proposal will result in a loss of town centre commercial units within the secondary shopping frontage of Kilburn Major Town Centre Shopping Frontage. This would be contrary to planning policy SH9.

#### **Design Scale and Massing**

The proposed building to replace the three existing buildings is a modern 6 storey block. The proposed block will have a length of 64.6m fronting onto Priory Park Road, a flat roof at a height of 18.5m and a depth of approximately 13m. The front elevation is articulated through the use of projecting five storey brick element projecting balconies rising to six storeys beyond this. The front elevation is also broken down into four similar elements which are separated by 6 storey glazed openings which also serve to provide natural daylight to the spine corridors. Each of the four elements are further articulated through the use of projecting double balconies and prominent vertical windows. The block is book-ended by six storey glazed openings.

The structure has a flat roof in contrast to the ridged roof of the existing building. The eaves level of the proposed structure is 4.5m higher than that of the existing while the roof will also be 2.5m higher than the ridge-level of the existing building. The front wall of the proposed building is shown to be 1.4m closer to Priory Park Road (with the balconies projecting out a further 1m) while to the rear proposed rear wall is 1.5m deeper than the existing. The setback of the building from pavement on Priory Park Road is between 0.2m-1m. This setback is considered to be insufficient for building of this scale and massing and will make the building appear over-dominant and oppressive within the streetscene. While some efforts have been made to break down the massing, the overall height and scale of the building is such that it outweighs the impact of these.

It is considered that the increased scale and massing of the building is not in keeping with the character and appearance of the area. As such the proposal is not considered to be of an appropriate scale and massing to replace the existing structure.

#### *Layout*

There is one main entrance to the building onto Priory Park Road. This is positioned centrally and is prominently positioned at the groundfloor of the widest glazed opening on the front elevation with a width of 3m. There is a central internal staircase and double lift accessed from the main entrance and staircase to all floors on either wing of the building. The building is laid out with rooms on either side of a spine corridor with the rooms overlooking Priory Park Road to the front and indirectly overlooking the rear amenity space and rear gardens and elevations of the dwellings on Glengall Road.

The communal amenity space is to be provided at the lower groundfloor level in an excavated rear garden area. A rear boundary wall of approximately 5.4m in height is proposed along the rear boundary with the gardens of the dwellings on Glengall Road. To the front there will be a small area of soft landscaping but this is limited by the proximity of the proposed building to the front boundary between 0.2m to 1.8m. The lack of setback while it creates issues of privacy for prospective residents which will be discussed later in the report also accentuates the vertical appearance of the building making it appear oppressive in the streetscene.

The refused store and bike store are positioned within the north east wing of the building and have accesses onto Glengall Passage. These spaces can be accessed from within the development site while the bin storage area has an external door which opens out onto Glengall Passage. There is also a secondary door onto Glengall Passage which links with the access. This is shown as opening outwards but the Councils Highways Officer has requested that this open inwards, or be recessed to ensure that the public highway is not blocked. If the application was to be approved a condition would be sought to ensure that this was amended.

### *Materials*

A range of materials are proposed for the building these include red brick to match the red brick prominent on the existing buildings, trespa cladding panels, aluminum framed windows, glass balustrades and panels on the front elevation. Timber trellis fencing is proposed on the groundfloor level to soften the appearance of the structure. The roof will be part sedum roof but is also proposed to contain solar panels while the front projection will have a standard seam zinc roof. These materials are commonly used on modern building although further details and samples would be sought to ensure that they are of a high quality.

### **Amenity of neighbouring occupiers**

The nearest neighbouring properties to the site are the dwellinghouses on Glengall Road which have rear gardens and windows which face the rear elevation of the proposed development. There are also residential properties on the neighbouring site on Priory Park Road which is Oriel Court, a residential block that was erected in the past three years.

The proposed rear elevation will be 4.5m higher than the existing building at eaves level and will be 1.5m closer to the rear boundary with Glengall Road. As such the rear elevation of the proposed building will be between 5.9 and 7.3m from the rear boundary with the properties on Glengall Road. Given that the rear outriggers of the properties on Glengall Road are positioned within 3 to 5m of the same boundary the rear wall of the proposed development will be between 9 and 11m from directly facing habitable room windows. To address the issue of privacy the rear windows on the proposed development project out and are angled so that they do not directly face the rear windows on Glengall road and provide only oblique views over the neighbouring garden. However these windows will still be within 6-8m of the rear boundary and will still create the perception of overlooking for the residents of these properties. A daylight and sunlight study has been submitted which states that there will be no detrimental impact on daylight and sunlight to the neighbouring property. However a wider range of problems occur as described below.

The building will be higher and closer to the boundary than the existing as such there will be a detrimental impact on the amenity of neighbouring residents in terms of the visual impact and the loss of privacy. Although the existing building does not comply with SPG17 requirements in terms of the distance of habitable rooms to the boundary and the height of the building in relation to neighbouring gardens and windows, this does not provide suitable justification for a building with a greater impact on neighbouring properties than the existing. As such the proposed development will be contrary to planning policy BE9 of Brent's UDP 2004 and the guidelines set out in SPG17.

### **Quality of Accommodation**

The applicants have applied for a hostel use but with improved facilities on the existing. It should be noted that the existing hostel accommodation is of a poor quality. There are very few en-suite rooms meaning that residents often have to share bathroom and washing facilities and kitchen facilities. There are no lifts meaning that disabled residents can only be accommodated on the ground floor. Other communal facilities are limited in size while the rear amenity space is of very low quality and not well looked after. Most of the rooms have replacement upvc windows but these are of poor quality and are discoloured. Residents within the hostel have also raised concerns with the quality of the internal insulation as there is a lot of internal noise disturbance from doors and other residents moving on floors above. As a result of this the maximum length of time that residents can stay in the existing rooms is six weeks unless they have en-suite facilities. The

proposed alterations would ensure that each room is en-suite with a kitchenette and could therefore be used to house homeless households for an indefinite period. As such it is important to assess the quality of the accommodation proposed.

The applicants are providing standard room sizes as follows:

Room Type	Area (sqm)
1-bed	14
1-bed Disabled	18-21
2-bed	18-19
2-bed Disabled	25
3-bed	25

The rooms are all single aspect facing north toward Priory Park Road and south towards the rear amenity space. The groundfloor rooms which face directly onto Priory Park Road are setback between 0.2m and 1m from the pedestrian pathway. Given that these rooms are effectively self-contained the quality of accommodation is unacceptable by reason of the lack of privacy for the residents of these rooms. This is of particular concern as residents could be in these rooms for an indefinite period. On the lower groundfloor there are 13 rooms which face out onto the rear amenity space which is at the same level. The sole habitable room windows are screened by a small timber fence set 1m from the window. Beyond this the amenity space will have a maximum depth of 6m from the windows with a wall at a height of 5.5m. These rooms will have an unacceptable impact on the amenity of prospective residents in terms of privacy, outlook and daylight and sunlight. This in conjunction with the low floor areas would result habitable living space that provides a very poor quality of accommodation for prospective residents.

It is noted that the existing hostel use has very poor quality of accommodation for homeless families but again this does not provide justification for intensifying the use and increasing the amount of poor quality living accommodation. The proposed development by reason of the low floor areas of each room, the lack of setback of the groundfloor from the main pedestrian pathway and the lack of privacy and outlook for the rear lower groundfloor units would provide unacceptable quality of accommodation for prospective residents contrary to planning policy BE9 of Brent's UDP 2004 and the guidance set out in SPG17.

### **Landscape Design**

The proposed development due to its scale and massing does not leave any space for amenity to front of the building. To the rear there is communal amenity space in the form of a two sunken gardens and a rear roof terrace. The combined area of this space is approximately 330sqm and the space will be fully accessible for all residents. This space will be the only available amenity space for up to 389 residents. The residents of the hostel may only be staying there on a temporary basis however they will still have a requirement for amenity space and the provision of childrens play space in accordance with appropriate standards. The Council's SPG 17 requirement is for 20sqm per unit created. The proposed development could be providing accommodation for up to 176 households and thus the provision of space will be significantly below the 3520sqm that would normally be required. The provision of the gym and tv room facilities may provide supplementary amenity space but they do not offset the significant shortfall of space provided for residents who would be living within confined space, again, albeit on a temporary basis. The proposed balconies for the units fronting onto Priory Park Road have an area of approximately 1sqm and as such will not bring any significant benefits for potential residents.

The proposed lack of set back for appropriate amenity space at the front of the building fails to provide the setting that is required for a building of this scale and massing while the inadequate area of communal and private amenity will provide a substandard form of accommodation for prospective residents contrary to planning policy BE6 and BE9 of Brent's UDP 2004 and the guidance set out in SPG17.

### **Transportation**

The site is located in a location with excellent public transport accessibility. Priory Park Road and surrounding streets are classified as Heavily Parked Streets and are also within a Controlled Parking Zone. The existing hostel has a parking requirement of 5 spaces (PS13 requires one space per 16 rooms). The proposed hostel use would have a parking standard of 11 spaces. It is not anticipated that there will be a significant increase in parking on surrounding streets as the residents of the proposed hostel will not be able to get a parking permit due to the restriction temporary residents from being eligible for parking permits. Given that the proposed hostel has laundry facilities on site and there is no canteen the proposed use will not have any servicing requirements beyond the refuse and recycling collection.

The waste storage area is positioned on the north east wing of the proposed building. The doors open out in a recessed entrance onto Glengall Passage. The door as proposed is 12m from the Priory Park Road frontage which is over the 10m distance required by the Council's Waste and Recycling Unit for collection purposes. This could however be addressed by moving the entrance door to the storage area to within 10m of Priory Park Road. If the application was to be approved a condition would be attached requiring the submission of revised plans and elevations detailing the door within 10m of Priory Park Road. A secure cycle store is also proposed opening onto Glengall Passage, this will provide space for the parking of 32 bicycles. This provision is in general accordance with Council requirements. The provision of a Travel Plan is not considered to be a requirement by the Council's Highways Engineer as the traffic impact of the proposed development is unlikely to be significant.

### **Environmental Health**

The proposed development is located within an Air Quality Management Area therefore conditions would be required to ensure that construction and demolition is controlled to minimise the impact of increased dust on local air pollution levels. The energy report and the sustainability report state that the development will also have a CHP plant. However in the absence of such details on the type of system to be used, where it will be positioned and the position of the flue it is not possible to assess whether the proposed development would have an acceptable impact on the air quality for the local area.

The proposal will also involve the excavation of the rear amenity space to ensure to provide the lower groundfloor accommodation and rear amenity space. This excavation will need to be undertaken in an appropriate manner to ensure that all potential contaminants that are uncovered are removed. The Council's Environmental Health Officer has confirmed that as this excavation will need to take place any potential contaminants will be removed from the soil and as such a contamination report is not required.

By reason of the failure to provide details of the type of CHP system, its position within the building and the position of the flue the applicant has not demonstrated that there will not be a detrimental impact on local air quality as a result of the proposed development. As such it is contrary to planning policy EP3 of Brent's UDP 2004 and policy CP19 of Brent's Core strategy 2010.

### **Section 106**

The proposed development will have a significant impact on local infrastructure in relation to education, sustainable transport, open space and sports provision within the local area it is situated in. With a development of this size a legal agreement would normally be required to offset the impact of the development by making a contribution towards infrastructure provision within the Borough. No such agreement has been secured with this application although the applicants have expressed a willingness to make a contribution. In the absence of a formal agreement an additional reason for refusal will be attached by reason of the detrimental impact that the proposed development would have on local infrastructure contrary to planning policy CP14, CP15 and the guidance contained in SPD: Planning Obligations.

## **Conclusion**

The proposed demolition of the existing buildings and construction of a proposed six storey 178 room/351 bed hostel is considered to be unacceptable in terms of intensification of the use in relation to similar local provision, design and appearance, impact on neighbouring residents, quality of accommodation provided, impact on the local area infrastructure and sustainability, as set out in the remarks above. Accordingly the application is recommended for refusal for the reasons set out below.

**RECOMMENDATION:** Refuse Consent

## **CONDITIONS/REASONS:**

- (1) The proposed 178 room/351 person hostel by reason of the over provision of temporary accommodation that does not meet an identified need would fail to provide an appropriate mix of accommodation and would not provide a balanced housing stock contrary to planning policies CP 2 and CP21 of the London Borough of Brent LDF Core Strategy 2010.
- (2) In the absence of an identified future demand for homeless hostel accommodation within the Borough, the proposed use of nos. 2 and 4 Priory Park Road for the provision of self-contained hostel accommodation would constitute the inappropriate provision of a substandard form of residential accommodation on a site capable of providing permanent self-contained affordable residential accommodation for which there is an identified demand, as such the proposal would be contrary to policy CP21 of the London Borough of Brent LDF Core Strategy 2010 and policy EMP9 of the London Borough of Brent Unitary Development Plan 2004.
- (3) The proposed loss of the groundfloor commercial uses at Nos 2 and 4 Priory Park Road would fail to provide a service to visiting members of the public within this designated Secondary Shopping Frontage and for this reason would be detrimental to the vitality and viability of the frontage, and is contrary to UDP policy SH9 of the Adopted Unitary Development Plan 2004.
- (4) The proposed demolition of the existing buildings and erection of a single six storey building by reason of its siting, scale, massing, excessive height and depth and poor quality public realm would fail to constitute an acceptable design to offset the loss of a prominent building that makes a valuable contribution to the streetscene contrary to policies CP6 of London Borough of Brent LDF Core Strategy 2010, policies BE2, BE3, BE7 and BE9 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: 'Design Guide for New Development'
- (5) The proposed six storey building by reason of its excessive height and depth will have a detrimental impact on the amenity of residents of the properties in terms of loss of privacy, loss of outlook and obtrusive visual impact contrary to planning policy BE9 and Supplementary Planning Guidance 17: 'Design Guide for New Development'
- (6) The proposed single aspect north facing self-contained units by reason of the sole window being positioned in close proximity to the existing pedestrian pathway results in a poor level of amenity for existing and prospective residents in terms of privacy,


daylight and sunlight and is contrary to planning policies BE9 and H18 of Brent's UDP and the guidance contained in SPG 17: 'Design Guide for New Development'.

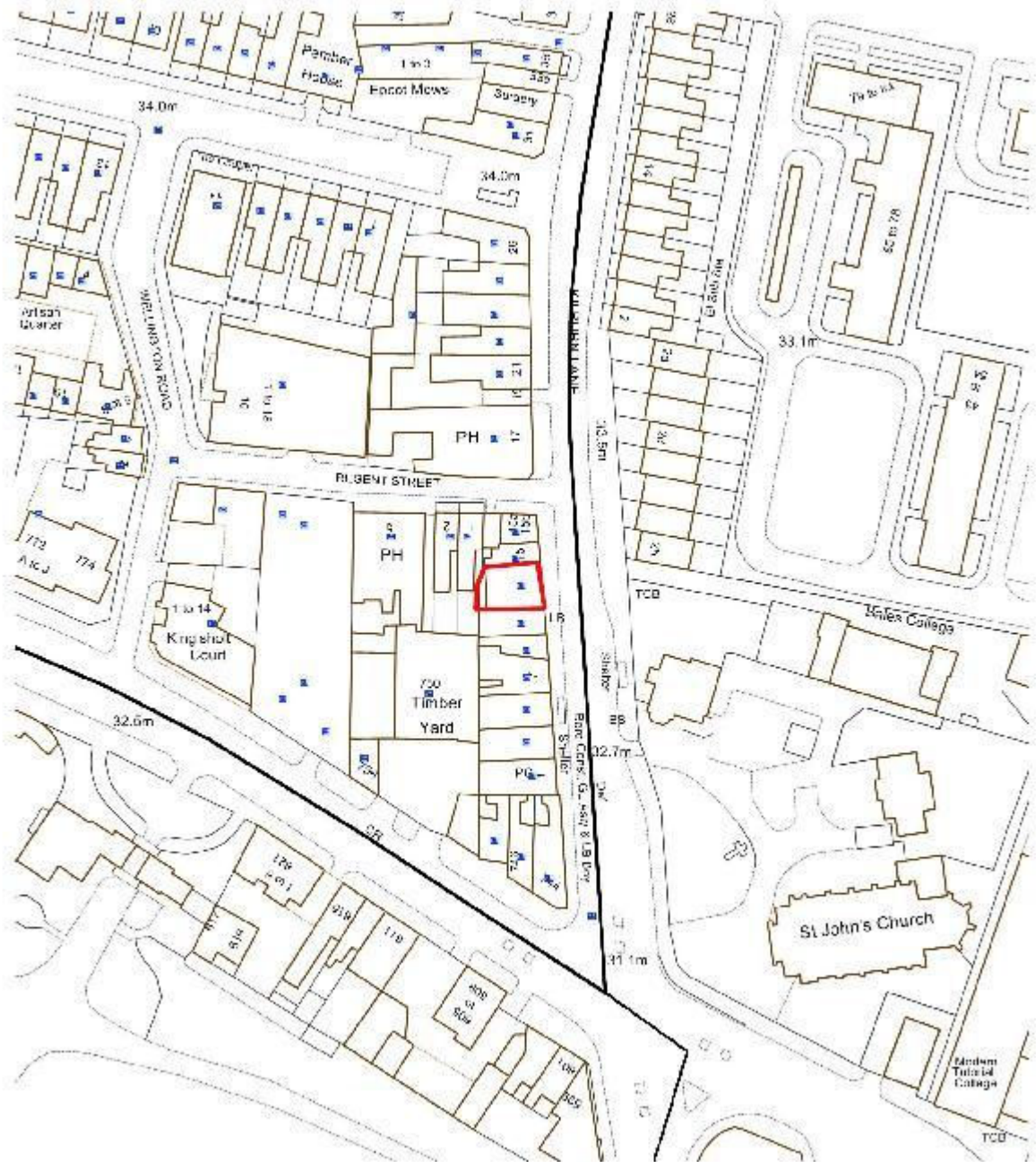
- (7) The proposed single aspect lower ground floor residential units by reason of the sole windows being positioned in close proximity to the communal amenity space, without sufficient screening, and in close proximity to the high rear boundary wall would result in poor levels of outlook, privacy, daylight and sunlight providing a substandard quality of accommodation for the prospective residents contrary to planning policy BE9 and Supplementary Planning Guidance 17: 'Design Guide for New Development'
- (8) The proposed residential development by reason of the inadequate area and quality of amenity space and the excessive distance from the units to the bin store and from the bin store to the collection point, is considered to provide a substandard form of accommodation contrary to policies BE6, BE7, H12 and TRN10 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: 'Design Guide for New Development'
- (9) The proposed intensification of the hostel use, in the absence of a legal agreement to mitigate additional demand placed on services in the locality, particularly given similar local provision, will result in additional pressure on parking demand and transport infrastructure, or any contribution to sustainable transport improvements in the area, an increased pressure on existing open space in an area of open space deficiency, without contributions to enhance open space, an increased pressure for public sports facilities, without any contribution to the provision of sports facilities, and an increased pressure on education infrastructure, without any contribution to educational improvements. As a result, the proposal is contrary to policies CP14 and CP15 of London Borough of Brent LDF Core Strategy 2010, policies STR19, TRN4, TRN23 and OS7 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Document: "S106 Planning Obligations".
- (10) In the absence of details on the proposed CHP plant in terms of its specifications, location within the development and location of the flue the applicants have failed to demonstrate that there will not be a detrimental impact on air quality in the local area contrary to planning policy CP19 of the London Borough of Brent LDF Core Strategy 2010 and policy EP4 of the London Borough of Brent Unitary Development Plan 2004.
- (11) In the absence of a legal agreement to control the matter, the proposed development would fail to achieve and employ sustainable design principles and would therefore not contribute towards energy conservation, air quality or sustainable construction. This would significantly impact the natural and social environment, contrary to policies STR3 and BE12 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance No. 19: "Sustainable Design, Construction & Pollution Control".

#### **INFORMATIVES:**

None Specified

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229

 **Planning Committee Map**  
Site address: Brookford, 13 Kilburn Lane, North Kensington, London, W10 4AE  
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This map is indicative only.

**RECEIVED:** 30 December, 2011

**WARD:** Queen's Park

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

**LOCATION:** Brookford, 13 Kilburn Lane, North Kensington, London, W10 4AE

**PROPOSAL:** Change of use of the ground floor from sui generis (launderette) to A5 (hot food take away)

**APPLICANT:** Mr Bernard McGowan

**CONTACT:** Build Plans

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

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## **RECOMMENDATION**

Approval

## **EXISTING**

The existing property is a ground floor commercial unit on Kilburn Lane, forming part of a two-storey terraced property with residential above. It is not listed and is not within a Conservation Area. It is currently vacant and its most recent use was as a launderette, which is a sui generis use.

## **PROPOSAL**

See above.

## **HISTORY**

11/2613. Full planning permission sought for change of use of ground floor and erection of extraction duct to the rear. Application withdrawn by the applicant.

## **POLICY CONSIDERATIONS**

### **Brent's Unitary Development Plan (2004)**

BE2 - Townscape: Local Context & Character  
BE3 - Urban Structure: Space & Movement  
BE7 - Public Realm: Street scene  
BE9 - Architectural Quality  
BE17 - Building Services Equipment  
SH10 - Food and Drink (A3) uses  
SH11 - Conditions for A3 Uses  
SH19 - Rear Servicing  
EP2 - Noise & Vibration  
H22- Protection of Residential Amenity  
SH10 - Food and Drink (A3) Uses  
SH11 - Conditions for A3 Uses



## **CONSULTATION**

All neighbouring properties have been consulted as have Safer Streets, Transportation and City of Westminster.

3 objections have been received from local residents and business owners on the following grounds:

1. The proposal will result in increased competition for existing businesses as a result of over concentration.
2. The proposal will result in unacceptable smells and odours for neighbouring residents.
3. The proposal will have an unacceptable impact on highway conditions as a result of customers stopping to pick up food.
4. Late opening hours will create noise and disturbance for neighbouring residents.

### *Officer Comments on objections*

1. In relation to competition for existing businesses the proposal will result in a vacant unit being used as a take away. It is noted that there are existing take away units however it is not the role of the planning service to restrict competition to protect existing businesses.
2. The proposed use will have an extractor fan and flue on the rear of the building. The environmental implications of this have been assessed by a Council officer from Safer Streets. They note that the proposed extractor will remove smells and odours and should not have an unduly impact on the amenity of the residential properties above provided appropriately worded conditions are attached.
3. The Council's Highways Officer has commented on the proposal and states that there will be no detrimental impact on highway conditions. Please see their comments below and the highways paragraph in the remarks section of this report.
4. The proposed opening hours are in line with those of neighbouring similar uses. It is not anticipated that the proposed change of use would create any additional noise and disturbance for neighbouring residents. A condition will be attached to ensure that appropriate internal insulation will be installed to ensure that noise disturbance to the flat above is limited.

**City of Westminster** have been consulted and have objected to the proposal on two grounds:

1. The loss of the retail unit would reduce local shopping opportunities for Westminster residents, reducing customer choice and competition between retailers contrary to Policies EC4 and EC13 of PPS4
2. The proposed hours of operation would cause an unacceptable increase in noise and disturbance for Westminster residents late into the night.

### *Officer Comments in relation to objection:*

An application for the same change of use was withdrawn in November 2011. Westminster were consulted on this application and responded with no objections. Nothing has changed from the application as the original application was made by a prospective leaseholder while the current application has been made by the freeholder. However Westminster have made the representations set out above. Council officers have the following response to the points raised

1. The site is not within protected shopping frontage and is not within a defined shopping centre. There are a variety of shop types along this section of Kilburn Lane with convenience stores, public houses, electrical supply stores, estate agents and takeaways. It is not considered that the proposed change of use would result in a significant loss of choice for local residents, particularly given that the most recent use falls outside any use class, being a sui generis use. Policy EC4 of

PPS4 seeks to protect a range of uses for local residents within town centres and policy EC13 seeks to protect retail uses in local centres and villages. This site is not defined as a town centre or a local centre location but nevertheless the proposed development will not have a significant impact on the variety of commercial units on Kilburn Lane. Policy EC13 also states that LPA's should respond positively to conversion applications which are designed to improve viability of centres. In this instance the proposed change of use would bring a vacant commercial unit back into use to support the viability of the shopping parade.

2. The proposed hours of operation would be in line with and in some cases less than those of neighbouring takeaway uses. It is not anticipated that the proposed use would result in an increase in noise and disturbance for Westminster residents.

**Highways Officers** have commented on the proposal and have no objections to the proposal.

The Council's **Safer Streets** officer has assessed the environmental implications of the proposed development and has no objection to the proposal. They have recommended that the following conditions be attached:

*The proposed fast food takeaway shall be insulated to minimise noise transmission between adjoining premises in accordance with details, which shall be submitted to and approved by the local planning authority.*

*Reason: To safeguard the amenity of the neighbours from the transmission of noise*

*Any extract ventilation fan shall be installed, together with any associated ducting, so as to prevent the transmission of noise and vibration into any neighbouring premises. The noise level from any extraction plant together with any associated ducting, shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises – a positive indication that complaints are unlikely. The method of assessment should be carried out in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. Should the predicted noise levels of the extraction system exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved by the Local Planning Authority prior to the commencement of use.*

*Reason: To ensure that users of the surrounding area do not suffer a loss of amenity by reason of noise nuisance*

## **REMARKS**

*Principle of use.*

The existing unit is vacant but the most recent use would appear to be as a launderette. The application is seeking to change the use of the unit to a pizza takeaway restaurant. The site is not within a protected shopping frontage therefore the main policy when considering a change of use is policy SH 10 - Food and Drink Uses. Such uses are considered acceptable if they will not result in the creation of traffic congestion, car parking problems or a reduction in highway safety in the local area and that they will not assess the amenity of neighbouring residential occupiers. For clarity, there is no loss of retail here as the historic use of the ground floor was as a launderette which is a sui generis use.

### *Residential Amenity*

When considering the impact of a food and drink use on residential properties there are a number of issues identified within Policy SH 10 which need to be considered. These are the proximity of residential accommodation, the nature and size of the proposed use, the character of the area and concentration of and disturbance from existing similar uses and whether the proposed hours of operation would cause disturbance for local residents.

The nearest residential accommodation to the property is directly above the unit where there is a self-contained flat and on the opposite side of the road. The proposed takeaway unit will have floor area of 86sqm and would be used a pizza takeaway. This size and type of use on its own is not something that is considered to have an adverse effect on amenity of neighbouring residents.

From the corner of Kilburn Lane with Harrow Road to Pember Road there is a continuous row of shopping frontage which is not classified as a town or local shopping centre and which is not protected shopping frontage. The commercial units on this part of Kilburn Lane are all located on the west side of the road and there are 17 commercial units between Harrow Road and Pember Road. Of these 17 units there are three existing takeaway units (Chinese, Kebab and Fried Chicken). These are predominantly located at the south end of the street at units 3, 5 and 9.

There are a range of opening hours for nearby A5 uses. The Chinese Takeway is open between 12pm-11pm six days a week Tuesday to Sunday. The kebab takeaway is open 12pm-1am Sunday to Thursday and 12pm-4am on Fridays and Saturdays. Officers have confirmed that there have been no environmental health records of nuisance and disturbance arising from the existing uses. Although each case does need to be considered on its own individual merits it is not anticipated that the additional unit proposed would cause any significant increase in disturbance. The proposed opening hours for the unit are 11am-1am Monday to Saturday and 11am-12am on Sundays and Bank Holidays. These hours of use are considered to be appropriate for the proposed use, given its location.

As such the proposed change of use from launderette to pizza takeaway service is not considered to create an unacceptable impact on residential amenity of neighbouring occupiers.

#### *Design of an Extractor Fan*

An extractor flue duct is proposed to the rear elevation. It is to be attached to an existing drain pipe and have a width of 0.5m. The top of the flue finishes 0.5m above the ridgeline and 2.3m above the nearest window. Specifications of the proposed extract duct and fan have been provided and the Council's Environmental Health Officer is satisfied that providing the conditions set out above are complied with there will be no unacceptable impact on the amenity of the residents in the flats above. It is positioned on the rear elevation of the property and although it will be partially visible from the neighbouring Regent Street it is not considered to be unduly prominent and therefore should have a minimal impact on the character and appearance of the building.

Accordingly the proposed extractor fan is considered to be acceptable and in keeping with policies BE17 and EP2 of Brent's UDP 2004.

#### *Highways*

Although the most recent use is as a launderette it would be useful to consider how a retail use would compare with the proposed take away use in highway terms. The parking standards set out for an A1 retail premises and an A5 food & drink premises are the same up to a floor area of 400sqm, as set out in PS7 and PS9 of the UDP-2004 respectively. As a result, the proposed change of use will have no impact on the single car space permissible for the premises. The servicing standards are also the same and therefore there will be no additional impact in terms of parking and servicing.

With takeaway uses there is the risk of motorists stopping and parking in front of the unit to pick up food. However there are no restrictions on stopping directly in front of the premises and the location is not close to a signalised junction, so any injudicious short-term parking should not lead to a road safety hazard or undue obstruction to bus services. As such the proposed change of use will not have an unacceptable impact on local highway conditions and road safety.

## *Conclusion*

The proposed change of use of the unit from launderette to pizza takeaway use is considered to be in accordance with the relevant policies and guidelines and as such will not have a detrimental impact on the amenity of neighbouring residents. Accordingly approval is recommended subject to the conditions set out below.

**RECOMMENDATION:** Grant Consent

## **REASON FOR GRANTING**

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

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

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

## **CONDITIONS/REASONS:**

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

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

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

4209/1  
4209/2  
Extract Fan and Flue Specifications

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

- (3) The premises shall only be open and used for the preparation or sale of hot food and for ancillary purposes and accept deliveries to premises between the hours of:

1100 to 0100	Monday to Saturday
1100 to 0000	Sunday and Bank Holidays

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

- (4) Within three months of installation, the extraction system shall be painted black and

shall be permanently maintained in that condition thereafter unless prior written consent of the Local Planning Authority is obtained.

Reason: In the interest of visual amenity of the locality.

- (5) Any extract ventilation fan shall be installed, together with any associated ducting, so as to prevent the transmission of noise and vibration into any neighbouring premises. The noise level from any extraction plant together with any associated ducting, shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises – a positive indication that complaints are unlikely. The method of assessment should be carried out in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. Should the predicted noise levels of the extraction system exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved by the Local Planning Authority prior to the commencement of use.

Reason: To ensure that users of the surrounding area do not suffer a loss of amenity by reason of noise nuisance

- (6) The proposed fast food takeaway shall be insulated to minimise noise transmission between adjoining premises in accordance with details, which shall be submitted to and approved in writing by the local planning authority. The insulation shall be installed in accordance with the approved details.

Reason: To safeguard the amenity of the neighbours from the transmission of noise

#### **INFORMATIVES:**

None Specified

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229

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 **Planning Committee Map**

Site address: MIRACLE SIGNS & WONDERS MINISTRIE, Church Road, London, NW10 9NR

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This map is indicative only.

**RECEIVED:** 30 December, 2011

**WARD:** Dudden Hill

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** MIRACLE SIGNS & WONDERS MINISTRIE, Church Road, London, NW10 9NR

**PROPOSAL:** Part conversion and re-development of existing building to facilitate the erection of a 7 storey building to accommodate D1 use on ground floor and 28 residential units on upper floors ('Car Free' Scheme)

**APPLICANT:** Ruffello Ltd

**CONTACT:** Mr Richard Lesnick

**PLAN NO'S:**

Please 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 Assistant Director (Planning & Development) 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 Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- A contribution of £168,000 (£3,000 per bedroom), index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area. 50% due on Material start with the further 50% on Practical completion
- Submission and compliance with a Sustainability check-list ensuring a minimum of 40% score is achieved and Code for Sustainable Homes level 3, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- Commuted sum of £17,000 in lieu of Code of Sustainable Homes level 4 and low scoring checklist 50% due on Material start with the further 50% on Practical completion
- Commuted sum of £ 28,000 in lieu of landscaping 50% due on Material start with the further 50% on Practical completion
- Commuted sum of £375,000 in lieu of on-site social housing provision. 50% due on Material start with the further 50% on Practical completion
- Removal of the right of residents to apply for parking permits.
- Join and adhere to the Considerate Contractors scheme.

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



## **EXISTING**

The site currently comprises a dilapidated former cinema/bingo hall which was granted permission in 1997 to change use to a church, and in 2004 was allowed to create new floorspace at the upper levels. The site does not benefit from off-street car parking or vehicular access arrangements.

The site is located within Church End and lies to the South of the signalled controlled junction between High Road and Church Road on the edge of the retail area of Church End. To the North and East are light industrial and employment land uses, including a Homebase store. Directly to the North West of the site is an open space, part of which is used as a car park and a market on Wednesdays and Saturdays. The site adjoins Ilex Road, which is a residential road defined by two storey terrace houses. White Hart Lane forms the sites North Eastern Boundary beyond which is the Former White Hart Pub currently under development to provide a flatted development.

## **PROPOSAL**

See above

## **HISTORY**

In 2004 a planning application (Ref No: 04/2847) for the installation of new windows on the sides and front, 15 rooflights, refurbishment of existing front canopy, installation of roller shutters in existing canopy and creation of new floor space within the existing building at first, second and third floor levels of church was granted permission

In 1997 a planning application (Ref No: 97/0545) for the change of use of existing building from comedy club/cinema (Use Class D2) to a church (Use Class D1) was granted permission

## **POLICY CONSIDERATIONS**

Brent Unitary Development Plan 2004

STR11 Which seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.

STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment.

STR19 New housing developments should provide adequate amenity, reduce need for car travel and improvement to public infrastructure.

BE2 Townscape: Local Context & Character

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

BE9 Architectural Quality

H9 Dwelling Mix

H12 Residential Quality – Layout Considerations

TRN23 Parking Standards – Residential Development

PS14 Parking Standards

EP8 Notifiable Installations

CF3 Community Facilities

## **Site Specific Allocations - Proposed Submission June 2009**

CE3. Former White Hart PH and Church

## **Core Strategy**

CP 10 - Church End Growth Area

CP21 - Balanced Housing Stock

## **Mayor's London Plan 2011**

## **Supplementary Planning Guidance Note 17: Design Guide for New Development Supplementary Planning Document: S106 Planning Obligations**

### **SUSTAINABILITY ASSESSMENT**

Within growth areas, new Major proposals are required to achieve a minimum rating of Code for Sustainable Homes Level 4 rating, subject to a scheme of feasibility. The submitted demolition report indicates 50% of the original floor area will be retained. However it is clear that only approximately 30% of the floor area will be retained along with 40% of external walls and 90% of structural steels. Notwithstanding this the development includes a relatively large amount of conversion and some degree of flexibility should be applied to factor in the constraints of such a scheme as far as the code is concerned.

The submission whilst high scoring fails to meet Code for Sustainable Homes level 4 by three points and achieves 40% compliance of the Sustainability Check-list. A commuted sum of £16,600 to offset CO2 omissions in lieu of Code for Sustainable Homes level 4 has been agreed in principle and shall be secured by Legal Agreement. In light of the above, your officers recommend a further assessment of the development to increase scores on the sustainable checklist. Details of which shall be secured by condition. The assessment should explore amongst other things:

- Methods of passive ventilation of the D1 space
- Demolition Protocol

On balance, your officers consider the relatively high scoring scheme with financial contribution and scope to explore a higher score on the sustainability checklist to provide a sustainable standard of development within the Growth Area.

### **CONSULTATION**

#### **External**

56 Neighbouring properties were consulted on 5 January 2012. The description of the development was amended from '*Change of use of existing building from entirely D1 use to D1 on the ground floor only and 28 residential units on the upper floors*' to '*Erection of a 7 storey building to accommodate D1 use on ground floor and 28 residential units on upper floors*'. An additional 21 day consultation period with the amended description was carried out on 30 January 2012. The Local Authority has not received any external representations.

Servicing requirements were subsequently amended and the Councils Transport Engineer and Streetcare officer were duly consulted on 22 February 2012 for a 14 day period. Members will be updated on any comments made.

#### **Internal**

Transport Engineer:

No Transportation objections - The site located within an area of good transport links is able accommodate a 'car free scheme'. The single floor D1 space will generate less traffic than that of the existing multi floor D1 space. The development will be adequately serviced by way of a transit sized bay and secure cycle and refuse storage.

Sustainability Officer :

No objection - subject payment of sum of £17,000 in lieu of Code for Sustainable Homes level 4 as discussed in the 'Sustainability' section of the report

StreetCare:

No Objection -The proposed refuse and recycling storage area is considered be of an appropriate size and easily accessible via Ilex Road

Environmental Health:

No objection - Subject to adequate noise insulation and measures to mitigate against dust and fine

particles generated through development

Housing Officer:

No objection - The applicant has submitted a viability study which your officers consider to be reasonable in terms of demonstrating a maximum viable quantum of affordable housing in line with planning policy requirements. The applicant has proposed three options. Your officers consider a commuted financial contribution of £375,000 in lieu of on-site affordable housing to be an acceptable approach. These matters are expanded upon below.

English Heritage

No Objection - The site falls within an Area of Archaeological Priority, however no ground works are proposed.

Landscape Officer:

No objection - Subject to a financial contribution of £28,000 towards landscaping in the locality.

## **REMARKS**

### **Introduction**

The application site occupied by a former cinema building previously in use as a religious centre (Use Class D1) is located on the junction of Church Road and Ilex Road. The existing 6-storey building is currently vacant.

The area is defined by a mix of uses which include residential, retail and some commercial floorspace. The far end of Church Road is designated as a Local Centre where according to Policy SH4 of Brent's UDP 2004 small scale retailing and town centre uses will be permitted where they serve a local catchment area meeting people's day to day needs.

The boundary to the north of the site is defined by a private lane i.e. White Hart Lane. White Hart Lane is sandwiched between the former White Hart Public house (currently under construction for a 2, 3, 4 and 6-storey building, comprising 76 on the upper floors and commercial space on the ground floor) and the subject site. To the south of the site are two-storey terrace houses. To the south west of the site, are single storey buildings in commercial use. The site is in close proximity to the junction of Church Road and High Road. To the north side of the High Road is the Magistrates Court, which is a six-storey building.

The proposal seeks permission to part convert and re-develop the existing six-storey building into a seven-storey building, comprising of D1 space at ground floor and 28 residential units on the upper floors. Floors 1 to 6 of the building represent the residential element in the form of 4 x 1-bedroom, 20 x 2-bedroom, and 4 x 3-bedroom (in total 28 units). These units are divided into two sections, accessible via two staircases which are located in the central core of the building.

The proposal envisages a 'car free' development with one servicing bay for a transit vehicle with access provided from White Hart Lane. There are separate pedestrian accesses to the D1 space and residential elements of the scheme, from Church Road and Ilex Road respectively.

### **Land Use**

The subject site titled CE3 within the 'Site Specific Allocations - Proposed Submission June 2009' has been allocated to a 'mixed use redevelopment including residential'. Policy CF3 of the UDP 2004 states the loss of any D1 community use will be resisted, unless appropriately replaced, or adequate alternative can be provided. The application seeks to retain the use on the ground floor. The Core Strategy, UDP and SPG17 also envisages a mix of uses within redevelopment schemes where appropriate, so to create a well used, active area and to reduce the need to travel especially by car. Therefore it is considered the use of the upper floors of the building as a residential use is acceptable in principle, subject to assessment viewed in relation to further policies regarding the overall design, impact on highways, neighbouring amenity, traffic impact, provision of affordable housing etc. which are discussed in more detail below.

## Design

There is no concern regarding the loss of the existing building, however the redevelopment should be of a size and design which would not dominate neighbouring buildings and respect the character of the area. The existing mass and plan form of the original building is appropriate to its use as a religious building however, the large floor plate is not appropriate to the architectural planning and setting out of a residential building at upper floor levels. The core would be very dark and unable to comply with the requirements of BRE bulletin 209. SPG 17 notes the size and scale of new development should respect the height of the adjoining buildings and immediate area. The scheme in question is the result of some protracted negotiation between the owner, his consultants and planning officers to allow the building to sit appropriately on its site and have a neighbourly relationship with the ongoing development on the former White Hart site.

The current scheme is governed by the envelope and mass of the existing building to some degree. This is especially true of the ground floor where the majority of the building footprint has been retained, in that only a small portion of the ground floor will be lost so to accommodate the servicing bay on White Hart Lane. The upper floors of the building will have a plan form that sets the North and South Side in from their respective boundaries by 5m causing the mass of the building to be reduced to a T-shape. The top two upper most floors (x2) will be further set in from the Eastern edge of the building so to be more sympathetic to the residential scaled dwellings on Ilex Road. The height of the proposed building will not exceed the ridge height of the existing building, however the design of the roof will be altered from a ridged roof to flat roof. The proposed building will not be any higher than the development currently under construction at the former White Hart Pub. Whilst the change in roof design could arguably create a more dominant feature on Church Road, Ilex Road and White Hart Lane it is acknowledged, owing to the significant reduction in the mass of the building and its height being no higher than that of the neighbouring building, the design approach is supported in principle.

The ground floor D1 element of the scheme is considered to be recognisable by reason of appropriate architecture with functional fenestration that will help to illuminate the large internal floor plate. The entrances are identified with appropriately scaled openings with expressive materials to help mark them and create legibility for the scheme. There are some detail that has been raised during pre-application and indeed the life of the application that has not been addressed, and as such these shall be secured by condition:

- The canopy over the entrance has been insufficiently detailed. Further detail seeking further composition and detailing shall be secured by condition.
- Whilst a render finish is not usually preferred, there appears to be a case to restore and improve the existing situation. However sufficient detail of materials have not been submitted and shall be secured by condition.
- The east elevation is a rather large inexpressive plane, it would benefit from some articulation i.e. recessed brick panel or panels, such detail shall be secured by condition.
- The parapet coping or capping appears to be heavy and inappropriate. A reviewed slimmer approach shall be secured by condition.

The finished development subject to changes to be secured by condition should coordinate with the other on-going developments in the locality to form a centre of gravity from which the regeneration of Church End can build. The finished scheme will retain some of the historic character of the 1930's Cinema building allowing the building to remain comfortable in its context whilst the alterations will be of an architectural quality that will complement and build upon the contribution of the historic fabric with particular attention paid to the quality of building materials and detailing that will be employed. The preserved community use at ground floor will contribute to the activity and business at street level of Church and Ilex Roads and will provide a much needed space for the community to meet in a useful high quality environment.

### **Quality of Residential Accommodation**

The Council's guidance (SPG17) outlines the requirements of new development to provide adequate amenity for occupiers, providing satisfactory internal floor area, sunlight, daylight, privacy and outlook for future residents. Owing to the cramped nature of the site and indeed the orientation of the existing building all units are required to be dual aspect so to ensure an acceptable level of sunlight and daylight is achieved. All units will be dual aspect and are considered to receive adequate sunlight and daylight.

All new flats exceed the minimum floor area standards set out the Mayors London Plan 2011. SPG17 requires flats and family sized accommodation to have 20sqm and 50sqm of external amenity space respectively, which would result in a total requirement of 680sq.m. The proposal contains private balconies to all units of various sizes, but no communal landscaped external space. The external space (balconies) proposed will have the ability to provide 84.5% (574sqm) of the total required by SPG17. It must be acknowledged that this is unevenly distributed. SPG17 states the shortfall of external amenity space can be offset by additional internal floorarea, which is the case here. Owing to the upper floor nature of the large residential units on balance, your officers are satisfied the proposal adequately addresses the deficit of external amenity space. A compensation for the lack of landscaping on the site is discussed below.

Where residential units are placed one above another, to limit noise intrusion unless sufficient soundproofing can be installed, bedrooms should not be placed either above or below living room and kitchen areas in other units. There are some units that appear to be inappropriately stacked. Specifically between units 1, 4 and 5 on the first floor and second floor, and between units 1 and 2 on the fourth and fifth floors. There is also a concern over noise intrusion between the D1 ground floor use and the first floor residential units. Details to mitigate noise intrusion between the inappropriately stacked units and the ground and first floor shall be secured by condition.

### **Impact on Neighbours**

SPG17 requires directly facing windows to be located 20m away from one another. The upper floors (i.e. above groundfloor) of the proposed building will be set of the North and South boundaries. On the Southern Elevation a 20m separation from directly adjoining properties on Ilex Road has been created, which is acceptable. On the Northern Elevation a 10m separation has been employed. This North flank wall will contain 2 bedroom windows at first floor level. The proposed windows will look directly onto the screened roof terraces which are considered to obscure direct views onto neighbouring properties on White Hart Lane. The screens on the this elevation will be conditioned to be 2m in height so to ensure a degree of privacy is maintained. Owing to the set back nature of the building and obscured views created by screened roof terraced, the proposed arrangement on balance is considered to be an improvement on the existing situation.

The Eastern elevation will contain one bathroom window. The bathroom window shall be obscure glazed and fixed so to protect neighbouring amenity. The Eastern elevation will also contain a roof terrace. In an attempt to protect neighbouring amenity the terrace shall be set of the edge of the building by 3m and any further unlikely views will be obscured by a 2m high screen located on the edge of the building.

### **Highways Consideration**

It is clear that a place of worship arranged over one level will not attract a larger number of worshippers than the existing larger building. Furthermore the presence of a CPZ in the local area will serve to restrain visitor parking, at least during the working week. Sundays are a traditional day of worship for this type of religious building and this may still cause some traffic issues, however owing to the reduced floorspace of the D1 use, any traffic congestion caused will be significantly lower than that of the pre-existing situation (i.e. Prior to the building becoming vacant) and therefore should not form a reason for refusal.

The proposed residential accommodation will be permitted maximum levels of car parking as set out in PS14 of the Unitary Development Plan. The stricter standards can be applied here since the site has good PTAL ratings (Level 4) and lies within a CPZ, whereby each 1-or-2-bed flat can be permitted up to 0.7 car spaces and each 3-bed flat can be permitted up to 1.2 car spaces. For the proposed mix of dwellings the combined maximum standard will be 21.6 car spaces, a significant increase.

Given that the increase cannot be accommodated off-street or on-street in the locality of the site, a car-free scheme will be accepted provided this applies equally to all the proposed flats, and is secured via S106 Agreement. This approach has been agreed in principle by the applicants

All refuse and recycling will be serviced via Ilex Road. Adequate refuse and recycling for both uses have been proposed. The servicing bay will be accessed via the D1 space. These arrangements are considered to be acceptable

### **Affordable Housing**

Sites of above 0.5 Ha or proposals of above 10 residential units are required to provide an element of affordable housing on-site, to contribute towards the borough wide requirement for affordable housing. The applicant has submitted a viability study which your officers consider to be reasonable in terms of demonstrating a maximum viable quantum of affordable housing in line with planning policy requirements. The applicant proposed three options to meet the Councils requirements and these will be discussed in turn:

- 1) 25% shared ownership (7 flats) on a nil grant basis
- 2) 18% affordable rent (5 flats) on a nil grant basis
- 3) Commuted sum of £375,000 in lieu of on-site provision

Church End is characterised by high concentrations of social rented accommodation and therefore the opportunities should be taken to introduce different tenures into the area in order to support a balanced, mixed and sustainable community. The choice would therefore seem to fall between shared ownership and commuted sum.

A number of concerns with the shared ownership option have been raised:

- The relatively small number of flats involved and their location in a single residential core with private flats
- The potential for conflicting competition with other shared ownership schemes in the area (e.g. White Hart and proposed Catalyst redevelopment of the town centre)

The option of a commuted sum, with the potential to either use the monies to deliver affordable housing in the local (e.g. the proposed Catalyst redevelopment of the town centre) or wider area appears to be more appealing as it affords the opportunity to introduce different tenure options to an area that appears to be largely dominated by affordable housing and will go some way in achieving a balanced, mixed and sustainable community. The commuted sum is therefore considered to be an acceptable solution.

### **Environmental Health**

The development is located within an Air Quality Management Area and is therefore likely to contribute to background air pollution levels. As such measures to mitigate against the impacts of dust and fine particles generated by the operation must be employed. Such detail shall be secured by condition. The energy report proposes an acceptable degree of photovoltaic.

### **Landscape**

Owing to the nature of the development there is limited scope for landscaping on site. The Growth Area is in dire need of Street Trees as such, a sum of £28,000 for street trees and maintenance has been agreed in principle. The monies in lieu of landscaping shall be secured by a S106 Legal Agreement.

## **Other**

Archaeological Priority Area: The site is part of an Archaeological Priority Area and has potential to house the remains of mediaeval periods. Policy BE30 of the Revised UDP states that the applicants should have the implications of any proposal involving groundworks on such sites assessed by a recognised archaeological group. This should assess the level of importance of any finds and means of protection. A condition requiring an assessment of works if necessary to be carried out in advance of any development on site. English Heritage have not raised any objection to the scheme.

Crime Prevention – No comments have been received from the Metropolitan Police Crime Prevention Officer

Notifiable Installations – Owing to the subject site being located within 6m of a high pressure pipeline an assessment against policy EP8 is required. As the proposal seeks to retain the groundfloor no groundworks are proposed.

## **Conclusion**

The proposal complies with requirements set out in the Mayors London Plan 2011, Councils Core Strategy 2010 and Unitary Development Plan 2004 and is considered to be an acceptable scheme on balance. The proposal is therefore recommended for approval subject to a legal agreement and the attached 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  
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  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Housing: in terms of protecting residential amenities and guiding new development  
Transport: in terms of sustainability, safety and servicing needs  
Community Facilities: in terms of meeting the demand for community services  
Design and Regeneration: in terms of guiding new development and Extensions  
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 drawings:

1013-EX-002  
1013-EX-003  
1013-EX-004  
1013-EX-005  
1013-EX-006  
1013-EX-016  
1013-EX-015  
1013-EX-013  
1013-EX-012  
1013-EX-011  
1013-EX-010  
1013-PR-116 REV B  
1013-PR-117 REV B  
1013-PR-102 REV H  
1013-PR-103 REV G  
1013-PR-104 REV E  
1013-PR-105 REV C  
1013-PR-106 REV C  
1013-PR-107 REV E  
1013-PR-108 REV E

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

- (3) No water tank, air conditioning or ventilation plant, extraction equipment or other roof structure shall be erected above the level of the roof hereby approved without the further written consent of the Local Planning Authority.

Reason: To ensure that such further structure(s) do not prejudice the amenity of the neighbouring occupiers or the appearance of the area.

- (4) Details of materials for all external work, including samples of bricks, balconies (Balconies on the Northern Elevation should be 2m), canopies, windows and parapet detail, 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) Details of any air-conditioning systems, including particulars of noise levels, shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. The approved details shall thereafter be fully implemented.

Reason: To safeguard the amenities of the adjoining occupiers

- (6) An assessment to achieve an increased sustainability score on the Councils Sustainability Checklist, 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 sustainable development which does not prejudice the amenity of the locality



- (7) Prior to occupation of the dwellings results of the post-completion testing undertaken to demonstrate that reasonable resting conditions (Living rooms) LAeq, T 30 dB (day: T =16 hours 07:00 –23:00), reasonable sleeping conditions (Bedrooms) LAeq, T 30dB (night: T = 8 hours 23:00 – 07:00) LAm<sub>ax</sub> 45 dB (night 23:00 – 07:00) have been met should be submitted and approved in writing by the Local Planning Authority and thereafter the development shall not be occupied until the approved scheme has been fully implemented.

Reason: To ensure that the occupiers are not subjected to excessively high noise levels and to ensure an adequate standard of amenity.

- (8) In the event any groundworks are required, an assessment to ensure no archeological loss is caused 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 heritage of the locality

- (9) Details of mitigation measures against the impacts of dust and fine particles generated by operations shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (10) Details of CHP and Biomass 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

- (11) Further details of articulation of the Eastern Elevation 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

- (12) The first floor window inserted into the Eastern Elevation of the building shall be obscure glazed and non-opening.

Reason: To ensure neighbouring amenity is protected.


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

**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)

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

	<b>Planning Committee Map</b>
	Site address: Lonsdale House, 43-47 Lonsdale Road, London, NW6 6RA
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This map is indicative only.

**RECEIVED:** 4 January, 2012

**WARD:** Queen's Park

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

**LOCATION:** Lonsdale House, 43-47 Lonsdale Road, London, NW6 6RA

**PROPOSAL:** Change of use of ground floor from printing press (Class B2) to mixed use comprising restaurant (Class A3), wine bar (Class A4) and delicatessen selling hot and cold foods for consumption off the premises (Classes A5 and A1), including the installation of extraction plant, external alterations to the front elevation of the building and the creation of an external seating area.

**APPLICANT:** Mr Mark Gautier

**CONTACT:**

**PLAN NO'S:**

Please See condition 2

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## **RECOMMENDATION**

Grant Consent

## **EXISTING**

The subject site, located on Lonsdale Road, is occupied by a mid terrace property consisting of vacant B2 use at ground floor and a pilates studio on the upper floor. Lonsdale Road is a private road, unadopted by the Local Authority, and the applicant has indicated on the submitted site plan that the curtilage of the subject site extends beyond the footprint of the existing building towards the centre of Lonsdale Road. As such, whilst the enclosed area may previously have had the appearance of forming part of the public footpath, it is in fact private land.

## **PROPOSAL**

See above

## **HISTORY**

Full planning application (Ref No: 11/0292) for the Change of use of ground floor from workshop to cafe (Use Class A3), including retractable awning and creation of outside seating area to the front of the building was granted consent on 5 April 2011

## **POLICY CONSIDERATIONS**

The following policies and standards contained within the Council's Adopted Unitary Development Plan 2004 are considered to be relevant to consideration of the application. Specific issues relate to the principle of the change of use, impact on adjoining occupiers and highway considerations.

### **Unitary Development Plan 2004**

**STR2** - For development of retail uses, first consideration will be given to sites in Major Town Centres, then sites on the edge of Major Town Centres followed by District Centres and then sites on the edge of District Centres, followed by local centres and only then, out-of centre sites.

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

**BE7** - A high quality of design and materials will be required.

**TRN1** - Planning applications will be assessed, as appropriate for their transport impact, including cumulative impacts on the environment and on the road network and all transport modes, including public transport, walking and cycling.

**TRN11** - Developments shall comply with the Councils minimum cycle parking standard (PS16); with parking situated in a convenient, secure, and where appropriate sheltered location.

## **PARKING AND SERVICING STANDARDS**

**PS6** - Business (use Class B1) and Financial and Professional Services (Use Class A2), General Industry (Use Class B2) and Warehousing (Use Class B8)

**PS7** - Shops (Use Class A1) less than 2000sqm

**PS9** - Food and Drinks parking requirements

**PS16** - Cycle Parking

**PS20** - Public houses need to be serviced by 10m rigid vehicles

**EMP9** - Where a Local Employment Site is in or adjacent to a town or district centre and contributes to regeneration then uses for which the sequential approach (policy STR2) applies will also be permitted providing it accords with the relevant policies elsewhere in the plan.

**SH1** - The Council will use its powers to improve the attractiveness of the borough's town centres which will include measures to attract appropriate investment and to improve accessibility, the range of facilities and the environment.

**SH3** - Proposals on sites on the edge of Major Town Centres and District Centres should be consistent with the scale and function of of the centre within which they are located and should have no unacceptable impact on the vitality and viability of other town or district centres and that the development would be acceptable by a choice of means of transport.

**SH21** - New shop fronts should be of a standard of design which respects the shopfront designs of adjoining properties

## **CONSULTATION**

34 Neighbouring properties were consulted on 17 January 2012. The Local Authority has received 5 objections. These are outlined as:

- Owing to the nature of the development opening hours will be late, causing disturbance (noise) to neighbouring amenity
- The extraction system will cause a disturbance by way of odour and noise to neighbouring amenity
- Strain on parking
- The extraction system will be visible above the ridge line of the property fails to respect the character of the area

The extraction system located on the roof of the property will create an unsympathetic development.

## REMARKS

The proposal seeks permission for the change of use of ground floor from printing press (Class B2) to mixed use comprising restaurant (Class A3), wine bar (Class A4) and delicatessen selling hot and cold foods for consumption off the premises (Classes A5 and A1), including the installation of extraction plant, external alterations to the front elevation of the building and the creation of an external seating area. These shall be addressed in turn

### Principle of use

The adopted UDP 2004 designated Lonsdale Road as a site specific proposal which encouraged a range of uses including those proposed in this application. The Development Planning Document adopted by the Council last year as a part of the LDF no longer included the site and therefore, the UDP site specific proposal has effectively been superseded. In 2011 as explained above a proposal to change the use of the ground floor to retail (A1) was granted. Given the previous use of the site as a B2 use, the provisions of EMP9 should have been considered in that assessment. The view was taken that the change was acceptable partly because of the character of the immediate locality and the general policy approach adopted by the Council to the road over time.

No marketing information was submitted to support the change, however, an extant permission for an A1 use does now exist. Nevertheless, this is a proposal for a clearly different set of uses and it falls to be determined on its own particular merit. The amenity considerations are discussed below, but in pure policy terms particularly with the extant consent, it is considered that the change is acceptable providing the necessary safeguards are in place. For the avoidance of doubt, this does not mean that all future similar uses submitted for Lonsdale Road would be approved and the Council would need to be clear that in the event that such uses were forthcoming the road was not becoming dominated by a single use, continuing to retain its mixed character. That point has not yet been reached.

The use is not objected to in principle, even without the specific site allocation. It is evident that over time the aspiration of the Council was to create a mixed use character for the area, including a range of uses, and the application proposal continues to comply with this broad approach. However for the avoidance of doubt a condition requiring that this permission begins within 3 years from the date of the 2011 proposal (Ref No: 11/0292) rather than this one is proposed.

### Extraction System

The ducting and associated fans are to be installed internally which will minimise the potential for noise nuisance. The duct will terminate approximately 0.8m above ridge, 0.5m forward of the highest part of the roof fronting Lonsdale Road which will minimise the potential for odour nuisance. The extraction system has been assessed by the Council's Environmental Health Officer and will be able to address matters of odour and would not cause so much noise that it would be detrimental to neighbouring amenity. By way of appearance the extraction system is considered to be sympathetically designed by reason of its size, location and material. It is located adjacent to an existing chimney.

For the avoidance of doubt objectors have referred to an existing extract system at a nearby site located on the junction of Lonsdale Road and Salusbury Road. The extraction system proposed is fundamentally different in appearance to the extraction system installed on 'Jacks Cafe' and the extraction system there is currently being investigated by the Councils Environmental Health Officers.

The proposed kitchen ventilation system appears acceptable as it stands but Officers suggest attaching a condition to the permission so to ensure the system is installed to the standard shown in the applicants' submission.

### Parking and Servicing:

Lonsdale Road is a local access road which is not defined as heavily parked. It is excluded from neighbouring Controlled Parking Zones given that it is a private street but has a good Public Transport Accessibility level of 4. Under Parking Standard PS6, B2 uses can be permitted 1 car space per 150sqm where PTAL ratings are moderate. As such the existing use can be permitted a single car parking space. In addition, under PS19 units between 100sqm and 280sqm in floor area should provide a loading bay for an 8m rigid vehicle. At present, parking and servicing take place from Lonsdale Road, which has a one-way traffic direction.

The proposed A1/A3/A4/A5 use can be permitted 1 car space per up to 400sqm (PS9), so in effect the car parking standard will be unchanged. In terms of servicing requirements, a "Transit" sized bay will suffice for this use (PS20). This can more easily be accommodated on-street on the building frontage, except in cases where draught beer is served, in which case a 10m rigid bay for a beer dray-wagon is required. As the application refers to a "wine bar" it is less likely that the larger vehicle bay would be required. A Transit bay can more easily be accommodated on-street on the building frontage than the existing 8m requirement. A condition requiring details of servicing shall be attached to this permission if approved.

As regards the external seating area, this is located within private frontage, and will not impact on traffic flow, while as discussed above sufficient servicing and parking space will be retained.

Refuse and recycling storage is shown towards the western end of the site, within the building but close to one of the doors onto the street, so that it will be easy to wheel out the bins at collection times. This is acceptable.

Cycle parking should be provided for A3 uses at a rate of 1 space per 20 covers (PS16). The proposed layout of the café provides room for 54 diners inside and a further 34 outside (total of 88). This means that at least four cycle stands should be provided. There is room to provide suitable facilities at the western end of the site. Details of suitable cycle storage shall be secured by condition.

### Elevational changes

The proposal seeks to improve the street facing elevation by way of:

- Replacing a roller shutter door with a pair of part glazed doors
- The enlargement of two existing windows
- Proposed awning

The proposed awning will span 3.5m along the forecourt and will not project beyond the private frontage of the premises. The new glazed doors will be similar to others on the street, and the enlarged windows will align the sills with the existing windows. The proposed changes are considered to respect the character of the area and no objection is raised with the changes

### Response to objectors Concerns

So to minimise the impact on neighbouring amenity, a condition to control the hours of operation is suggested as:

0800 hours and 2300 hours Mondays to Fridays

1000 hours and 0000 hours Saturdays

1000 hours and 2300 hours Sunday and Public Holidays and at no other time without the written consent of the Local Planning Authority.

Although the application building backs directly onto the rear gardens of Hartland Road there are no openings in the rear of the building. It is considered that there should be no increased level of disturbance as a result of the proposal. All other matters have been addressed in the main body of this report

### Conclusions

The proposed change of use is acceptable and complies with the council policies relating to developments on the edge of district town centres of which the application premises forms part. Issues of parking, elevational changes to the premises and neighbour amenities will also not be compromised and on this basis, the application is recommended for approval.

**RECOMMENDATION:** Grant Consent

### **REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004

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

Built Environment: in terms of the protection and enhancement of the environment  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
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 5 April 2011

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

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

MG-0545-001  
Proposed Elevation Rev B  
Proposed Plan Rev B  
Existing Elevation  
Existing Plan

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

- (3) Details of adequate arrangements for 4 secure cycle storage spaces shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.

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

- (4) The kitchen extraction and ventilation system shall be installed in accordance with the approved specification. Equipment installed shall thereafter be operated at all



times and maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of nearby residents

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

0800 hours and 2300 hours Mondays to Fridays

1000 hours and 0000 hours Saturdays

1000 hours and 2300 hours Sunday and Public Holidays and at no other time without the written consent of the Local Planning Authority.

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

- (6) Details of adequate servicing arrangements shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.


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

#### **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)

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

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### Planning Committee Map

Site address: Ground, First and Second Floor, 967 Harrow Road, Wembley, HA0 2SF

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This map is indicative only.

**WARD:** Sudbury

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** Ground, First and Second Floor, 967 Harrow Road, Wembley, HA0 2SF

**PROPOSAL:** Erection of three storey side extension and associated works to curtilage including hard and soft landscaping and creation of new vehicle crossover to rear premises.(Revised plans received 03/02/2012)

**APPLICANT:** Kayman Enterprises Ltd

**CONTACT:** Building Design Consultancy UK Ltd

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

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## **RECOMMENDATION**

Grant Consent

## **EXISTING**

The application site comprises a 3-storey flat roof end of terrace commercial premises located on the southern side of Harrow Road, Sudbury. The ground floor is within Use Class A1, and the first and second floors are within B2 office use. The site is at the end of a local shopping parade, which has no designation in Brent's Unitary Development Plan. Vehicular access to the site is from Harrow Road. The site also shares a side boundary with a three storey end of terrace dwellinghouse, 15 The Boltons. The site is not a listed building and is not located within a conservation area.

## **PROPOSAL**

Erection of three storey side extension and associated works to curtilage including hard and soft landscaping and creation of new crossover to rear of premises (Revised by plans received 03/02/2012)

## **HISTORY**

No recent planning history for this site

## **POLICY CONSIDERATIONS**

Brent Core Strategy 2010

CP17 – Protecting and Enhancing the Suburban Character of Brent

London Borough of Brent Adopted Unitary Development Plan 2004 (UDP)

BE2 – Townscape: Local Context and Character

BE3 – Urban Structure: Space & Movement

BE4 - Access for disabled people.

BE5 – Urban Clarity & Safety

BE6 – Public Realm: Landscape Design  
BE7 – Public Realm: Streetscape  
BE9 – **RECEIVED:** 4 December, 2011  
Architectural  
Quality  
TRN3 – Environmental Impact of Traffic  
TRN10 – Walkable Environments  
TRN22 – Parking Standards – Non Residential Developments  
TRN34 – Servicing in New Development  
SH19 – Rear Servicing

### London Borough of Brent's Supplementary Planning Guidance

#### Supplementary Planning Guidance Note 17 - Design Guide for New Development

Provides comprehensive and detailed design guidance for new development and seeks to raise the design quality of buildings, and to protect the character of properties and streets.

### **CONSULTATION**

#### External

Adjoining occupiers were consulted on 29<sup>th</sup> December 2012, and a further consultation of 21 days was sent out on 3<sup>rd</sup> February 2012 following amendments to the scheme. In total, 4 individual neighbours have objected, and 2 petitions have been received objecting to the proposal. The second petition had the same original 8 signatories, with 2 additional signatories.

#### *Response to original plans and consultation*

One letter of objection and a petition with 8 signatories, 'Residents of The Boltons' objecting to the scheme was received raising the following issues:

- The resident of the adjacent dwelling at no 15 The Boltons has highlighted that the deeds of their property states that the dividing fence with the above address is their responsibility, and therefore any alteration or removal of it should be agreed with them in advance
- According to the plans submitted [original submission], it seems that the proposed four storey extension would replace a part of the fence, and if this is the case they object to the proposal due to impact on existing vegetation from absence of sunlight and soil.
- If the proposed extension is built up to the shared boundary, then this would make maintaining the side of their property on to the side difficult
- The proposed extension would also overshadow the front gardens of dwellings at The Boltons
- There is objection to a proposed new crossover/vehicular access to the rear of the application site. This would result in the loss of two or three parking spaces, which would exacerbate existing parking problems on the street. Also, this could make the neighbourhood less accessible for refuse collections, fire brigade and ambulance in an already busy traffic environment
- The creation of a vehicular access to the rear would cause a safety issue because of a blind spot created by the position of the properties as vehicles come out of Sadler's Mews or The Boltons
- A building of this scale would be out of character with the rest of the neighbourhood as there are no other buildings of such height in the vicinity.

#### *Response to consultation for revised scheme:*

A further letter of objection and petition, with 10 signatories, was received from the above mentioned original representees, as well as an additional 2 letters of objections, after further 21 day consultation was carried out due to revised plans being received. The following are the issues raised in addition or in revision to the original concerns:

- The objections raised by the resident of 15 The Boltons have not changed as a result of the revised proposal.
- The proposed revised scheme would still be built up to the dividing fence with no. 15 The Boltons, and also result in a loss of light to the alleyway between the application site and this neighbouring property as well as the front gardens of The Boltons and rear garden of no. 15
- The concerns raised originally in relation to the proposed new vehicular access at the rear still remain
- Although the proposed mansard roof has not been omitted, the proposed revised scheme would still be out of character with the rest of the neighbourhood, because the new creation will be a gross commercial building in an intensely residential area.

All ward councillors were also notified. Councillor Lorber has objected to the revised proposal, raising the following issues:

- The proposed extension represents an overdevelopment of the site
- The large extension is too close to and will have an overpowering impact on the properties in the Boltons
- The impact of the extension on No. 15 The Boltons is particularly great in terms of potential overlooking and shadowing – there is a good reason for the current design of the existing building as it leaves a sufficient gap between the office building and the nearby residential property.
- The proposal for a gate at the back and access via The Boltons onto the site of 967 is not acceptable. There is adequate existing access via the front which should remain as the only access onto this site. The narrow access via The Boltons is not suitable for commercial vehicles which would inevitably cause obstruction to the residential properties in The Boltons and Saddlers Mews.

### Internal

*Transportation* – The Transportation Officer raised a few issues to the original proposal, summarised as follows

- Excessive level of off-street car parking, which in the case of parking within the forecourt would impede safe pedestrian access, to the detriment of pedestrian safety and Brent Council's strategic policies to restrain car use using parking standards, contrary to Policies TRN3, TRN10 and TRN22 of the UDP
- The applicant has failed to demonstrate that the site will make adequate off-street provision for access and standing by delivery vehicles in accordance with Brent Council's standards, contrary to Policies SH19 and TRN34 of the UDP

In response to the revised scheme, the Transportation Officer has made the following comments:

- The scheme can now be supported, subject to a condition requiring further details of four bicycle parking spaces.

### *Landscape Designer*

- Has recommended that trees may be planted to the front of the site, as well as some landscaping
- Has also recommended a condition requiring tree protection measures for the existing tree

located within the adjacent site at 15 The Boltons

### *Environmental Health*

- No objections, although has advised that the land is associated with potentially contaminative historic uses, and have recommended an informative for the attention of the applicant regarding potential soil contamination.

## **REMARKS**

### Summary

The application is a revised proposal for a 3-storey side extension to a 3-storey end of terraced mixed use commercial property, located on Harrow Road, Sudbury. The current authorised use of the site is A1 use on the ground floor and B2 offices on the first and second floors of the site. The site shares a side boundary with a residential property at no 15 The Boltons. The gap between the existing flank wall of the property at 967 Harrow Road and the side boundary with 15 The Boltons is 4.75m wide. This gap currently provides access to 2 car parking spaces at the rear of the site. Vehicles also currently park within the forecourt area of the site.

This revised application proposes a 3-storey side extension infilling the gap between the existing flank wall and the side boundary with 15 The Boltons. This would provide an additional 50m<sup>2</sup> of new retail space and 106m<sup>2</sup> of new office space.

To the rear, via The Boltons, a new 3.0m wide access is proposed to enable access to the 2 existing car parking spaces at the rear. To the front of the site, a space for an 8.0m long commercial vehicle would be provided, as well as proposed soft landscaping, including two trees within the forecourt area and a landscape strip along the shared boundary with 15 The Boltons.

The main considerations for the proposed development are the impact on the character and appearance of the area and streetscene, the impact on neighbouring properties and the impact of the development on parking and servicing for the site.

### Existing premises

The application site comprises a 3-storey flat roof end of terrace building located on the southern side of Harrow Road in Sudbury. It is at the end of a terrace of local shops, and shares a side boundary with a 3-storey flat roof terraced residential dwelling at 15 The Boltons. The ground floor of the premises has A1 retail use, and the first and second floors have B1 office use. The existing A1 floorspace is 106m<sup>2</sup>, and the B2 floorspace is 132m<sup>2</sup>.

The gap between the flank wall of 967 Harrow Road and the side boundary measures 4.75m. There is gated vehicular access to 2 existing car parking spaces at the rear of the site. The forecourt of the premises is also currently used for parking vehicles.

The existing front building line of 967 Harrow Road protrudes 5.8m forward of the rear building line of the property at no 15 The Boltons

Servicing for many of the other shops in this local shopping parade is to the rear of the site, although the application site has no existing vehicular access to the rear yard at the rear of the site. This is accessed via a residential street, Priory Avenue, situated off Harrow Road, and the Boltons runs parallel to Harrow Road to the rear of the shopping Parade. The rear garden of the residential property, 15 The Boltons, is adjacent to the application site. The dwellings at 9-15 The Boltons, are 3-storey flat roofed terraced properties, with the rear gardens of these dwellings facing Harrow Road.

## Proposed Development

### *Original proposal*

The original plans submitted for this application included a mansard roof above the existing building, essentially resulting in a 4 storey building, and a 4 storey side extension to the building was also proposed, including a mansard roof, to be built up to the side boundary. At ground floor, the extension was proposed to be in line with the existing front building line. The building was to be set back from this front building line by 4.8m at first, second and third floor levels. An additional 80m<sup>2</sup> of A1 floor space would have been created, and 201m<sup>2</sup> of new B1 office space.

Following Officer concerns regarding the design and scale of the building, impact on neighbouring properties, as well as unsatisfactory provision for servicing to the premises, and excessive car parking provisions, the proposal has been revised. In particular, the proposal would have resulted in an over-provision of parking, with parking at both the rear and at the front of the premises, as well as no provision for an 8m long service vehicle. Officers also objected to the proposed mansard roof, for reasons of design and appearance, as well as scale of development. The proposal also lacked the provision of an 8m long vehicle on site, to meet the service standard requirements for commercial premises of this size. There was also a concern over the impact of any vehicles servicing the site on nearby residents of The Boltons.

### *Revised proposal*

The applicants have revised the proposal to address all concerns raised by Officers. These are summarised as follows:

- The mansard roof has now been completely removed from the proposal, resulting in the reduction of the height of the side extension from 4-to 3-storeys to match the existing building. It is therefore now to be a 3-storey flat roof extension, in keeping with nearby properties
- The depth of the extension at the front at ground floor has been reduce by 4.8m, reducing the bulk of the development, as well as the impact on the neighbouring dwelling at 15 The Boltons
- Provision of an 8m long parking space for a service vehicle to be located at the front of the premises and accessed from Harrow Road.
- The new vehicular access to the rear yard (for the 2 existing car parking spaces at the rear) at a maximum width of 3.0m.
- The total new floor area has been reduced to 50m<sup>2</sup> new A1 retail space 106m<sup>2</sup> of new B2 office space.
- A landscape strip is proposed along the side boundary with 15 The Boltons
- Two trees are proposed at the front of the premises to restrict cars parking in the forecourt area.
- The applicants have stated that the use of the two uses, A1 and B1 is to be by the same operator.

## Appraisal

### *Principle of Development*

It is considered an extension to these commercial premises can be supported in principle. There is no change of use proposed, and the use of the premises is considered appropriate in this location. The main considerations for the proposal is therefore the impact on the character and appearance of the area and streetscene; the scale of the development, impact on neighbouring properties and impact on parking and servicing.



### *Design Considerations*

The proposed 3-storey side extension, as revised, is considered to be in keeping with adjoining properties. Both the existing building and the neighbouring residential terrace at 9-15 The Boltons are 3-storey flat roof buildings. It is to be set back from the front building line of the original building by 4.8m at all levels, resulting in an extension which would be subsidiary to the original building.

A proposed landscape strip along the side boundary at the front of the premises as well as the proposed planting of 2 trees in the forecourt area would help mitigate the visual impact of the development when viewed from Harrow Road, as well as reduce excessive car parking in the forecourt area.

The applicants have confirmed that both the existing and extended part of the premises, with A1 use on the ground floor and B1 uses on the first and second floors, will be used by the same operator. This is considered significant for the site in terms of how servicing and car parking provision and access to the premises would operate.

The landscape officer has been consulted to provide advice on soft landscaping and tree planting within the forecourt area. It has been highlighted that tree protection measures should be made for the existing silver birch tree located in the rear garden of 15 The Boltons. The proposed new trees in the forecourt are welcomed, as is the landscape strip along the side boundary of the site. Further details of this would be required by condition if the application is supported.

### *Highways issues*

The application site is located on the southern side of Harrow Road, a London Distributor Road. Access to public transport is low with a PTAL rating of 1. The road at the rear of the site, The Boltons, is classed as a Heavily Parked Street in Brent's Unitary Development Plan, 2004 (UDP).

The B1 use would require parking provision for an 8m long service vehicle. Ideally, this provision should be to the rear of the premises. However, due to officer concerns over the impact of such a large vehicle accessing the premises at the rear, on nearby residents of The Boltons and Sadlers Mews, this is considered unacceptable. It is therefore considered more appropriate to have this servicing requirement at the front of the premises, access from Harrow Road. This is on the condition that both the A1 and B1 uses of the premises would be by the same operator. It is also on the condition that a new vehicular access is introduced at the rear, so that two existing car parking spaces may be accessible. Officers consider that the maximum width of this access should be 3.0m, and that a 2.1m height restriction barrier is installed. This would ensure that no service vehicles may access the premises at the rear.

The existing car parking provision on the site is considered to be excessive by the Council's transport officer, and therefore tree planting in the forecourt area is welcomed. On street parking on nearby streets, including Harrow Road, Priory Avenue and The Boltons is unrestricted, and therefore there is no further requirement of off-street parking for the development.

Details of four bicycle parking spaces are required to meet the cycle parking standards for the site. These should be 'Sheffield' style stands. A relevant condition will be attached requiring these details

### *Impact on neighbouring properties*

The proposed 3-storey side extension would be built up to the shared boundary with the residential property at 15 The Boltons.

The proposed extension, at all three storeys, (to the front of the application site) would project 1.1m beyond the rear wall of the dwelling at 15 The Boltons. To the rear of the application site, the extension would project just under 1.1m forward of the front wall of 15 The Boltons.

Brent's Supplementary Planning Guidance 17 on Design Guide for New Development (SPG17), deals with impact of new development on neighbouring residential gardens. The proposed extension does not comply with the 45 degree rule set out in this guidance. However, the portion which does not comply with SPG17, only has a depth of 1.1m beyond the rear wall of the dwelling at 15 The Boltons.

Although the application site is not a residential dwelling, it is considered appropriate to consider whether the proposal complies with the 1:2 guidance, as set out in Brent's *Supplementary Planning Guidance 5 on Altering and Extending Your Home* (SPG5). This guidance is applied when assessing the impact of 2-storey or first floor extensions to residential properties, on neighbouring residential properties, if they are to project beyond the rear wall of those neighbouring properties. Both at the front and rear of property, the midpoint of the nearest habitable room windows at 15 The Boltons, is over 2.5m. This means that the proposed 3-storey extension would comply with this guidance, and illustrates that it is not considered that the impact of the extension would have an unduly harmful impact on the residential amenities of this property in terms of outlook and light to this property. If the application site was a residential dwelling, like 15 The Boltons, then these depths would comply with SPG5 requirements as set out in the 1:2 guidance.

On balance, whilst the proposed extension does not comply with Brent's SPG17 45 degree rule, it would comply with the 1:2 guidance contained in SPG5. If the application site was a residential property, the proposal would be deemed acceptable in terms of impact on neighbouring properties. Officers therefore consider that the development would not have an unduly harmful impact on the residential amenities of this neighbouring dwelling.

#### Response to objections

This section of the report will discuss any matters raised by objections not already discussed elsewhere in this report.

The proposed extension is to be built along the shared side boundary with the dwelling at no 15 The Boltons. This resident is concerned that this would impact on the existing or replacement boundary fence which is the responsibility of this resident. This matter is not a material planning consideration. However, the applicants will be reminded by informative the requirements of the Party Wall Act etc 1996.

The issue raised regarding the maintenance of the side wall of the adjacent dwelling at 15 The Boltons is not considered

The maintenance of the side wall of the adjacent dwelling at 15 The Boltons is still possible due to there being a gap of just over 1.5m from the side boundary and the flank wall of this dwelling. It is considered that this would be sufficient space to allow any maintenance required to the side of this property.

Any impact on vegetation in the garden of a neighbouring property is not a reason to warrant refusal.

This is likely to prevent the majority of extensions and alterations from being approved within the borough.

A new vehicular access is required at the rear of the premises to ensure that the two existing car parking spaces in the rear yard are accessible. No new parking is proposed, and the access will be restricted in width to no more than 3.0m, as well as the requirement of a height restriction barrier, to ensure no service vehicles, including transit sized vehicles can access the rear of the

premises. The creation of the crossover at the rear would only reduce the existing on-street parking by one space, which is considered acceptable. As the operator of the premises is to be the same user for both the A1 and the B1 uses, service vehicles can use the space provided at the front of the premises, accessed from Harrow Road.

The proposed new access at the rear has the support of the Council's Transport Officer, and any concern regarding a 'blind' spot when manoeuvring would have been taken into account when Transport Officers were appraising the proposal.

Officers have assessed the application with the balanced view of what may be permitted on site, taking into account the scale and character of existing development. The final revised scheme is much reduced from that which was originally proposed, and on balance is not considered to be an overdevelopment of the site.

### Conclusion

The proposal complies with requirements set out in The Council's Core Strategy 2010 and Unitary Development Plan 2004 and is considered to be an acceptable scheme on balance. The proposal is therefore recommended for approval subject to attached conditions.

**RECOMMENDATION:** Grant Consent

### **REASON FOR GRANTING**

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

Brent Core Strategy 2010  
Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 17 Design Guide for New Development  
\$

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

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

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

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

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

- (4) No windows or glazed doors shall be constructed in the flank wall of the building as extended without the prior written consent of the Local Planning Authority.

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

- (5) The whole application site shall be used exclusively by one operator for the purposes specified in the application hereby approved and for no other purpose, and shall not be subdivided without prior written consent of the Local Planning Authority.

Reason: To ensure adequate parking, servicing and access can be provided in the interests of the free flow of traffic and conditions of highway and pedestrian safety within the site and on the neighbouring highways.

- (6) Notwithstanding the details of landscape works referred to in the submitted application, full details of proposed soft landscaping within areas so designated within the front forecourt and treatment of the surroundings of the proposed development of the application site, (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 the development. All detailed works shall be carried out as approved prior to the occupation of the development hereby approved. Such details shall include:

- (a) Details of measures to be taken to protect the existing Silver Birch tree located on neighbouring land at 15 The Boltons;
- (b) A plan showing the size, species and location of a minimum of 2 trees to be located within the forecourt
- (c) Details of all soft landscaping within the proposed landscape strip along the side boundary with 15 The Boltons
- (d) Details of any boundary walls or fences, indicating materials and heights

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

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

- (7) Notwithstanding the details submitted, full details of requiring further measures to restrict vehicular access to the forecourt of the premises from Harrow Road, apart from the area shown as a space for '8m service vehicle', shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the

development. All approved works shall be implemented in full, and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority, as approved prior to the occupation of the development hereby approved.

Reason: To ensure the proposed development does not prejudice the free flow of traffic or the safety of pedestrians, and to ensure a satisfactory standard of development in the interests of local visual amenity.

- (8) Notwithstanding the details submitted, full details of the proposed new vehicular access, to be no wider than 3.0m, to the rear of the premises from The Boltons, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. These details shall include details of a height restrictive barrier, no higher than 2.1m, and full details of any proposed gates and boundary fencing, indicating materials and heights. All approved works shall be implemented in full and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proposed development does not prejudice the free flow of traffic, and to ensure that service vehicles cannot access the site from the new access in the interests of residential amenity, and pedestrian safety.

- (9) Details of the provision of a minimum of 4 secure cycle parking spaces in the forecourt of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.


Reason: To ensure satisfactory facilities for cyclists.

#### **INFORMATIVES:**

- (1) The applicant is advised to contact the Head of Highway & Transport Delivery (tel: 020 8937 5139 – contact San Pirabaharan) to arrange for the crossover works to be undertaken on their behalf.
- (2) It is important that the developer is vigilant for signs of potential contamination in the soil during excavation works. This may include obvious chemical or fuel odours, fuel or oil stains, asbestos, buried drums, buried waste, drains, interceptors, tanks or any other unexpected hazards that may be discovered during site works. If any unforeseen contamination is found during works, then the Safer Streets department must be notified immediately. Tel: 020 8937 5252. Fax 020 8937 5150. Email: [ens.licensingandmonitoring@brent.gov.uk](mailto:ens.licensingandmonitoring@brent.gov.uk)
- (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 Avani Raven, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5016

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 **Planning Committee Map**  
Site address: 210 Preston Road, Wembley, HA9 8PB  
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This map is indicative only.

**RECEIVED:** 4 December, 2009

**WARD:** Preston

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 210 Preston Road, Wembley, HA9 8PB

**PROPOSAL:** Erection of a smoking shelter and erection of a trellis around the site (retrospective application)

**APPLICANT:** Miss Natasha Bandali

**CONTACT:**

**PLAN NO'S:**  
(See Condition 2)

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## **RECOMMENDATION**

Grant Consent

## **EXISTING**

The application relates to a desert bar, currently trading as Flirtease. This is situated within the ground floor of a three-storey end of terrace building. The upper floors are in residential use.

Within the rear yard a smoking shelter with outside seating area has been erected without planning permission. This application seeks to regularise this.

The site is on the corner of Preston Road and Elmstead Avenue and is within Preston Road Primary Shopping Frontage.

## **PROPOSAL**

Retention of smoking shelter, and erection of trellis around the site.

## **HISTORY**

### **09/1324 – Refused 23/07/09**

Retention of smoking shelter and erection of trellis around the site.

Reasons;-

1. Excessive size, poor design and prominent location appear unattractive and an obtrusive addition to the streetscene. Detrimental to local amenities.
2. The shelters proximity to residential accommodation is likely to result in noise and siturbance and general nuisance to occupiers.
3. Results in the loss of the premises servicing area.

Between 1997 and 2006 various applications were submitted, relating to the installation of extraction equipment to support previous A3 occupiers.

Enforcement Notice served on 24/02/09.



## **POLICY CONSIDERATIONS**

PPS1 Sustainable Economic Development  
PPS4 Economic Development  
PPS6 Town Centres

### **Brent's Unitary Development Plan 2004**

*BE2 Townscape: Local Context & Character*  
*BE7 Public Realm: Streetscape*  
*BE9 Architectural Quality*  
*EP2 Noise & Vibration*  
*H22 Protection of Residential Amenity*  
*TRN22 Parking Standards – Non-Residential Developments*  
*TRN34 Servicing*  
*SH1 Network of Town Centres*  
*SH10 Food & Drink A3 Uses*  
*SH11 Conditions for A3 Uses*  
*SH19 Rear Servicing*

### **Brent's Core Strategy 2010**

*CP5 Placemaking*  
*CP16 Town centres and sequential approach to development*

### **Other relevant documents**

The Smoke-free (Exemptions and Vehicles) Regulations 2007

### **Main considerations**

Impact on amenity of nearby residential occupiers and surrounding area  
Visual impact  
Impact of use on traffic and highways safety  
Compliance with Smoking Legislation

## **SUSTAINABILITY ASSESSMENT**

n/a

## **CONSULTATION**

Consultation period started on **15 December 2009**, in which 31 properties were consulted. To date just one objection has been received, from a resident on Elmstead Avenue. The grounds for objection are summarised below;

- The structure is in breach of planning control and the Enforcement Notice (ref; E/07/0579) issued in Jan 2009 is farcical.*
- The structure is a "ramshackle shed" detrimental to the amenities of the surrounding residential area.*
- The outside space is used until the early hours creating noise and disturbance during the night.*
- Customers leaving the premises during the early hours also cause noise and disturbance.*

### **Transportation comments:-**

The servicing access is direct from Elmstead Avenue. The siting of the shelter does not impede the existing service access or pedestrian access, and for this reason no Highways and Transportation objection is raised.

### **Environmental Health:-**

A site visit was made on 22/12/09. It was confirmed that the smoking shelter complied with Smoking Legislation, as more than 50% consisted of an open walled area. It is recommended that the roof trusses at the far end be removed, to prevent the re-installation of roof covering to this end.

### **Health Safety & Licensing;-**

Officers have visited the site and confirm that the shelter complies with smoking legislation.

### **REMARKS**

This application proposes the retention of the existing smoking shelter, and trellis erected around the perimeter. The main issues for consideration are;

- (a) Impact on amenity of nearby residential occupiers and surrounding area*
- (b) Visual impact*
- (c) Impact of use on traffic and highways safety*
- (d) Compliance with Smoking Legislation*

#### *A. Impact on amenity;-*

The area surrounding the application site is mixed in character. Preston Road is commercial in nature, this Primary Frontage has a level of night time economy due to the presence of existing late night food outlets, A5 uses and late night shops. Flats exist above shops throughout the parade, and these would expect to experience a degree of night time activity given the location.

The application site includes residential accommodation above, which is common to all properties. It borders Elmstead Avenue which is a residential street, immediately to the rear of the site is a church building, and beyond this is a semi-detached dwelling on the northern side of Elmstead Avenue (No.3). This property is approximately 15m away. On the opposite of the road the closest dwelling is approximately 23m away.

The structure is built for the purpose of providing an outside smoking shelter for the business, this is required to comply with current smoking legislation. The shelter is sited in the rear yard, with a footprint of 5m x 5.8m (29sqm), taking up approximately 20% of the rear yard. As it was originally constructed, circa 2007 the shelter was enclosed on three sides, with an acrylic hipped roof. Seating for approximately 20 is provided.

On a second visit to the site on 09/06/10 it was evident that alterations had been made. These alterations see the removal of the hipped roof, and replacing this with a flat roof 2.6m high. This significantly reduces the bulk of the shelter, and lessens its impact on the streetscene. So from a visual amenity point of view the structure is considered to be acceptable.

The rear end to the shelter has been pulled away from the boundary by 1.25m. The shelter is enclosed along the Elmstead Avenue elevation through a combination of standard shiplap timber boarded fence, with a trellis fitted on top. The roof structure is supported by brick piers. The shelter, as altered is now open on three sides, to comply with smoking legislation.

The shelter is used by patrons as an outside smoking area, the seating provided can accommodate approximately 20 patrons.

The proximity to residential properties is a material planning consideration. The shelter has the potential to cause noise and disturbance to surrounding residents, particularly late at night. The main premises has a licence until 3.30am seven days a week, but the business operates until 1am Fridays and Saturdays.

Environmental Health Officers' have confirmed that their records show the last noise related complaint made against this property was back in 2000. When it was in use as an A3 restaurant, no complaints have been received against the current operators, or against the use of the outside smoking shelter.

Clearly there is a business need for an outdoor smoking shelter, this is required to comply with current smoking legislation. The character of the area is very mixed, there is an established level of night time economy along Preston Road. In the context of this environment the smoking shelter is considered to be acceptable, subject to strict control over its use in order to minimise the potential impact on surrounding occupiers. Conditions relating to the hours of use, a maximum number of persons, no amplified music and controls over lighting are all recommended.

*B. Visual Impact;-*

As discussed above the alterations that were observed on the last site visit in June 2010 lessen the visual impact of the structure. The removal of the roof significantly reduces its visual impact within the streetscene. The roof is now much lower, and is not that prominent above the pre-existing timber fence.

In doing these works for some reason roof trusses have been left towards the eastern end of the structure. These are unnecessary and appear unsightly. Their removal is required, and a condition will be attached to any planning permission requiring their removal within 2 months of a decision. This will further reduce the structures visual impact.

Being situated on a corner plot the shelter does have prominence. On balance it is considered the roof alterations go a long way to reducing its harmful impact within the streetscene. The lowered roof certainly reduces its visual impact, and subject to the remaining roof trusses being removed Officer's consider the visual impact to be acceptable.

*C. Impact of Use on Highways & Pedestrian Safety*

Transportation Officer's have confirmed that the siting of the shelter does not impede existing servicing and pedestrian access. Both are gained as a side access direct from Elmstead Avenue.

Pedestrian access to the first floor flat is not impeded, nor is access to the shared service road running to the rear of the site.

For these reasons there are no highways objections to the retention of this shelter.

*D. Compliance With Smoking Legislation;-*

The shelter as altered is open on three sides, this complies with smoking legislation (The Smoke-free (Exemptions and Vehicles) Regulations 2007) which requires as a minimum 50% of the structure to be open sided. Health, Safety & Licensing have confirmed that the structure complies and this is reinforced with a site visit made by Environmental Health Officer's.

*Comments on Objections;-*

The objector refers to noise and disturbance, particularly late at night.

Officers' have checked Environmental Health records for any recent noise related complaints, and none have been made against this property since 2000. That is not to say there isn't the potential for them to occur in the future though. Given the mixed character of the area, and proximity to residential accommodation Officers are recommending approval for the retention but with conditions to control its use. These conditions are intended to minimise its impact, and reduce the potential for noise and disturbance.

It is recommended that conditions restricting the hours of use, the maximum number of patrons permitted in the outside area, prohibiting amplified music and control over outside lighting should be attached.

Furthermore it is recommended that permission be granted initially on a temporary 1 year basis. This will allow the Council to monitor the situation, and a review of the operation of the site and the use of the shelter with conditions can then be carried out in 12 months time.

*Summary*

With reference to Council's UDP policies it is considered the proposal would be appropriate for this town centre location. It is accordingly recommended for planning approval on a temporary 1 year permission, subject to the attached 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  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Housing: in terms of protecting residential amenities and guiding new development  
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness  
Transport: in terms of sustainability, safety and servicing needs

**CONDITIONS/REASONS:**

- (1) This permission shall be for a limited period of 1 year only expiring 12 months from the date of the decision when (unless a further application has been submitted to and approved in writing by the Local Planning Authority) the use hereby approved shall be discontinued and the building(s) and/or works hereby approved shall be removed and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to review the position in the light of the impact of this use.

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

Plan 01  
Location plan

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

- (3) The smoking shelter shall only be used by customers until the following times:-  
Fri & Sat until 12:00am  
Mon-Sun until 11:00am  
and shall be cleared, with all ancillary activity completed, by these times.

Reason: To protect the amenities of nearby residential occupiers.

- (4) No music, public address system or any other amplified sound shall be installed within the rear yard or the smoking shelter.

Reason: To safeguard the amenities of the adjoining occupiers.

- (5) The affected area within the site, directly accessible from the existing servicing access from Elmstead Avenue shall not be used for storage purposes (whether temporary or permanent) unless prior written approval has been obtained from the Local Planning Authority.

Reason: To ensure suitable loading and unloading arrangements so as not to interfere with the free passage of vehicles or pedestrians within the site and along the public highway.

- (6) The remaining roof trusses shall be fully removed within 2 months of the date of this permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason; In the interests of preserving the visual amenities of the surrounding area.

- (7) No additional outdoor lighting shall be installed unless further details have been submitted to and approved in writing by the Local Planning Authority prior to installation.


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

**INFORMATIVES:**

None Specified

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

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 **Planning Committee Map**  
Site address: Texaco Star Market, Forty Avenue, Wembley, HA9 8JS  
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This map is indicative only.

**RECEIVED:** 14 November, 2011

**WARD:** Preston

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** Texaco Star Market, Forty Avenue, Wembley, HA9 8JS

**PROPOSAL:** Redevelopment of the site to provide a five storey residential building comprising 32 flats and a terrace of 3 three storey houses, car and cycle parking, private and communal amenity space including a children's play area and landscaping

**APPLICANT:** Greendev LLP

**CONTACT:** PAD Consultancy Ltd

**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 to agree the exact terms thereof on advice from the Head 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 Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Provision of affordable housing: the two six bed houses and two of the ground floor three bed flats will be provided as affordable rent units at sixty percent of the market rate, and two of the three bed flats to be provided as intermediate affordable units.
- (c) A contribution of £3,000 per bedroom/£2,400 per affordable housing bedroom, index-linked from the date of committee, for Education, Sustainable Transportation, Open Space and Sports in the local area.
- (d) Sustainability – Code for Sustainable Homes Level 4 Post Construction Assessment and Certificate shall be submitted prior to occupation; achieve 50% on the Brent Sustainable Development Checklist, demonstrated through submission of a Detailed Sustainability Implementation Strategy prior to construction; compliance with the ICE Demolition protocol, demonstrated by submission of an independent report detailing demolition and new build material use and recycling; and details of any renewable technologies required to supplement any passive measures in order to achieve a minimum 25% reduction above the CO<sub>2</sub> target emission rate required by the Building Regulations Part L 2010, to be submitted, approved and maintained throughout the lifetime of the development.
- (e) Prior to Practical Completion enter into a s278/s35 for any required highways works.
- (f) Join and adhere to the Considerate Constructors 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 Core Strategy, Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

## **EXISTING**

This application relates to the Texaco filling station located on Forty Avenue between the Elmstead Avenue junction and the Wealdstone Brook. The site is roughly rectangular in shape and has an area of just over 0.3 hectares.

The southern and eastern boundaries of the site front Forty Avenue and Elmstead Avenue. The northern boundary abuts 182 Elmstead Avenue, a 2-storey semi-detached house. The Western boundary abuts the Wealdstone Brook.

Forty Avenue has a mixed character with stretches of 2-storey suburban housing interspersed with more recent blocks of flats. These include Century House located on the opposite corner of the Forty Avenue/Elmstead Avenue junction which is a 3 and 4-storey block of flats built about ten years ago. Also nearby are Preston Manor School and the Shree Sattavis Gam Patidar Centre. Most of the buildings are set back from the road behind landscaped frontages giving Forty Avenue a pleasant open character.

Apart from the application site and Century House opposite, Elmstead Avenue is composed almost entirely of 2-storey suburban housing.

Forty Avenue is a local distributor road with good access to public transport and close to local facilities including schools and shops. The site is located on the London Bus Priority Network close to the transport hub at Wembley Park, and the London Underground station just a few minutes walk away. Elmstead Avenue and Brook Avenue opposite the site are designated parts of the London Cycle Network, and a dedicated bicycle lane passes in front of the site on Forty Lane.

The nearest local shopping areas are located at Wembley Park and Preston Road.

## **PROPOSAL**

This application is for the demolition of the existing petrol filling station and the re-development of the site with a 5-storey block of 28 flats and a pair of 3-storey houses including the creation of a new site access from Elmstead Avenue and the provision of car parking, landscaping and a communal open space.

## **HISTORY**

There has been a petrol filling station on this site since the 1950s. The current filling station was built in 1992 and there have been numerous consents to modify the premises since. The most recent planning application was in 2006 when an application to redevelop the site to re-provide the petrol filling station but with a larger retail element and increased off street parking was refused (Ref: 06/2666).

## **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**

### **Energy**

Policy CP19 of Brent's Core Strategy requires developments to contribute towards climate change mitigation and adaptation. The proposed development addresses local and national planning policies on energy; in particular, mitigation of climate change and energy security through energy efficiency enhancements and use of alternative energy technologies. In order to reduce the carbon footprint of the building beyond the requirements of current regulatory and market standards, the development will benefit from the following integrated systems:

- Passive design features;
- Zero carbon energy systems;
- Energy efficiency measures

The building fabric U-values will improve on the Building Regulations Part L 2010 requirements and robust detailing at joints and junctions will further reduce heat loss due to excessive infiltration. Energy efficient light fittings will minimise the electricity demand for lighting.

An energy assessment has been carried out based on design information to identify the most appropriate renewable strategy. The options maximise the potential savings from the site and the development will meet the planning requirements set out by the Council, and the reduction in carbon emissions by use of renewable energy systems as required in the London Plan.

The results of the SAP calculations and strategy proposed show a percentage improvement of DER over TER of over 32% above the requirements for the Building Regulations Part L 2010 and in addition the total site CO<sub>2</sub> has been reduced by over 16% in comparison to the baseline building, including both regulated and unregulated emissions.

Even though the percentage of carbon emissions is reduced by less than 20% by use of this strategy it achieves a much greater improvement over Part L 2010 than required by the London Plan policy 5.2 thus resulting in the development having a much lower environmental impact than the baseline buildings. The use of MVHR and PV systems have been identified as appropriate renewable technologies capable of securing a further reduction in carbon emissions. The complexity of using any further renewable technologies is unlikely to reduce the carbon footprint to a greater extent than the proposed strategy and therefore the greater improvement of DER over TER, through passive design, MVHR system and PV system is deemed to be far more environmentally effective with regard to carbon savings, whilst far exceeding the main objective of the London Plan. These measures will be secured through a section 106 legal agreement.

### **Code for Sustainable Homes**

Policy CP19 of Brent's Core Strategy requires the development to achieve a minimum Level 4 in relation to the Code for Sustainable Homes (CSH). The submitted pre-assessment predicts that this will be achieved. It is recommended that a CSH Level 4 Post Construction Assessment and

Certificate is submitted prior to occupation. This should be secured as part of the Section 106 Heads of Terms.

### Brent's Sustainable Development Checklist

This application is required to achieve a minimum score of 50% on the Brent Sustainable Development Checklist. The applicants have submitted the checklist achieving a score of 59.5%. It is recommended that the Section 106 include a clause requiring confirmation that a minimum score of 50% is, demonstrated through submission of a Detailed Sustainability Implementation Strategy prior to construction.

### Other Matters

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

## **CONSULTATION**

### **Public Consultation**

415 neighbours consulted - 98 letters received (81 of which were individually signed copies of pre-prepared objection letter circulated by the Elmstead Avenue Neighbourhood Watch & Residents Association), objecting to the development on the following grounds:

- Overdevelopment of the site
- Height, design, layout and appearance do not fit in with the character and appearance of the surrounding area.
- Proposal will significantly increase traffic in an already heavily congested area (which is particularly bad during the rush hours and child drop-off and pickup times) making it difficult for emergency services to access Elmstead Avenue.
- The proposed site access onto Elmstead Avenue is opposite the entrance to three blocks of flats – Bowling Green Court, Elmstead and Century House.
- Increased traffic levels will lead to further pollution and noise.
- Increased traffic levels will compromise the safety of pedestrians in the vicinity of the site, including children at the adjacent school.
- Development will overshadow the back gardens and rear living areas of adjacent properties.
- Development will result in a loss of privacy for adjacent properties.
- Loss of petrol filling station.
- Insufficient parking is proposed. Should include a basement car park.
- Proposal will adversely affect house prices in the area.
- Construction of building, i.e. digging of the foundations, basement car park and new planting, damaging neighbouring buildings and land, including trees and boundary fences.
- Insufficient consultation period.

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

### **Internal Consultation**

#### **Transportation Unit**

Subject to a Section 106 Agreement to secure a financial contribution of £38,500 towards non-car access improvements and a condition requiring the developer to fund the cost of all highway works (or to construct the works directly under a S278 Agreement) (i.e. reinstating the redundant crossovers onto Forty Avenue to footway/verge, providing a new crossover onto Elmstead Avenue (incl. adjustments to parking bays), constructing a half-width loading bay on Forty Avenue (if

agreed) and repaving of the footways fronting the site as necessary), there would be no objections on transportation grounds to this proposal.

An informative is recommended, advising the applicant to contact the Head of Highway & Transport Delivery to arrange for the footway, loading bay and crossover works to be undertaken on their behalf.

#### **Environmental Health**

No objections raised, subject to conditions relating to contaminated land and control of hours for construction and demolition.

#### **Landscape Team**

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

#### **Policy & Research Team - Sustainability**

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

#### **External Consultation**

##### **Thames Water**

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

##### **Environment Agency**

No objection received.

#### **REMARKS**

##### **Principle of Development**

There is no policy in place within Brent's Core Strategy or Unitary Development Plan that protects the use of the site as a petrol filling station. The site is owned by the applicant, Greendev LLP, who currently lease it to Texaco. An assessment by the applicant states that there are currently nine other filling stations within a two mile radius of the site.

The proposed redevelopment of the site to provide new housing is therefore considered acceptable in principle subject to meeting relevant policies, guidelines and standards relating to new housing development.

##### **Amendments**

The scheme has been revised since its submission, and the amount of development has now been reduced. One of the three 3-storey six bed houses has now been removed in order to allow a better layout on site. In addition the top fifth floor has been reduced from 4x2-bed flats to 2x2bed flats and 2x1-bed flats in order to allow this floor to be set in further from the edge of the main block.

These changes result in a bigger set back from Forty Avenue, more landscaping and a bigger gap between the neighbouring house at 182 Elmstead Avenue and the two remaining three storey house proposed on the site. The number of off-street parking spaces remains the same.

## **Density and Mix**

The scheme proposes the following mix an number of units:

14x1-bed flats  
12x2-bed (4 person) flats  
2x2-bed (3 person) flats  
4x3-bed (6 person flats  
2x6-bed (8 person) houses

This equates to a density of 320 habitable rooms per hectare (hr/ha) or 110 units per hectare (u/ha). This density falls comfortably within the relevant density range set out in the Mayor's London Plan which for sub-urban areas with a good PTAL (4-6) is 200-350 hr/ha or 70-130 u/ha.

## **Design, Appearance and Character of the Area**

The revised scheme will still be five storeys high making it the tallest building in this stretch of Forty Avenue. However the top floor is set in significantly from the edge of the building, has a curved design and is to be constructed in a lighter material than the main part of the building which is predominantly brick. The result is a building that reads as being four storeys, matching the height and proportions of Century House on the opposite side of the Elmstead Avenue/Forty Avenue junction and not appearing out of scale with its surroundings.

The main front block is set back from Forty Avenue by between 4.8 and 6 metres and is set in from Elmstead Avenue by between 6 and 8.5 metres. This is more generous than the set back of Century House. It allows for significant planting along the sites frontages and although a relatively large building is proposed it is considered respectful of the open character of Forty Avenue.

The proposed 3-storey town houses are a storey higher than the adjoining 2-storey suburban housing in Elmstead Avenue. However because of their flat roofs and the generous five to six metre gap between them and the next house along, they do not appear disproportionately out of scale with the rest of Elmstead.

While the design is modern the use of a large amount of brick on the main block and render on the houses reflects the predominant building materials found in the area.

## **Quality of Residential Accommodation**

All of the units have been designed to the London Plan minimum space standards.

The standard of amenity provided is in general compliance with the requirements of SPG17. With regards to outlook, whilst some of the units do not provide dual aspect, in all the case of all of these units, none of the habitable rooms have outlook in a north-facing direction.

Daylight and sunlight have been assessed by GVA Schatunowski Brooks which confirms that the proposal will not have a detrimental impact adjoining properties and that the proposed accommodation meets the appropriate BRE guidance.

Privacy levels for the proposed units are generally considered acceptable.

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

## **External amenity Space**

General guidance suggests amenity space should usually be provided at a rate of 50 sqm per family unit, and 20 sqm for others. The two town houses all have access to private gardens of 50 sqm or more. One of the ground floor three bed units has a private garden of 75 sqm, the remaining ground floor flats have private terraces of between 10 and 20 sqm. All other flats have private balconies ranging in size from 6 sqm up to 25 sqm. In addition all the proposed units will have access to a 384 sqm communal play and amenity space. The total quantum of useable amenity space provided for the flats (excluding the two houses) is 899 sqm (396sqm private balconies and terraces; 119 sqm of private gardens/patios and 384 sqm of communal play/amenity space. This more than meets the 800 sqm of amenity space required to meet the minimum recommended by SPG17 and also meets the Mayor's childrens' play space requirements. In addition a further 698 sqm of landscaped visual amenity space is provided.

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

## **Impact upon neighbouring properties**

The block of flats is located 28 metres from the nearest neighbouring property (182 Elmstead Avenue) and complies fully with the standard tests set out in SPG17 for assessing the impact of new development on existing residents.

The two 3-storey houses maintain a gap of three metres with the side boundary of 182 allowing for the retention and enhancement of the landscaping along this boundary. The rear elevation of the new houses does not extend beyond the rear elevation of the neighbouring house and they are therefore considered to have a satisfactory relationship with the immediate neighbour.

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

## **Parking and Transportation**

Car parking allowances for residential use are set out standard PS14 of the adopted UDP. Although the site has good access to public transport services, it is not located within a year-round CPZ, so the full parking allowance set out in the main table of the standard applies.

As such, this development would be permitted up to 43.6 off-street parking spaces, so the proposed provision of 30 spaces would comply with standards.

Policy TRN23 also requires consideration to be given to the impact of any overspill parking on parking conditions in the area though. To provide an approximation of likely car ownership, private units are assumed to generate car ownership at 75% of the maximum standard and social rented units at 50%. This gives an estimated total parking demand for 30 spaces, although car ownership data obtained for the Preston ward in the 2001 Census suggests that demand would actually be closer to about 25 spaces.

With 30 cars able to be accommodated within the site, it is therefore likely that only a very limited amount of overspill parking would occur from the development. At present, there is a Stadium event day parking bay located along the Elmstead Avenue site frontage that can accommodate seven cars, although 1-2 spaces will need to be removed in order to provide the new access. Nevertheless, as the road is not heavily parked at night, the 5-6 remaining bays would be sufficient to safely accommodate the predicted level of overspill parking, even if residents of each of the new flats were to own a vehicle.

The applicant has also offered to implement a parking management plan to help to control future parking, but in view of the above this is not considered likely to be necessary.

Standard PS15 requires at least 5% of spaces (10% for affordable housing) to be widened and marked for disabled drivers. The proposed provision of four such spaces is more than sufficient to satisfy this requirement.

Standard PS16 requires each of the 32 proposed flats to be provided with a secure, covered bicycle parking space. To this end, two internal storage rooms are proposed, each with space for 18 bicycles in a double-height stacking system. This is suitable to satisfy requirements. Bicycle parking for the three houses can be accommodated within their private gardens.

Bin storage is indicated within internal storage rooms to the front of the building, allowing easy access for refuse collection staff directly from Forty Avenue, without such vehicles needing to enter the site. To help to ensure traffic flow along Forty Avenue is not unduly affected, it is also proposed to construct a half-width loading bay to the front of the site which can be used by refuse vehicles. However, the bay would reduce the length of the grass verge along the front of the site and would provide little benefit given that there is adequate width for traffic to pass a stationary refuse vehicle. On this basis, its provision is not considered essential to the scheme (although dropped kerbs will need to be provided for the wheeling of Eurobins onto the carriageway for collection), but if the developer wishes to pursue the matter separately, this will need to be agreed with the Head of Highway & Transport Delivery as part of the general highway access works.

The provision of pedestrian accesses to the front of the block directly onto Forty Avenue means emergency service vehicle access requirements are satisfied.

In terms of site layout, the dimensions shown for the car parking spaces and aisles generally comply with standards. However, in order to improve general appearance of the area, a 1.2m wide strip along the southern side of the car park entrance road (as required for manoeuvring into and out of parking spaces) is to be surfaced in studded concrete with grass (grasscrete), whilst the rearmost 700mm of the parking spaces will also be provided with low planting that vehicles can overhang. Otherwise, the car park access roads are to be surfaced in block paving, with parking spaces surfaced in gravel, which is considered acceptable. The proposed provision of railings around the front boundary of the site will ensure visibility splays are not obstructed.

The revised vehicular access arrangements will require a new crossover to be constructed onto Elmstead Avenue (with the existing event day parking bays amended accordingly) and the two existing accesses onto Forty Avenue to be closed and reinstated to footway/ cycleway/verge. These works will all need to be undertaken at the developer's expense and should include re-paving works along the footway fronting the site. The developer is advised to contact the Head of Highway & Transport Delivery to arrange for the works to be done.

Otherwise, the principle of providing vehicular access onto a lightly trafficked, traffic-calmed local access road (Elmstead Avenue) rather than Forty Avenue is welcomed in road safety terms.

Finally, a standard financial contribution of £1,000 per 1-2-bed flat and £1,500 per 3+bed unit is sought towards non-car access/highway safety improvements and or parking controls in the vicinity of the site, giving a total sum of £38,500.

### **Landscaping**

A Tree Preservation Order applies to the site. The tree stock at the site broadly comprises relatively young landscape trees planted at the time the filling station was constructed. The tree stock is mediocre at best with only five trees of the forty three identified within the TPO as warranting higher than 'B' grading in terms of their value and life expectancy. The screening effect that the trees along the northern boundary will not be lost, rather it is proposed to bolster this



screen with new trees and shrubs.

It is proposed to retain all the trees immediately bordering the Wealdstone Brook but with some general maintenance undertaken in the form of removing dead wood and crossing branches, and any dead stems or sapling. Some crown lifting to raise the lowest branches to around 2.5m above ground will create a better relationship with the proposed layout. The amenity space or play area is also better served by this light pruning work. It also proposed to remove seven of the less significant trees situated towards the rear northern boundary of the site.

There is a proposal to plant new trees both within the scheme around the proposed parking bays and along the periphery of the block and front gardens of the houses including within the pavement of Forty Avenue. Approximately 20 new trees are proposed, which is considered effective mitigation for the removal of the old landscaping. Although tree planting is effective this will be dependent upon ensuring new trees are of a size and species suited to the location and able to provide immediate landscape effect.

There is significant scope for landscaping within the site as indicated on the submitted plans. This includes a significant frontage to Forty Avenue, the retention and enhancement of the existing landscaping along the northern and southern edges of the site and the creation of a communal play space and private gardens and terraces.

There will be a wider wildlife corridor alongside the Wealdstone Brook, enhancing it's role as a wildlife corridor. This is further extended by making it continuous with the communal garden and planting additional indigenous species.

There will be substantial new planting, using bushes & climbing plants to the boundaries within the courtyard to make a verdant space — a garden with cars. Existing trees retained where possible, extensive new planting both within site and for public benefit in pavement. The new trees should be species suitable for urban environments which will not cause a nuisance by dropping fruit on the pavements.

External boundaries will use railings with prickly plants as secure living edges. Private gardens extend around both houses and flats, to keep a sense of ownership and allow residents the chance to enjoy gardening.

Permeable block paving distinguishes the private from public road, and parking spaces are identified by rectangles of 'hoggin' gravel set within brick outlines, rather than line marking. Studded 'grasscrete' deters walking close to building & extends green space where it will only occasionally be over-run by cars. Parking bays are separated by bays of bushes and trees, to bring planting into the centre of the courtyard, and to provide shade for the cars in summer.

In order to ensure the opportunity for landscaping is maximised it is recommended that a condition is attached to secure the submission of full landscape details prior to the commencement of works on site.

### **Air Quality**

An air quality assessment has been undertaken by Hilson Moran. The assessment methodology is designed to provide a worst-case assessment of the emissions of nearby traffic, and the effect these have on both the newly introduced sensitive receptors and the existing sensitive receptors.

In summary, emissions arising from traffic associated with the proposed development will have a “negligible” impact on local air quality.

The assessment of the impact of the development on local air quality has therefore demonstrated that the proposed scheme will not lead to a breach of the relevant EU

limits, do not require new AQMA to be declared; or interfere significantly with or prevent the implementation of actions within the local Air Quality Action Plan. The principle of the development is therefore considered acceptable with regard to local air quality and potential health impacts on nearby sensitive receptors.

### **Contamination**

SLR has set out a remedial strategy comprising the removal of all the tanks, associated fuel infrastructure and any associated impacted material if found to be present. Notwithstanding this the Council's Environmental Health Team have recommended further conditions be imposed to ensure that appropriate measures are implemented to mitigate the effects of potential pollution present on and under the site.

### **Flood Risk**

The entire development site is located within PPS25 Flood Zone 2 (i.e. is within a Zone 2 Medium Risk Area). Whilst certain pre-conditions and restrictions are stipulated for land uses within this zone, in this case the development type is considered appropriate.

Although the risk to the development is only deemed medium (i.e. less than 1 in 100 but greater than the 1 in 1000 annual probability of flooding), developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond. This can be achieved through the layout and form of the development and, where appropriate, application of sustainable drainage techniques.

The FRA undertaken by Hilson Moran concludes that by providing the suitable mitigation measures as set out in their report, the residual impact of the proposed development on flood risk and surface water management, together with the effect on the local sewerage infrastructure, will be acceptable.

### **Affordable Housing**

The application proposes to provide 6 of the 34 residential units as affordable housing. While this represents just 18% of the total units they are the larger units and include both 6-bed houses and all 4 of the ground floor 3-bed units and therefore account for 30% of total habitable rooms. Brent's Core Strategy and the London Plan seek to deliver 50% affordable housing on new housing sites of ten units or greater. This scheme falls short of this target but the submitted GLA Toolkit and viability assessment confirm that the scheme cannot provide any further affordable housing. Furthermore the two houses being offered at affordable rent levels meet a particularly acute need for larger units that aren't often proposed in new housing developments. Of the four 3-bed flats two are offered as affordable rent units and two as intermediate affordable housing.

### **Conclusions**

The proposal will add to the Borough's housing stock and provides significant benefits in the form of affordable housing. The scheme meets the current relevant standards and policies in terms of parking provision, residential amenity and the protection of adjoining residents. The proposed scheme is in accordance with the Council's Core Strategy, Unitary Development Plan policies and central government guidance, and therefore is recommended for approval, subject to a Section 106 Agreement.

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

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

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

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

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

**CONDITIONS/REASONS:**

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

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

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

1104- 04 rev A	1104- 17 rev A	1104- 30
1104- 05 rev A	1104- 18 rev A	1104- 31
1104- 06 rev A	1104- 19 rev A	1104- 32
1104- 07 rev A	104- 20	1104- 33
1104- 08 rev A	1104- 21	1104- 34 rev A
1104- 09 rev A	1104- 22	1104- 35 rev A
1104- 10 rev A	1104- 23 rev A	1104- 41 rev A
1104- 11 rev A	1104- 24	1104- 42 rev A
1104- 12 rev A	1104- 25	1104- 43 rev A
1104- 13 rev A	1104- 26	1104- 44
1104- 14 rev A	1104- 27 rev A	1104- 45
11104- 15 rev A	1104- 28	
1104- 16 rev A	1104- 29	

and the following supporting documents:

Hilson Moran -Air Quality Assessment

Price & Mayers - Code for Sustainable Homes Pre-Assessment 09-Nov-11  
SLR Consulting - letter dated 23-Apr-08  
Design & Access Statement Oct 2011  
GVA Schatunowski Brooks - Daylight/Sunlight Report  
Price & Mayers - Energy Strategy Report  
PAD Consultancy Limited - Planning Statement  
Greendev LLP - Transport Statement Nov 2011  
ACS Consulting - Arboricultural Implications Assessment and Method Statement  
09-Nov-11

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

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

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

- (4) The proposed cycle parking facilities and refuse storage facilities for the units of both the affordable and private units shall be provided in accordance with the details as shown in the approved plans, and thereafter retained in accordance with such approved details unless the prior written approval of the Local Planning Authority has been obtained.

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

- (5) During demolition and construction works on site:
- a) The best practicable means as specified in the British Standard Code of Practice BS 5228:1997 shall be employed at all times to minimise the emission of noise from the site;
  - b) 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 – 1800 Mondays-Fridays, 0800 -1300 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;
  - c) All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only.

Reason: To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of nuisance caused by construction and demolition works

- (6) The demolition and building works shall not commence until vehicle wheel washing facilities have been provided on site to the satisfaction of the Local Planning

Authority. The facilities installed shall be maintained in working order until completion of the appropriate stages of development.

Reason: To ensure that the demolition and building works do not prejudice the amenity of neighbouring residents and air quality within an Air Quality Management Area.

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

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

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

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

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

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

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

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

- (11) No works shall commence on site (including demolition) before tree-protection details in accordance with BS5837:2005 have been submitted to and approved in writing by the Local Planning Authority. Such measures shall include details on how these landscape features will be protected during the demolition and construction phases and details of root-protection zones provided. The development shall be carried out strictly in accordance with the agreed details.

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

- (12) Fuel Infrastructure Removal Prior to the commencement of building works, all structures associated with fuel storage and retail including tanks, fuel lines and pumps must be removed from site. This work must be verified to ensure that no residual hydrocarbons remain on site at levels above concentrations agreed with 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.

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

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

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

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

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

*Planning Policy Statement 1 – Creating Sustainable Communities*

*Planning Policy Statement 3 – Housing*

*Planning Policy Statement 4 - Planning for Sustainable Economic Growth*

*Planning Policy Statement 23 - Planning and Pollution Control*

*Planning Policy Guidance 24 - Planning and Noise*

*The London Plan - Consolidated with Alterations since 2004*

*Brent's Core Strategy 2010*

*Brent UDP 2004*

*Supplementary Planning Document: "S106: Planning Obligations"*

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

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

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

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## Special Item

### Deed of variation to the Section 106 agreement for Outline Planning Consent reference 03/3200, the Quintain “Stage 1” consent.

#### RECOMMENDATION

That the Planning Committee grant approval of the proposed Head of Terms for the deed of variation and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice of the Director of Legal and Procurement.

#### SITE DESCRIPTION AND PROPOSAL

The proposed deed of variation looks to update the Section 106 agreement relating to the Quintain “Stage 1” consent to reflect the mechanisms that have been agreed recently within the Quintain “North West Lands” planning consent, to re-phase some contributions and to make various other changes to the Section 106.

The Stage 1 application site is the land to the east and west of Wembley Stadium, bound by Engineers Road to the north, First Way to the east, South Way the Stadium the “Red House” the IBIS Hotel and MG House to the South, and Engineers Way, Wembley Hill Road and York House to the west.

These amendments look to address the changes in the ways by which Affordable Housing will be funded and delivered, to introduce a greater amount of flexibility in the delivery of Community Floorspace to assist its delivery, to re-phase the Education contributions to meet the likely needs of the Council to meet the demand for school places whilst breaking the contributions down into smaller payments to assist the delivery of the scheme. A number of other changes are also proposed.

The primary changes can be summarised as follows:

- Education contribution
  - Two options proposed, both of which have an equivalent present day value
  - Option 1 – index linked from date payment due, payments 3 and 4 can be drawn down from 1 April 2017 if spent on the new primary school site in Wembley (secured through the North West Lands consent)
    - 1 April 2014: £2 million
    - 1 April 2015: £2 million
    - 1 April 2021 £2.5 million
    - 1 April 2022: £3.038 million
  - Option 2 – index linked from 29 September 2004
    - Four annual payments of £1.25 million
- Community floorspace
  - The use of the mechanisms from North West Lands Low Cost Employment Space is proposed
  - The amount of Community floorspace that would be discharged is based on the finish (shell and core versus fully fitted) and rent charged (between nil and £8.31 per square foot).
  - Low Cost Employment Space will also be treated as Community provision
  - The provision of a health centre will still required if community floorspace remaining and agreement reached with provider
  - Community floorspace can be delivered outside of the Stage 1 site if agreed by both parties
  - Can re-negotiate provision of a swimming pool if 25 m 6 lane pool has been provided on the Dexion House site or elsewhere in the Wembley Growth Area where alternative facility of equivalent value is provided instead
- Construction and ongoing employment
  - Contributions are to be calculated on a pro-rata basis using the floorspace of the plot
- Affordable Housing

- The cascade mechanism from the North West Lands application is to be applied to the Stage 1 consent with adjustments to reflect the Stage 1 proposal
- Headline requirement remains at 35 % Affordable Housing (by floorspace) plus 2.5 % off-site family housing
- Multiplier table reflects Total Cost Indicators calculations to maintain an equivalent “cost” to the developer based on the amount that a Registered Provider can pay for the Affordable Housing.
- 25 % of the total Affordable Housing requirement within each plot can be provided as “commuted sum”, and this can be carried over to subsequent plots if not taken up for the current plot.
- Affordable Housing Nominations Protocol from North West Lands consent applied to Stage 1 consent
- The highway works schedule from North West Lands consent applied to Stage 1 consent. This relates to the procedures for works to the public highway
- TfL payment towards North Circular Road improvements (£550,000) to be phased subject to agreement by TfL
- Requirement to undertake improvements to Olympic Way falls away if North West Lands consent is commenced as the North West Lands consent includes a £4 million package of improvements to Olympic Way.
- The requirement to not undertake works on Wembley Park Boulevard until details have been approved is to be removed as such approval is required through the Reserved Matters applications.

The submission also sets out a list of clauses that will not change, ones that have been discharged in full and ones that have been partially discharged but require further submission.

## **PLANNING HISTORY (MAIN APPLICATION ONLY)**

### **The Quintain “Stage 1” Consent 03/3200 – Granted 29 September 2004**

This Outline consent requires the submission of Reserved Matters within 15 years (by 28 September 2019) and the Commencement of works within 2 years of the approval of the last Reserved Matters Application.

Works undertaken to date include the re-orientation of the Wembley Arena, the completion of Arena Square and the “Spanish Steps”, the completion of two residential led mixed use blocks (W01 – Forum House and W04 – Quadrant Court). The plot W05 building (Hilton Hotel, Student Accommodation and Designer Outlet Retail) is nearing completion whilst works have commenced on Plot W07 (Designer Outlet retail, food and drink, multiplex cinema).

Reserved Matters approval has also been granted for plots W03 (sports retail, fitness centre, residential). A Reserved Matters application was approved for a temporary multi-storey car park within plot W10, whilst a Reserved Matters application for a permanent multi-storey car park on this plot has been submitted and is currently being considered. The permanent car park would be an alternative to the temporary car park that has been approved rather than in addition to that car park.

Application description:

*Outline planning application for:*

*Works for the re-orientation of Wembley Arena*

*Class A1 (Retail) comprising up to 14,200m<sup>2</sup> designer retail outlet, 11,800m<sup>2</sup> sports retailing*

*Class A1/A2 shops/financial and professional services up to 8,000m<sup>2</sup> (including up to 2,000m<sup>2</sup> supermarket)*

*Class A1 (Retail) comprising up to 400 square metres of hotel boutique retail*

*Class A3 (Food and Drink), up to 12,700m<sup>2</sup>*

*Class B1 (a) (b) and (c) Business, up to 63,000m<sup>2</sup>*

*Class C1 (Hotel), up to 25,400m<sup>2</sup>*

*Class C1/Sui Generis (Hotel apartments), up to 26,700m<sup>2</sup>*

*Class C2 (Residential institutions) up to 5,000m<sup>2</sup>*

*Class C3 (dwellings) up to 277,000m<sup>2</sup>, (up to 3,727 dwellings)*

*Student accommodation (Sui Generis), up to 16,600m<sup>2</sup>*

*Class D1 (Non-residential institutions), up to 8,200m<sup>2</sup>*

*Class D2 (Assembly and Leisure), up to 28,500m<sup>2</sup> (including the existing Arena of 13,700m<sup>2</sup>) together with associated open space, public market area (Class A1), hard and soft landscaping, highway and engineering works, electricity sub-station, other utility requirements, other parking and servicing, and improvements to Olympic Way;*

*AND;*

*Reserved matters relating to siting, design, external appearance and means of access for the 3-storey structure to provide car and coach parking*

## **POLICY CONSIDERATIONS**

### NATIONAL

Draft National Planning Policy Framework

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Planning Policy Statement 5: Planning for the Historic Environment

Planning Policy Statement 12 – Local Spatial Planning

Planning Policy Guidance 13 – Transport

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

Planning Policy Statement 22 – Renewable Energy

Planning Policy Statement 23: Planning and Pollution Control

Planning Policy Guidance 24 – Planning and Noise

Planning Policy Statement 25 – Planning and Flood Risk

Draft PPS Planning for a Low Carbon Future in a Changing Climate

### REGIONAL

*The Mayor of London*

The London Plan 2011

### Local

Brent Local Development Framework Core Strategy 2010

CP 1 Spatial Development Strategy

CP 2 Population and Housing Growth

CP 3 Commercial Regeneration

CP 5 Placemaking

CP 6 Design & Density in Place Shaping

CP 7 Wembley Growth Area

CP 14 Public Transport Improvements

CP 15 Infrastructure to Support Development

CP 16 Town Centres and the Sequential Approach to Development

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

CP 19 Brent Strategic Climate Mitigation and Adaptation Measures

CP 21 A Balanced Housing Stock

CP 23 Protection of existing and provision of new Community and Cultural Facilities

Brent Unitary Development Plan 2004

Strategy

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

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

The relevant policies in this respect include Policies STR3-4 (prioritising locations and land-uses to achieve sustainable development), STR5 and 6 (reducing the need to travel), STR9 (role of GLA Roads and London Distributor Road) STR12-15 (protecting and enhancing the environment), STR25 (meeting employment need), STR29 (Vitality and Viability of the Borough's Town and District Centres, and the role of Wembley and Kilburn as major centres)

#### Policies

BE1 Urban Design Statements  
BE2 Local Context & Character  
BE3 Urban Structure: Space & Movement  
BE4 Access for disabled people  
BE5 Urban clarity and safety  
BE6 Landscape design  
BE7 Streetscene  
BE8 Lighting and light pollution  
BE9 Architectural Quality  
BE10 High Buildings  
BE11 Intensive and Mixed Use Developments  
BE12 Sustainable design principles  
BE13 Areas of Low Townscape Quality  
BE17 Building Services Equipment  
BE34 Views and Landmarks  
EP2 Noise and Vibration  
EP3 Local air quality management  
EP4 Potentially polluting development  
EP6 Contaminated land  
EP12 Flood protection  
EP15 Infrastructure  
H4 Affordable Off-site Affordable Housing – 'Provision in Lieu'  
H11 Housing on Brownfield sites  
H12 Residential Quality – Layout Consideration  
H13 Residential Density  
H14 Minimum Residential Density  
H22 Protection of Residential Amenity  
TRN1 Transport assessment  
TRN2 Public transport integration  
TRN3 Environmental Impact of Traffic  
TRN4 Measures to make transport impact acceptable  
TRN9 Bus Priority  
TRN10 Walkable environments  
TRN11 The London Cycle Network  
TRN12 Road safety and traffic management  
TRN13 Traffic calming  
TRN14 Highway design  
TRN15 Forming an access to a road  
TRN16 The London Road Network  
TRN17 Restrictions on New Roads  
TRN22 Parking Standards – non-residential developments  
TRN23 Parking Standards – Residential developments  
TRN24 On-street parking  
TRN25 Parking in Town Centres  
TRN28 Restrictions on off-street public parking and contract parking  
TRN30 Coaches and Taxis  
TRN31 Design and Land Take of Car Parks  
TRN34 Servicing in new developments  
TRN35 Transport access for disabled people & others with mobility difficulties  
Appendix TRN2 Parking and Servicing Standards  
EMP2 Small and medium sized enterprises  
EMP3 Childcare facilities in Employment Developments  
EMP9 Development of Local Employment Sites

EMP10 The Environmental Impact of Employment Development  
EMP14 Design of Business Developments  
EMP20 Creative Industry Proposals  
SH2 Major Town Centres  
SH10 Food and Drink (A3) Uses  
SH11 Conditions for A3 Uses  
SH19 Rear servicing  
TEA1 Location of large-scale Tourist, Visitor and ACE uses  
TEA2 Location of small-scale Tourist, Visitor and ACE uses  
TEA4 Public Art  
TEA6 Large Scale Hotel Development  
TEA7 Small Scale Hotel Development  
OS18 Children's Play Areas  
OS19 Location of Indoor Sports Facilities  
CF1 Location of Large Scale Community Facilities  
CF2 Location of Small Scale Community Facilities  
CF4 Community Facilities Capable of Holding Functions  
CF6 School Places  
CF7 New Schools  
CF8 School Extensions  
CF11 Day Nurseries  
CF13 Primary Health Care / GP Surgeries  
CF14 Places of Worship  
WEM2 Pedestrian Route/Promenade  
WEM4 Residential Development within the Wembley Regeneration Area  
WEM5 Relocation of Existing Businesses  
WEM7 Access to development – the National Stadium Policy Area  
WEM9 Comprehensive Development – The National Stadium Policy Area  
WEM11 On-street parking controls for Wembley  
WEM12 Short stay car parking in the Wembley Regeneration Area  
WEM16 Urban design quality – Wembley Regeneration Area  
WEM17 The public realm – Wembley Regeneration Area  
WEM18 Design of Buildings Along Olympic Way  
WEM19 Views of the Stadium  
WEM22 Libraries in Wembley  
WEM27 Opportunity sites at the Junction of Olympic Way and Engineers Way

#### Brent Council Supplementary Planning Guidance and Documents

SPG3 Forming an access to a road  
SPG4 Design Statements  
SPG12 Access for disabled people  
SPG13 Layout standards for access roads  
SPG17 Design Guide for New Development  
SPG19 Sustainable design, construction and pollution control  
Draft SPG21 Affordable Housing  
SPD Section 106 Planning Obligations  
Draft Wembley Link SPD  
Destination Wembley – A framework for development (2003) Supplementary Planning Guidance  
Wembley Masterplan 2009

#### Other Council Publications

Wembley Vision (2002)  
Wembley From Vision to Reality (2007)  
These two non-planning related documents set out the Council's Vision for Wembley, with the core principles of New Wembley, Destination Wembley, Multicultural Wembley, Quality Wembley, Quality Wembley, Exciting Wembley, Sustainable Wembley, Brent's Wembley.

#### **REMARKS**

It is now some 7 ½ years since the Stage 1 consent was granted, and works have been completed or are under way on a number of buildings and the associated spaces and infrastructure. The proposed variation to the Section 106 agreement looks to update the mechanisms and contributions to reflect the infrastructural demands that are now projected (e.g. Education) and to apply the mechanisms that have been agreed within the more recent Quintain “North West” lands application (e.g. Affordable Housing and Community/Low cost employment floorspace).

Rather than changing the headline provisions, the proposed amendments allow flexibility in the delivery of those obligations and contributions to facilitate the delivery of the relevant benefits whilst maintaining a consistent level of viability for the scheme.

These changes would affect the plots that have not been completed to date, and as such would exclude Forum House, Quadrant Court and the Arena.

## **Education**

### Existing consent

The Stage 1 consent secured two contributions of £4.5 million, the first due upon occupation of 1,800 and the second triggered by the occupation of 2,800 residential units. It also included an early payment mechanism whereby it may call for a reduced contribution of £5 million, forgoing the remaining £4 million and also reducing the Stadium Access Corridor contribution. All of these payments are indexed linked. It is not possible to accurately estimate when the existing triggers will be reached as this is dependent on a number of factors including market conditions and the availability of finance for potential purchasers. However, with 525 units provided to date, the plots that are on currently on site being almost entirely commercial in their nature, and the timescales for the construction of buildings of this size (approximately 2 years from commencement), it is unlikely that the standard triggers (1,800 and 2,800 units) will be reached soon.

The Council currently has a significant shortfall in school places across the borough, particularly in relation to primary schools, but also for secondary schools. A number of school capital projects are underway or have been recently completed. However, a significant shortfall will remain and the provision of additional school places will be an ongoing issue for the Council.

### Associated consents

The Quintain North-West Lands planning consent secured an option on a 0.5 Ha plot of land within the Wembley Regeneration Area for the provision of a 2 forms of entry primary school. This piece of land may be purchased from Quintain with the early payment of the North West Lands education contribution. This land is currently being occupied by small industrial units with leases that expire during or before 2017, thus allowing the provision of a primary school after this date.

### Proposed payment structure

Two options for the payment of the education have been proposed by the applicant following consultation with your officers. The first looks to allow two early payments and two later payments. The applicant has offered the ability to bring the final two payments forward to 2017, without reducing the level of contribution, if they are spent on the construction of the school on the new Wembley site.

The Council may call for the payments from the following dates:

1. 1 April 2014: £2 million
2. 1 April 2015: £2 million
3. 1 April 2021 £2.5 million
4. 1 April 2022: £3.038 million

The level of payment has been calculated to ensure that the value of the payment remains constant by inflating the value of the early payment (£5 million) from the date of the stage 1 consent to the present day, and calculating the “Present Day Value” of the future contribution (i.e. adjusting the payments from the date they are due back to the present day).

These payments are index linked to RPI from the date that the payment is due to the date that it is drawn down. However, if the Council choose to draw down the final two payments early, any indexation associated with the first two payments is waived.

Should the Council not wish to draw down the funds using the above structure, it may choose to draw down £1.25 million (index linked from the date the Stage 1 consent was granted) in each of four years starting 1 April 2013.

These two mechanisms ensure that there is no change to the value of the education contribution (based on early payment). However, it helps the council to meet its objectives in terms of the provision of school places. Quintain have allowed additional flexibility (and additional value to the Council) if the final two payments within the first structure are spent on the new Wembley Primary School site as they consider this site to have significant benefit to the regeneration of the Wembley Growth Area within which they have significant land holdings.

Your officers accordingly consider that the proposed amendments to the structure of the contribution are beneficial in terms of the provision of school places whilst maintaining a constant value of the obligation.

## **Community**

### Existing consent

The Stage 1 consent secured a total of 8,200 square metres of community floorspace, provided to shell and core, with a variety of potential uses defined within the Section 106 agreement. At least 2,800 square metres of this space must be provided at a discount of at least 50 % of market rate subject to a maximum value of £2.25 million. It required the provision of a Primary Care health facility and included a mechanism for the letting of that space. The provision of a health centre (gym) was treated as community floorspace with regard to this requirement as the Stage 1 consent included a mechanism to discount membership of the gym for local residents up to a maximum value of £200,000.

To date, applicant have constructed a crèche, a job centre (Wembley Works) and a PCT clinic. However, the Brent Primary Care Trust decided not to take up the unit that was provided and the crèche has not been let as yet. Once let as community uses, this will represent the provision of 2,564 square metres of the 8,200 total required.

Proposals for the provision of a visitor information centre have been submitted to the Council, whilst neighbourhood policing facilities have been provided.

Whilst the stage 1 consent specified a number of uses that could be treated as community floorspace, greater flexibility in the provision and letting of floorspace will help to ensure that the development responds to the social infrastructural requirements of the future population.

### Proposed mechanism

It is proposed that a mechanism is adopted that is similar to the Low Cost Employment provisions within the North West Lands planning consent. This looked to adjust the level of floorspace that is required based on the type of provision (shell and core versus fully fitted) and the level of rent that is charged for that space. Your officers also consider that the clause should allow the provision of "Low Cost Employment" uses as Community Floorspace.

These figures are calculated on the basis that shell and core floorspace that is let at the market rate for Community floorspace (determined to be £8.31 per square foot).

<b>Rent</b>	<b>Type</b>	<b>Multiplier</b>	<b>Indicative floorspace</b>
£8.31	Shell and core	1	8,200
£8.31	Fully fitted	1.43	5,734
£7.50	Shell and core	1.08	7,593
£7.50	Fully fitted	1.51	5,430
£3.75	Shell and core	1.46	5,616
£3.75	Fully fitted	1.89	4,339
nil	Shell and core	1.84	4,457

nil	Fully fitted	2.27	3,612
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Examples:

1. 1,000 square metres of floorspace is provided to shell and core and let at £8.31 per square foot. The multiplier is 1 and the amount of floorspace that is discharged is 1,000 sqm x 1 = 1,000 sqm.
2. 1,000 square metres of fully fitted floorspace is provided at a rent of £3.75 per square foot. The multiplier is 1.89 and the amount of floorspace that is discharged is 1,000 sqm x 1.89 = 1,890 square metres.

Your officers consider that this mechanism will help to ensure the delivery of community floorspace as it takes account of the varying rental values that community organisations can pay. The calculations that support this submission show that this mechanism maintains the same value (i.e. cost to the developer) for the obligation.

#### The Health Centre

Despite the fact that the Brent PCT declined to take up floorspace within the purpose built unit within Forum House, it is proposed that the provision of the Health Centre remains a commitment within the Section 106 agreement, but that this is adjusted to require the provision by Practical Completion of 1,500 Residential Units subject to sufficient space remaining in the Community floorspace “pot”, and subject to an agreement being in place with the operator. The Health Centre would be subject to the multiplier table set out above. The list of community facilities within the seventh schedule would need to include the Health Centre. Your officers consider this to be acceptable as it allows for the provision of the Health Centre if necessary.

#### Subsidised rent

The multiplier table takes into account the cost of the rental discount discussed at the start of the Community section of this report. As such, it is proposed that any funds that the Council draws down to reduce the rent or cover the operational costs of community facilities are limited to Wembley Works and the North West Lands Community Hall (unless additional facilities are agreed by both parties) and that this equates to the discharge of community floorspace to balance the cost of such provision to the developer. It is proposed that one square metre of floorspace is discharged for every £818 of value drawn down. This figure corresponds to the “commuted sum” for Low Cost Employment Space set out within of the North West Lands. Your officers consider this to be appropriate as it balances the cost of such provision.

#### Off-site delivery

The applicant proposes that community floorspace that is required through the Stage 1 consent can be delivered outside of the Stage 1 consent area subject to agreement by both parties. The pricing and resultant discharge would be subject to agreement by both parties. Whilst the initial assumption is that community floorspace is to be provided on-site, this allows greater flexibility in the timing and delivery of the floorspace and your officers consider that this clause is beneficial to the provision of community facilities within the locality.

#### Swimming pool

The stage 1 consent requires the provision of a 20 m x 6 m. However, a 25 m x 6 lane swimming pool with Local Authority comparable rates for access has been approved within the Dexion House planning consent. Works have not commenced on the Dexion House scheme there can be no certainty regarding the actual delivery of the swimming pool on this site until it has been delivered.

Should the 25 m pool be delivered on the Dexion House site, the 20 m pool will no longer be required on the Stage 1 application site. However, the removal of this requirement would reduce the cost of meeting the obligations of the planning consent and as such, should accordingly result in a requirement for an alternative community facility.

It is proposed that the Council may propose the provision of an alternative community/sporting facility to Quintain within 5 years of the date of this deed of variation, and that provision may take the place of the swimming pool should Quintain agree the proposal. It is also proposed that after 5 years, either the Council or Quintain may call for a review to vary or replace the swimming pool requirement subject to agreement by both parties.



Whilst the Brent Sports Strategy has identified the need for a 25 m 6 lane swimming pool within the Wembley Area, your officers consider that an additional 20 m pool is not likely to be required and as such, consider it beneficial to have the ability to agree the provision of an alternative facility of equivalent value should the swimming pool be delivered on the Dexion House (or other) site.

## **Employment**

The stage 1 contributions were separated into construction and ongoing employment.

### Construction Employment

The Section 106 agreement sets out that a total of £1.5 million will be paid over 10 years from the letting of the first building contract.

It is proposed that this contribution is provided on a pro-rata basis, comparing the amount of floorspace within the building with the total floorspace permissible within the outline consent. The £1.5 million total contribution equates to £3.02 per square metre (index linked). This is to be split into two payments for each building, one at commencement and the second one year after commencement.

Your officers consider that the proposed amendment maintains the value of the contribution and distributes it evenly based on the scale of the building and thus the number of construction jobs associated with that plot.

### Ongoing Employment

The existing Section 106 agreement secures a total of £1 million towards ongoing employment (i.e. jobs within the completed buildings), with payments commencing from the lettings of non-residential floorspace within the development.

It is proposed that this is also calculated on a pro-rata basis. As this relates only to commercial floorspace, the it would be calculated in relation to the relevant uses. The £1 million payment would equate to £6.31 per square metre (index linked), and the total for the building would be split into two equal payment due upon practical completion and six months after.

Again, your officers consider that the proposal maintains the value of the contribution whilst having regard to the likely level of job creation within the building.

## **Affordable Housing**

### Existing consent

The level of Affordable Housing secured within the Stage 1 consent is 35% (by floorspace) with an additional 2.5% provided as off-site family sized Affordable homes. The level of Affordable housing is predicated on the now defunct Total Cost Indicator (TCI) rates and the assumption that Social Housing Grant will be provided. TCIs are the Housing Corporation's estimate of the total cost of providing different types of housing in different parts of the country. Where grant is not available, the agreement incorporates a cascade mechanism which allows the parties to agree alternative types of Affordable Housing delivery provided that the agreed route "...shall not add to the net costs of the Development, or reduce the net value of the Development or increase the overall building out time". There is no default route or mechanism that comes into effect should agreement not be reached on the alternative provision of Affordable Housing.

### Proposed mechanism

The applicant proposes that the mechanisms that have been developed for the recent North West Lands consent are applied to the Stage 1 consent. These mechanisms set out a number of ways by which Affordable Housing may be delivered and a means by which the level of Affordable Housing can be calculated based on the amount (per square metre) that a Registered Provider can pay for the Affordable Housing units.

In summary, the applicant puts forward a proposal to the Council for the delivery of Affordable Housing within a plot, selecting from a number of options that are set out within the Section 106 agreement. The Council may choose to accept the proposal, or can choose one a route or combination of routes, also set out within the Section 106 agreement. The amount of Affordable

Housing that is discharged is determined by the amount that the Registered Providers offer for the Affordable Housing, with a lower offer (per square metre) by a Registered Provider resulting in a greater amount of Affordable Housing that is discharged and vice versa.

The relationship between the amount that is offered by the Registered Provider and the Affordable Housing floorspace that is discharged is captured by the Multiplier Table within the Section 106 agreement. The base level (a multiplier of 1, where the provision of 1,000 square metres of Affordable Housing discharges 1,000 square metres of the Affordable Housing) would require the Registered Providers to pay £2,058 per square metre (Net Internal Area). This level has been calculated using the TCI rates discussed above and represents the current position with regard to the level Affordable Housing. A lower offer from a Registered Provider results in a higher cost to the developer and the Multiplier table accounts for this by allowing a greater amount of floorspace to be discharged from the requirement. For example, 1,000 square metres is provided. However, the Registered Provider can only pay £1,615 per square metre due to a lack of Social Housing grant. This attracts a multiplier of 2.45 and a total of 2,450 square metres of the requirement is discharged.

The mechanisms that are proposed have already been accepted in relation to the North West Lands planning consent by officers and members. Your officers consider that the proposed mechanisms provide a sound rationale for maximising the level of Affordable Housing within the scheme whilst balancing the cost of such provision to the developer, and therefore the viability of the scheme, where significant uncertainty exists regarding future funding of Affordable housing.

#### Commuted sum (payment in lieu)

In addition to this, Quintain may choose to provide up to 25 % of the total Affordable Housing requirement for a plot (i.e. 25% of the 35% base requirement) as a “commuted sum”, with this provision being carried forward to future plots if it not set against a current plot. Your officers consider that this allows flexibility in the provision of Affordable Housing as it provides a “pot” of money that the Council may use to help facilitate the provision of Affordable Housing.

#### Nominations protocol

It is also proposed that the Affordable Housing Nominations Protocols that were agreed within the North West Lands application are applied to the Stage 1 consent. Your officers consider this to be acceptable as they represent the current approach to Affordable Housing nominations.

#### **Wembley Park Boulevard**

The Stage 1 Section 106 agreement included a clause which specified that no construction is undertaken until the details of this new road are approved by the Council. It is proposed that this clause is removed as this is inherent in the planning process. Your officers agree with this view.

#### **Olympic Way**

The Stage 1 Section 106 included a clause which required streetscape works to Olympic Way to be undertaken by the Developer. The North West Lands consent has secured improvements to Olympic Way with a minimum value of £4 million and such improvements are significantly more substantial than those secured through the Stage 1 consent. However, the requirement to undertake the North West Lands improvements is not binding until works have commenced on that consent. As such, it is proposed that the timing of the submission of details of the improvements secured through the stage 1 consent are delayed to allow the commencement of works on the North West Lands development, with the approval of details required within 4 years of the date of this consent or an alternative timetable as approved by the Council. The works would thereafter be implemented within 1 year of approval.

#### **Highways works – Transport for London contribution**

A contribution of £550,000 to Transport for London (TfL) was secured through the Stage 1 Section 106 agreement toward a study and works to the A406 Strategic Highway. It is proposed that this is varied to require a £75,000 payment towards an A406 study, with TfL able to draw down the remainder of the contribution from April 2015. It is also proposed that Quintain must provide evidence for approval by TfL setting out why this payment should be deferred.

TfL have indicated that they are happy in principle with this mechanism. As this contribution is payable to TfL, your officers are content to allow TfL to consider this proposed amendment.

## **Other amendments**

### Highway works schedule

The applicant proposes to incorporate the schedule that sets out the method for works to the public highway that was agreed through the North West Lands consent into the Stage 1 consent. Your officers consider this to be acceptable as it represents an updated and recently agreed version of the Highway Works schedule.

### Other matters

The submitted report also sets out the clauses for which no changes are proposed, those that have been discharged already, and those that have been discharged in part but are ongoing. These have not been discussed in detail in this report. However, further information can be viewed within the report submitted by the applicant.

## **Summary**

Your officers consider that the proposed amendments update the Section 106 agreement to reflect the current requirements in terms of physical and social infrastructure, the processes and mechanisms that have been developed and agreed more recently through the North West Lands application, and look to address the uncertainty that now exists in the provision of Affordable Housing. The proposal maintains the headline figures for contributions and obligations, whilst incorporating mechanisms to ensure that the obligations maintain an equivalent cost to the developer.

Your officers consider that the proposed Heads of Terms for the deed of variation are acceptable and that the changes can be dealt with under Section 106A(1) of the Town and Country Planning Act 1990, as amended. Your officers recommend that authority is delegated to the Head of Area Planning, or other duly authorised person, to agree the exact terms of the deed of variation on advice of the Borough Solicitor.

## **FINANCIAL IMPLICATIONS**

The proposal results in the re-phasing of a number of Section 106 contributions as discussed previously within this report. These contributions look to assist the Council in mitigating the potential impacts of the development in accordance with Section 106 of the Planning Act. As discussed, your officers consider that the proposed amendments will assist the Council in the delivery of core social and other infrastructure to support the regeneration of Wembley.

## **DIVERSITY IMPLICATIONS**

No direct implications.

## **BACKGROUND PAPERS**

London Plan 2011  
Brent Local Development Framework Core Strategy 2010  
Brent Unitary Development Plan 2004

Submission document:

“Proposed variation under Section 106 A (1) of the Town and Country Planning Act 1990” by Signet Planning dated February 2012 reference PC/LT/HG0576

## **CONTACT OFFICERS**

Any person wishing to inspect the submitted report should contact David Glover [david.glover@brent.gov.uk](mailto:david.glover@brent.gov.uk) or Neil McClellan [neil.mcclellan@brent.gov.uk](mailto:neil.mcclellan@brent.gov.uk) at Planning and Development (Regeneration and Major Projects).

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Received PLANNING Appeals between 1-Dec-2011 and 31-Jan-2012

**Planning Committee: 14 March, 2012**


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**Application Number:** 11/0757      **Team:** Southern Team      **Application Type** S78    FUL  
**Appeal Received:** 08/12/2011      **Appeal Against:** Refusal of planning permission  
**Location:** 21 & 21A, Greenhill Park, London, NW10 9AN  
**Proposal:**

Rebuilding of rear extension and retention of installation of front rooflight, erection of rear dormer window, blocking-up of side door and first-floor side window, installation of new first-floor side window and ground-floor rear window, conversion of extended dwellinghouse into 1 two-bedroom flat and 1 three-bedroom maisonette

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**Application Number:** 11/1528      **Team:** Southern Team      **Application Type** S78    FUL  
**Appeal Received:** 08/12/2011      **Appeal Against:** Refusal of planning permission  
**Location:** 86 Wrentham Avenue, London, NW10 3HG  
**Proposal:**

Extension of the roof to the rear and side including a rear dormer window, installation of 1 rooflight across the proposed flat roof and side roofplane and 1 front rooflight.

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**Application Number:** 11/1669      **Team:** Southern Team      **Application Type** S78    FUL  
**Appeal Received:** 26/01/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 65 Chevening Road, London, NW6 6DB  
**Proposal:**

Formation of a vehicular access with new front boundary wall and hard and soft landscaping to front garden of dwellinghouse

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**Application Number:** 11/2071      **Team:** Southern Team      **Application Type** S78    FUL  
**Appeal Received:** 20/01/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 66B Salusbury Road, London, NW6 6NR  
**Proposal:**

Formation of rear terrace and Installation of 2 front rooflights, 2 rear rooflight and 1 new window to side gable end of first floor flat

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**Application Number:** 11/2145      **Team:** Western Team      **Application Type** S78    FUL  
**Appeal Received:** 13/01/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 23 Norval Road, Wembley, HA0 3TD  
**Proposal:**

Formation of new hard and soft landscaping to front garden, new front brick column, installation of black wrought iron gates maximum 1m high and erection of a front porch to dwellinghouse

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**Application Number:** 11/2148      **Team:** Northern Team      **Application Type** S78    FUL  
**Appeal Received:** 05/12/2011      **Appeal Against:** Refusal of planning permission  
**Location:** 82 Holyrood Gardens, Edgware, HA8 5LR  
**Proposal:**

Single storey rear extension to dwellinghouse

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**Application Number:** 11/2174      **Team:** Northern Team      **Application Type** S78    FUL  
**Appeal Received:** 06/12/2011      **Appeal Against:** Refusal of planning permission  
**Location:** 88 Meadowbank Road, London, NW9 8LH  
**Proposal:**

Erection of a gable end roof extension, installation of a rear dormer window and two front rooflights to dwellinghouse

Received PLANNING Appeals between 1-Dec-2011 and 31-Jan-2012

## Planning Committee: 14 March, 2012

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**Application Number:** 11/2363      **Team:** Western Team      **Application Type** S78      FUL  
**Appeal Received:** 31/01/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 44 Blenheim Gardens, Wembley, HA9 7NP  
**Proposal:**

Retrospective application for conversion of garage into habitable room and erection of front boundary walls, pillars, railings and gates to dwellinghouse.

---

**Application Number:** 11/2369      **Team:** Western Team      **Application Type** S78      FUL  
**Appeal Received:** 14/01/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 10 Dean Court, Wembley, HA0 3PX  
**Proposal:**

Demolition of detached garage and outbuilding and erection of a single storey side and rear extension to dwellinghouse

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**Application Number:** 11/2390      **Team:** Northern Team      **Application Type** S78      FUL  
**Appeal Received:** 28/12/2011      **Appeal Against:** Refusal of planning permission  
**Location:** 41 Fryent Way, London, NW9 9SL  
**Proposal:**

Retrospective application for erection of a detached outbuilding in the rear garden of dwellinghouse

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**Application Number:** 11/2399      **Team:** Northern Team      **Application Type** S78      FUL  
**Appeal Received:** 31/01/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 43 Oxenpark Avenue, Wembley, HA9 9SY  
**Proposal:**

Single and two storey side and rear extensions and front porch to dwellinghouse

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**Application Number:** 11/2418      **Team:** Southern Team      **Application Type** S78      FUL  
**Appeal Received:** 30/01/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 149 Chamberlayne Road, London, NW10 3NT  
**Proposal:**

Erection of a single storey rear conservatory to dwellinghouse

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**Application Number:** 11/2574      **Team:** Western Team      **Application Type** S78      FUL  
**Appeal Received:** 22/12/2011      **Appeal Against:** Refusal of planning permission  
**Location:** 247 Preston Road, Harrow, HA3 0PS  
**Proposal:**

Change of use of an A1 shop to a A2 use.

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**Application Number:** 11/2637      **Team:** Western Team      **Application Type** S78      FUL  
**Appeal Received:** 31/01/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 6 Oakington Avenue, Wembley, HA9 8JA  
**Proposal:**

Retrospective application for a proposed single storey side and rear extension and veranda to rear of bungalow. (Revised description)

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**Application Number:** 11/2721      **Team:** Southern Team      **Application Type** S78      FUL  
**Appeal Received:** 20/01/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 48 Linden Avenue, London, NW10 5RA  
**Proposal:**

Erection of side infill extension to dwellinghouse

Received ENFORCEMENT Appeals between 1-Dec-2011 and 31-Jan-2012

Planning Committee: 14 March, 2012

**Application Number:** E/08/0282 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

**Appeal Started:** 09/12/2011

**Location:** 235 The Mall, Harrow, HA3 9TX

**Description:**

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

("The unauthorised development")

**Application Number:** E/09/0762 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

**Appeal Started:** 05/01/2012

**Location:** 16 Chichele Road, London, NW2 3DA

**Description:**

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

("The unauthorised change of use")

**Application Number:** E/10/0157 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

**Appeal Started:** 21/12/2011

**Location:** The rear of 84 and 86 College Road, London, NW10 5HL also known as 99 Leigh Gardens

**Description:**

Without planning permission, the change of use of a building to the rear of the premises from an incidental domestic use to a separate self-contained residential flat and the erection of an extension facing onto Leigh Gardens.

("The unauthorised change of use and development" )

**Application Number:** E/10/0610 **Appeal Against:** Enforcement Appeal **Team:** Western Team

**Appeal Started:** 21/12/2011

**Location:** 1 Glendale Gardens, Wembley, HA9 8PR

**Description:**

Without planning permission, the erection of a boundary fence to the front and side of the premises

AND

The breach of Condition 5 of Planning Permission No. 87/0815 dated 23rd June, 1987(a copy of which is attached to this notice) for "Erection of two storey side extension and conversion into two self-contained flats"

("The unauthorised development and the breach of condition")

Received ENFORCEMENT Appeals between 1-Dec-2011 and 31-Jan-2012

Planning Committee: 14 March, 2012

**Application Number:** E/11/0245 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 10/01/2012**Location:** 121 Woodcock Hill, Harrow, HA3 0JW**Description:**

The erection of a patio to the rear and a fence adjacent to the boundary of 123 Woodcock Hill

AND

The breach of Condition 3 of Planning Permission No. 10/2335 dated 15/12/2010 for "Retrospective application for erection of single storey rear extension and raised patio to dwellinghouse"

Condition 3 states:

"Notwithstanding the details of the landscape buffer along the boundary with No. 123 Woodcock Hill as shown in the submitted plans otherwise approved, further details of the landscape buffer along the boundary with No. 123 Woodcock Hill (including species, size, density and number) shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this permission. The approved soft landscape works shall be completed within six months of the date of this permission and carried out in accordance with the approved scheme."

Any 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 shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

And the breach of details pursuant to condition application No.11/0412 dated 05/04/2011.

("The unauthorised development and breach of condition")

**Application Number:** E/11/0463 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 30/12/2011**Location:** 25 Mount Pleasant, Wembley, HA0 1UA**Description:**

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

("The unauthorised development")

**Application Number:** E/11/0500 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 08/12/2011**Location:** 158 Doyle Gardens, London, NW10 3SS**Description:**

The erection of metal railings on top of a single storey rear extension to form a roof terrace to the rear of the premises

AND

The breach of Condition 4 of Planning Permission No. 10/1386 dated 20 August 2010 which required that no access shall be provided to the roof of the extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting out area.

("The unauthorised development and breach of condition")



Received ENFORCEMENT Appeals between 1-Dec-2011 and 31-Jan-2012

Planning Committee: 14 March, 2012

**Application Number:** E/11/0511 **Appeal Against:** Enforcement Appeal **Team:** Western Team

**Appeal Started:** 07/12/2011

**Location:** 42 Park Road, Wembley, HA0 4AT

**Description:**

Without planning permission, the erection of a gable end roof extension, a rear dormer window extension and a two-storey side and part rear and single-storey rear extension to dwellinghouse.

("The unauthorised development")

**Application Number:** E/11/0524 **Appeal Against:** Enforcement Appeal **Team:** Western Team

**Appeal Started:** 05/01/2012

**Location:** Generay, Fifth Way, Wembley, HA9 0JD

**Description:**

Without planning permission, the erection of a building incorporating a trommel to the rear of the premises as shown circled on the attached photograph to the notice.

("The unauthorised development")

**Application Number:** E/11/0526 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

**Appeal Started:** 10/01/2012

**Location:** 41 Fryent Way, London, NW9 9SL

**Description:**

Without planning permission, the erection of a building to the side of the dwellinghouse.

("The unauthorised development")

**Application Number:** E/11/0564 **Appeal Against:** Enforcement Appeal **Team:** Western Team

**Appeal Started:** 18/01/2012

**Location:** 152 Carlton Avenue West, Wembley, HA0 3QX

**Description:**

Without planning permission, the erection of a timber and plastic lean-to canopy extension to rear of premises.

("The unauthorised development")

**Application Number:** E/11/0693 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

**Appeal Started:** 30/01/2012

**Location:** 84 Ravenscroft Avenue, Wembley, HA9 9TG

**Description:**

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

("The unauthorised development")

Received ENFORCEMENT Appeals between 1-Dec-2011 and 31-Jan-2012

Planning Committee: 14 March, 2012

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**Application Number:** E/11/0702 **Appeal Against:** Enforcement Appeal **Team:** Western Team

**Appeal Started:** 17/01/2012

**Location:** 65 Montpelier Rise, Wembley, HA9 8RQ

**Description:**

Without planning permission, the erection of two buildings in the rear garden of the premises.

("The unauthorised development")

## Decisions on PLANNING Appeals between 1-Dec-2011 and 31-Jan-2012

Planning Committee: 14-Mar-2012

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**Application Number:** 10/2426 **PINSRefNo** D/11/2155341 **Team:** Southern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 13/12/2011

**Location:** 8A Monson Road, London, NW10 5UP

**Proposal:**

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

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**Application Number:** 11/0045 **PINSRefNo** A/11/2158164/NWF **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 04/01/2012

**Location:** 47 Willesden Lane, Kilburn, London, NW6 7RF

**Proposal:**

Change of use of rear part of vacant retail unit (Use Class A1) to a self-contained flat (Use Class C3) with erection of a single storey rear extension and installation of new rear doors.

---

**Application Number:** 11/0098 **PINSRefNo** A/11/2158471/NWF **Team:** Western Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 31/01/2012

**Location:** 2 Linthorpe Avenue, Wembley, HA0 2ES

**Proposal:**

Demolition of existing bungalow and erection of a new 2-storey 4-bedroom house with rear conservatory, and partial demolition of existing garage with extensions to the rear to form a single storey gym with shower-room adjacent to 635 Harrow Road

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**Application Number:** 11/0223 **PINSRefNo** /A/11/2161112/NWF **Team:** Southern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 23/12/2011

**Location:** 61B St Pauls Avenue, London, NW2 5TG

**Proposal:**

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

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**Application Number:** 11/0269 **PINSRefNo** A/11/2157752V **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 23/12/2011

**Location:** 93-97 Kenton Road, Harrow, HA3 0AN

**Proposal:**

Retention of change of use of shop unit at 93 Kenton Road from retail (Use Class A1) to cafe (Use Class A3) with shisha smoking area to the front.

---

**Application Number:** 11/0338 **PINSRefNo** A/11/2156526 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 07/12/2011

**Location:** 2 Gladstone Park Gardens, London, NW2 6JU

**Proposal:**

Conversion of dwellinghouse into 2 one bedroom self-contained flats

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**Application Number:** 11/0654 **PINSRefNo** A/11/2158959/NWF **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 02/12/2011

**Location:** 343 Harlesden Road, London, NW10 3RX

**Proposal:**

Change of use of ground floor from residential (Use Class C3) to a religious place of worship (Use Class D1)

Decisions on PLANNING Appeals between 1-Dec-2011 and 31-Jan-2012

Planning Committee: 14-Mar-2012

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**Application Number:** 11/0725 **PINSRefNo** X/11/2155743 **Team:** Southern Team  
**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 06/12/2011  
**Location:** 99 Priory Park Road, London, NW6 7UX  
**Proposal:**  
 Certificate of lawfulness for proposed loft conversion including rear dormer and extension to existing two storey rear addition to dwellinghouse

---

**Application Number:** 11/0810 **PINSRefNo** A/11/2156746/NWF **Team:** Northern Team  
**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 16/12/2011  
**Location:** 8 Grand Parade, Forty Avenue, Wembley, HA9 9JS  
**Proposal:**  
 Change of use from supermarket (Use Class A1) to mixed use supermarket (Use Class A1) and hot food take-away (Use Class A5) with installation of extractor flue to rear of property

---

**Application Number:** 11/0910 **PINSRefNo** A/11/2157711 **Team:** Northern Team  
**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 19/01/2012  
**Location:** 99 Sunnymead Road, London, NW9 8BS  
**Proposal:**  
 Full planning permission sought for erection of a single storey rear extension, conversion of dwellinghouse into two self-contained flats, provision of car parking with associated landscaping, storage and amenity space

---

**Application Number:** 11/0946 **PINSRefNo** A/11/2157693/NWF **Team:** Southern Team  
**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 20/01/2012  
**Location:** 222A High Road, London, NW10 2NX  
**Proposal:**  
 Erection of second floor rear extension to provide additional residential unit

---

**Application Number:** 11/1026 **PINSRefNo** A/11/2156470/NWF **Team:** Northern Team  
**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 08/12/2011  
**Location:** Flat A, Flat B & Flat C, 84 Pine Road, London, NW2 6SA  
**Proposal:**  
 Retention of single storey side extension comprising three self-contained flats

---

**Application Number:** 11/1201 **PINSRefNo** D/11/2161934 **Team:** Northern Team  
**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 12/12/2011  
**Location:** 113 Dollis Hill Avenue, London, NW2 6QY  
**Proposal:**  
 Full planning permission sought for erection of first floor side to rear extension to dwellinghouse.

---

**Application Number:** 11/1354 **PINSRefNo** H/11/2157498 **Team:** Southern Team  
**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 23/12/2011  
**Location:** 141-143 Kilburn High Road, London, NW6 7HT  
**Proposal:**  
 Installation and display of internally illuminated wall-mounted advertisement sign on flank wall of building

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Decisions on PLANNING Appeals between 1-Dec-2011 and 31-Jan-2012

Planning Committee: 14-Mar-2012

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**Application Number:** 11/1385 **PINSRefNo** A/11/2160337 **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 05/12/2011

**Location:** 72-74 Dudden Hill Lane, London, NW10 1DG

**Proposal:**

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

---

**Application Number:** 11/1394 **PINSRefNo** D/11/2162721 **Team:** Southern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 01/12/2011

**Location:** 48 Plympton Road, London, NW6 7EQ

**Proposal:**

Alterations to single-storey side infill extension (retrospective application)

---

**Application Number:** 11/1427 **PINSRefNo** A/11/2165465/NWF **Team:** Southern Team

**Appeal Decision:** Technically Deleted Record **Appeal Decision Date:** 29/12/2011

**Location:** Flat 3, 17 Brondesbury Villas, London, NW6 6AH

**Proposal:**

Installation of 3 replacement white pvc-u rear windows to second floor flat

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**Application Number:** 11/1495 **PINSRefNo** D/11/2161939 **Team:** Western Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 16/12/2011

**Location:** 7 Rosslyn Crescent, Wembley, HA9 7NZ

**Proposal:**

Proposed hip-to gable roof extension to roof of 2-storey side extension, rear dormer extension, 3 front rooflights and 1 rear rooflight to dwellinghouse.

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**Application Number:** 11/1528 **PINSRefNo** D/11/2165993 **Team:** Southern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 24/01/2012

**Location:** 86 Wrentham Avenue, London, NW10 3HG

**Proposal:**

Extension of the roof to the rear and side including a rear dormer window, installation of 1 rooflight across the proposed flat roof and side roofplane and 1 front rooflight.

---

**Application Number:** 11/1706 **PINSRefNo** D/11/2164916 **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 29/12/2011

**Location:** 79B Purves Road, London, NW10 5TD

**Proposal:**

Retrospective application for retention of roof terrace and associated balustrade to rear of first floor flat

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**Application Number:** 11/1736 **PINSRefNo** D/11/2164992 **Team:** Western Team

**Appeal Decision:** Technically Deleted Record **Appeal Decision Date:** 07/12/2011

**Location:** 14 Compton Avenue, Wembley, HA0 3FD

**Proposal:**

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

Decisions on PLANNING Appeals between 1-Dec-2011 and 31-Jan-2012

Planning Committee: 14-Mar-2012

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**Application Number:** 11/1781 **PINSRefNo** /D/11/2164853 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 29/12/2011

**Location:** 16 The Drive, Wembley, HA9 9EG

**Proposal:**

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

---

**Application Number:** 11/2148 **PINSRefNo** A/11/2165693/NWF **Team:** Northern Team

**Appeal Decision:** Appeal withdrawn **Appeal Decision Date:** 13/12/2011

**Location:** 82 Holyrood Gardens, Edgware, HA8 5LR

**Proposal:**

Single storey rear extension to dwellinghouse

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**Application Number:** 11/2174 **PINSRefNo** D/11/2164681 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 23/01/2012

**Location:** 88 Meadowbank Road, London, NW9 8LH

**Proposal:**

Erection of a gable end roof extension, installation of a rear dormer window and two front rooflights to dwellinghouse

Decisions on ENFORCEMENT Appeals between 1-Dec-2011 and 31-Jan-2012

Planning Committee: 14 March, 2012

**Application Number:** E/07/0927 **PINSRefNo** C/11/2155290**Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 10/01/2012**Location:** 326 Tokyngton Avenue, Wembley, HA9 6HH**Proposal:**

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

**Application Number:** E/07/0929 **PINSRefNo** C/11/2155479&2155486**Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 10/01/2012**Location:** 324 Tokyngton Avenue, Wembley, HA9 6HH**Proposal:**

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

("The unauthorised development")

**Application Number:** E/08/0669 **PINSRefNo** C/11/2161129**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 16/12/2011**Location:** 17A-E, Mapesbury Road, London, NW2 4HU**Proposal:**

The addition of timber-framed fence panels/trellises on existing bricked boundary wall to the front and side of the premises.

("The unauthorised development")

**Application Number:** E/09/0519 **PINSRefNo** C/10/2129363**Team:** Southern Team**Appeal Decision:** Appeal withdrawn**Appeal Decision Date:** 05/12/2011**Location:** 99 High Street, London, NW10 4TS**Proposal:**

The erection of a yellow brick second floor rear extension to the premises.

**Application Number:** E/10/0652 **PINSRefNo** C/11/2156018&2156064**Team:** Southern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 16/12/2011**Location:** 14A-D inc, Wrotesley Road, London, NW10 5YL**Proposal:**

The erection of a rear dormer window and hip to gable end roof extension to the premises.

("The unauthorised development")

**Application Number:** E/10/0719 **PINSRefNo** C/11/2151323**Team:** Southern Team**Appeal Decision:** Appeal Allowed**Appeal Decision Date:** 05/12/2011**Location:** 26 Park Avenue, London, NW2 5AP**Proposal:**

The material change of use of part first floor and second floor of the premises from one to three self-contained flats.

("The unauthorised change of use")

Decisions on ENFORCEMENT Appeals between 1-Dec-2011 and 31-Jan-2012

Planning Committee: 14 March, 2012

**Application Number:** E/10/0738 **PINSRefNo** C/11/2155665 **Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 22/12/2011**Location:** 48 Oakington Avenue, Wembley, HA9 8HZ**Proposal:**

Without planning permission, the erection of front boundary walls, pillars, metal railings and metal gates to front of premises.

("The unauthorised development")

**Application Number:** E/10/0829 **PINSRefNo** C/11/2160411**Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 25/01/2012**Location:** 61 Castleton Avenue, Wembley, HA9 7QE**Proposal:**

Without planning permission, the erection of a building for purposes not incidental to the enjoyment of the dwellinghouse, in the rear garden of the premises.

("The unauthorised development")

**Application Number:** E/10/0957 **PINSRefNo** C/11/2155357**Team:** Western Team**Appeal Decision:** Appeal part dismissed / part allowed**Appeal Decision Date:** 12/01/2012**Location:** 30 Bowrons Avenue, Wembley, HA0 4QP**Proposal:**

Without planning permission, the erection of a plastic, upvc, glass and brick type lean-to extension to side/rear of the premises and the erection of a mono-pitch roof building in rear garden area of premises.

**Application Number:** E/10/0964 **PINSRefNo** C/11/2150241&2150237**Team:** Southern Team**Appeal Decision:** Appeal withdrawn**Appeal Decision Date:** 06/01/2012**Location:** 142A High Road, London, NW10**Proposal:**

Without planning permission, the change of use of the first floor of the premises from one flat to four flats.

("The unauthorised change of use")

**Application Number:** E/11/0030 **PINSRefNo** C/11/2156864**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 05/12/2011**Location:** 724 North Circular Road, Neasden, London, NW2 7QH**Proposal:**

Without planning permission, the change of use of the rear outbuilding to form a self-contained flat.

("The unauthorised change of use")

**Application Number:** E/11/0070 **PINSRefNo** C/11/2159226**Team:** Northern Team**Appeal Decision:** Appeal Allowed**Appeal Decision Date:** 16/12/2011**Location:** 30-32 Clifford Way, London, NW10 1AN**Proposal:**

Without planning permission, the erection of an extension to the rear garden building located at the rear of 34 Clifford Way.

("The unauthorised development")



Decisions on ENFORCEMENT Appeals between 1-Dec-2011 and 31-Jan-2012  
 Planning Committee: 14 March, 2012

**Application Number:** E/11/0139 **PINSRefNo** C/11/2154203 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 30/01/2012

**Location:** 26 Belvedere Way, Harrow, HA3 9XG

**Proposal:**

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

**Application Number:** E/11/0150 **PINSRefNo** C/11/2158664 **Team:** Western Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 13/12/2011

**Location:** 6 Oakington Avenue, Wembley, HA9 8JA

**Proposal:**

Without planning permission, the erection of a side and rear extension to the premises.

("The unauthorised development")

**Application Number:** E/11/0171 **PINSRefNo** C/11/2160072 **Team:** Western Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 24/01/2012

**Location:** 17 Clayton Avenue, Wembley, HA0 4JU

**Proposal:**

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

("The unauthorised change of use and development")

**Application Number:** E/11/0172 **PINSRefNo** C/11/2158847 **Team:** Western Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 22/12/2011

**Location:** 22 Lyon Park Avenue, Wembley, HA0 4DR

**Proposal:**

Without planning permission, the change of use of a building for purposes incidental to the enjoyment of the dwellinghouse to a self-contained residential flat.

("The unauthorised change of use")

**Application Number:** E/11/0178 **PINSRefNo** C/11/2158100 **Team:** Northern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 06/12/2011

**Location:** 5 Langdon Drive, London, NW9 8NS

**Proposal:**

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

("The unauthorised development")

**Application Number:** E/11/0227 **PINSRefNo** C/11/2160263 **Team:** Western Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 05/12/2011

**Location:** 16 Lewis Crescent, London, NW10 0NR

**Proposal:**

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

("The unauthorised development")

Decisions on ENFORCEMENT Appeals between 1-Dec-2011 and 31-Jan-2012

Planning Committee: 14 March, 2012

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**Application Number:** E/11/0263 **PINSRefNo** C/11/2162813

**Team:** Northern Team

**Appeal Decision:** Appeal withdrawn

**Appeal Decision Date:** 27/01/2012

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

**Proposal:**

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

("The unauthorised development and change of use")

---

**Application Number:** E/11/0664 **PINSRefNo** F/11/2163469

**Team:** Northern Team

**Appeal Decision:** Appeal Dismissed

**Appeal Decision Date:** 06/01/2012

**Location:** 21 Princess Road, London, NW6 5QT

**Proposal:**

Without listed building consent, the erection of two satellite dishes to the front/side of a Grade-II listed building.

("The unauthorised development")

**PLANNING SELECTED appeal DECISIONS between  
1-Dec-2011 and 31-Jan-2012  
Planning Committee: 14 March, 2012**

**Introduction**

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

<b>Our reference:</b> 10/2426	<b>Appeal Decision:</b> Appeal Allowed	<b>Appeal Decision Date:</b> 13/12/2011
<b>Team:</b>	Southern Team	
<b>Location:</b>	8A Monson Road, London, NW10 5UP	
<b>Proposal:</b>	Retrospective application for erection of single storey outbuilding in rear garden of ground floor flat	
<b>Our reference:</b> 11/0223	<b>Appeal Decision:</b> Appeal Allowed	<b>Appeal Decision Date:</b> 23/12/2011
<b>Team:</b>	Southern Team	
<b>Location:</b>	61B St Pauls Avenue, London, NW2 5TG	
<b>Proposal:</b>	Retrospective planning application for erection of timber outbuilding in rear garden of first floor flat	
<b>Our reference:</b> 11/0810	<b>Appeal Decision:</b> Appeal Allowed	<b>Appeal Decision Date:</b> 16/12/2011
<b>Team:</b>	Northern Team	
<b>Location:</b>	8 Grand Parade, Forty Avenue, Wembley, HA9 9JS	
<b>Proposal:</b>	Change of use from supermarket (Use Class A1) to mixed use supermarket (Use Class A1) and hot food take-away (Use Class A5) with installation of extractor flue to rear of property	
<b>Our reference:</b> 11/0910	<b>Appeal Decision:</b> Appeal Allowed	<b>Appeal Decision Date:</b> 19/01/2012
<b>Team:</b>	Northern Team	
<b>Location:</b>	99 Sunnymead Road, London, NW9 8BS	
<b>Proposal:</b>	Full planning permission sought for erection of a single storey rear extension, conversion of dwellinghouse into two self-contained flats, provision of car parking with associated landscaping, storage and amenity space	
<b>Our reference:</b> 11/1394	<b>Appeal Decision:</b> Appeal Allowed	<b>Appeal Decision Date:</b> 01/12/2011
<b>Team:</b>	Southern Team	
<b>Location:</b>	48 Plympton Road, London, NW6 7EQ	
<b>Proposal:</b>	Alterations to single-storey side infill extension (retrospective application)	
<b>Our reference:</b> 11/1495	<b>Appeal Decision:</b> Appeal Allowed	<b>Appeal Decision Date:</b> 16/12/2011
<b>Team:</b>	Western Team	
<b>Location:</b>	7 Rosslyn Crescent, Wembley, HA9 7NZ	
<b>Proposal:</b>	Proposed hip-to gable roof extension to roof of 2-storey side extension, rear dormer extension, 3 front rooflights and 1 rear rooflight to dwellinghouse.	
<b>Our reference:</b> 11/1528	<b>Appeal Decision:</b> Appeal Allowed	<b>Appeal Decision Date:</b> 24/01/2012
<b>Team:</b>	Southern Team	
<b>Location:</b>	86 Wrentham Avenue, London, NW10 3HG	
<b>Proposal:</b>	Extension of the roof to the rear and side including a rear dormer window, installation of 1 rooflight across the proposed flat roof and side roofplane and 1 front rooflight.	

**PLANNING SELECTED appeal DECISIONS between  
1-Dec-2011 and 31-Jan-2012  
Planning Committee: 14 March, 2012**

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**Background Information**

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

Chris Walker, Assistant Director - Planning and Development

**ENFORCEMENT SELECTED appeal DECISIONS between  
1-Dec-2011 and 31-Jan-2012**

**Planning Committee: 14 March, 2012**

**Introduction**

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

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<b>Our reference:</b> E/10/0719	<b>Appeal Decision Date:</b> 05/12/2011
<b>Team:</b> Southern Team	<b>Appeal Decision:</b> Appeal Allowed

**Location:** 26 Park Avenue, London, NW2 5AP

**Proposal:**

The material change of use of part first floor and second floor of the premises from one to three self-contained flats.

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<b>Our reference:</b> E/10/0957	<b>Appeal Decision Date:</b> 12/01/2012
<b>Team:</b> Western Team	<b>Appeal Decision:</b> Appeal part dismissed / part allowed

**Location:** 30 Bowrons Avenue, Wembley, HA0 4QP

**Proposal:**

Without planning permission, the erection of a plastic, upvc, glass and brick type lean-to extension to side/rear of the premises and the erection of a mono-pitch roof building in rear garden area of

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<b>Our reference:</b> E/11/0070	<b>Appeal Decision Date:</b> 16/12/2011
<b>Team:</b> Northern Team	<b>Appeal Decision:</b> Appeal Allowed

**Location:** 30-32 Clifford Way, London, NW10 1AN

**Proposal:**

Without planning permission, the erection of an extension to the rear garden building located at the rear of 34 Clifford Way.

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<b>Our reference:</b> E/11/0178	<b>Appeal Decision Date:</b> 06/12/2011
<b>Team:</b> Northern Team	<b>Appeal Decision:</b> Appeal Allowed

**Location:** 5 Langdon Drive, London, NW9 8NS

**Proposal:**

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

**Background Information**

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

Chris Walker, Assistant Director - Planning and Development

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# Appeal Decision

Site visit made on 21 November 2011

**by Ahsan U Ghafoor BSc (Hons) MA MRTPI**

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

**Decision date: 1 December 2011**

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**Appeal Ref: APP/T5150/D/11/2162721**  
**48 Plympton Road, London NW6 7EQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr B Wingate and Ms E Roper against the decision of the Council of the London Borough of Brent.
  - The application Ref 11/1394, dated 19 May 2011, was refused by notice dated 22 July 2011.
  - The development proposed is described in the application as 'retention of existing roof alterations to previously existing single storey rear extension'.
- 

## Decision

1. The appeal is allowed and planning permission is granted for the alterations to single-storey side infill extension (retrospective application) at 48 Plympton Road, London NW6 7EQ in accordance with the terms of the application, Ref 11/1394, dated 19 May 2011.

## Procedural Matter

2. The development has already been carried. *Retention* is not an act of development. For clarity's sake, I have used the Council's wording of the development in the decision above.

## Main Issue

3. No. 48 is situated in the North Kilburn Conservation Area (the 'CA'). This part of the CA is adorned by rows of Victorian dwellings the architectural style of which defines the character of the CA. I concur with the Council's assessment that the alterations to the height and roof design of the single-storey infill extension do not adversely affect the character or appearance of No. 48 or the surrounding CA, due to the rearward positioning and the type of materials used in the construction. Therefore, the appeal raises one main issue and that is the effect of the development upon the living conditions of the occupiers of No. 50 Plympton Road, with particular regard to loss of light and outlook.

## Reasons

4. Policy BE9 of the London Borough of Brent Unitary Development Plan (UDP) 2004 relates to architectural quality and sets out criteria for new buildings, extensions and alterations to existing buildings. Supplementary planning guidance (SPG) Note 5 titled '*Altering and Extending your Home*' (2002) is also relevant to the determination of this appeal.

5. By way of background, planning permission was previously granted for the erection of a rear single-storey infill extension. The approved scheme is different from the development carried out because of the rear infill extension's enlarged footprint. Moreover, the height and design of the roof has also been altered. Retrospective planning permission is now sought for these alterations.
6. No. 48 and 50 are terraced properties with sections to the rear. In such circumstances, the SPG suggests that single-storey rear extensions along the common boundary can adversely affect the adjoining property. For such locations, the SPG sets the maximum height for flat roofed additions to 3m and a similar average height at the mid point of pitched roofs at the site boundary. The Council states that the alterations to the rear infill extension have increased the height along the joint boundary to 3.1m and the flat roof is 2.9m. Because of the overall height to the rear infill extension and its siting, the Council is concerned about the impact upon No. 50.
7. There are no objections to the development in terms of its depth and width. However, in this particular case the SPG should not be applied rigidly because the side elevation windows to No. 50 are not the only means of daylight into its kitchen, due to the location and setting of a rearward conservatory. In addition to that, the rear section of the adjoining dwelling is set away from the boundary and that separation allows daylight into its living room and kitchen. Despite the additional height, the bulk and mass of the rear infill extension does not materially reduce outlook from No. 50's habitable rooms, because of the built-form and layout of the two properties. The development does not have an overbearing or overpowering effect, due to the design of the infill extension. The development complies with UDP Policy BE9, because the infill extension does not result in the significant loss of light or outlook.
8. I have considered imposing conditions in the light of guidance contained in Circular 11/95: '*The Use of Conditions in Planning Permissions*'. The development, as carried out, is consistent with the architecture of the existing dwelling. The materials used on the external elevations of the infill side extension match those on the existing dwelling. In the circumstances, conditions would be unnecessary and unreasonable.
9. For all of the above reasons, I conclude that the development does not have a materially harmful effect upon the living conditions of the occupiers of No. 50 Plympton Road. The appeal should succeed without conditions.

*Ahsan U Ghafoor*

INSPECTOR





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# Appeal Decision

Site visit made on 7 November 2011

by **N M McGurk BSc (Hons) MCD MBA MRTPI**

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

Decision date: **13 December 2011**

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**Appeal Ref: APP/T5150/A/11/2155341**  
**8A Monson Road, London, NW10 5UP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Claire Potgieter against the decision of the Council of the London Borough of Brent.
  - The application Ref 10/2426, dated 11 September 2010, was refused by notice dated 14 April 2011.
  - The development proposed is an outbuilding at the bottom of the garden.
- 

## Decision

1. The appeal is allowed and planning permission is granted for an outbuilding at the bottom of the garden at 8A Monson Road, London NW10 5UP in accordance with the terms of the application, Ref 10/2426, dated 11 September 2010, subject to the condition that the outbuilding shall only be used for purposes incidental to the residential use of the ground floor flat.

## Procedural Matters

2. The development this appeal relates to has already been carried out. Although the address given on the planning application form is 8 Monson Road, the appeal relates to a ground floor flat and the appeal form and accompanying documents confirm that the address is 8A Monson Road. This is reflected in the heading above.

## Main Issues

3. The main issues are the effect of the development on the character and appearance of the surrounding area and on the living conditions of neighbouring occupiers with regards to outlook.

## Reasons

### *Character and Appearance*

4. The development is located at the end of the rear garden of 8A Monson Road, a ground floor flat in a terraced property. Monson Road comprises a long terrace of two-storey housing with gardens to the rear. On the appeal property's side of the road, the gardens back onto the rear gardens of a similar terrace of properties on Furness Road, creating an enclosed area between the two roads.
-

The area presents a variety of spaces, both green and hard landscaped and includes numerous mature trees, brick walls, patios and garden paraphernalia.

5. There are various outbuildings visible in the rear gardens. These include modest sheds, smaller than the development subject to this appeal, but significantly, also include considerably larger buildings. Three such larger buildings were visible from the appeal site – one immediately behind it and two to the south west. The building behind is of such a size that, together with the mature trees, it obscures the appeal building in views from the Furness Road properties. Moreover, the appeal building has the effect of mitigating, to some extent, the bulk and mass of the larger building against which it is seen from the rear of the Monson Road properties.
6. Although the building extends to almost the full width of the garden, it is relatively small scale. Its flat roof limits the overall height and the use of timber cladding minimises its visual impact in this garden setting. In the context of the other outbuildings and garden paraphernalia, I do not consider the building to be a disproportionate or unduly intrusive structure and find no harm to the character and appearance of the surrounding area. There would be no conflict therefore, with policies BE2 and BE9 of the London Borough of Brent Unitary Development Plan (UDP) 2004, or policy CP17 the Core Strategy 2010 which seek, among other things, to ensure that the scale and design of new buildings respects their setting and causes no harm to the character of an area.

#### *Living Conditions*

7. With regard to the living conditions of adjoining occupiers, the Council's concerns relate particularly to the outlook for occupiers of No 6 Monson Road. The wall along the boundary with No 10 is around 2 metres in height screening the appeal building in views from the adjacent garden to that property. However, the wall along the boundary with No 6 Monson Road is approximately 1.5 metres in height. Although, with a height of some 2.75m, the building can be clearly seen above the wall it does not, to my mind, appear as an unduly conspicuous or intrusive feature. It is relatively small in scale and the timber cladding and flat roof further assist in assimilating the building into its context. I find no harm in this regard, to the outlook of the adjoining properties, and no conflict therefore, with UDP policy BE9 which, among other things, seeks to protect the outlook of existing residents.

#### **Conditions**

8. I have considered the conditions suggested by the Council against the advice in Circular 11/95. The outbuilding was being used for the purposes of storage at the time of the site visit. I agree with the Council however, that a condition is necessary to ensure that it continues to be used only for purposes incidental to the use of the ground floor flat, in order to minimise any use that may cause undue noise and disturbance to adjoining residents. The Council has also suggested a landscaping condition were the appeal to succeed. However, I have found the development to be acceptable on its own merits and no additional planting is required to make the building acceptable in planning terms.

**Conclusions**

For the reasons given above, I conclude that the appeal should succeed.

*N M McGurk*

INSPECTOR



# Appeal Decision

Site visit made on 24 November 2011

**by David Fitzsimon MRTPI**

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

**Decision date: 23 December 2011**

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**Appeal Ref: APP/T5150/A/11/2161112**  
**61B St Pauls Avenue, London NW2 5TG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Miss Radmila Sobot against the decision of the Council of the London Borough of Brent.
  - The application Ref 11/0223, dated 30 January 2011, was refused by notice dated 25 March 2011.
  - The development proposed is the retention of a wooden outbuilding at the bottom of the rear garden.
- 

## Procedural Matter

1. The wooden outbuilding has been constructed and the application was made in retrospect. I have therefore amended the description of the proposal accordingly.

## Decision

2. The appeal is allowed and planning permission granted for the retention of a wooden outbuilding at the bottom of the rear garden of 61B St Pauls Avenue, London NW2 5TG in accordance with the terms of the application, Ref 11/0223, dated 30 January 2011.

## Main Issue

3. The main issue in this case is the effect of the wooden outbuilding on the character and appearance of the local area and the outlook for adjoining residents.

## Reasons

### *Character and appearance*

4. The appeal relates to a wooden outbuilding. It has been erected at the bottom of the rear garden of a ground floor flat which is located within a street of semi-detached properties.
  5. The timber outbuilding occupies about a third of the depth of the rear garden and it is a little larger than some of the other structures I saw within nearby rear gardens, but not significantly so. It is of an attractive, contemporary design with an inverse slightly sloping roof which minimises its height. The outbuilding is tucked neatly at the bottom of the garden, against the backdrop
-

of the taller wall which retains the adjoining railway track, and a tall mature tree. A generous sized garden remains.

6. For these reasons, I conclude that the outbuilding does not appear as an incongruous addition and it does not unduly harm the overall character and appearance of its immediate surroundings. In this respect, I find no conflict with policy CP17 of the adopted London Borough of Brent Local Development Framework Core Strategy and saved policies BE2 and BE9 of the adopted London Borough of Brent Unitary Development Plan.

#### *Outlook*

7. The Council suggests that because of its overall size and span, the outbuilding is overbearing for the occupiers of neighbouring dwellings. I disagree for several reasons. Firstly, it is located at the very bottom of the garden close to the railway line, which is a generous distance from the dwellings themselves. Secondly, it does not project a significant distance beyond the similar structure found within the neighbouring garden at No. 63 St Pauls Avenue and therefore it is not overbearing for the occupiers of this property when enjoying their rear garden. Thirdly, whilst the outbuilding encloses the bottom section of the rear garden of No. 61A St Paul's Avenue due to forward positioning of the shed of this property, I find it highly probable that its occupiers mainly use the lawned area between the shed and the rear of the flat. This is because the space to the rear of the shed is less inviting due to the position of the railway line and the shade cast by mature tree cover. To this end, I am satisfied that the outbuilding is not unduly oppressive for the occupier(s) of No. 61A and my view in this respect is reinforced by the fact that no formal objection has been received in this particular regard.
8. Accordingly, I conclude that the outbuilding is not unduly overbearing for neighbouring residents. In this respect, there is no tension with any of the development plan policies I have already referred to.

#### *Conditions*

9. The Council has suggested two conditions in the event that the appeal succeeds. The first relates to additional landscaping. To my mind, this is not necessary as the outbuilding is visually acceptable in its own right and it does not need softening by any further planting. The second seeks to ensure that the outbuilding is used only for purposes incidental to the residential use of the ground floor flat. This is not necessary either as any other use would require planning permission in its own right and therefore could be appropriately controlled by the Council. As the development is complete, the standard conditions which limit the lifespan of the planning permission and seek to ensure that the development accords with the approved plans are not required. Accordingly, I allow the appeal unconditionally.

*David Fitzsimon*

INSPECTOR



## Appeal Decision

Site visit made on 6 December 2011

**by Raymond Michael MBA BSc DipTP MRTPI ARICS MIM**

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

**Decision date: 16 December 2011**

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**Appeal Ref: APP/T5150/A/11/2156746**

**8 Grand Parade, Forty Avenue, Wembley, Middlesex HA9 9JS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Atheer Supermarket against the decision of Brent Council.
  - The application Ref 11/0810, dated 22 March 2011, was refused by notice dated 17 June 2011.
  - The development proposed is a change of use from supermarket (Class A1) to supermarket and take-away (Class A5) and installation of extract flue.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a change of use from supermarket (Class A1) to supermarket and take-away (Class A5) and installation of extract flue at 8 Grand Parade, Forty Avenue, Wembley, Middlesex HA9 9JS in accordance with the terms of the application, Ref 11/0810, dated 22 March 2011, subject to the following conditions:
  1. The development hereby permitted shall begin not later than three years from the date of this decision.
  2. The development hereby permitted shall be carried out in accordance with the following approved plans: SB/B32/1 and SB/B32/2.
  3. Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions. The submitted scheme shall include details of:
    - The specification of the fan and any silencers fitted;
    - All fittings intended to reduce the transmission of noise and vibration to neighbouring properties;
    - Predicted noise levels at the nearest point to the window, demonstrating that the selected units will not cause a nuisance to the property (e.g. that

the LAeq, 5 min is at least 10 dB below background levels at the window).

### **Preliminary matters**

2. A previous application for the change of use involving a large extractor flue on the rear elevation discharging above roof height was refused because of the its close proximity to habitable room windows and its impact on the Barn Hill Conservation Area.

### **Main Issue**

3. The main issue is the impact of the proposed extractor flue on the living conditions of nearby occupiers because of fumes or noise.

### **Reasons**

4. The appeal site is a supermarket situated within a parade of shops fronting a busy distributor road. It lies on the edge of the Barn Hill Conservation Area (CA), which is formed mainly of attractive inter-war residential properties. The current proposal would eliminate the need for a large extractor flue on the rear of the property, and would incorporate an extractor outlet in a more discreet location on the rear wall of a ground floor projection at the rear of the shop. Because of the discreet location and small scale of the extractor flue it would be largely hidden from most public viewpoints and I am satisfied that it would preserve the character and appearance of the CA.
5. The proposed use is to convert a small part of the shop to the cooking and sale of take-away food. A new extraction system would be installed, and the outlet for that system would be located away from the rear wall of the flats above the shop, within about 7m of the upper floor flat. Because of this location the Council has concerns about the potential odour nuisance which could be caused to the neighbouring residents. However, I noticed at my site visit that there were several other premises in the parade which were in restaurant/take-away use, and that those had extractor flues and air conditioning units at the rear.
6. It is not uncommon for hot-food take-away uses to be located close to residential properties and for odours to be dealt with by means of extraction equipment. The appellant has submitted some details of a proposed extraction system and, in general, I consider that if an appropriate system is installed, operated and maintained in accordance with the manufacturer's instructions, there is no reason why the proposal should give rise to excessive levels of odours. Therefore, subject to such equipment being provided, I see no reason why the proposal would cause any material harm to the living conditions of nearby residents.
7. The appellant has pointed out the existence of a wooden fence between the proposed extractor outlet and the residential property above as potential mitigation of the impact on the flat. However, I do not consider that to be an effective form of screening for odours, and I have given it little weight in my decision.
8. I therefore conclude that the impact of the proposed extractor flue would not give rise to unacceptable harm to the living conditions of nearby occupiers because of fumes or noise, and that the proposal would comply with Policies

BE17, EP2, and SH10 of the London Borough of Brent Unitary Development Plan (2004).

**Conditions**

9. I have considered the need for conditions in the light of the advice in Circular 11/95 and those suggested by the Council. In addition to the statutory condition on commencement, I shall include a condition requiring the development to be completed in accordance with the submitted plans, for the avoidance of doubt. In order to protect the living conditions of nearby residents I shall also include a condition requiring approval of details by the local planning authority in relation to provisions for odour and noise abatement, prior to the installation of extraction equipment.

*Raymond Michael*

INSPECTOR





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# Appeal Decision

Site visit made on 5 December 2011

**by William Fieldhouse BA (Hons) MA MRTPI**

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

**Decision date: 19 January 2012**

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**Appeal Ref: APP/T5150/A/11/2157711**  
**99 Sunnymead Road, London NW9 8BS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Laurence Hamilton against the decision of the Council of the London Borough of Brent.
  - The application Ref 11/0910, dated 9 April 2011, was refused by notice dated 24 June 2011.
  - The development proposed is the conversion of the existing property into two apartments, incorporating the previously approved single-storey rear extension and roof addition and the provision of car parking, storage and amenity area.
- 

## Preliminary Matters

1. The appellant's evidence suggests possible changes to the plans submitted with the planning application to address some of the Council's concerns, and includes an additional plan showing an outbuilding 2.5 metres in height. However, my decision is based on the plans submitted with the planning application and refused by the Council.

## Decision

2. The appeal is allowed and planning permission is granted for the conversion of the existing property into 2 apartments, incorporating the previously approved single-storey rear extension and roof addition and the provision of car parking, storage and amenity area at 99 Sunnymead Road, London NW9 8BS in accordance with the terms of the application, Ref 11/0910, dated 9 April 2011, subject to the conditions set out in the attached schedule.

## Main Issues

3. There are two main issues:
    - The effect of the proposal on the supply of suitable housing in the area
    - Whether the proposal would provide acceptable living conditions for future occupiers of the two apartments
-

## Reasons

4. 99 Sunnymead Road is a two storey, end of terrace house with a long back garden. It is in a semi derelict condition and has not been occupied for a number of years. A rear dormer has been built, and work started on a single storey rear extension. An unsurfaced "vehicle row" runs down the side of the property and along the rear of the back gardens to the terrace. It is within a residential area consisting mainly of family homes, some of which have been converted to flats.

### *Supply of suitable housing*

5. No 99 was originally a 3 bedroom house with a floor area of around 82m<sup>2</sup>. The Council's Unitary Development Plan 2004 (UDP) policy H17 states that conversions of houses into flats will be permitted unless the property has an original, un-extended floor area of less than 110m<sup>2</sup>. This is to prevent the loss of small, purpose-built family dwellings and thereby retain mixed and balanced communities. The Brent Core Strategy, adopted in July 2010, notes a shortage of family homes and policy CP21 aims to provide a balanced housing stock by protecting existing accommodation that meets known needs and ensuring new housing appropriately contributes towards the wide range of household needs.
6. The proposal would be contrary to UDP policy H17. However, the appeal site has not been providing family accommodation for a number of years and the harm caused to the objective of preventing the loss of family homes would be limited in this particular case. Moreover, the proposal would contribute to achieving the Core Strategy objectives of providing more homes and contributing towards the wide range of household needs by bringing a disused property back into a viable residential use. Whilst no evidence has been provided to demonstrate that it would not be economically viable to bring it back into use as a single dwelling, it does seem likely that the creation of two apartments would generate more revenue and therefore make the refurbishment works more cost effective.
7. On balance, I consider that the benefits of bringing the property back into use would outweigh the limited harm that would be caused to the aims of UDP policy H17 given the particular circumstances of this case.

### *Living Conditions*

8. The proposal would create 2 self-contained apartments, one with an internal floor area of around 55m<sup>2</sup> and the other around 61m<sup>2</sup> according to the Council's measurements. Both would have their own private entrance and a lounge at the front. The ground floor apartment would have two small bedrooms, and the other apartment would have a bedroom on the first floor and one in the converted loft. The size of both apartments would meet the Council's minimum standards<sup>1</sup>, although the ground floor flat would be slightly smaller than the more recently adopted standard of 61m<sup>2</sup> set out in the London Plan (2011).
9. The layout of the two apartments would be conventional, with adequate room sizes and shapes. The amount of floorspace devoted to rooms would be

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<sup>1</sup> Supplementary Planning Guidance 17 *Design Guide for New Development* adopted 2001 (SPG17): minimum size for a 2 bedroom, 3 person flat is 55m<sup>2</sup>.

slightly less than the Council's minimum standard of 90%<sup>2</sup>, but the internal circulation space would not be excessive or harmful to the objectives of SPG17. All habitable rooms would have external windows. The outlook from the window in ground floor bedroom 2 would be restricted due to it being less than 2 metres from the proposed fence. However, it would be higher than the fence, allowing some outlook and natural light in.

10. The lounges in the 2 apartments would both be at the front of the property, and the overall "stacking" of rooms on different floors would be satisfactory. Bedroom 2 on the ground floor would be adjacent to the stairway to, and partially beneath the bathroom in, the upper floor apartment. However, noise disturbance from the bathroom and stairs would be unlikely to be excessive and frequent, and I do not consider this arrangement to be unacceptable.
11. Both apartments would have an area of the back garden separated by the proposed storage building. The access arrangements from the apartments to these gardens, and the car parking spaces at the rear, would not be unduly inconvenient for the occupiers of either of the apartments. Access from the first floor apartment to the garden and car parking space would entail walking close to the window in bedroom 2 in the ground floor apartment, but this would not lead to significant disturbance or loss of privacy due to the relatively infrequent use of the path that would take place. Overall, the proposal meets the requirements set out in UDP Policy H18 to ensure that flat conversions provide an acceptable standard of accommodation and are not over-intensive.
12. I conclude on this issue that the apartments would not be cramped or substandard and would provide acceptable living conditions for future occupiers in line with the UDP and SPG17.

#### *Other matters*

13. The proposal would improve the appearance of the property through the carrying out of much needed repair and restoration including to the front elevation. This would improve the street scene. The provision of the car parking spaces at the rear of the property and the erection of a single storey, flat roofed storage building in the middle of the back garden will affect the appearance to the rear. However, given the presence of other outbuildings in nearby back gardens, and garages / storage buildings accessed from "vehicle row" to the side and rear of the property, this will not harm the character or appearance of the area. The proposed outbuilding's position means that it would not be visually overbearing to the residents of the adjoining house, provided its height, which can be controlled by condition, is not excessive. The proposed outbuilding would therefore comply with UDP policies BE2 and BE9. There are no other matters that outweigh my conclusions on the two main issues.

#### *Conditions*

14. I have considered the conditions suggested by the Council and agree that most are necessary, subject to some alteration to the wording to improve clarity and ensure consistency with Circular 11/95: *The Use of Conditions in Planning Permissions*.

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<sup>2</sup> Supplementary Planning Guidance 17 *Design Guide for New Development* adopted 2001 (SPG17).

15. Conditions are needed to ensure appropriate landscaping, means of enclosure, arrangements for the storage of waste and recyclable materials, an enclosed cycle store, and to control the outbuilding's height, elevations, and external materials in order to safeguard the character and appearance of the area and living conditions in the adjoining house. A condition is not required relating to the materials of the rear extension and roof addition as these are not part of the current proposal.

**Conclusion**

16. For the reasons given above, the appeal should be allowed.

*William Fieldhouse*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with approved plans "3180 dwg. No: 6 (Jan 2011)" and site plan ref MX66038.
- 3) Prior to the development of the outbuilding, details of its height, elevations and external materials shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of landscape works have been submitted to and approved in writing by the local planning authority. These works shall be carried out as approved prior to the occupation of either of the two apartments. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.
- 5) No development shall take place until details of the position, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before either of the two apartments hereby approved are occupied. Development shall be carried out in accordance with the approved details and thereafter permanently retained.
- 6) No development shall take place until details of arrangements for the storage and disposal of refuse and recyclable materials and enclosed cycle storage within the site have been submitted to and approved in writing by the local planning authority. The approved arrangements shall be in place before either of the two apartments hereby approved are occupied and shall thereafter be permanently retained.



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# Appeal Decision

Site visit made on 8 December 2011

**by Sue Glover BA (Hons) MCD MRTPI**

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

**Decision date: 16 December 2011**

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## **Appeal Ref: APP/T5150/D/11/2161939**

### **7 Rosslyn Crescent, Wembley, Middlesex HA9 7NZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr J N Patel against the decision of the Council of the London Borough of Brent.
  - The application Ref 11/1495, dated 7 June 2011, was refused by notice dated 4 August 2011.
  - The development proposed is a loft conversion, formation of a hip to a gable end, a rear dormer and front roof lights.
- 

## **Decision**

1. The appeal is allowed and planning permission granted for a loft conversion, formation of a hip to a gable end, a rear dormer and front roof lights at 7 Rosslyn Crescent, Wembley, Middlesex HA9 7NZ in accordance with the terms of the application, Ref 11/1495, dated 7 June 2011, subject to the following conditions:
  - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan and drawing nos. KS/2011/01, KS/2011/02, KS/2011/03 and KS/2011/04.
  - 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

## **Main Issue**

2. The main issue is the effect of the proposal on the character and appearance of the street scene.
-

## Reasons

3. The street is predominantly characterised by pairs of semi-detached houses of varying designs and spaces between them. Some pairs are positioned close together; others have a wider gap between them. No. 7 has previously been extended at the side with a continuation of the hipped roof. The roof of the attached house, no. 5 has been extended from a hip to a gable with a large box dormer at the rear. The pair of dwellings therefore appears unbalanced in design.
4. The proposal to extend the hipped roof to a gable at no. 7 would help balance the design of the pair inasmuch that the roof end gables would appear similar. There would remain a sizeable gap at roof level between no. 7 and no. 9 as no. 9 has a hipped roof at the side with a small front gable. The spacing between the 2 flank walls would remain as before.
5. Although there would be some loss of spaciousness as viewed from the street, it would be no more significant than between other pairs of dwellings nearby. At the rear the proposed roof dormer would be substantially hidden from public viewpoints, and would appear smaller than that at no. 5. Taking all these matters into account, I consider that the scale and massing of the proposal would be appropriate to the design and appearance of the dwellings and the spaces between them.
6. I conclude that the proposal would not materially harm the character and appearance of the street scene. There is therefore no conflict with the objectives of Policies BE2, BE7 and BE9 of the *London Borough of Brent Unitary Development Plan 2004*, Policy CP 17 of the *Core Strategy* and *Altering and Extending Your Home*, SPG 5.
7. I have taken into account all other matters raised, but I find none to justify the dismissal of this appeal. I have imposed a condition requiring details of external materials to ensure a satisfactory finished appearance. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

*Sue Glover*

INSPECTOR



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# Appeal Decision

Site visit made on 10 January 2012

**by Zoë Hill BA(Hons) MRTPI DipBldgCons(RICS) IHBC**

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

**Decision date: 24 January 2012**

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**Appeal Ref: APP/T5150/D/11/2165993**  
**86 Wrentham Avenue, London NW10 3HG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Rachel Whetstone against the decision of the Council of the London Borough of Brent.
  - The application Ref: 11/1528, dated 12 June 2011, was refused by notice dated 7 September 2011.
  - The development proposed is described as alteration to rear part of the roof and side elevations and various alterations to the inside of the property.
- 

## Preliminary Matter

1. The above description is taken from the application form. In the Council's decision notice it describes the proposal as 'Extension of the roof to the rear and side including a rear dormer window, installation of 1 rooflight across the proposed flat roof and side roof plane and 1 front rooflight'. The appellant uses this description in their appeal form and, as it more clearly details what is proposed, I shall use it as well.

## Decision

2. The appeal is allowed and planning permission is granted for the extension of the roof to the rear and side including a rear dormer window, installation of 1 rooflight across the proposed flat roof and side roof plane and 1 front rooflight at 86 Wrentham Avenue, London NW10 3HG in accordance with the terms of the application, Ref: 11/1528, dated 12 June 2011, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Ordnance Survey 1:1250; Ordnance Survey 1:500; Front Elevation proposed and existing (Revision One 12/06/11); Ground floor plans existing and proposed; First floor plans existing and proposed; Second floor plans existing and proposed (Revision One 12/06/2011); Roof and Basement Plans existing and proposed (Revision One 12/06/2011); existing and proposed long section showing stairs (Revision One 12/06/11); existing and proposed side elevation (Revision One 12/06/11); Existing and proposed rear elevation and short section (Revision One 12/06/11); Drawing produced to Show Main Adjoining Windows (Revision One 12/06/2011).



- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

### **Main Issue**

3. The main issue in this case is the effect of the proposed development on the character and appearance of this pair of semi-detached dwellings and the surrounding area.

### **Reasons**

4. The appeal property is one of a pair of semi-detached dwellings. The dwellings to either side of this pair are of a different design and reflect longer stretches of similar development so that the design of these 2 houses is not typical of other houses in the street. Moreover, this pair appears symmetrical from the front but is not symmetrical at the rear and, as a consequence, the roof form is different, particularly in respect of the corner bay at the appeal property and rear bay on the attached dwelling.
5. The proposal would result in increasing the height of the capped party wall and the creation of a new roof, with side wall height increase, within the mid section of the roof structure. However, the front and side roof pitches would be unaltered and the overall roof height would not exceed that of the front ridge. In addition, although the side elevations would alter, including the central parapet increase in height, these changes would only be seen in limited views from the street because of the relatively small gaps between this pair of semi-detached dwellings and the properties at either side. Given the design, the use of matching materials and noting that the chimneys would remain as a focal feature, the change would not have a harmful visual impact on the street scene.
6. Whilst the alteration at the side/rear would be more significant, and the rear section of the roof would no longer be subservient to the front section of the roof, the matching materials, slope of the roof, sympathetically designed dormer and existing variation in design at the rear is such that there would not be visual harm the overall character and design of the building taken as a whole.
7. Thus, I do not find harm to the character of the host dwelling, the pair of semi-detached houses, or the street scene and surrounding area which is designated as being an Area of Distinctive Residential Character. I therefore do not find conflict with saved policies BE2, BE9 or BE29 of the Brent Unitary Development Plan (2004) which, taken together, seek protection of character and quality, and the use of creative, appropriate design solutions. Although the Council's Supplementary Planning Guidance 5: Altering and Extending Your Home explains that roof extensions/alterations will not normally be permitted on a semi-detached dwelling, it places emphasis on the need to respect the character of the building and area which this scheme does, such that I am satisfied that the proposed development would accord with the thrust of the SPG.

### **Conditions**

8. In addition to the commencement condition I shall impose a condition requiring use of matching materials as sought by the Council and, for the avoidance of

doubt and in the interests of proper planning, construction in accordance with the submitted drawings.

**Conclusions**

9. For the reasons set out above this appeal shall succeed.

*Zoë Hill*

Inspector



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# Appeal Decision

Inquiry held on 9 November 2011

Site visit made on 10 November 2011

**by Martin Joyce DipTP MRTPI**

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

**Decision date: 5 December 2011**

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**Appeal Ref: APP/T5150/C/11/2151323**

**26 Park Avenue, London NW2 5AP**

- The appeal is made under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Adilsons Properties Ltd against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/10/0719.
- The notice was issued on 9 March 2011.
- The breach of planning control as alleged in the notice is the material change of use of part first floor and second floor from one to three self-contained flats.
- The requirements of the notice are to cease the use of part first floor and the second floor of the premises as three self-contained flats and its occupation by more than one household, remove all items, materials and debris associated with the unauthorised change of use, including all kitchens, except one, and all bathrooms, except one, from the premises.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in Section 174(2)(a), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended. The deemed application for planning permission also falls to be considered.

**Summary of Decision: The appeal is allowed following correction of the enforcement notice in the terms set out below in the Formal Decision.**

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## Procedural Matters

1. All evidence to the Inquiry was given on oath or affirmation.

## Matters Concerning the Notice

2. It was agreed at the Inquiry that the allegation contained in the notice was factually incorrect in the reference to the material change of the use of part of the first floor of the appeal premises. The change of use concerns only the former single self-contained flat on the second floor of the property. No injustice has been caused by this error; I shall therefore correct the notice accordingly using the powers available to me.

## Background

3. The appeal property is a three-storey detached house situated on the north-eastern side of Park Avenue, close to the junction with St Paul's Avenue. There is no dispute that the property has a lawful use as three self-contained flats, one on each floor, although no planning permission for such use has been produced. In 1999, planning permission was refused for the conversion of the property into 3 one-bedroom and three studio flats but permission for a change of use from residential to a hostel for the homeless was granted in 2001. That

permission appears to have expired without implementation, although the appellants produced a document, dated 6 July 2001, relating to the property's grading under the BABIE scheme<sup>1</sup> in respect of nine rooms. It is not for me to decide on this point but, should the permission have been implemented, the lawful use of the property would have reverted to that of three flats upon cessation of any hostel use<sup>2</sup>.

4. The second floor of the property has been converted into three self-contained flats (Flats C, D and E), with floor areas of 26.91 sq m, 32.66 sq m and 21.72 sq m respectively. The area of Flat D includes a mezzanine area within the rear dormer of the property. All three flats were occupied at the time of my site inspection, as were Flats A and B, on the ground and first floors respectively.

#### **THE APPEAL ON GROUND (d)**

5. The burden of proof in an appeal on ground (d) lies with the appellants who need to show, on the balance of probabilities<sup>3</sup>, that the material change of use took place more than four years before the date of issue of the notice, and has continued uninterrupted since that date. The "relevant" date, therefore, is 9 March 2007.
6. The appellants contend that the works of conversion took place between March and September 2006. This claim has been supported by the written and oral evidence of a number of witnesses, including the builder concerned, Mr C Diver, the occupier of Flat B, on the first floor of the property, and the appellant company's Chief Executive (Mr Adil) and Property Manager (Mr Sultan). The latter produced supporting documentation including tenancy agreements, rent receipts, marketing evidence and evidence of the installation of separate electricity meters for the three flats.
7. The Council rely on Council Tax records which show that the flats in question were not registered until 15 April 2010. Moreover, the electoral register of 2011 refers only to three flats, with electors registered at Flats A and B, and Flat C being occupied by a foreign national. Additionally, the Council suggest that the evidence submitted by the appellants is contradictory and should not be relied upon. They question the submission of voluminous documentation at the Inquiry stage of the appeal, when there had been ample opportunity to submit it earlier, and draw attention to contradictions in the evidence about the date of first occupation of the flats. As for the installation of electricity meters, the evidence only shows that two were installed in 2006; this does not prove the existence of three flats at that time thus, in all of the above circumstances, the appellants have failed to meet the required burden of proof.
8. In considering the above submissions, I am mindful of the fact that the Courts have held that the appellants' own evidence does not need to be corroborated by "independent" evidence in order to be accepted, provided it is sufficiently precise and unambiguous on the balance of probability<sup>4</sup>. In this appeal, the appellants have produced a significant amount of evidence to support their case that the second floor of the appeal property was converted into three self-

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<sup>1</sup> Bed and Breakfast Information Exchange.

<sup>2</sup> The planning permission (Ref: 00/1300) was granted subject to various conditions including a time limiting condition (Condition No 1), which required the use to cease by 11 October 2005.

<sup>3</sup> Paragraph 8.15 of Annex 8 to Circular 10/97 "Enforcing Planning Control: Legislative Provisions and Procedural Requirements.

<sup>4</sup> *F W Gabbittas v Secretary of State for the Environment and Newham LBC* [1985] JPL 630.

contained flats before the relevant date of 9 March 2007, and that the flats were continuously occupied thereafter until the date at which the enforcement notice was issued.

9. That evidence is contained, firstly, in a number of documents, comprising tenancy agreements for each flat; records of rent payments, including copies of receipts and bank statements; correspondence from edf energy confirming the dates of installation of the electricity meters at the three flats; correspondence and bills relating to Council Tax payments at the appeal property; invoices from letting agents in respect of the letting of the flats; and, a statutory declaration from the occupier of Flat B<sup>5</sup>. In addition, written and oral evidence was produced to support the appellants' claims that the conversion works took place between May and September 2006, and that the three flats were then let and occupied continuously up to and beyond the date of issue of the enforcement notice.
10. I have examined the documentation provided in considerable detail. It presents compelling evidence that the flats in question have been occupied continuously since at least the autumn of 2006. The tenancy agreements for all three flats cover a period from 18 October 2006 until at least the date at which the notice was issued, with tenancy agreements for Flats C and D starting on the earlier dates of 8 August and 9 September 2006 respectively. Moreover, there is no material break in those agreements over the relevant four-year period. In respect of Flat C, there is a break between the end of one tenancy agreement on 7 June 2007 and the start of the next on 15 June 2007, whilst there was a similar break for Flat E between 17 May 2010 and 19 June 2010. The Council do not contest that these breaks were other than the normal gaps between the end of one occupancy period and the start of another when repairs or re-decoration might take place, or when the property was being marketed in a search for new tenants.
11. The tenancy agreements are solidly supported by evidence of rent payment from each of the specified tenants. Contemporary copies of receipts for cash or cheque payments have been supplied, together with extracts from bank statements that show where direct debits or standing orders have been paid in respect of each of the three flats.
12. In addition to the above, invoices from letting agents provide confirmation of names and dates for those tenants who were introduced to the properties as a result of their marketing. Once again there is a clear and consistent correlation between this set of documents and the tenancy agreements and records of rent payments.
13. The bank statements referred to above are an independent source of documentary evidence as is the correspondence from edf energy which confirms the date of installation, and serial numbers, of electricity meters for the three flats. Contrary to the submissions of the Council, the relevant email specifies that all three flats had pre-payment meters installed on 26 October 2010. That for Flat C was, however, replaced with a billed credit meter on 11 February 2010. The serial numbers given for each of the meters coincide with the numbers I noted at my site inspection.

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<sup>5</sup> The occupier of Flat B, Mrs Lorena Garcia, also gave oral evidence to the Inquiry.

14. The Council were unable to contradict the comprehensive documentary evidence provided by the appellants, despite rigorous cross-examination. Assertions that suggested that the appellants were well versed in the production of this type of evidence, in relation to other appeals, are disingenuous. Their reliance upon Council Tax and Electoral Register evidence provides only a very narrow angle for a claim that the wide range of supporting documentation is unreliable. It is a fact that the first reference in the Council's own records to five flats at the appeal property, including those on the lower two floors, is dated April 2010, and I consider that the reasons given in cross-examination by the appellants' witnesses for this were unclear and uncertain. Suggestions that tenants were responsible for paying their own Council Tax do not lie well with the demands for unpaid Council Tax in 2009 and 2010 that were addressed to the appellant company. However, I place no great weight on these discrepancies; in my experience it is not unusual for the need for Council Tax to be undeclared, especially by occupiers who are unfamiliar with the system of registration. Whilst this may or may not have been the case at the appeal property, I note that the majority of tenants appear to have been of foreign origin, as noted in the evidence from the Electoral Register produced by the Council.
15. The only slight contradiction in the whole realm of evidence before me relates to the actual date of first occupation of the flats. The tenancy agreement for Flat C is dated 8 August 2006, although the builder stated that none of the flats were ready until September. He does, however, recall prospective tenants being shown around the flats, and Ms Garcia also remembers occupiers moving into the premises in about August 2006, a date she could verify through her pregnancy at that time. Additionally the individual electricity meters were not installed until October 2006 although no suggestion has been made that the second floor was without electricity and there was no suggestion that the previous flat had no supply.
16. As with the question of Council Tax payments, I give little weight to these apparent contradictions which could be explained by a lapse of memory or the possibility that the prospective tenant of Flat C was prepared to pay rent in advance to secure a flat in an area of high demand for such property. In any event, it is largely academic whether initial occupation took place in August, September or October of 2006; all three dates are some time before the relevant date of 9 March 2007. The documentation provided clearly shows that all three flats were occupied well before that date, and the oral evidence given supported this fact.
17. I conclude on this ground that the appellants have met the required burden of proof and have shown, on the balance of probability, that the material change of use of the appeal property to three self-contained flats took place before 9 March 2007 and has continued uninterrupted since that date. The appeal on ground (d) therefore succeeds.

### **Other Matters**

18. All other matters raised in evidence to the Inquiry and in the written representations have been taken into account, but they do not outweigh the conclusions reached on the main grounds and issues of this appeal.

## **Conclusions**

19. From the evidence at the Inquiry I conclude that the allegation in the notice is incorrect, in that it refers erroneously to part of the first floor of the appeal property whereas the breach of planning control affects only the second floor. I shall correct the allegation in the notice thereby to reflect this.
20. As for the appeal on ground (d) I am satisfied on the evidence that the appeal on this ground should succeed in respect of those matters which, following the correction of the enforcement notice, are stated in it as constituting the breach of planning control. In view of the success on legal grounds, the appeal under grounds (a), (f) and (g) as set out in Section 174(2) of the 1990 Act as amended, and the application for planning permission deemed to have been made under Section 177(5) of the 1990 Act as amended, do not fall to be considered.

## **FORMAL DECISION**

21. The enforcement notice is corrected by the deletion, in Schedule 2, of the words "part first floor and". Subject to this correction, the appeal is allowed and the enforcement notice is quashed.

*Martin Joyce*

INSPECTOR



## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr Richard Moules	of Counsel, instructed by Mr Keith Lancaster, Blake Laphorn, Solicitors
He called:	
Mr Raja Jameel Adil	Solicitor and Chief Executive of the Adil Group of Companies
Mr C Diver	Proprietor of CD Builders
Mr Aamir Sultan	Property Manager for Adil Properties Ltd
Miss Lorena Garcia	Tenant of Flat B at the appeal property
Mr Anthony Richard Covey ABEng	Partner in Architectural Design and Planning

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr Nigel Wicks BTP Dip Law MRTPI	Director of Enforcement Services Ltd, instructed by the Director of Planning for the Council
He called:	
Mr Victor Unuigbo BSc (Hons) MSc	Senior Planner with the Council

## **ADDITIONAL DOCUMENTS PRODUCED AT THE INQUIRY**

- 1 Letter of notification of the Inquiry and list of those so notified.
- 2 Draft Statement of Common Ground.
- 3 Saved Policies Direction dated 18 September 2007.
- 4 Bundle of three appeal decisions, Refs: APP/T5150/C/10/2141736,  
APP/T5150/C/10/2134651 and APP/T5150/C/10/2124626, produced by the  
Council.
- 5 Signed and completed Unilateral Agreement pursuant to Section 106 of the  
Town and Country Planning Act 1990, produced by the appellants.
- 6 Extract from the Brent Unitary Development Plan 2004 showing Policies  
TRN11 and TRN14.
- 7 Extract from the Brent Unitary Development Plan 2004 showing Policies H17  
and H18.
- 8 Extract from The London Plan showing Policy 3.3.
- 9 Extract from the London Borough of Brent Core Strategy, adopted 12 July  
2010, showing Policy CP21.
- 10 Letter dated 6 July 2001 from the London Borough of Brent to Mr R Adil,  
relating to BABIE Grading, produced by the appellants.





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# Appeal Decision

Site visit made on 22 November 2011

**by Ahsan U Ghafoor BSc (Hons) MA MRTPI**

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

**Decision date: 12 January 2012**

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**Appeal Ref: APP/T5150/C/11/2155357**  
**30 Bowrons Avenue, Wembley HA0 4QP**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs A Ahmed against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/10/0957.
- The notice was issued on 13 May 2011.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a plastic, UPVC, glass and brick type lean-to extension to side/rear of the premises and the erection of a mono-pitch roof building in rear garden area of premises
- The requirements of the notice are: Step 1 demolish the mono-pitch roof building in the rear garden, remove all items and debris arising from that demolition and remove all materials associated with the unauthorised development from the premises. Step 2 demolish the plastic, UPVC, glass and brick lean-to extension to the side/rear of the premises, remove all items and debris arising from that demolition and remove all materials associated with the unauthorised development from the premises.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2) (c), (a) and (f) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal succeeds in part and permission for that part is granted, but otherwise the appeal fails, and the enforcement notice is upheld as set out below in the Decision.**

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## Procedural Matters

1. Some of the appellant's arguments are best placed under ground (c). The Planning Inspectorate wrote to the appeal parties for their comments on the implied ground (c) appeal. I am grateful for these comments, which I will consider.

## The implied appeal on ground (c)

2. Under this appeal, the onus is upon the appellant to show that the matters alleged in the notice do not constitute a breach of planning control. The gist of the main argument is that planning permission is not required for the rear garden building, which is detached from the main dwelling and I will refer to as the 'outbuilding'. Work on the outbuilding commenced around November 2010. It has a mono-pitched roof and is 6.3m wide and 6.75m deep. It is 2.8m high on the front elevation increasing to 3.8m to the rear<sup>1</sup>.

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<sup>1</sup> Taken from the grounds of appeal.

3. Class E of the GPDO<sup>2</sup> states that the provision within the curtilage of the dwellinghouse of any building or enclosure required for a purpose incidental to the enjoyment of the dwellinghouse as such is permitted development. However, paragraph E.1 sets out physical criteria that need satisfying and clause E.1(d)(ii) states development is not permitted by Class E if the height of the building would exceed 2.5m in the case of a building within 2m of the boundary of the curtilage of the dwellinghouse. In this case, the building is within 2m of the site's boundaries and is 2.8m high to the front and 3.8m high to the rear. Consequently, the outbuilding fails to comply with this criterion. Therefore, this element of the development does not benefit from permitted development rights. The matters alleged in the notice constitute a breach of planning control. Had there been an appeal under ground (c), it would have failed.

### **The appeal on ground (a) and the deemed planning application (the 'DPA')**

4. The terms of the DPA are directly derived from the allegation. Planning permission is sought for the lean-to extension and the outbuilding. The main issue is the impact of the outbuilding upon the character and appearance of the surrounding area. There is one additional main issue and that is the effect of the lean-to extension and the outbuilding upon nearby residents' living conditions, having particular regard to the loss of light and outlook.

#### *The outbuilding - character and appearance*

5. No. 30 is located within a mainly suburban residential area. The Council does not raise objections about the design of the uPVC glass and brick type lean-to infill structure to the side and rear. I concur with that assessment because of its positioning and setting. On the other hand, the outbuilding comprises two rooms with a separate bathroom and kitchen. It is located at the bottom end of the garden and occupies its full width. On the front elevation, it has a protruding canopy supported by two decorative columns. I find its façade uncharacteristic of the simple design of the main dwelling. The external appearance of the outbuilding is out-of-keeping with the architectural qualities of the area. It is visually intrusive because of its overall bulk, mass and built form.
6. I conclude that the outbuilding has a detrimental impact upon the character and appearance of the surrounding area. Accordingly, this element of the development fails to comply with UDP Policies BE2, BE7, BE9 of the Brent Unitary Development Plan 2004 (the 'UDP') and Policy CS 17 of the London Borough of Brent Core Strategy 2010 ('CS').

#### *The lean-to extension and the outbuilding – effect upon residents' living conditions*

7. The lean-to extension is about 9m deep and it projects the full width of the rear outrigger and forms an infill extension. However, there is some distance between the extension and No. 28 Bowrons Avenue. Due to the location and separation, the lean-to extension does not have a materially detrimental effect upon the amount of daylight received by the adjoining property's habitable rooms. In addition, the height, positioning and scale of the lean-to extension combined with its design do not have a significantly adverse effect upon outlook from the rear windows to No. 28. I take the view that this part of the development complies with UDP Policies BE2 and BE9 and is consistent with the main aims and objectives of supplementary planning guidance ('SPG') 5: 'Altering and Extending Your Home' 2002.

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<sup>2</sup> Article 3, Schedule 2, Part 1 Class E of The Town and Country Planning (General Permitted Development) Order 1995 as amended (the 'GPDO').

8. The appellant argues that the outbuilding is not used as a dwelling, but its internal makeup includes a kitchen, shower, and toilet facility. In any event, in the light of my findings on the ground (c) appeal above planning permission is required for the outbuilding. Although it is set some distance from properties in Eagle Road, the outbuilding's design has an obtrusive and overbearing effect because of its height. Its layout, size and scale has a harmful visual effect especially when viewed from the rear elevations to the adjoining properties and from within their gardens.
9. The appellant suggests that the outbuilding might be modified to render it permitted development. However, to comply with Class E of the GPDO, the likelihood is that the outbuilding's dimensions, design, and its internal layout would need to be altered materially and significantly. I attach limited weight to the fallback arguments because this part of the development is unacceptable due to the outbuilding's design, size and scale. Taking all of the points raised in the preceding paragraphs together, I find that this element fails to comply with UDP Policy BE9 and the SPG and CS Policy CP 17.
10. The two parts of the development are clearly physically and functionally severable because of their disconnection. The lean-to extension is capable of being used sensibly without the outbuilding. I am satisfied that no injustice would be caused in allowing one component and not the other and so I will next evaluate the possibility of imposing conditions in relation to the lean-to extension only.
11. The lean-to extension was built with mainly uPVC windows and door, which match the fenestration of the host dwelling. It is partly brick built and the lower part is virtually hidden by the boundary fencing. Having considered imposing conditions in the light of guidance contained in Circular 11/95<sup>3</sup>, in this case, conditions would be unnecessary and unreasonable.

*Conclusions on the ground (a) appeal*

12. For all of the above reasons, I conclude that the lean-to extension described in the allegation does not materially harm the living conditions of nearby residents or the character and appearance of the surrounding area. On the other hand, I conclude that the outbuilding has a materially detrimental impact upon the character and appearance of the surrounding area and a harmful effect upon the living conditions of nearby residents. Following on from these conclusions, I intend to allow the ground (a) appeal in so far as it relates to the erection of a plastic, uPVC, glass and brick type lean-to extension to side/rear of the premises only.

*Split decision: the effect of Section 180 of the Town and Country Planning Act 1990 Act as amended (the '1990 Act')*

13. S180 provides that where, after the service of a notice, planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as it is inconsistent with that permission. In this case, the appeal on ground (a) will be allowed in part. If the requirements of the notice were varied to exclude that part of the development for which planning permission is being granted, then this could give rise to two inconsistent permissions, one being granted under S173(11) of the 1990 Act as a variation of cutting down the requirements. To avoid this possibility the requirements of the notice will not be varied in this way and reliance will be placed on S180 to mitigate the effect of the notice in so far as it is inconsistent with the permission. I will next consider the ground (f) appeal in relation to the outbuilding only.

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<sup>3</sup> See Circular 11/95: 'The Use of Conditions in Planning Permissions'.

### **The appeal on ground (f)**

14. The grounds of appeal are that the requirement to demolish the outbuilding is excessive because modifications would overcome objections.
15. Firstly, it is necessary to establish what it is the Council is seeking to achieve by the notice. The reasons behind issuing the notice refer to the impact of the outbuilding upon the character and appearance of the surrounding area and its effect upon the living conditions of nearby residents. From the wording of the notice, it is clear that the remedial requirements follow from sub-paragraph (a) of S173(4) of the 1990 Act. The notice is directed at remedying the breach of planning control and what must be considered is whether the requirements exceed what is necessary to achieve that purpose.
16. The appellant proposes to modify the outbuilding by reducing its height, constructing a dual-pitched roof and altering its internal layout. The modifications were shown in a drawing submitted with the appeal documents but these suggest that significant alterations would be necessary to the fabric of the outbuilding<sup>4</sup>. In the light of my findings on the ground (c) appeal above, the outbuilding was erected without planning permission. I have reviewed all of the arguments advanced under this ground of appeal. However, the lesser steps advanced by the appellant as a form of under-enforcement would not remedy the breach of planning control and the purpose behind the notice can only be achieved by complying with its requirements. The steps required do not exceed what is necessary to remedy the breach. The appeal on ground (f) therefore fails.

### **Overall conclusions**

17. For the reasons given above and having considered all other matters raised, I conclude that the implied appeal on ground (c), and the pleaded ground (f) appeal, should fail. The appeal on ground (a) should succeed in part only, and I will grant planning permission for one part of the matter the subject of the notice, but otherwise uphold the notice and refuse to grant planning permission on the other part. The requirements of the upheld notice will cease to have effect so far as inconsistent with the permission that I will grant by virtue of S180 of the 1990 Act.

### **Decision**

18. The appeal is allowed insofar as it relates to the erection of a plastic, UPVC, glass and brick type lean-to extension to the side and rear of the premises and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the erection of a plastic, UPVC, glass and brick type lean-to extension to the side and rear of the premises.
19. The appeal is dismissed and the enforcement notice is upheld for the erection of a mono-pitch roof building in the rear garden area of the premises and planning permission is refused in respect of the erection of a mono-pitch roof building in the rear garden area of the premises, on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*Ahsan U Ghafoor*

INSPECTOR

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<sup>4</sup> Drawing ref: 11042/BOWRONSAVE 30-602 as attachment no. 2 to the appellant's Statement.



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# Appeal Decisions

Site visit made on 12 December 2011

**by David Leeming**

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

**Decision date: 16 December 2011**

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**Appeal Ref: APP/T5150/C/11/2159226 and 2159227  
30-32 Clifford Way, London NW10 1AN**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeals are made by Mr Mohammad Ishaq & Mrs Shamim Akhtar against an enforcement notice issued by the Council of the London Borough of Brent.
  - The Council's reference is E/11/0070.
  - The notice was issued on 13 July 2011.
  - The breach of planning control as alleged in the notice is the erection of an extension to the rear garden building located at the rear of 34 Clifford Way.
  - The requirements of the notice are: Demolish the extension to the rear garden building located to the rear of 34 Clifford Way, remove all items and debris arising from that demolition, and remove all materials associated with the unauthorised development from the premises.
  - The period for compliance with the requirements is 6 months.
  - The appeals are proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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## Decisions

1. The appeals are allowed and the enforcement notice is quashed. Planning permission is granted on the applications deemed to have been made under section 177(5) of the 1990 Act as amended, for the erection of an extension to the rear garden building at 30-32 Clifford Way, on land located to the rear of 34 Clifford Way.

## Ground (a) and the deemed planning applications

2. The main planning issues in this appeal are firstly the effect of the extended building on the character and appearance of the area and secondly the effect on living conditions of neighbours in respect of outlook from their gardens.
3. The extension has been built on formerly open land to the rear of 34 Clifford Way. Its stated purpose is to provide an additional store room for the use of the property 30-32 Clifford Way. The land apparently once provided vehicular access to a garage for the occupants of Nos 30-32 and, originally, just for No 32. That latter property is now a combined single dwelling with No.30 and has an existing outbuilding at the rear of the combined garden.
4. The Council state that the part of the outbuilding to the rear of No 30 has been used as an office and have supplied a photograph taken on 23 May 2011 in support of this statement. However, use of an outbuilding as a home office can be regarded as a use incidental to the enjoyment of a dwellinghouse, as distinct from ordinary living accommodation. In any event, there is no clear

- statement by the Council that the main outbuilding has been used other than for purposes incidental to the enjoyment of the dwellinghouse; and the requirements of the enforcement notice relate only to the extension.
5. The extension has added a footprint of about 14.3 square metres. It would provide additional storage space to that available in the main outbuilding. That outbuilding serves the needs of a substantial family home formed by combining two former dwellings. The appellants have stated why they need the additional storage space, for purposes incidental to the reasonable enjoyment of their dwellinghouse. The Council compare the approximate total floor area of the extended outbuilding (stated to be 45sqm) with that of the remaining garden space (stated to be 50sqm). However, the area of garden space at No 30-32 is stated by the appellants to be 330sqm. In any event, the extension has not resulted in any loss of garden space at either Nos 30-32 or at No 34.
  6. Owing to its height and position, the extension is not permitted development. However, the new store room is a fairly modest addition to the existing outbuilding. Whilst it is taller than the adjoining outbuilding serving No 34, it sits neatly alongside it. Positioned next to this building, at the end of a long private access, it is barely visible in views from the road. In the context of the existing outbuildings for Nos 30-32 and No 34, as well as other significantly sized outbuildings/garages associated with neighbouring properties, the additional presence of this extension does not create an impression of over development or otherwise result in material harm to the character and appearance of the area.
  7. As to its effect in association with the existing larger outbuilding on the outlook from the neighbouring gardens, the extension is largely hidden from view from those in Clifford Way. With a height of 3m, the extension is partly visible above the rear boundary fences of two properties in Dollis Hill Lane to the north (Nos 43 and 45). Its presence has some additional limited impact in the outlook from the back gardens of these properties. However, these gardens appear to be generally well screened by shrubs/trees adjacent to the northern side of the extension. Thus, the additional impact of the extended outbuilding is not such as to create development that is unacceptably dominant or imposing from there.
  8. In considering the appeals, representations made by local residents have been taken into account. In the case of the anonymous single letter of objection, nothing is contained in this that would lead to a different conclusion being reached on the main issues.
  9. For the above reasons, the development complies with the aims of Policies BE2 and BE9 of the Council's Unitary Development Plan 2004 and the appeals are being allowed.

*David Leeming*

INSPECTOR





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# Appeal Decision

Site visit made on 7 November 2011

**by Tim Belcher FCII, LLB (Hons), Solicitor (Non-Practising)**

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

**Decision date: 6 December 2011**

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**Appeal Ref: APP/T5150/C/11/2158100**

**5 Langdon Drive, London, NW9 8NS**

- The appeal is made under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the 1990 Act).
  - The appeal is made by Mr S A Qureishie against an Enforcement Notice issued by the Council of the London Borough of Brent on 27 June 2011.
  - The Council's reference is E/11/0178.
  - The breach of planning control as alleged in the Enforcement Notice is without planning permission, the erection of a rear dormer window, two storey side, part single and two storey rear extensions to the premises. ("The unauthorised development").
  - The requirements of the Enforcement Notice are: (1) Demolish the two storey side, part single and two storey rear extensions, and the rear dormer window, remove all materials arising from that demolition and remove all materials associated with the unauthorised development, and restore the property back to its original condition before the unauthorised development took place. OR (2) Carry out alterations so that the unauthorised development complies with the plans and conditions approved in planning permission No. 08/0498 dated 15/04/08 as listed and attached to the Enforcement Notice.
  - The period for compliance with the requirements is six months.
  - The appeal is proceeding on the grounds set out in Section 174(2)(a) & (c) of the 1990 Act.
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## Decision

1. The appeal is allowed, the Enforcement Notice is quashed and planning permission is granted on the application deemed to have been made under Section 177(5) of the 1990 Act for the development already carried out, namely the erection of a rear dormer window, two storey side and a part single and part two storey rear extensions to the premises on land at 5 Langdon Drive, London, NW9 8NS referred to in the Enforcement Notice.

## Background

2. The Council granted planning permission for, amongst other things, a two-storey side, part single and part two-storey rear extension and a dormer window at 5 Langdon Drive on 15 April 2008. The development has not been carried out in accordance with that planning permission. The appellant has provided plans which indicate how the development as built differs from what was approved.

## Ground (c) that there has not been a breach of planning control

3. The onus of proving that there has not been a breach of planning control falls on the appellant and he has to show this on the balance of probabilities.

4. The appellant is of the view that the dormer window is permitted development pursuant to Class B of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO).
5. However, the dormer is just one part of a much larger development that was carried out as one building operation. For the appellant's argument to succeed he has to show that all the development carried out was permitted under the GPDO. The appellant has not done that and it is clear to me that the development as a whole is not permitted development.
6. Even if the appellant was allowed to claim that the dormer was permitted under Class B in its own right he has failed to show that the cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 50 cubic metres.
7. I therefore conclude, for the reasons explained above, that the addition to the roof resulting from the dormer window does constitute a breach of planning control and the appeal on Ground (c) therefore fails.

**Ground (a) and the deemed planning application – that planning permission should be granted for what is alleged in the Enforcement Notice.**

8. The development plan for the area includes the saved policies of the Council's Unitary Development Plan (the UDP). The UDP explains that extensions to existing buildings should provide satisfactory levels of day-lighting and outlook for existing residents.
9. I have also been referred to Council's adopted Supplementary Planning Guidance entitled "Altering and Extending Your Home" (the SPG). The SPG was subject to extensive public consultation. Part of the purpose of building in accordance with the SPG is to ensure that extensions do not have an unacceptable impact on neighbouring occupiers.
10. I consider the main issue in this case is the effect of the first floor extension which provides a rear facing bedroom (the bedroom extension) at No. 5 on the living conditions of the occupiers of Nos. 3 and 7 Langdon Drive having particular regard to overbearing appearance and loss of daylight to rear habitable rooms within those properties.
11. As explained above, the extensions as built do not reflect the permitted scheme in several respects as identified on the "as built" plans provided by the appellant. The bedroom extension is about 4.9m wide. The approved scheme showed the bedroom extension as being 4.3m wide. The additional 0.6m means that part of the bedroom extension is closer to the rear facing bedroom window at No. 3 than would have been the case had the approved scheme been built.
12. Further, the bedroom extension extends 3m to the rear of the original rear wall of the house whereas the approved scheme showed the bedroom extension as being 2m deep. The SPG explains that the depth of any two storey rear extension will be restricted to half the distance between the side wall of the said extension and the middle of the nearest habitable room windows in the neighbouring properties. The SPG explains that this rule ensures that the loss of amenity and light to the neighbouring properties is kept within reasonable limits.



13. The nearest habitable room at No. 7 is a first floor bedroom window. The SPG rule referred to above would be met. I am satisfied that the bedroom extension does not have any detrimental impact on the living conditions of the occupiers of No. 7. My view is reinforced by a letter from the occupier of No. 7 who confirms, "I wish to inform you that I have no objections whatsoever to the building and recent constructions at 5 Langdon Drive".
14. I accept that the bedroom extension breaches the guidance in the SPG in that it is about 5.06m from the middle of the bedroom window at No. 3. It would meet the standard if it was 6m from the said bedroom window. Alternatively, if the bedroom extension was reduced in depth by about 0.47m it would also comply with the SPG.
15. In this case I am satisfied that the bedroom extension does not harm the outlook from the bedroom window at No. 3. The bedroom extension would only be seen at an oblique angle of about 30-degrees from the bedroom window. Further, I do not consider that the bedroom extension will adversely affect the amount of daylight reaching the bedroom window at No. 3. The window is on the north side of the house and in my judgement the bedroom extension does not significantly reduce the amount of daylight reaching the bedroom window at No. 3.
16. The Council are concerned that allowing this appeal will set a precedent which would make it difficult for them to resist similar applications. I do not consider that would be a problem. The Council will be aware that each case has to be considered on its individual merits and is site specific in almost all cases.
17. I therefore conclude, for the reasons explained above, that
  - a) the bedroom extension does not materially harm the living conditions of the occupiers of Nos. 3 or 7 Langdon Drive,
  - b) whilst there would be a minor conflict with the guidance in the SPG there is no conflict with the relevant parts of the UDP, and
  - c) the appeal should succeed on Ground (a) and planning permission will be granted.

*Tim Belcher*

**Inspector**

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