



Planning Committee

Tuesday 17 April 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
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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 - 14
Extract of Planning Code of Practice		
NORTHERN AREA		
3. Hay Lane Special School & Grove Park School, Grove Park, London, NW9 (Ref. 12/0654)	Queensbury	19 - 30
4. Garages rear of 27-34, Oxgate Court, Coles Green Road, London, NW2 (Ref. 12/0275)	Dollis Hill	31 - 58
SOUTHERN AREA		
5. 227 All Souls Avenue, London, NW10 3AE (Ref. 11/2719)	Brondesbury Park	59 - 66
6. Green Man, High Street, London, NW10 4TS (Ref. 11/0876)	Kensal Green	67 - 76
7. Green Man, High Street, London, NW10 4TS (Ref. 11/0877)	Kensal Green	77 - 86
8. Argo Business Centre, Kilburn Park Road, London, NW6 5LF (Ref. 11/2403)	Kilburn	87 - 104
9. Thames Water Depot & Training Sh, 225 Harlesden Road, London, NW10 3SD (Ref. 12/0144)	Willesden Green	105 - 116
10. Storage Land next to 75, St Pauls Avenue, London, NW2 5TG (Ref. 12/0247)	Willesden Green	117 - 132
WESTERN AREA		
11. Land surrounding Wembley Stadium, Royal Route, Wembley, HA9 (Ref. 12/0138)	Tokington	133 - 146
PLANNING APPEALS		
12. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.		

SITE VISITS – SATURDAY 14 APRIL 2012

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
12/0275	Garages rear of 27-34, Oxgate Court, Coles Green Road, London NW2	04	Dollis Hill	9:45	31 - 58
12/0247	Storage land next to 75, St Pauls Avenue, London NW2 5TG	10	Willesden Green	10.20	117 - 132
12/0144	Thames Water Depot and Training Sh, 225 Harlesden Road, London NW10 3SD	09	Willesden Green	10:50	105 - 116
11/2403	Argo Business Centre, Kilburn Park Road, London NW6 5LF	08	Kilburn	11:20	87 - 104

Date of the next meeting:

The date of next meeting will be confirmed at the Annual meeting of the Council on 16 May 2012.



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

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 14 March 2012 at 7.00 pm

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

ALSO PRESENT: Councillor Mary Arnold, Councillor Patricia Harrison, Councillor Jean Hossain, Councillor Paul Lorber, Councillor Jim Moher, Councillor Kana Naheerathan and Councillor Harshadbhai Patel

Apologies for absence were received from Singh

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

8. First floor, 1-3 Lonsdale Road, London NW6 6RA (Ref. 11/3247)

Councillor Cummins declared that he knew the applicant's parents. Councillor Cummins indicated his intention to withdraw from the meeting room during consideration of this application and take no part in the discussion or voting.

13. Ground and first floors, 967 Harrow Road, Wembley HA0 2SF

Councillors Daly and Ketan Sheth declared that that had been approached by objectors to the application. Councillors Daly and Ketan Sheth indicated their intention to withdraw from the meeting room during consideration of this application and take no part in the discussion or voting.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 15 February 2012 be approved as an accurate record of the meeting.

3. **The Crest Boys' Academy & The Crest Girls' Academy, Crest Road, London NW2 7SN (Ref. 11/3393)**

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).

RECOMMENDATION: Grant consent for variation of conditions 3 and 32 and a new permission issued.

DECISION: Planning permission granted for variation of conditions 3 and 32 and a new permission issued.

4. Thames Water Utilities, St Michaels Road, London NW2 6XD (Ref. 11/1135)

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.

RECOMMENDATION:

- (a) Grant Planning Permission, subject to conditions as amended in conditions 2 and 4, an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

Rachel McConnell, Area Planning Manager responded to the issues that were raised by members at the site visit. In respect of traffic and parking spaces, she stated that each unit would have one parking space in addition to five visitor parking spaces. She continued that as only maintenance work and vehicles associated with them would be accommodated, vehicular use would fall considerably and accordingly the scheme would not worsen the existing situation on the local highway network.

On residential amenity, Rachel McConnell advised members that as the nearest houses would be at least 14m away, she was satisfied that the relationship would be acceptable. She added that the high quality of architecture and proposed landscaping which would be secured via conditions would improve the setting of the landmarks without detracting from them. She referred to the Section 106 financial contribution of £329,400 for local infrastructure of which a substantial percentage could be made available for helping to provide additional school places. In reiterating the recommendation for approval, Rachel McConnell drew members' attention to an amendment to condition 2 to include correct revisions of approved plans as set out in the tabled supplementary report.

Ms Ruth Roth objected to the proposed development on the following grounds;

- i) It would destroy the green space.
- ii) It would have a detrimental impact on school places in the area.

iii) Additional traffic would result creating congestion and parking problems.

Mrs Jayne Graham objected to the application on the grounds that it would result in the loss of trees and the park. She continued that Olive Road was already densely populated and that an additional development as proposed would increase the population density with additional impact on local school places. Mrs Graham added that the proposed development would be out of character with properties in the area.

Mrs Linda Aitken, the applicant's consultant started by saying that she had met with different community groups regarding the application for the development which was located within a brownfield site and which, in her view, was a blight on Gladstone Park. She added that the development would reduce considerably the number of vehicles to and from the site. She continued that with a significant amount of orchid trees to protect the hedgerows and the use of opaque glazing in some of the windows the development would not create overlooking or loss of privacy.

During members' questioning, Councillor Hashmi asked about any measures that the applicant had taken to address the parking situation. Councillor Daly asked about the number of proposed replacement trees and the design aspects of the development. The Chair requested the consultant to comment on the alleged loss of wildlife.

Mrs Aitken stated that a total of 44 car parking spaces (incl. four disabled) and two bicycle stores were proposed around the site, with the majority of the proposed houses having off-street car parking within their curtilage. She added that although the scale of the proposal was unlikely to have a significant impact on the local transportation network, a supporting Transport Statement had been provided which demonstrated that the overall transport impact would be acceptable and that the parking provisions complied with standard PS14 of the adopted UDP 2004. She continued that about fifty three (53) new trees would be planted and that the design of the low density development accorded with the London Plan. Mrs Aitken informed the Committee that there was no wildlife corridor on the site.

Steve Weeks, Head of Area Planning in responding to questions about aesthetic enhancements and encroachment stated that a condition had been imposed to ensure that acceptable materials would be used so as to ensure that the aesthetic quality of the development did not suffer. He added that Thames Water were running down their operational contractors on the site who were moving elsewhere. He suggested an amendment to condition 4 to require replacement planting within 5 years.

DECISION:

- (a) Planning permission granted subject to conditions as amended in conditions 2 and 4 as set out in the tabled supplementary report, 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.

5. 165 Edgware Road, Kingsbury, London NW9 6LL

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

RECOMMENDATION: Refuse planning permission.

The application was deferred at the Planning Committee on 18 January 2012 to allow time to gather further information regarding residents' and Ward Councillors' concerns about anti-social behaviour in the area and in particular to seek the views of, and evidence from, the Metropolitan Police's Safer Neighbourhoods Team for Fryent Ward. Rachel McConnell, Area Planning Manager informed the Committee that as a result of the evidence gathered, officers had reconsidered the merits and harm of the application and had concluded the application should be refused for reasons set out in the main report.

Mr Keith Martin, Secretary of Springfield Estate Residents' Association, welcomed the Committee's decision at the last meeting to defer the application for further evidence. He continued that a meeting of the Association, Ward Councillors, Safer Neighbourhood Team (SNT) and the Metropolitan Police agreed that anti-social behaviour which had in the past resulted in dispersal orders would be on the increase if the application was approved. In addition, parking provision would be inadequate to support the proposed change of use to slot machine arcade. Mr Martin endorsed the officer's recommendation for refusal.

In accordance with the provisions of the Planning Code of Practice, Councillor J Moher, ward member, stated that he had been approached by the local residents. Councillor J Moher in endorsing the officer's recommendation for refusal added that his views were also shared by the other Fryent ward members.

DECISION: Planning permission refused.

6. Meera House, 146-150 Stag Lane, London NW9 0QR (Ref. 12/0060)

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.

RECOMMENDATION:

- (a) Grant planning permission subject to conditions and 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

DECISION:

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

7. 72 High Street, London NW10 4SJ (Ref. 11/3017)

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

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

8. First Floor, 1-3 Lonsdale Road, London NW6 6RA (Ref. 11/3247)

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)

RECOMMENDATION: Grant planning permission subject to conditions as set out in planning reference 11/1956 and re-issuing the decision notice as set out in the supplementary report.

Members noted an advice by the Director of Legal and Procurement to issue a fresh permission under Section 73. In view of the advice, officers recommended that the relevant conditions from the original permission ref:11/1956 be included in this consent.

DECISION: Planning permission granted subject to conditions as set out in planning reference 11/1956 and re-issuing the decision notice.

9. 2-12 inclusive, Priory Park Road, London NW6 7UG (Ref. 11/3364)

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.

RECOMMENDATION: Refuse planning permission.

Andy Bates, Area Planning Manager confirmed advice from Housing Services that they did not anticipate that they would use or need the level of accommodation proposed. He then referred to a petition against the proposed development which effectively endorsed the recommendation for refusal.

Mrs Dawn Reidy, speaking on behalf of Brent Eleven Streets (BEST), objected to the proposed development on the grounds that it would lead to the loss of an existing historic building which made a strong contribution to the historic street scene in that part of Kilburn and which she felt deserved to be listed. She added that the doubling of the size of the hostel accommodation would have an adverse impact on the area particularly with several other developments that had taken place within the area.

In accordance with the provisions of the Planning Code of Practice, Councillor Arnold, ward member, stated that she had been approached by the objectors to the application. Councillor Arnold stated that the grant of planning permission would not only double the density of units but also result in the loss of a building of Victorian architecture. She also referred to complaints she had received regarding management and environmental issues of the existing hostel. Councillor Arnold endorsed the recommendation for refusal.

Nick Taylor, the applicant's agent stated that the current cost of providing the hostel accommodation was becoming prohibitive and that the building, in its current state, did not conform to the requirements of the Disability Discrimination Act (DDA). In his view there was a strong demand for short term hostel accommodation for Brent residents and others from neighbouring boroughs. He added that as the occupiers would stay temporarily, the officer's reasons 6, 7 and 8 for recommending refusal as set out in the main report would not be applicable. Nick Taylor continued that by using obscure glazing, the proposal would not result in overlooking or loss of privacy.

DECISION: Planning permission refused.

10. Brookford, 13 Kilburn Lane, North Kensington, London W10 4AE (Ref. 11/3064)

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

RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the tabled supplementary report, Andy Bates, Area Planning Manager stated that most of the issues raised by the objectors had been addressed in the main report. He added that in relation to noise, disturbance and pollution from existing takeaways Environmental Health Officers had provided information to confirm that there had been no complaints in the past three years in relation to litter or pest problems associated with take-ways on this stretch of Kilburn Lane. In conclusion he stated that the proposal was not considered to have an unacceptable impact on neighbouring residents or other existing uses in the area.

Tracey Brent (local shop keeper), stated that as there were three (3) similar businesses in the area there was no need for a further takeaway as it would constitute an over-concentration of use. She added that the proposed use would create a detrimental impact in terms of noise, smells and other environmental health issues including pest problems.

In response to members' questions, Andy Bates referred to an amended condition 5 which addressed issues relating to ventilation and odours. He added that with only four (4) such uses out of seventeen (17) commercial units in that shopping parade, the proposed change of use would not constitute an over-concentration. He clarified the differences in use between the proposal and public houses and added that the proposal in itself would not worsen the traffic situation in the area. Steve Weeks added that a justification would have to be made to require "no deliveries" to the site. He however recommended an additional condition requiring that no food deliveries would be allowed unless the applicant had made a provision which had been agreed by officers regarding the storage of delivery vehicles.

Councillor Daly having commented on traffic impact, problems from delivery vehicles and noise nuisance put forward an amended motion for deferral. This was put to the vote and declared lost.

DECISION: Planning permission granted subject to conditions with an additional condition relating to the control of any delivery vehicles and amendments to condition 5 relating to odours and fumes.

11. Miracle Signs and Wonders Ministries, Church Road, London NW10 9NR (Ref. 11/3173)

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).

RECOMMENDATION: Grant planning permission subject to conditions as amended in condition 12, an additional condition relating to noise insulation, 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.

DECISION: Planning permission granted subject to conditions as amended in condition 12, an additional condition relating to noise insulation, an informative relating to construction hours and 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.

12. Lonsdale House, 43-47 Lonsdale Road, London NW6 6RA (Ref. 12/0049)

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.

RECOMMENDATION: Grant planning permission subject to conditions, additional conditions on amplified music and informatives.

Andy Bates, Area Planning Manager in reference to the tabled supplementary report drew members' attention to letters of support of the application. He added a further recommendation in response to a resident's request for an additional condition on amplified music and public address system in order to safeguard the amenities of adjoining residents. He referred to the applicant's request for extended opening hours which he considered to be in excess of similar developments in Lonsdale Road and which had led to residents' initial concerns. In reiterating the recommendation for approval as amended, he considered that condition 5 as set out in the main report would be appropriate to protect neighbouring amenity.

Mr Mark Gautier, the applicant reiterated his request to members for the hours of opening to start from 08:00 hours instead of 10:00 hours at weekends.

In response to that Andy Bates pointed out that the recommended hours would be an acceptable balance to protect residential amenity and in response to Councillor Cummins' enquiry added an additional condition on refuse storage.

DECISION: Planning permission granted subject to conditions, additional conditions on amplified music and refuse storage area and informatives.

13. Ground and first floors, 967 Harrow Road, Wembley HA0 2SF (Ref. 11/3205)

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)

RECOMMENDATION: Grant planning permission subject to conditions.

Neil McClellan corrected that the proposed office use should be B1 use and not B2 as stated elsewhere in the main report. He then responded to the issues raised at the Committee site visit. He informed the Committee that the application met the maximum parking standard and that the Council's Transport Officer had confirmed that the servicing standard for the extended building would be met by the 8m long vehicle bay to be accessed from Harrow Road, as proposed in the amended scheme. He continued that conditions were proposed restricting the width and height of vehicles entering the site from The Boltons thereby ensuring that the rear of the site can only be accessed by cars, thus minimising impact on road safety. In officers' view, the modest increase of additional 2 car parking spaces to be accessed via The Boltons was not considered likely to have a negative impact on highway conditions in the Boltons.

He confirmed that the proposal which was for 106sqm was below the threshold level at which B1 office space would require S106 contributions. He continued that as the proposed development would result in 156sqm of additional floor space, it would have qualified for the Mayoral Community Infrastructure Levy (CIL), adding that the CIL would not take effect until April 2012.

Mr Sarkis Zacharian an objector stated that the due to its height and proximity to the boundary of nearby residential property, the proposed development would lead to loss of light and over-shadowing. He considered that in its current form, the proposal would be an over-development of the site. He urged that the applicant be requested to revise the plans.

Mr Mohan an objector raised concerns about the rear access to the building which he felt would encourage pavement parking to the detriment of residential amenity and also obstruct the movement of refuse trucks to The Boltons.

In accordance with the provisions of the Planning Code of Practice, Councillor Lorber, ward member, stated that he had been approached by objectors and the local residents. Councillor Lorber stated that the rear access to the site would create difficulties for vehicle movement. The situation would be made worse in terms of enforcement as the area was not within a controlled parking zone (CPZ). He therefore emphasised the need to retain the closure of the rear access. Councillor Lorber urged members to defer the application and request the applicant to submit a revised scheme.

In responding to the concerns on access, Neil McClellan reiterated the advice by the Council's Transportation officer that access to the building via the rear yard and parking would be acceptable.

In the ensuing discussion, Councillor Hashmi expressed concerns about the narrowness of the rear access and the problems that were likely to be caused as there were no parking controls and enforcement in The Boltons. He therefore put forward an amended motion for deferral. Councillor Cummins added that parking problems would result. Councillor Mitchell-Murray also expressed concerns about the ability of children to play in the area, refuse collection and the likely impact on the pavement.

Steve Weeks, Head of Area Planning stated that a large service area would be provided to the front, in accordance with advice by Transportation officers in addition to the parking spaces. He however recommended an additional condition on controlling the height of vehicles using the rear access.

The amended motion in the name of Councillor Hashmi was put to the vote and declared lost. Members then voted on the amended recommendation which was declared carried.

DECISION: Planning permission granted subject to conditions and an additional condition relating to the location and access to refuse collection.

14. 210 Preston Road, Wembley, HA9 8PB (Ref. 09/2528)

PROPOSAL: Erection of a smoking shelter and erection of a trellis around the site (retrospective application)

RECOMMENDATION: Grant one year temporary planning permission subject to conditions.

DECISION: Temporary planning permission granted for one year subject to conditions.

15. Texaco Star Market, Forty Avenue, Wembley HA9 8JS (Ref. 11/2976)

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.

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

Neil McClellan, Area Planning Manager informed members that the scheme had been amended to two 3-storey houses for which the section 106 financial contribution had also been revised to £183,600. He then responded to a number of issues raised at the site visit which required clarification. He advised that the quality of accommodation complied with the minimum floor space standards set out in the current London Plan and external amenity and play space standards.

He referred members to condition 8 which covered landscaping and sought to address issues about boundary security to the rear. He advised members that the Council's Highways officers had re-confirmed their view that the proposed access arrangements would be satisfactory in road safety terms. Neil McClellan drew members' attention to condition 5 that sought to control noise and disturbance during demolition and construction, adding that the s106 agreement required the developer to join and adhere to the considerate construction scheme.

The Chair exercised his discretion to allow three (3) objectors in view of the prior agreement to requests to speak and the late request by a resident adjoining the site.

Mrs Myers, speaking on behalf of the neighbour at 152 Elmstead Avenue stated that whilst she was not against the principle of development on the site, she had concerns about the height of the scheme. She stated that the development should not exceed two storeys so as to match the character of the properties in Elmstead Avenue and prevent loss of privacy. She also expressed concerns about noise and disturbance during demolition and construction.

Mr Paul Horwitz expressed concerns (on behalf of the resident at 182 Elmstead Avenue) on the density which he felt would constitute an over-development of the site and the height of the proposed development which would lead to loss of privacy. He added that the parking problems in the Elmstead Avenue area would be made worse by the development. Mr Horwitz also expressed concerns about noise and disturbance during demolition and construction on the 88 year old resident at No. 182.

Monica Patel, representative of Elmstead Avenue Residents' Association expressed concerns about the development on the following grounds;

- (i) The height, design, layout and appearance would not fit in with the character and appearance of the surrounding area.
- (ii) The proposed development, due to its five-storey height, would overshadow the back gardens and rear living areas of adjacent properties, resulting in a loss of privacy for adjacent properties.
- (iii) The proposal would significantly increase traffic in an already heavily congested area leading to further pollution and noise as well as making it difficult for emergency services to access Elmstead Avenue.
- (iv) The increased traffic levels would compromise the safety of pedestrians in the vicinity of the site, including children at the adjacent school.

In accordance with the provisions of the Planning Code of Practice, Councillor HB Patel, ward member, stated that he had been approached by the objectors. Councillor HB Patel, in endorsing the objections raised by objectors added that the proposed development which he considered to be of a significant density, would adversely impact on school places and facilities including drainage. He added that the proposed multi-storey block of flats could give rise to social

problems in the area and urged the Committee to request the applicant to re-submit a revised application that sought to overcome the concerns expressed.

Mark Pender, the applicant's agent informed the Committee that the applicant had held an exhibition with the purpose of addressing residents' legitimate concerns. He continued that in addition to the section 106 financial contribution the scheme which would comply with the London Plan and SPG17 including amenity space requirements would make available six (6) affordable units. Mark Pender added that there would be no overlooking and loss of privacy from the development for which a satisfactory daylight and sunlight assessment had been submitted. He concluded that the scheme would be in keeping with the local character of the block of flats in both Forty Avenue and the houses in Elmstead Avenue.

In responding to the concerns expressed, the Area Planning Manager drew members' attention to the remarks section of the main report for clarity. He also clarified that out of the total £183,600 in respect of the section 106 financial contribution, £15,000 would be spent on mitigating impact on transportation. Steve Weeks added that whilst there was no defined threshold level for an apprenticeship scheme, the development was smaller than any previous scheme where it had been sought.

DECISION: Planning permission granted subject to conditions with an additional condition relating to sustainable drainage materials, a correction to condition 5 referring to British Standard and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

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

PROPOSAL: Deed of variation to the Section 106 agreement for Outline Planning Consent reference 03/3200, the Quintain "Stage 1" consent.

RECOMMENDATION 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.

With reference to the tabled supplementary report, Neil McClellan, Area Planning Manager corrected a typographical error in the main report that the payment per square metre should read £2,508 and not £2,058. He also clarified the affordable housing required to be provided on-site.

DECISION: Granted approval to vary 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.

17. Planning and enforcement appeals December 2011 and January 2012

RESOLVED:

that the planning and enforcement appeals for December 2011 and January 2012 be noted.

18. Any Other Urgent Business

None.

19. Date of next meeting

The date of next meeting would be announced at the Annual meeting of the Council in May 2012.

The meeting ended at 10:30pm

COUNCILLOR KETAN SHETH
Chair

Note: at 8:30pm, the meeting was adjourned for 5 minutes.

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EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

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

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

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


STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

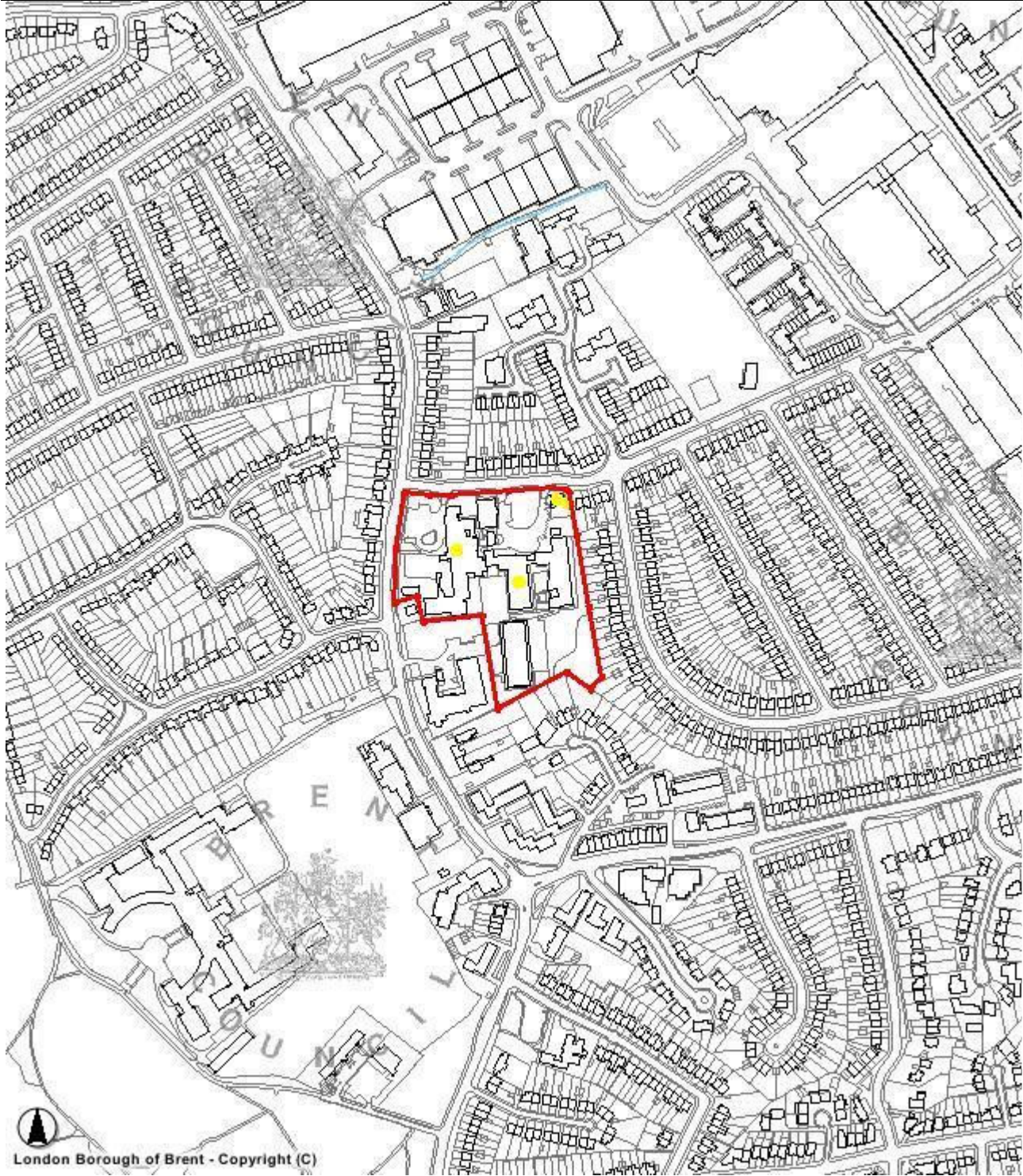
- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions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

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

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

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	Planning Committee Map
Site address: Hay Lane Special School & Grove Park School, Grove Park, London, NW9	
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London Borough of Brent - Copyright (C)

This map is indicative only.

RECEIVED: 12 March, 2012

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Hay Lane Special School & Grove Park School, Grove Park, London, NW9

PROPOSAL: Variation of condition 2 (development to be carried out in accordance with all plans and supporting documents) of full planning permission 10/2996 for part demolition of the existing special educational needs schools and erection of a replacement special educational needs school, comprising a two-storey main building (Use Class D1) and ancillary two-storey short-break centre (Use Class C2), including a sports hall, swimming pool, multi-use games area, external play space and associated landscaping as amended by plans received 20/01/10 to allow minor material amendments consisting of: (1) relocation of the sub-station compound to north-west corner of the site, on corner of Stag Lane and Grove Park

APPLICANT: London Borough of Brent

CONTACT: NTR Planning

PLAN NO'S:
See condition 2

RECOMMENDATION

To delegate authority to the Head of Area Planning to approve the application subject to consideration of any new substantive objections received.

EXISTING

The application site is the Village School (former Hay Lane and Grove Park schools), which is currently undergoing redevelopment to provide a new special educational needs school for children with profound and complex needs, involving a new building with better sharing of facilities and improved learning environment and an ancillary 'short break centre' for respite care..

PROPOSAL

Variation of condition 2 (development to be carried out in accordance with all plans and supporting documents) of full planning permission 10/2996 to allow minor material amendments to relocate the sub-station compound to the north-west corner of the site, on the corner of Stag Lane and Grove Park. At present the plans show the location accommodates three parking spaces and these would be moved to where the sub-station was originally proposed to be sited.

The purpose of moving the equipment is to improve the setting of the entrance.

HISTORY

11/2729 Details pursuant to condition no.3 (details of materials for all external work) and 4 part (ix) (landscaping), of a full application, reference 10/2996 **Under Consideration**

11/3169 Details pursuant to condition no.17 (details of the location and orientation of 107 sqm PV panels), of the full planning application reference 10/2996 **Granted** 09/02/12

11/3245 Details pursuant to condition 23 (Surface water drainage strategy) of full planning permission 10/2996 **Granted** 09/02/2012

11/1953 Details pursuant to conditions 5 (Air Source Heat Pump), 10 (Construction Method Statement), 15 & 16 (Tree Protection Methodologies) and 20 (ICE Demolition Protocol) of full application reference 10/2996 **Granted** 14/10/11

11/1855 Details pursuant to condition 4 (excluding part (ix) boundary treatment) of Deemed (Reg3 Councils own Development) reference 10/2996 **Granted** 09/09/2011

11/1745 Details pursuant to condition No 22(i) (Archaeological Evaluation) of Deemed (Reg3 Councils own Development) reference 10/2996 **Granted** 11/08/2011

10/2996 Part demolition of the existing special educational needs schools and erection of a replacement special educational needs school, comprising a two-storey main building (Use Class D1) and ancillary two-storey short-break centre (Use Class C2), including a sports hall, swimming pool, multi-use games area, external play space and associated landscaping as amended by plans received 20/01/10 **Granted** 04/02/2011

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)

This applies to relevant developments from 01/04/2012

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.
- BE6 on landscape and particularly the retention of landscape features and the provision of a landscaped frontage

- 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.

National Planning Policy Framework (27 March 2012) specifically section 11 Conserving and Enhancing the Natural Environment

CONSULTATION

Neighbours and Ward Councillors were consulted on 22 March 2012. No comments have been received to date but the 21 day consultation period ends on 12 April 2012, four days before committee; any comments which are received up to 16 April, the day before the committee meeting, will be reported to Members in a supplementary report.

The site notice was posted on 28 March and the press notice on 29 March, meaning the consultation period for those two items ends on 18 and 19 April respectively. Your officers seek delegated authority to the Head of Area Planning to consider any new substantive objections received between the committee date on 17 April and the end of the press notice consultation period on 19 April.

Landscape and trees

No objections

Environmental Health

No objections

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).

Visual impact

The proposal involves a two structures and a surrounding 1.8m high timber fence. The sub-station itself would be within a GRP structure 2.5m high and 2.4 x 2.4m in plan; a switchgear room with generator and fuel tank (again a GRP structure) would be positioned to the north of the sub-station and it would be generally 2.7m high (with one 2.4 x 2.2m part rising to 3.7m) and 7m long with a width of 3m. These structures would be positioned approximately. 3.5m from the site boundary along Grove Park and 4.5m from the site boundary with Stag Lane at their closest points. Both structures would be finished in bottle green colour (RAL 6007).

The purpose of moving the equipment is to improve the setting of the entrance to the school. At present the plans show the sub-station and other equipment would be located approximately 3m from the boundary with Stag Lane, next to the main pedestrian entrance to the school. The impact of the proposal on the streetscene should therefore be balanced with the improvement to the streetscene in another location.

As part of the planting plans associated with redevelopment of the site additional trees are proposed within the 3m space to screen these structures. With that in mind, the proposals is considered acceptable subject to a condition to secure that planting as part of this permission in the event the main development changes. A sample of the bricks should be provided too.

Neighbouring amenity

Public safety and public concerns about safety are material planning considerations. In terms of public safety impacts, the new substation would be at least 26.5m from sleeping accommodation to the west and 17.5m to the north. There is no evidence to suggest this would had a material effect on the health of local residents and no residents have raised any concerns about safety. The borough Environmental Health officer has considered the proposal and is satisfied that the location of the substation is acceptable in terms of public safety.

Impact on trees

There are six trees between the sub-station and the site boundary and these are all to be retained. An Arboricultural Method Statement has been submitted in support of this application which sets out the need for hand-dig excavations of six support pads within the root protection zone of trees T7, T8 and T9. A concrete plinth to support the switchgear and generator room will be laid at ground level without excavation. The 1.8m high fence will be supported by posts fixed into hand-dug post holes.

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 would result in an on-balance improvement in the visual amenities of the area. 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
The London Plan 2008

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

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

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on 04/02/2011 (the date of permission ref: 10/2996).

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):

Plan numbers

01 Rev H	02 Rev H
03 Rev H	04 Rev J
05 Rev H	06 Rev H
07 Rev H	08 Rev H
611638/VIL/10.50 Rev P2	10 Rev H
011 Rev H	12 Rev H
013 Rev H	14 Rev H
015 Rev H	16 Rev H
017 Rev H	18 Rev H
019 Rev H	20 Rev H
021 Rev H	

/A/13-05	23706/001/001 RevA
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PL-D01	PL-D02
PL-D03	PL-D04
PL-D05	PL-D06
PL-D07	
PL-L01	PL-L02

611638/VIL/24.02 Rev P1

Supporting documents

Arboricultural Implication Assessment (PJC Consultancy, November 2010)
Arboricultural Method Statement (PJC Consultancy, ref: PJC/2061/12)

Archaeological Desk-Based Assessment (Allen Archaeology Limited, October 2009)
 Bat Survey (PJC Consultancy, May 2010)
 BREEAM Bespoke 2008 Pre-assessment – Short Break Centre (Frankham Consultancy Group, July 2010)
 BREEAM Bespoke 2008 Pre-assessment – Village School (Frankham Consultancy Group, July 2010)
 CCTV Drainage Survey – Grove Park (K S Maintenance Ltd, September 2009)
 CCTV Drainage Survey – Hay Lane (K S Maintenance Ltd, September 2009)
 CHP Report (Frankham Consultancy Group, July 2010)
 Design & Access Statement (Frankham Consultancy Group, November 2010)
 Design & Access Statement Village School External Realm (Farrer Huxley, November 2010)
 Extended Phase 1 Ecological Survey (PJC Consultancy, September 2010)
 External Noise Break-In (Lee Cunningham Partnership, September 2010)
 Flood Risk Assessment (Bureau Veritas, October 2010)
 Generic Risk Assessment (Environmental Scientifics Group, February 2010)
 Ground Investigation (Environmental Scientifics Group, February 2010)
 Phase 1 Environmental Review (Frankham Consultancy Group, September 2009)
 Stage D Energy Report (Frankham Consultancy Group, September 2010)
 Surface Water Drainage Strategy (Frankham Consultancy Group, October 2010)
 Sustainability Strategy (Bureau Veritas, September 2010)
 Town Planning Statement (NTR Planning Ltd, November 2010)
 Transport Statement (Peter Brett Associates, September 2010)
 Travel Plan (Peter Brett Associates, September 2010)
 Utility Survey (Ground Restoration Ltd, March 2010)

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

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

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

- (4) All areas shown on the approved plan(s) shall be suitably landscaped in accordance with the detailed approved by application 11/1855 and in accordance with further details of:

1. proposed walls and fencing, indicating materials and heights which shall be submitted to and approved in writing by the Local Planning Authority within six months of the date of this permission.

All landscaping shall be carried out within 6 months of first occupation of the development unless otherwise agreed in writing by the local planning authority.

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.

- (5) The development shall be carried out in accordance with the details of the Air Source Heat Pump (ASHP) approved by application 11/1953 and this shall be retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: To protect the residential amenities of the adjoining occupiers and in the interests of sustainable development.

- (6) Prior to the commencement of the use, a Community Access Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of rates of hire (based upon those charged at other public facilities), terms of access, hours of use, access by non-school users/non-members and management responsibilities. The approved scheme shall include arrangements for consultation and shall be brought into operation upon commencement of the school use 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 facility, to ensure sufficient benefit to the development of sport and to accord with Local Plan Policy

- (7) Prior to commencement of development, appropriate arrangements shall be made in writing with the local planning authority to provide the following, as shown indicatively on plan HLS002:
- (i) New 'SCHOOL KEEP CLEAR' zig-zag markings, with associated Traffic Regulation Orders to enforce 'No Stopping' between 8.15-9.15am and 2.30-4.30pm on weekdays in Stag Lane, to match those currently provided in Grove Park and adjustments to the existing 'SCHOOL KEEP CLEAR' zig-zag markings in Grove Park to reflect the removal of one of the existing access points to Grove Park school;
 - (ii) New "School children" advance warning signs;
 - (iii) Provision of a guard railing in front of the new school pedestrian entrance gates;
 - (iv) Provision and reinstatement of dropped kerbs.

The use authorised by this permission shall not begin until the above works have been completed in accordance with the above points and indicative plan and have been certified in writing as complete by or on behalf of the local planning authority

Reason: In the interests of highway and pedestrian safety.

- (8) The development shall not be occupied until the 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 so provided shall be maintained as ancillary to the development and shall be used for no other purpose at any time.

Reason: In the interests of highway safety.

- (9) Prior to the commencement of the use of the buildings, 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, shall be submitted to and approved in writing by the Local Planning Authority and shall be fully implemented.

Reason: In the interests of reducing reliance on private motor vehicles.

- (10) The development shall be carried out in accordance with the details of the Construction Method Statement approved by application 11/1953 and this shall be retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: To protect residential amenity and ensure the development does not have an adverse impact on the highway.

- (11) Details of the proposed CHP units, including emissions data relating to oxides of nitrogen, stack height and location and any abatement equipment to be fitted, shall be submitted to the local planning authority for approval prior to commencement of the development. The works shall be carried out in accordance the approved details prior to occupation and retained thereafter.

Reason: To ensure that the development does not prejudice local air quality.

- (12) Following the demolition of the buildings and the removal of the oil storage tank and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present in the vicinity of the historic Boiler House and oil storage tank, as well as the previously identified contamination hotspot at WS1 (from Generic Risk Assessment Report ref:3893198). 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.

- (13) Any remediation measures required by the Local Planning Authority shall be carried out in full. In addition, any soil imported to site for the purposes of soft landscaping shall be tested for contamination to ensure that it is suitable for use, and the results forwarded to the Local Planning Authority for approval. 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

- (14) Prior to commencement of the development, a Noise Impact Assessment shall be submitted to and approved in writing by the local planning authority. The impact assessment should include an assessment of the background noise levels at the nearest receptors covering the proposed hours of operation to take account of the noise generated by plant or machinery and any abatement equipment to be fitted, shall be submitted to the local planning authority for approval prior to commencement of the development. The works shall be carried out in accordance the approved details prior to occupation and retained thereafter.

Reason: To protect residential amenity.

- (15) The development shall be carried out in accordance with the details of the Tree Protection Method Statement approved by application 11/1953 and the measures approved shall be retained for the duration of the works unless otherwise agreed in writing with the local planning authority beforehand.

The following activities must not be carried out under any circumstances:

- (i) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
- (ii) No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
- (iii) Nothing shall be attached to or supported by a retained tree.
- (iv) No mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA
- (v) No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the local planning authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure the viability and health of the existing trees.

- (16) The development shall be carried out in accordance with the details of the Arboricultural Method Statement approved by application 11/1953 and the measures approved shall be retained for the duration of the works unless otherwise agreed in writing with the local planning authority beforehand

The local planning authority may require the scheme of supervision to be administered by a qualified arboriculturalist approved by the local planning authority but instructed by the applicant. The approved scheme shall be adhered to throughout the construction and demolition works.

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

- (17) The development shall be carried out in accordance with the details of the Photovoltaic panels approved by application 11/3169 and these shall be retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: To accord with sustainability objectives.

- (18) Details of water saving measures will be submitted to and approved in writing by the local planning authority prior to commencement of any demolition/construction work on the site. Such details shall include:
- (i) appropriate design measures to ensure the installation of individual pulsed output water meters and/or water leak detection;
 - (ii) water-saving fittings in each unit (such as spray taps, showers, lo-flush WC/waterless urinals, etc.) to reduce water demand
 - (iii) the location and capacity of proposed rainwater harvesting system,

Such details shall be provided prior to occupation of the development and 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 ensure satisfactory water efficiency measures are implemented to reduce water demand.

- (19) Prior to commencement of the development, further details of how the CHP has been sized to meet base hot water demand, including heat load profile shall be submitted to and approved in writing by the local planning authority. The CHP shall be provided prior to occupation in accordance with the approved details.

Reason: To accord with sustainability objectives.

- (20) The development shall be carried out in accordance with the details of the ICE Demolition Protocol Methodology approved by application 11/1953.

Reason: To accord with sustainability objectives.

- (21) The development hereby approved shall not be occupied unless a review by a BRE approved independent body which verifies that a BREEAM 'excellent' rating has been achieved is 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 shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

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

- (22) The development shall be carried out in accordance with the details of the Written Scheme of Investigation for an Archaeological Evaluation approved by application 11/1745 and in the event that significant archaeological remains are encountered during the works, further mitigation, including archaeological fieldwork if necessary, must be detailed in a Mitigation Strategy to be submitted to and approved in writing by the Local Planning Authority, in consultation with English Heritage.

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.

- (23) The development shall be carried out in accordance with the details of the Surface Water Drainage Strategy and drawings 200/P3; 201/P3; 202/P1; 203/P1 and 250/P3 approved by application 11/3245 the scheme shall be retained, maintained and managed after completion


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

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

 **Planning Committee Map**

Site address: Garages rear of 27-34, Oxgate Court, Coles Green Road, London, NW2

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This map is indicative only.

RECEIVED: 6 February, 2012

WARD: Dollis Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: Garages rear of 27-34, Oxgate Court, Coles Green Road, London, NW2

PROPOSAL: Demolition of 14 no. existing garages and erection of a residential development of 14 units comprising six no. three-bed dwellinghouses and eight no. two-bed flats and associated means of enclosure and hard and soft landscape to provide 14 car parking spaces, secure cycle storage for 20 bicycles and refuse storage.

APPLICANT: GENESIS HOUSING GROUP

CONTACT: Stephen Davy Peter Smith Architects Ltd

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) Provision of 14 units (100%) for Affordable Housing (affordable rent) with the two-bed units at up to 80% market rent and three-bed units at up to 60% market rent
- (c) A contribution £81,600 (£2,400 per 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 4, 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% CO2 emissions reduction from on-site renewable generation
- (h) Improvement of 33% over the Target Emission Rate of Part L of 2010 Building Regulations
- (i) Enter into a Section 38/Section 278 Agreement for highway works at the site boundary and junction works to Crest Road

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 is a generally flat vacant plot accessed off Crest Road close to the traffic light-controlled four-way junction with Coles Green Road. At present the site is used for storing scrap vehicles, although this use is unauthorised, and no public access is available. The site is not in a conservation area nor is it listed, though the nearby Oxgate Farm is listed Grade II*.

The site is bound to the south by the rear boundaries of semi-detached houses on Crest Road and to the west by the rear boundaries of terraced properties on Waterloo Road. These properties are two-storey in height, with generous rear gardens.

The boundary with Waterloo Road gardens is currently formed by a single storey structure along its entire length, housing garages. The rear wall of this structure appears as much as 4 or 5m high on the rear boundary with those Waterloo Road properties. The garden length in this location is 30m.

The boundary with Crest Road gardens is mixed fencing and concrete blockwork of varying heights, with some properties with single storey outbuildings at the rear of their gardens, which are approximately 25m deep.

To the north the site is bound by an extensive single-storey industrial unit and its grounds. To the east lie the two four-storey buildings of Oxgate Court, Coles Green Road. The nearest block, Nos. 27-34, has habitable room windows (appears to be bedroom and kitchen) on the west elevations, overlooking the site in question.

There are nine trees on the site, close to the boundary with Oxgate Court.

Crest Road is a local Distributor road. The site lies outside any controlled parking zone and has moderate low accessibility with a PTAL rating of level 3. No tube or rail services are within walking distance of the site, but five bus routes are available from stops very close to the site access.

PROPOSAL

The proposal is for a residential development on the site for 14 residential units (6x 3 bed dwellinghouses, 8 x 2 bed flats) and 14 parking spaces.

The houses are three-bed, five person units with a gross internal floor area (GIA) of 115sqm, with gardens ranging in size between 43 and 119sqm. Each unit save House 1 has a 13sqm terrace.

Flat 1 is a two-bed, three-person wheelchair unit with a GIA of 73sqm and a 32sqm terrace. Flats 2-8 are two-bed, four person units varying in size between 70 and 74sqm. All have access to either a terrace or a balcony area of between 5 and 12sqm.

HISTORY

The site has most recently been used as a builders yard and car breakers (enforcement notice served Oct 2000 requiring this use cease).

Outline planning permission 03/3750 was granted on 22/04/2004 for 13 residential units (7 x 3-bed houses, 3 x 1-bed flats, 3 x 2-bed flats), but was not implemented.

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)

This applies to relevant developments from 01/04/2012

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

Brent Unitary Development Plan 2004

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

Strategic

- STR3 In the interests of achieving sustainable development (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

- EP2 Noise and vibration
- EP3 Local air quality management
- EP6 Contaminated land

Housing

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

Transport

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

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

Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

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

Brent Supplementary Planning Guidance

SPG3 Forming an access onto a road

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

SPG17 Design Guide for New Developments

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

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

SPG19 Sustainable Design, Construction and Pollution Control

SPD S106 Obligations

Regional

London Plan 2011

Strategic planning in London is the shared responsibility of the Mayor of London, 32 London

boroughs and the Corporation of the City of London. Under the legislation establishing the Greater London Authority (GLA), the Mayor has to produce a spatial development strategy (SDS) – which has become known as ‘the London Plan’ – and to keep it under review. Boroughs’ local development documents have to be ‘in general conformity’ with the London Plan, which is also legally part of the development plan that has to be taken into account when planning decisions are taken in any part of London unless there are planning reasons why it should not.

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

National

National Planning Policy Framework, March 2012

The National Planning Policy Framework (NPPF) sets out the Government’s economic, environmental and social planning policies for England, replacing 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.

The following relevant policy guidance and statements have been superseded by the NPPF as of 27 March 2012:

Planning Policy Statement 1: Creating Sustainable Communities

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

Planning Policy Statement 3: Housing (June 2011)

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

See revised PPS3 (3rd edition) published 9 June 2010: In essence, private residential gardens are

now excluded from the definition of previously developed land in Annex B. Local Planning Authorities and the Planning Inspectorate are expected to have regard to this new policy position in preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications (Letter to Chief Planners, 15 June 2010).

Planning Policy Guidance 13: Transport, 3 January 2011

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

CONSULTATION

Neighbours and other third parties

Local residents and Ward Councillors were consulted on 14/02/12. A site notice was put up on 15/02/12 and a notice was placed in the local press on 23/02/12.

To date nine letters of objection have been received, and two letters of support. The objections are summarised as follows:

- Overdevelopment
- Loss of privacy
- Loss of sunlight
- Noise and disturbance from new development
- Highway and pedestrian safety including parking problems for No. 1 Crest Road, access for emergency vehicles, nearby bus stop, proximity to junction, history of accidents
- Increased traffic congestion, pollution
- Impact of overspill parking
- Possible disturbance from lighting along access road
- Position of refuse store, odour, noise and vermin
- Position of footpath
- Increased risk of crime, anti-social behaviour
- Outbuildings within gardens affected by works to boundary walls
- Poor maintenance by housing associations of other properties in the area

Cllr Hopkins (Dollis Hill Ward) also objected to the proposal, for the following reasons:

- Traffic impact - in particular safety of the access
- Parking
- Dominance and massing - out of character with the area and resulting in loss of privacy and outlook
- Boundary Treatments
- Bin and Refuse Store - position on boundary
- Lack of play areas

These objections are discussed in the relevant sub-sections of the *Remarks* section, below.

The reasons for supporting are as follows:

- Easing the housing problem

Internal consultees

Internal consultees (Transportation, Environmental Health, Housing, Landscape & Trees, Sustainability and Design) were consulted on 14/02/12.

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

No objections subject to revised tree survey and conditions detailing planting schedule and maintenance plan

Sustainability

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

Urban Design

No objections

External consultees

External consultees (Met Police, Thames Water) were consulted on 14/02/12.

Metropolitan Police

No objections subject to relocating binstore

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

1.1 Backland development

The site lies behind the rear building line of existing housing and is partially enclosed by gardens;

as such it constitutes backland development (see para 5.13.2, UDP 2004: p94). Brent Council policies do not prevent development of backland sites, nor does any national or regional planning policy, but the supporting text for the backland development policy in the UDP states that “such development can have a severely detrimental impact on the character of the surrounding residential area and on the amenities of adjoining dwellings.” (para 5.13.1: p94)

Where backland development is proposed, Policy H15 requires special regard to be had to, amongst other things, (a) the density and height of the proposal which should be subsidiary to the frontage housing; and (b) the privacy and outlook from existing dwellings and in particular gardens. Criteria (c), (d), (e), (f) and (g) are not relevant in this case.

1.1.1 Criteria (a) - subsidiarity

Policy H15 relates to backland development which requires special regard be had to, amongst other things, the height and density of the proposal which should be subsidiary to the frontage housing.

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

In this case the site is attributed to Oxgate Court, a four-storey building, and as such the height of the generally three-storey proposal would be less than that of the frontage housing.

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

	<i>Frontage</i>	<i>Backland</i>
Area:	0.07ha	0.25ha
Hab rooms:	32	54
Density:	457hrh	216hrh

The density of the backland part of the site would be subsidiary to the density of the frontage housing; as such the respective densities are considered acceptable.

1.1.2 Criteria (b) - privacy and outlook

This is discussed in greater detail in section 4, below. Your officers judge the scheme to have an acceptable relationship with neighbouring properties in respect of privacy and outlook.

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).

Some residents have objected to the scheme on the basis of overdevelopment. The site has an area of 0.25ha and a total of 54 habitable rooms, giving a density of 216 habitable rooms per hectare. It is in a suburban location with moderate access to public transport (PTAL 2) adjacent to Coles Green/Crest Road local centre and the appropriate density range given in the London Plan is 150-250hrh: 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, London Plan policy 3.4 and strategic policy STR3 of the UDP, which seek to optimise the use of previously developed land.

2. Mix and tenure

The applicant is Genesis Housing Group, one of the Council's preferred Housing Association partners.

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 43% of the units, rising to 56% 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.

The application proposes 100% intermediate rent, which is contrary to London Plan policy 3.11 *Affordable Housing* which seeks a split of 60:40 social rent:intermediate rent or sale; however the site offers 100% affordable housing, significantly in excess of the Core Strategy's objective of 50% affordable units, and a substantial amount of family accommodation, again in excess of the 25% objective within the Core Strategy. The two-bed units will be limited to up to 80% of market rent and the three-bed units limited to up to 60% of market rent. On balance, therefore, a scheme which provides 100% affordable accommodation with all offered for affordable rent is considered acceptable in this instance.

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 scheme proposes a terrace of six no. part two-, part three-storey houses and a part two-, part three-storey block of eight flats. The terrace houses would have private gardens to the rear and front terraces at first and second floor, while the block of flats would have a communal garden and a communal terrace and most flats would have private balconies. This is arranged around a shared surface with parking and a turning area, with scope for some soft landscaping.

The character of the area is mixed, with two-storey semi-detached and terraced houses to the

south and west, four-storey blocks of flats to the east and a low industrial building to the north. In light of this mix of building height, bulk and type, your officers are satisfied that the proposed development would be in keeping with the character of the area in terms of form, massing and layout.

3.2 Architecture and materials

The development occupies a site which at present contributes little to the townscape. With the exception of the Grade II* Oxgate Farm, which is in a state of disrepair, there are few buildings of architectural note in the immediate area. Medium- and long-distance views to the site are limited, with a view north from Crest Road to the flat block afforded along the access corridor but otherwise views to the scheme will be from the rear of adjoining properties.

The buildings have a simple and contemporary style and would be finished in brick. 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; details have been provided (drawing 1114(PL)300) and a sample of the brick and the window material have been supplied and your officers are satisfied that the brick and window type will be of sufficient quality.

3.3 Summary

In summary the proposal is considered to an example of good contemporary architecture which manages to balance the different architectural forms adjoining the site; your officers are satisfied with the scheme in design terms.

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.

4.1 Impact on Oxgate Court

The nearest residential units are within a four-storey flat block (Nos. 27-34 Oxgate Court), positioned 4.5m from the eastern boundary. The proposed flat block would be 8m at its closest from the western, or rear, elevation of Oxgate Court, however that distance is to a two-storey (11m wide) section; the main three-storey part of the proposed block is 13.5m away. Planning records show that the units within Oxgate Court are dual-aspect three-bedroom flats with the kitchen and the second bedroom with windows on the rear elevation. Revised plans have been received and neither the 30 degree line, taken from the ground floor windows of Oxgate Court, nor the 45 degree line, taken from the boundary, is broken by the flat block.

The proposed flat block would substantially change the outlook for neighbouring residents from their kitchens and their second bedrooms, but it is not considered to be to the extent that their living conditions would be materially harmed: their view may have worsened but that is not in itself a reason for refusal, particularly when considering that beyond the trees the site is blighted by a large number of scrap vehicles.

In terms of privacy, SPG17 seeks a minimum distance of 10m from the boundary for habitable rooms on the main rear elevation, or 5m for habitable windows in the flank elevation. There are only kitchen windows to the eastern flank of the proposed block, although there is a terrace atop the two-storey element. The kitchen has a large opening to the living-dining room and so your officers propose a condition be imposed to ensure the windows are obscured glazed and non-opening below 1.7m, to prevent loss of privacy to the residents of Oxgate Court; the applicants have agreed to this. Your officers also propose that further details be sought of the terrace to introduce some screens along the eastern elevation to reduce opportunities for looking directly into Oxgate Court windows; the applicants have indicated vertical wires with planting to provide a screen.

On balance, the distance between the blocks is considered to be acceptable to maintain the privacy of existing and future residents, given the limited distance between the site boundary and Nos. 27-34 Oxgate Court and the fact no clear glazed or openable windows are proposed on the eastern elevation of the flat block.

4.2 Impact on Crest Road

Given the depth of the gardens of the Crest Road properties (approximately 25m), the development would comply with SPG17 guidance in terms of the 30 degree line from habitable room windows. From most gardens the scheme complies with the 45 degree line but fails with the gardens of Nos. 9 and 11 Crest Road with House 1.

In terms of privacy, the flat block is approximately 12m from the southern boundary and 36m from the rear of the nearest houses (Nos. 1-5 Crest Road); both these distances are within the normally acceptable distances set out in SPG17 and your officers are satisfied that neighbouring residents' privacy will not be materially harmed by the flat block.

House 1 has no habitable room windows within the southern (side) or western (rear) elevations and so Nos. 9-15 Crest Road (and beyond) would not suffer any direct overlooking. House 1 does have a front terrace, serving a first floor bedroom, and when applying the 10m distance set out in SPG17 this would have limited views of the rear-most parts of the gardens of Nos. 5 & 7 Crest Road. Both those neighbouring houses have outbuildings at the ends of their gardens which reduce the amount of garden affected harm privacy and provide screening to the remaining part that is within the 10m line; this, combined with the fact House 1 is almost perpendicular to the boundary, leads your officers to conclude that the extent of overlooking would be minimal and within accepted norms for this type of suburban location.

Returning to outlook and specifically the relationship of House 1 with the gardens of Nos. 7-13 Crest Road, your officers have noted the argument put forward by the applicant in the Design and Access Statement (section 8.2) that it is a common feature of the area to have the ends of terrace houses at the rear of the gardens of perpendicular terraces. Your officers agree that this is a characteristic of development in the local area and indeed in most built-up environments, although that in itself is not sufficient reason to allow a variation of established guidance. In this instance your officers have weighed the fact that this relationship is a common one in the area with the height (6.3m) and depth (8.8m at first floor) of the flank wall and its distance from the boundary (between 1.8-3.8m) and conclude that, on balance, the flank wall would not materially harm the outlook of adjoining residents nor would it have an overbearing effect when enjoying their gardens. It should be noted also that No. 11 has an existing mature tree within its garden which will screen the flank to some extent and No. 9 has a small outbuilding at the end of its garden which reduces the affected area.

4.3 Impact on Waterloo Road

The height and position of the terrace of houses meets the 30 degree and 45 degree line when measured from Waterloo Road properties, which also have substantial gardens (approximately

22m). The proposed terrace houses have shallow gardens, between 6m at its closest (House 1) and 8.5m at its farthest (House 6). Although this is below the usual 10m normally sought by SPG17, the rear of the houses would be 28m from the rear of Waterloo Road houses at the closest point and the design of the houses means there are no first or second floor habitable rooms to overlook to the west; any windows can be obscured glazed.

The bulk of the terrace is broken down by the provision of gaps between the top floors of each house, which accommodates a terrace that looks to the east, into the site, and would be screened to prevent views to the west towards Waterloo Road properties.

4.4 Impact on site to the north

Part of the northern boundary of the plot of House 6 shares a boundary with the rear part of Coles Green Court, a similar block of flats to Oxgate Court. Coles Green Court is currently subject to an application for redevelopment, received on 3 April 2012 but not yet validated. Without pre-judging that application, your officers note that there is a potential for overlooking part of that site from the second floor terrace of House 6 and the applicant has agreed to remove that terrace from House 6.

4.5 Summary

Your officers are of the view that the layout, scale and design of the development would not lead to any significant loss of privacy for existing properties, subject to appropriate landscaping and fencing. The separation distances will also mean that existing and proposed residents will retain and achieve reasonable daylight, sunlight and outlook which complies with policies BE9 of the UDP 2004 and guidance contained in SPG17 'Design Guide for New 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 policy 3.5 of the London Plan 2011, which exceed the minimum sizes in SPG17. The houses have kitchen-dining rooms which rely on outlook to the rear boundary wall but the other rooms in the houses all benefit from unrestricted outlook to the front. The flats are laid out coherently and each would be dual aspect and benefit from good outlook to the west or south.

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 industrial unit to the north are not likely to be detrimental to the living standards of future occupants; Environmental Health officers have considered the likely impact of the industrial unit and found no complaints from any existing residential units. A standard restrictive condition to ensure internal noise levels are acceptable is proposed.

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

The application is accompanied by a Parking and Access Statement, prepared by Paul Mew Associates (January 2012).

6.1 Parking

A total of 14 car parking spaces (incl. one disabled) and one bicycle store are proposed around the site, equivalent to one parking space per unit.

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 19.2 spaces would be permitted for this development, so the proposed provision of 14 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 one disabled parking space close to the wheelchair unit complies with standard PS15 (10% of spaces in social housing schemes).

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: neither Crest Road nor Coles Green Road are designated Heavily Parked Streets, though on-street parking in the immediate vicinity is limited by the nearby junction, bus stop and shopping area.

Local residents are concerned about overspill parking and so the applicant has agreed to show two visitor parking spaces within the shared surface access corridor, for occasional use. 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 Access and congestion

Vehicular access to the site is gained via a 5.5m wide shared surface from Crest Road; this access is existing though gated at present.

Your Highway and Transport Delivery officers have assessed the use of this existing access and considered the impact of this development on pedestrian and traffic safety. Residents and a Ward Councillor have objected on the grounds of additional traffic on local roads and in particular the proximity of the site access to the junction and the bus stop. Visibility splays exiting the proposed access road are adequate, with visibility to the east, downhill towards the junction of Crest Road and Coles Green Road, of approximately 50m to the junction and a visibility splay to the west, uphill towards the junction of Crest Road and Alder Grove, of 2.4m by 60m. This is acceptable in terms of highway standards and this development is not likely to result in a material increase in risk to highway or pedestrian safety. The site could legitimately be used for parking up to 14 vehicles within the existing garages, the same number of spaces as now proposed, and the borough Highways and Transport Delivery officer is satisfied that the visibility at the junction is adequate for this level of activity. The Highways and Transport Delivery officer has sought further details of the junction with Crest Road with 1m kerb radii and a raised table junction and this is to be secured by a clause within the s.106 legal agreement. Your officers consider that this arrangement would not result in a material change in pedestrian and highway safety.

Your officers do not consider that this scheme would result in a significant increase in traffic using the local highway network, due to the scale of this proposal.

6.5 Layout

The scheme proposes a shared surface throughout the area of the new development. This is acceptable in principle for 14 units. Surfacing is generally proposed in resin-bonded aggregate, which Highway and Transportation Delivery officer has reservations about in terms of being capable of bearing the weight of refuse vehicles; further details of the construction of the surface (including drainage) and its surface material shall be sought by condition. In addition further details lighting (design, output and illuminance levels) will be secured by condition.

6.6 Cycle provision

Standard PS16 requires at least one secure bicycle parking space per unit. Bicycle storage in the flats comprises 14 spaces in a dedicated shed to the rear of the block of flats and two spaces per house within a shed in the rear garden. Further details of the design of the cycle store shall be sought by condition.

6.7 Servicing

With regard to servicing, a turning stub has been incorporated into the design of the shared surface area. A refuse and recycling storage area is shown in a communal store of eight bins and the location of this bin store on the southern boundary of the site has been a concern for local residents in terms of noise, smell, vermin and fears that it would ease access over their boundaries. Your officers have discussed this with the Metropolitan Police's Crime Prevention Design Officer and the applicant and the applicant has confirmed that they will follow the Design Officer's advice and reduce the bin store in size, with the bins for the houses being moved closer to those properties, and move the store for the flats away from the boundary and design it so that it could not be used as a step over the boundary. Your officers are satisfied that this would address these concerns.

Further details of the position and design of the bin stores and confirmation that they meet Brent's standards for waste and recycling shall be sought by condition.

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 in respect of highways and transportation.

7. Landscape, trees and ecology

7.1 Landscaping

A limited amount of landscape information has been provided with the application, showing indicative areas of hard and soft landscaping and some proposed locations for trees. Whilst further information on the amount, size and species of planting shall be sought by condition, your officers are satisfied that the proposals demonstrate there is scope for a well-landscaped scheme, although particular attention will need to be paid to the planting in the shaded communal garden and to ensure the existing trees are adequately replaced; this is a backland site and as such neighbouring residents can expect a more substantial amount of landscape than in a frontage scheme, to soften the visual impact, so trees along the access corridor, the shared space area and within the communal garden and the rear gardens of the houses will be sought.

A number of residents on Crest and Waterloo Road have raised concerns about the potential changes to their rear boundaries; the applicant has confirmed that the existing means of enclosure shall remain with some additions to improve the appearance of some boundaries (e.g. the concrete

block walls), unless otherwise agreed with the neighbours or where the boundary is in a poor condition. The applicant also proposes to retain the side and rear walls of the existing garage block, although the wall may require some additional piers to secure it, at its existing height since this is an established feature for residents on Waterloo Road. Further, the applicant has confirmed their objective of achieving Secured By Design for the site; to this end the applicant has met with the Metropolitan Police's Crime Prevention Design Advisor who has suggested that the boundaries to Crest Road properties could be increased to 2.4m. Your officers have included this as part of a condition on the means of enclosure, to be determined at a later date after consultation with the occupants of those properties.

In addition to the further details of planting, details of the maintenance of all communal areas and buffer zones will be required as a condition, along with details of the green roofs, hard surfacing and means of enclosure.

7.2 Trees

There are no Tree Protection Orders in place on trees on the site. During the application process the stand of nine Scots Pines located at the end of the access corridor were removed. A tree survey was prepared for those trees beyond the site's boundaries and recommendations for their protection have been made, which the borough Tree officer agrees with.

The site plan indicates 21 trees would be planted on site, a replacement ratio of 3:1 which is considered acceptable and, subject to further detail of the species and size of the trees, would justify the loss of the Scots Pines.

The tree protection plan will be secured by condition to ensure off-site trees are not damaged by the works.

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 accompanied by an Energy Strategy, prepared by Calford Seaden (January 2012).

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 4 for all other dwellings has been submitted.

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 48% can be achieved, although officers have scored the Checklist at 44%. There are measures the applicant could take to increase that score and the applicant has agreed to achieve a score of 50% as one of the terms of the s.106 legal agreement; your officers are satisfied that the scheme can achieve the objectives of SPG19.

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 33% or more improvement over Part L of the Building Regulations 2010 and is projected to provide a 20% CO2 emissions reduction across the development through the use of photovoltaic panels to provide 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); the borough Environmental Health officer 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 and a further restrictive condition to limit the NOx emissions of the proposed boilers. The applicant has also agreed to sign up to the ICE Demolition Protocol and the Considerate Contractors Scheme.

9.3 Daylight & Sunlight

Some residents have objected to the proposed scheme on the basis of loss of sunlight and daylight. BRE guidance document *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (BRE 1991) refers to a 25 degree line, similar to the 30 degree line set out in section 3.4 of SPG17, below which new buildings are likely to not have a materially harmful affect on daylight and sunlight within residential properties. The proposed buildings are below that 25 degree line.

In terms of overshadowing, the BRE guide recommends that no more than two-fifths—and preferably no more than one quarter—of any garden or other amenity area should be prevented from receiving any sunlight at all on 21st March. The houses and flats lie to the north and east of the gardens of Crest Road and Waterloo Road properties and as such any overshadowing is likely to be minimal.

Your officers find the scheme acceptable in terms of daylight and sunlight.

9.4 Noise

In addition to the amenity issues discussed above, the Council has policies to protect residential amenity from noise and disturbance if these are likely to be generated at an unacceptable level, although this has in mind noise-generating development such as industrial uses or transport. Development for residential purposes can cause noise and disturbance, particular from manoeuvring vehicles, but it is necessary to consider the existing use and the site characteristics and your officers do not expect this development to materially harm the amenity of neighbouring residents.

9.5 Ground Investigations

The development proposes removing domestic garages and replacing with a more sensitive end use and there are also adjacent areas that have been identified as potentially contaminated; PPS 23 requires that the site is 'Suitable for Use', and places responsibility with the developer. This is controlled via the planning process which requires phased assessment to be undertaken for review and approval by the Local Authority and in accordance with policies BE12 (h) *Sustainable Design Principles*, EP6 *Contaminated Land* and Supplementary Planning Guidance No. 19: Sustainable Design, Construction and Pollution Control. Environmental Health officers recommend imposing a

condition to ensure that any contamination is identified by a ground investigation and a remediation strategy is prepared, implemented and checked before occupation of the properties.

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 redevelopment of a dilapidated site for residential purposes would mean a site which would otherwise be vacant at night would be well-observed and opportunities for crime might well decrease.

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 £80,000 to provide improvements to local infrastructure.

10. Responses to objectors

The majority of objections to the scheme have been addressed in the sections above. Concerns have been raised about the standard of maintenance of some housing association properties in the area; no evidence has been provided as to the identity of the housing association concerned but in any event this would not be considered a reason for refusing this scheme. A query has also been raised regarding what provision has been made for a children's play area: no play area is proposed, Brent UDP policy OS18 requires children's play areas for schemes of 15 units or more. The proposal involves family housing but these are provided with private amenity space in excess of the minimum 50sqm requirement of SPG17.

11. Conclusion

The application would provide a significant contribution to much-needed family accommodation for intermediate 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 nearby Grade II* listed building. The scheme is judged to be sustainable development which optimises the use of previously developed backland for housing and as such is in general accordance with the objectives of the National Planning Policy Framework, 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

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

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

CONDITIONS/REASONS:

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

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

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

120202_1114 (PL)100 *Site Layout*
120202_1114 (PL)110 Rev B *Site Layout & Access*
120202_1114 (PL)200 *Ground Floor Plan*
120202_1114 (PL)201 Rev A *First Floor Plan*
120202_1114 (PL)202 *Second Floor Plan*
120202_1114 (PL)203 *Roof Plan*
120202_1114 (PL)204 *Contextual Elevations 01*
120202_1114 (PL)205 Rev A *Contextual Elevations 02*
120202_1114 (PL)206 Rev A *Flats North & South Elevations*
120202_1114 (PL)207 Rev A *Flats East & West Elevations*
120202_1114 (PL)208 Rev A *Houses North & South Elevations*
120202_1114 (PL)209 Rev A *Houses East & West Elevations*
120202_1114 (PL)210 Rev A *Sections*
120202_1114 (PL)300 Rev A *Detail Sections*
120202_1114 (PL)310 *Sketch Birdseye*
120202_1114 (PL)311 *Sketch Entrance*
120202_1114 (PL)312 *Sketch Courtyard*

Design and Access Statement
Arboricultural Impact Appraisal and Method Statement (Barrell Tree Consultancy, March 2012)
Energy Strategy Rev 2 (Calford Seaden, Jan 2011)
Parking & Access Statement (Paul Mews Associates, Jan 2011)
Brent Sustainability Checklist Form TP6

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 windows on the upper floors of the eastern face of the flat block shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.7m above floor level) and shall be permanently returned and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

No windows or glazed doors (other than any shown in the approved plans) shall be constructed in the south and west wall of House 1, the north and west wall of House 6 or the west wall of Houses 2-5 without the prior written consent of the Local Planning Authority.

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

- (5) No access shall be provided to the first floor terrace and the roof of the first floor of House 1 and to roof of the first floor of House 6 by way of window, door or stairway and the aforementioned terrace and roofs hereby approved shall not be used as a balcony or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- (6) All parking spaces, turning areas, shared surface 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.

- (7) All the residential premises shall be designed in accordance with BS8233:1999 '*Sound insulation and noise reduction for buildings-Code of Practice*' to attain the following internal noise levels:

<i>Criterion</i>	<i>Typical situations</i>	<i>Design range LAeq, T</i>
Good resting conditions hours 07:00 – 23:00)	Living rooms	30 dB (day: T =16
Good sleeping conditions hours 23:00 – 07:00)	Bedrooms	30 dB (night: T = 8
		L _{Amax} 45 dB (night 23:00 – 07:00)

No part of the development shall be occupied prior to submission to and approval in writing of the results of a sound test which demonstrates that the above required internal noise levels have been met. The sound insulation measures shall be retained thereafter.

Reason: To obtain required sound insulation and prevent noise nuisance harming the amenity of future occupants

- (8) Details of materials for all external work with the exception of the bricks, the windows and the rainwater goods but including mortar colour and balustrades, including samples and/or manufacturer's literature, shall be submitted to and approved in writing by the Local Planning Authority before any construction work is commenced.

The bricks shall be Hoskins Brick Ltd *Creme*, the windows shall be the Velfac 200 window system finished in *Anodized Bronze* and the rainwater goods shall be aluminium square profile finished in bronze anodized aluminium. 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.

- (9) Notwithstanding any details of landscape works referred to in the submitted application, a detailed scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any 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) all areas of soft landscaping and planting including screen planting along the south and eastern boundaries;
- (ii) details of the cables and planting to the eastern part of the communal terrace atop the first floor roof of the flat block;
- (iii) provision of 21 trees as shown on drawing (PL)110 Rev B or in similar locations, including drought resistant native trees;
- (iv) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (v) cross sections of the green roofs to show the construction of the green roof and in particular the depth of soil;
- (vi) existing contours and any proposed alteration to ground levels such as earth mounding or removal; and
- (vii) details of all materials, including samples and/or manufacturer's literature, for those areas to be treated by means of hard landscape works: these should be of a permeable construction

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season 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 and to ensure the privacy of neighbouring occupants is maintained.

- (10) 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 construction works and shall be implemented within a timescale to be agreed with that approval.

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.

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.

- (11) Prior to commencement of any construction works 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 after consultation with adjoining land owners 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 boundary treatment, e.g.; wall, 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;
- (v) any alterations, extensions or repairs to existing boundaries including consideration of increasing the boundary with Crest Road properties to 2.4m in height; and
- (vi) the side and rear walls of the garages on the south and west boundaries shall be retained at their present height and shall be retained thereafter.

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.

- (12) No development shall take place, including any works of demolition or site clearance, 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, which shall be accompanied by a site layout plan showing the following elements, shall include details of:
- (i) the timing of deliveries (to avoid peak 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

The demolition/site clearance/building works hereby approved shall not commence until the vehicle wheel washing facilities have been provided on site in accordance with the approved details and such facilities shall be installed prior to the commencement of the development and used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development or such other time as may be agreed in writing with the Local Planning Authority.

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.

- (13) Prior to commencement of any construction 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.

- (14) 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.

- (15) Notwithstanding the plans hereby approved, the shared surface access road, circulation space and turning area shown shall be constructed, surfaced and/or demarked in accordance with details and specifications to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction works and the buildings shall not be occupied until the surface has been constructed in accordance with the approved details and it shall be retained thereafter. Such details shall include:

- (i) road construction details including cross-section showing foundations/substrate and surface to demonstrate the proposed resin-bonded aggregate will be capable of supporting heavy vehicles e.g. refuse or fire tenders;
- (ii) any markings e.g. for parking to include two parallel bays for informal visitors parking on the shared surface access road and a widening of the shared surface to accommodate these two spaces, such markings to be indicated by a different material;
- (iii) surface water drainage, employing sustainable urban drainage principles such as permeable paving; and
- (iv) details, including manufacturer's literature, of any street furniture or signage

Reason: To ensure a satisfactory design in terms of the safe operation of the shared surface and its visual impact and to ensure the surface is well-drained with sustainable drainage methods where possible and to ensure that the road surface and construction is designed to accommodate heavy vehicles.

- (16) Prior to commencement of construction 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 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 shared surface access road, parking areas, communal amenity space, communal terrace, building security lights (if any) and rear garden lighting;
- (ii) a low-height proposal for the development to protect the amenity of neighbouring residents on Crest Road, Waterloo Road and Coles Green Road from glare;
- (iii) the output of each light and a site-wide light-spill (illuminance) diagram; and
- (iv) manufacturer's literature showing the mounting and/or fixtures of each light e.g. column-mounted, bollard-mounted, wall-mounted

Reason: To ensure that the site is safely lit for pedestrians and vehicles and to ensure such illumination does not prejudice the amenities of future or neighbouring residents, given the backland nature of the development.

- (17) Notwithstanding the details hereby approved, further details of bin stores shall be submitted to and approved in writing by the Local Planning Authority and implemented in full prior to first occupation of the development hereby approved and permanently retained thereafter. Such details shall include:
- (i) the location and design of the bin stores
 - (ii) adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material (including litter bins inside and outside the premises) to comply with the requirements of the Brent *Waste and Recycling Storage and Collection Guidance for Residential Properties 2011*

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection and to ensure the bin store is located in a way which does not harm the security of neighbouring properties.

- (18) Notwithstanding the details hereby approved, further details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority and implemented in full prior to first occupation of the development hereby approved and permanently retained thereafter. Such details shall include:
- (i) the position, design and materials of a secure, covered cycle shelter for a minimum of 14 cycle parking spaces for the flat block; and
 - (ii) the position, design and materials of a secure, covered cycle shelter for each house

Reason: To ensure satisfactory facilities for cyclists.

- (19) Notwithstanding the details hereby approved, further details of the photovoltaic panels shall be submitted to and approved in writing by the Local Planning Authority and implemented in full prior to first occupation of the development hereby approved and permanently retained thereafter. Such details shall include:
- (i) manufacturer's literature of the type of panel; and
 - (ii) the position, orientation and height above the roof line of the panels.

Reason: In the interests of visual amenity.

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 BS5228:2009 shall be employed at all times to minimise the emission of noise from the site
 - The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays
 - Vehicular access to adjoining premises shall not be impeded
 - All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only

- No waste or other material shall be burnt on the application site
- A barrier shall be constructed around the site, to be erected prior to work commencing
- A suitable and sufficient means of suppressing dust must be provided and maintained

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

REFERENCE DOCUMENTS:


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

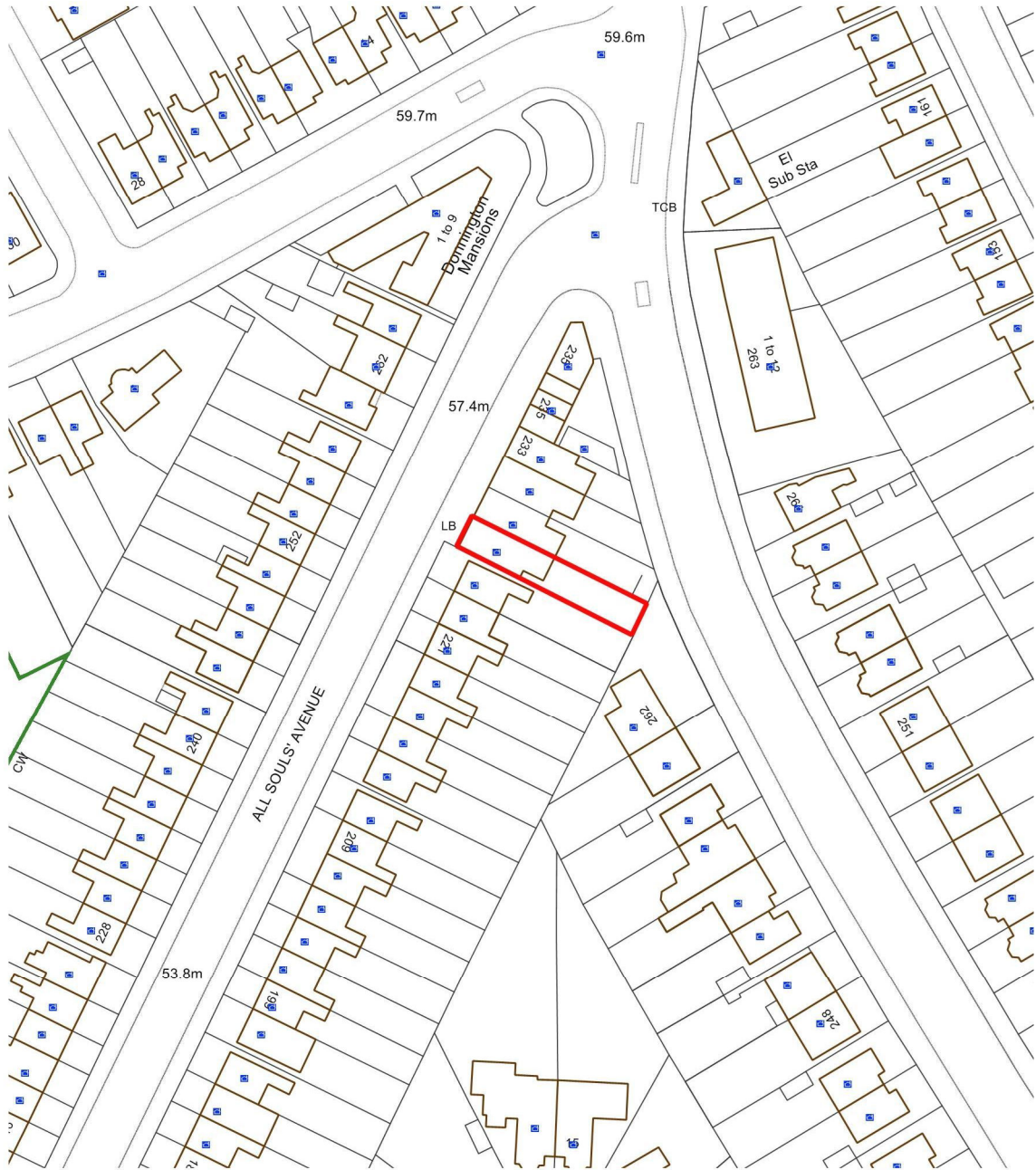
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Agenda Item 5

Committee Report
Planning Committee on 17 April, 2012

Item No. 05
Case No. 11/2719

 **Planning Committee Map**
Site address: 227 All Souls Avenue, London, NW10 3AE
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This map is indicative only.

RECEIVED: 24 January, 2012

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 227 All Souls Avenue, London, NW10 3AE

PROPOSAL: Change of use of the premises to hot food takeaway (Use Class A5)

APPLICANT: Mr Rowan Grant

CONTACT: AAH Planning Consultants

PLAN NO'S:
See condition 2

RECOMMENDATION

Approve.

EXISTING

The existing property is a commercial unit on All Souls Avenue which forms part of a three storey terraced block with residential above.. It is not part of any designated shopping frontage. It is not a listed building nor is it within a Conservation Area.

PROPOSAL

See above.

HISTORY

09/1206. Certificate of lawfulness for proposed change of use to office (Use Class B1). This was refused for the following reason:

The proposed Use Class B1 office cannot be considered lawful, as insufficient evidence has been provided to satisfy the Local Planning Authority that this premises has been continuously used for purposes within Use Class B8 for 10 years or more, which would be necessary to change it from a B8 to a B1 use as Permitted Development under the Town & Country Planning Use Classes (Amendment) Order 2005.

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)

This applies to relevant developments from 01/04/2012

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, Transportation Engineers and Environmental Health Officers consulted.

4 letters of objection and a petition with 13 signatures have been received from local residents, objecting on the following grounds:

- Increase in traffic and congestion
- Noise disturbance from late opening hours.
- Fumes
- Rubbish and the potential for anti-social behaviour.

No objections from Environmental Health or Highways Officers.

Officer Comments on objection

1. The opening hours are discussed in the main remarks section of the report. 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.

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 undue impact on the amenity of the residential properties above provided appropriately worded conditions are attached and complied with.

3. Rubbish and anti-social behaviour are not matters that can be effectively controlled by the planning system as they can be addressed by other non-planning related legislation. Nevertheless the conditions relating to the hours of use should limit any anti-social behaviour outside of these hours.

REMARKS

Principle of use.

The existing unit is vacant but the most recent use would appear to be as an office. However, a lawful development certificate for this use was refused in 2009 due to lack of evidence. The application is seeking to change the use of the unit to a takeaway restaurant selling Caribbean food. 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 traffic congestion, car parking problems or a reduction in highway safety in the local area and will not have a detrimental impact on the amenity of neighbouring residential occupiers.

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 are two self-contained flats, to the side is a two-storey terraced dwellinghouse and there are also terraced dwellinghouses on the opposite side of the road. The proposed takeaway unit will have floor area of 75sqm and would be used a takeaway serving Caribbean food. This limited size and type of use on its own is not something that would be likely to have an adverse effect on amenity of neighbouring residents.

The shopping frontage runs on the ground floor of a three storey perimeter block (Nos. 227-235) and is not classified as a town or local shopping centre and is not protected shopping frontage. For information, there are seven commercial units on this part of All Souls Avenue and there are no existing takeaway uses.

The proposed opening hours for the unit are 7am-10pm Monday to Sunday and on Bank Holidays. These hours of use are considered to be appropriate for the proposed use, given its location in a shopping parade without any similar uses and no other late night uses.

As such the proposed change of use to 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 be attached to the rear elevation of the building and will extend 1m above the parapet wall. This is proposed to be a Helio 500MUB fan and will have a silencer attached to ensure that there is no detrimental impact on the amenity of residents in the flats above and the dwelling adjacent. The specifications of the system have been assessed by the Council's Safer Streets Officer who is satisfied that there will be no detrimental impact on neighbouring residents in terms of noise or smells. The rear elevation is visible from Chamberlayne Road and there are already a range of paraphernalia visible from the street. The addition of another flue is unlikely to have a detrimental visual impact. The applicants have indicated where the proposed fan will be situated but have not shown this on elevational drawings. A condition requesting such drawings will be attached to ensure that the impact on residents and the appearance of the property is acceptable.

Highways

Although the most recent use has been claimed to be as an office (see "History") 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 is a CPZ along this stretch of All Souls Avenue which restricts parking on most of the street with short term pay and display bays in the vicinity of the site which should help to mitigate against any adverse highways impact. In line with recent approvals for A5 uses a condition has been attached requiring the submission of a delivery plan to ensure that any delivery services offered by the proposed takeaway will not have a detrimental impact on the amenity of neighbouring residents.

Conclusion

The proposed change of use of the commercial unit to a 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:

CDL0208/11
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:

0700 to 2200 On any day.

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, vibration, fumes and odours 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. Any mitigation works required shall be implemented in accordance with the details prior to the commencement of the use.

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

- (7) Prior to the development hereby approved commencing a hot food delivery management plan shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall include details of the method of delivery and also the location of the parking of any vehicles when they are not been used for such delivery. There shall be no home delivery without the approval of details and once approved the plan shall be implemented and fully complied with at all times.

Reason: In the interests of highway safety and residential amenity.

- (8) Notwithstanding the plans and documents hereby approved a drawing showing the position of the extraction flue on the rear elevation shall be submitted and approved in writing by the Local Planning Authority prior to works commencing. The approved details shall be implemented in full prior to the commencement of the proposed

takeaway use.

Reason: In the interests of visual amenity.

- (9) Bicycle parking shall be provided on the site in the form of a single "Sheffield" type stand on the private front yard of the premises. Details of this stand shall be submitted to, and approved in writing by, the Local Planning Authority prior to the development hereby approved commencing. Once approved, those details must be fully implemented and permanently maintained.


Reason: In order to allow the Council to exercise proper control over the development.

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

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: Green Man, High Street, London, NW10 4TS
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This map is indicative only.

RECEIVED: 7 April, 2011

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Green Man, High Street, London, NW10 4TS

PROPOSAL: Erection of glazed extension to the rear to replace existing unauthorised rear extension; creation of 5 flats at upper floors to replace existing unauthorised 10 bedsits; external stair replacement at the rear and refuse storage, reinstatement of the front and rear windows at 1st and 2nd floor level and replacement of side entrance doors on both side elevations and new gate to the front elevation, external lighting at residential entrance on Rucklidge Passage and provision of new CCTV camera at the junction of Rucklidge Passage and Rucklidge Avenue ("car-free" scheme).

APPLICANT: Mr Akash Oraha

CONTACT: Heritage Architecture Ltd

PLAN NO'S:
See condition 2

RECOMMENDATION

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

SECTION 106 DETAILS

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

- Contribution of £3000 towards
- Contribution of £8000 to enable the provision of a CCTV camera at the junction of Rucklidge Avenue and Rucklidge Passage.
- Car-free agreement
- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance

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 is the Green Man Public House and is a Grade II Listed Building, listed in 1979. The Green Man and adjoining terrace were rebuilt on the site in 1906-1907 (architects Harrison and Ward) in Flemish style with wide flat arches at ground floor. The Green Man public house existed on the site in a different form as early as 1746.

The site, on High Street Harlesden, also falls within Harlesden Conservation Area.

The current arrangement of the building is a restaurant at ground floor, many of the original features internally, most notably the bar, have been removed. The upper floors have been subdivided into 10 small studio units accessed by a staircase to the rear accessed through a gate on Rucklidge Passage. Officers consider that the original/lawful use of the building would be a bar/restaurant at ground floor with associated residential premises above, including storage and function rooms.

PROPOSAL

See description above.

HISTORY

11/0877 The associated Listed Building application is elsewhere on this agenda

E/06/0282 Appeal Dismissed

Without planning permission, the erection of a part single-storey, part two-storey rear extension and the change of use of the first and second floors into 10 self-contained flats.

04/0480 Certificate of Lawfulness Refused

Certificate of lawfulness for existing use of first and second floors as 10 self-contained units

02/2240 Withdrawn

Construction of part single-storey rear extension , part first-floor and second-floor extension and conversion to 5 self-contained flats (4 x. 1 bed, 1 x. 2-bed) Listed building consent associated with planning application 02/278

02/0278 Withdrawn

Conversion of first and second floors to 5 self-contained flats including roof extension, part first-floor and part second-floor extension and single-storey rear extension to public house

POLICY CONSIDERATIONS

National Planning Policy Framework

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Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)

This applies to relevant developments from 01/04/2012

UDP 2004

BE2 Townscape: Local Context & Character

BE3 Urban Structure: Space & Movements

BE5 Urban Clarity & Safety

BE6 Public Realm: Landscape Design
BE7 Public Realm: Streetscape
BE9 Architectural Quality
BE25 Development in Conservation Areas
BE26 Alterations & Extensions to Buildings in Conservation Areas
H12 Residential Quality - Layout Considerations
H20 Flats over and Adjoining Buildings in Shopping Centres
PS14 Residential Development (Car Parking Standards)
TRN11 London Cycle Network
TRN24 On-Street Parking
TRN34 Servicing in New Development

SPG17: Design Guide for New Development
SPD: S106

National Planning Policy Framework

SUSTAINABILITY ASSESSMENT

There is no obligation to meet additional

CONSULTATION

Neighbours were consulted on 21st April 2011 and again on 20th January following negotiation with the applicant and architect leading to some amendments. Although this is a Listed Building application all the responses received are set down here and in the planning application report.

- The proposed flats should not be accessed from Rucklidge Passage as this is a Public Thoroughfare – Do not believe this door existed prior to unauthorised works and it is not safe or suitable.
- There is nowhere for the storage of waste from the restaurant or flats – The passage has become a dumping ground making it unhealthy and unsightly.
- These issues affect the daily lives of residents who live close to this building.
- The entrance should be moved to the courtyard on the other side of the building where there is also space for rubbish storage.
- The number of flats on the proposed site is more than the site should accommodate.
- The flats have no amenity space on site – The garden space to the rear which has been built on with unauthorised works should be returned.

Neighbours were reconsulted on amendments to the proposed (discussed below) and many reiterated their comments. Following a meeting with a member of the Rucklidge Avenue Residents Association it was apparent that the alterations to the plans had not been fully noted (possibly due to the small scale of the plan viewable on the website). Subsequent to this meeting the following comments were received:

- What progress has been made about the original CCTV camera which disappeared?
- Seek confirmation that the refuse storage space is large enough for the flats and that the collection company will have access to and collect from this location.
- Seek confirmation that the commercial waste will be collected from the storage space shown.
- Remain opposed to the external metal staircase.

Cllr Hector has commented raising concern about the existing poor provision for refuse storage and the need for this to be improved.

Internal

Conservation & Design: Proposal is acceptable subject to requirement for specific details by condition

REMARKS

Proposal

As described in the 'history' the Green Man building has been subject to numerous unsympathetic alterations, the current arrangement consisting of 10 units is unlawful as are alterations and extensions to the ground floor commercial premises. The current application consists of further alterations and an extension which will allow the character of the Grade II Listed Building to be reinstated and will also reduce the amount of accommodation above to 5 self-contained flats.

The original layout of the upper floors of the property, providing ancillary space for the commercial use and accommodation for a single occupant/family is not an arrangement which is viable as a use in this location in the present day. Officers have no objection to the principle of the application, the scheme has been drawn up by an architectural firm which specialises in historic architecture. The submission, including a 'significance appraisal' is of good quality in terms of the attention given to the character of the building and the units provided and is considered to meet the guidance of the NPPF. Officers have worked to address a few outstanding points discussed below and are of the opinion that the proposed scheme, subject to a legal agreement and conditions, should be supported.

Proposed alterations in the context of the Listed building

The unauthorised alterations to the building (those which have taken place since its listing), are stated comprehensively on pages 13 and 14 of the 'Historical Background Report'.

The application submission includes a 'significance appraisal' which, on floor plans, identifies the parts of the structure of the building which are of High Significance, Some Significance or of No Significance/Detrimental.

Ground floor

At ground floor there is a significant loss of the historic fabric. The proposal intends to partly reinstate lost features and fittings including the removal of the suspended ceiling to reveal the original and remove the modern floor tiles and replace with appropriate timber. The reinstatement of panelling, skirting and cornicing as well as a bar (using original parts where preserved). The food hatch from the kitchen will be closed, a new fire escape door will replace the existing.

The unauthorised rear extension which has been erected across the whole of the yard behind the building is proposed to be removed and replaced with a lightweight glazed extension, of a contemporary but subtle appearance. Compared to the existing structure which detracts from the building the replacement will have a minor impact and result in an enhancement.

The existing (unauthorised) rear staircase to the upper floors will be replaced with a new staircase constructed of steel and clad in artificial stone with a new glazed canopy over the top landing. The Rucklidge Avenue Residents Association object to the external staircase to the rear as the access to the upper floors, prior to unauthorised works were originally internal. This has been considered in detail and discussed with the architect but alternative workable solution is not forthcoming. The separation of the uses at ground and upper floors makes it very difficult to identify a practical arrangement for an internal staircase, separate to the ground floor use which does not require further significant alterations to the original structure of the building - in Listed Building terms this needs to be avoided. The existing staircase is of poor quality but a much improved replacement is proposed, as described above. Specific detail of the design and materials of this will be conditioned to ensure it is of high quality and appropriate to the building. A new gate will replace the entrance door onto Rucklidge Passage.

Upper floors

The existing partitions inserted to create very small individual kitchenettes and bathrooms in each studio room are highlighted as of no significance or detrimental to the character of the building. The proposal rationalises the layout and proposes minimum partitioning to facilitate the creation of

the 5 new units. Original features of cornices, skirting and dado railing will be revealed, repaired and re-instated as appropriate. Parquet flooring is proposed in kitchen areas and carpet or tiling elsewhere.

All doors will be replaced with timber panelled doors and upvc windows with timber casement windows with leaded glass panes to the front. To the rear windows will also be replaced with timber frames and the door to the flat roof will be replaced with a window.

Original joinery will be repaired and re-decorated with egg-shell oil paint, while slate roofs will be repaired with slates replaced where necessary and any plastic pipes and gutter will be replaced with cast iron ones.

The principle of all of this work is acceptable however to ensure the quality, conditions are recommended to secure the submission of further details. This includes large scale drawings of the proposed windows, detail of the material of the glazed extension, detail of the treatment of the remaining rear yard space - soft landscaping recommended. Information will also need to be approved for all materials which will be used to repair/replace the features of the building internally.

Quality of accommodation

The existing 10 units are very small, failing to achieve the standards set in the London Plan and SPG17 and provide a poor standard of accommodation. The proposed arrangement results in the creation of 3 x 1-bed flats and 2 x studio unit. As demonstrated in the table below the proposed units come close to or exceed the London Plans minimum space standards for new developments and will provide a good quality of accommodation.

Unit	Floor area	London Plan standard
1 (1-bed)	47.3sqm	50sqm
2 (1-bed)	51sqm	50sqm
3 (1-bed)	53sqm	50sqm
4 (studio)	38sqm	37sqm
5 (studio)	38sqm	37sqm

The site, in a constrained urban location, is not able to provide amenity space for residents, however the internal size of units is good and an acceptable level of residential amenity will be achieved. The extension will fill much of the yard to the rear, if an extension was not proposed the use of the yard by residents would be unlikely to be possible without a conflict between the ground floor and residential occupiers.

The quality of the residential access arrangements for the future occupants of the flats has been highlighted as a shortcoming of the scheme by neighbours. The proposed access is in the same location, on Rucklidge Passage, as in the existing unauthorised situation. Beyond the occurrence of fly tipping the passageway is identified as an area where crime/anti-social behaviour occurs and it therefore does not offer a safe residential entrance. As described in the 'consultation' section above, officers spoke to the secure by design police officer regarding this arrangement, the principle of residential access from the passage way was not objected to but the following measures for improvement were discussed and are now proposed.

Lighting

Individual lights are proposed to be attached to the side of building from the junction with High Street to the residential entrance gate, details of the design and level of illumination will be required by condition. The introduction of new lighting will make the entrance more welcoming to residents and as an illuminated and therefore visible space it will be a less attractive place for antisocial activities.

CCTV

Officers have discussed the existing arrangement with the manager of the CCTV control room, it was advised that Rucklidge Passage does not currently have a dedicated camera and a camera positioned at the High Street end of the passage was vandalised so has not been available since last year. The repair of this is pending insurance/additional funds. Other cameras provide coverage of the general High Street area.

The scope for the introduction of a new CCTV camera at the Rucklidge Avenue end of the passage, which is not currently covered, has been discussed and agreed with the secure by design officer, the control room manager and the applicant. From the point of view of the secure by design officer, the CCTV camera would discourage antisocial activity around the quieter Rucklidge Avenue end of the passage and would make the passage a safer place for future residents. The control room operator is happy with the proposed camera and the principle of linking it to the Council's existing CCTV network and confirms that a contribution from the applicant of £8000 will be sufficient to do this.

These proposed measures will notably improve the quality and feeling of safety for future occupants when accessing their flats from Rucklidge Passage and on this basis officers are of the opinion that the arrangement is acceptable. While these proposals are to ensure that access arrangements for future occupants are acceptable they will also be of benefit to residents in the wider area who use Rucklidge Passage.

Refuse storage

The dumping of waste in Rucklidge Passage has been an issue which has caused considerable distress to neighbouring residents. The unauthorised units, as common for flats above shops, have had their rubbish collected directly from the street. However, given the number of units and location adjacent to Rucklidge Passage this arrangement has triggered a problem of fly tipping also exacerbated by rubbish from the commercial unit.

Residential arrangement

A designated storage space is proposed directly next to the residential entrance on Rucklidge Passage. Collection services available for High Street properties at present does not include recycling and 'bring sites' (the public kerbside recycling facilities) must be used for recyclable waste. However this arrangement is currently being reviewed and it is expected that collection services for recycling will be introduced.

The waste storage capacity required for each unit is 120l, the proposal allows for 4x240l bins which is acceptable. The bins will most likely be split between refuse and recycling (either 3:1 or 2:2) dependent on the final outcome of the arrangements being drawn up currently by Streetcare, the required capacity will not alter. Collection may be twice a week, again this is pending final arrangements being drawn up by Streetcare who will be considering the level of service necessary.

It has been confirmed with Streetcare officers that the storage space provided is acceptable and that Veolia (the collection contractor) will be able to collect from the designated space and an arrangement will be made to provide them with access to the secured storage space.

Commercial arrangement

Commercial businesses have a legal responsibility, beyond the remit of planning legislation (Section 34 of the Environmental Protection Act 1990), to ensure waste is securely stored and legally disposed of. Bins for commercial waste are designated to the other side of the building behind a gate and the specific collection arrangements for this are the private responsibility of the tenant. The applicant has confirmed verbally that the tenant has a collection arrangement in place and that collection is currently agreed to take place twice a week.

S106

The original layout and number of bedrooms in the building is not clear but officers are of the opinion that there could easily have been 4. On this basis the proposal results in the introduction of one further bedroom in the building and the standard charge of £3000 for one bedroom will be required.

A car-free agreement will be applied to all units as High Street cannot accommodate increased residential parking.

Conclusion

Unacceptable and harmful alterations will be removed and the condition of the listed building will be significantly improved. The development will provide 5 good quality residential units and a commercial unit at ground floor, securing the future conservation of a heritage asset.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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

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

National Planning Policy Framework

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):

P-B-001 C REVISED
P-GF-002 C REVISED
P-FF-003 C REVISED
P-SF-004 E REVISED
P-RF-005
P-F ELEV-006
P-S ELEV-007
P-R ELEV-008 C REVISED
P-SEC-DD-009
P-EL/SC-CC-010 C REVISED

Design and access statement (March 2011)
Historical background report (February 2011)

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

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

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.

- (4) Details of proposed signage, advertisements and signage illumination for the area identified on the front elevation, shall be submitted to and approved in writing by the LPA prior to installation.

Reason: To protect the character of Harlesden Conservation Area and the Listed Building

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

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

- (6) Details of proposed lighting on the Rucklidge Passage elevation of the building, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The approved details shall be fully implemented.

Details shall include:

- (a) Design
- (b) Exact position
- (c) Level of luminance

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

INFORMATIVES:

- (1) The applicant is advised that arrangements must be made directly with the refuse collection companies for both the residential and commercial bins to provide a key/fob system for access to the secure storage areas.


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

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Agenda Item 7

Committee Report
Planning Committee on 17 April, 2012

Item No. 07
Case No. 11/0877

 **Planning Committee Map**
Site address: Green Man, High Street, London, NW10 4TS
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This map is indicative only.

RECEIVED: 7 April, 2011

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Green Man, High Street, London, NW10 4TS

PROPOSAL: Listed building consent for removal of unauthorised works to the ground and first/second floors, erection of glazed extension to the rear to replace existing unauthorised rear extension; creation of 5 flats at upper floors to replace existing unauthorised 10 bedsits; external stair replacement at the rear and refuse storage, reinstatement of the front and rear windows at 1st and 2nd floor level and replacement of side entrance doors on both side elevations and new gate to the front elevation, external lighting at residential entrance on Rucklidge Passage and provision of new CCTV camera at the junction of Rucklidge Passage and Rucklidge Avenue.

APPLICANT: Mr Akash Oraha

CONTACT: Heritage Architecture Ltd

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The subject site is the Green Man Public House and is a Grade II Listed Building, listed in 1979. The Green Man and adjoining terrace were rebuilt on the site in 1906-1907 (architects Harrison and Ward) in Flemish style with wide flat arches at ground floor. The Green Man public house existed on the site in a different form as early as 1746.

The site, on High Street Harlesden, also falls within Harlesden Conservation Area.

The current arrangement of the building is a restaurant at ground floor, many of the original features internally, most notably the bar, have been removed. The upper floors have been subdivided into 10 small studio units accessed by a staircase to the rear accessed through a gate on Rucklidge Passage. Officers consider that the original/lawful use of the building would be a bar/restaurant at ground floor with associated residential premises above, including storage and function rooms.

PROPOSAL

See description above

HISTORY

11/0876 This is the associated Full Planning Application which is elsewhere on this agenda.

E/06/0282 Appeal Dismissed

Without planning permission, the erection of a part single-storey, part two-storey rear extension and the change of use of the first and second floors into 10 self-contained flats.

04/0480 Certificate of Lawfulness Refused

Certificate of lawfulness for existing use of first and second floors as 10 self-contained units

02/2240 Withdrawn

Construction of part single-storey rear extension , part first-floor and second-floor extension and conversion to 5 self-contained flats (4 x. 1 bed, 1 x. 2-bed) Listed building consent associated with planning application 02/278

02/0278 Withdrawn

Conversion of first and second floors to 5 self-contained flats including roof extension, part first-floor and part second-floor extension and single-storey rear extension to public house

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)

This applies to relevant developments from 01/04/2012

UDP 2004

BE2 Townscape: Local Context & Character

BE9 Architectural Quality

BE25 Development in Conservation Areas

BE26 Alterations & Extensions to Buildings in Conservation Areas

SPG17: Design Guide for New Development

National Planning Policy Framework

CONSULTATION

Neighbours were consulted on 21st April 2011 and again on 20th January following negotiation with the applicant and architect leading to some amendments. Although this is a Listed Building application all the responses received are set down here and in the planning application report.

- The proposed flats should not be accessed from Rucklidge Passage as this is a Public Thoroughfare – Do not believe this door existed prior to unauthorised works and it is not safe or suitable.
- There is nowhere for the storage of waste from the restaurant or flats – The passage has

become a dumping ground making it unhealthy and unsightly.

- These issues affect the daily lives of residents who live close to this building.
- The entrance should be moved to the courtyard on the other side of the building where there is also space for rubbish storage.
- The number of flats on the proposed site is more than the site should accommodate.
- The flats have no amenity space on site – The garden space to the rear which has been built on with unauthorised works should be returned.

Neighbours were reconsulted on amendments to the proposed (discussed below) and many reiterated their comments. Following a meeting with a member of the Rucklidge Avenue Residents Association it was apparent that the alterations to the plans had not been fully noted (possibly due to the small scale of the plan viewable on the website). Subsequent to this meeting the following comments were received:

- What progress has been made about the original CCTV camera which disappeared?
- Seek confirmation that the refuse storage space is large enough for the flats and that the collection company will have access to and collect from this location.
- Seek confirmation that the commercial waste will be collected from the storage space shown.
- Remain opposed to the external metal staircase.

Cllr Hector has commented raising concern about the existing poor provision for refuse storage and the need for this to be improved.

Internal

Conservation & Design: Proposal is acceptable subject to requirement for specific details by condition

REMARKS

Policy Considerations

The National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significant damage has been done to the building but the structure of the building and enough key features remain intact for it to be possible for a sensitive scheme to recover the character and quality of the listed building externally and internally.

Impact on Listed Building

The unauthorised alterations to the building (those which have taken place since its listing), are stated comprehensively on pages 13 and 14 of the 'Historical Background Report'.

The application submission includes a 'significance appraisal' which, on floor plans, identifies the parts of the structure of the building which are of High Significance, Some Significance or of No Significance/Detrimental.

Ground floor

At ground floor there is a significant loss of the historic fabric. The proposal intends to partly reinstate lost features and fittings including the removal of the suspended ceiling to reveal the original and remove the modern floor tiles and replace with appropriate timber. The reinstatement of panelling, skirting and cornicing as well as a bar (using original parts where preserved). The food hatch from the kitchen will be closed, a new fire escape door will replace the existing.

The unauthorised rear extension which has been erected across the whole of the yard behind the building is proposed to be removed and replaced with a lightweight glazed extension, of a contemporary but subtle appearance. Compared to the existing structure which detracts from the building the replacement will have a minor impact and result in an enhancement.

The existing (unauthorised) rear staircase to the upper floors will be replaced with a new staircase constructed of steel and clad in artificial stone with a new glazed canopy over the top landing. The Rucklidge Avenue Residents Association object to the external staircase to the rear as the access to the upper floors, prior to unauthorised works were originally internal. This has been considered in detail and discussed with the architect but alternative workable solution is not forthcoming. The separation of the uses at ground and upper floors makes it very difficult to identify a practical arrangement for an internal staircase, separate to the ground floor use which does not require further significant alterations to the original structure of the building - in Listed Building terms this needs to be avoided. The existing staircase is of poor quality but a much improved replacement is proposed, as described above. Specific detail of the design and materials of this will be conditioned to ensure it is of high quality and appropriate to the building. A new gate will replace the entrance door onto Rucklidge Passage.

Upper floors

The existing partitions inserted to create very small individual kitchenettes and bathrooms in each studio room are highlighted as of no significance or detrimental to the character of the building. The proposal rationalises the layout and proposes minimum partitioning to facilitate the creation of the 5 new units. Original features of cornices, skirting and dado railing will be revealed, repaired and re-instated as appropriate. Parquet flooring is proposed in kitchen areas and carpet or tiling elsewhere.

All doors will be replaced with timber panelled doors and upvc windows with timber casement windows with leaded glass panes to the front. To the rear windows will also be replaced with timber frames and the door to the flat roof will be replaced with a window.

Original joinery will be repaired and re-decorated with egg-shell oil paint, while slate roofs will be repaired with slates replaced where necessary and any plastic pipes and gutter will be replaced with cast iron ones.

The principle of all of this work is acceptable however to ensure the quality, conditions are recommended to secure the submission of further details. This includes large scale drawings of the proposed windows, detail of the material of the glazed extension, detail of the treatment of the remaining rear yard space - soft landscaping recommended. Information will also need to be approved for all materials which will be used to repair/replace the features of the building internally.

Conclusion

For the above reasons, the contemporary extension and other internal and external alterations to the fabric of the buildings are considered to be consistent with the policy presumption in favour of preserving or enhancing the special architectural or historic interest of the listed building and its setting. This complies with policies BE2, BE7, BE9 of the Unitary Development Plan and guidelines within the NPPF.

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

National Planning Policy Framework

CONDITIONS/REASONS:

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

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

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

P-B-001 C REVISED
P-GF-002 C REVISED
P-FF-003 C REVISED
P-SF-004 E REVISED
P-RF-005
P-F ELEV-006
P-S ELEV-007
P-R ELEV-008 C REVISED
P-SEC-DD-009
P-EL/SC-CC-010 C REVISED

Design and access statement (March 2011)
Historical background report (February 2011)

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

- (3) All new works of making good to the retained fabric, whether internal or external, shall be finished to match the existing work with regard to the methods used and to colour, material, texture and profile unless otherwise agreed in writing by the LPA

Reason: In order to safeguard the special architectural or historic interest of the building.

- (4) The development as hereby permitted shall only commence when suitable precautions have been taken to secure and protect the interior elements against accidental loss or damage during building work, and no such elements may be disturbed or removed temporarily or permanently unless with prior written approval of the LPA.

Reason: In order to safeguard the special architectural or historic interest of the building.

- (5) Seven working days prior to the commencement of the works as hereby permitted written notification of the intended start date of works shall be sent to the Local Planning Authority.

Reason: In order that English Heritage and the Local Planning Authority may be given the opportunity to monitor the progress of works on site to ensure the preservation of the special interest of the building affected by the works hereby approved.

- (6) Any hidden historic features which are revealed during the course of the works shall be retained in situ, work suspended in the relevant area of the building and the LPA notified immediately.

Reason: To ensure that the historic characteristics of the building are not lost and to preserve and enhance the Grade II Listed Building.

- (7) The following method statements, including detailed plans and samples of work, for the following elements of the development shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of works on site, or in accordance with a schedule to be agreed in writing with the Local Planning Authority:-

- (a) The insertion of, or alteration to, any new or existing structural openings.
- (b) Repair and restoration of decorative ceilings, walls and other decorative elements.
- (c) Repair and/or restoration of external elevational treatments, including roofing and repointing of brickwork.
- (d) The alteration or installation of any new structural or service cabling.
- (e) Flooring

The development shall be carried out in compliance with the approved details.

Reason: To ensure a satisfactory development and in the interests of the historic environment and Grade II historic asset.

- (8) No Joinery construction work of any form should commence on site until all detail drawings (listed below) have been submitted and approved in writing by the Local Planning Authority. Once agreed the development must be implemented in strict accordance with the submitted and approved drawings. All drawings will be required to show the details of the element to be illustrated in plan, plan section, elevation and vertical section. The drawings should be supplied at a scale appropriate to the size of the element 1:20, 1:10, 1:5 and in some cases 1:1.

Detailed drawings will be required for internal repair and replacement to include:

- (a) Replacement repair and or new window detail drawings - including details of the sill, jamb, head, mullion transom and glazing bar mouldings. Drawings should illustrate the position of the window frame within the reveal.
- (b) A sample of the replacement windows will be required
- (c) Replacement external and internal replacement repair and or new door detail drawings - including details of the sill, jamb, head, rails, and muntin and glazing bar mouldings.
- (d) Internal panelling including mouldings to panel fields including vertical and horizontal framing skirting, plinth and capping mouldings.
- (e) Detail drawings to show all replacement, repair and or new door casing to include reveal head and architrave mouldings
- (f) Detail drawings for the replacement, repair or new plaster chair, dado and cornice. To include ceiling roses and other bracket castings.
- (g) Detail drawings of all independent replacement repair or new wooden skirting,

chair, dado and cornice mouldings.

(h) Detail drawings of the new bar to include sections through the bar illustrating sill, plinth and top rails, infill field, cornice and bar top.

(i) Details drawings for repair, replacement and or new stairs to include sections illustrating mouldings for the stringer, risers, treads, balusters and handrails.

Reason: To protect the character and historic integrity of the green man and to ensure an accurately detailed restoration of historic Arts and Craft detailing.

- (9) No general construction work of any form should commence on site until all detail drawings (listed below) have been submitted and approved in writing by the Local Planning Authority. Once agreed the development must be implemented in strict accordance with the submitted and approved materials and drawings.

Detailed drawings will be required for internal repair and replacement to include:

(a) New wall construction showing details of bonding and jointing at junctions of existing and new construction. All bricks are to match the originals exactly in size colour texture.

(b) Details of roof eaves including mouldings to soffit, bargeboard and verges, where appropriate showing junction between existing and new.

Reason: To protect the character and historic integrity of the green man and to ensure an accurately detailed restoration of historic Arts and Craft traditional construction.

- (10) No general construction work of any form should commence on site until a demonstration panel of brickwork has been approved in writing by the Local Planning Authority. The panel should be a minimum of 1.0m wide by 1.0m tall. The panel should show accurately the coursing and bonding and mortar mix and colour (Mortar should match existing exactly in colour texture and mix).

Reason: To protect the character and historic integrity of the green man and to ensure sympathetic repair replacement and new brick construction.

- (11) No general construction work of any form should commence on site until samples of all new internal Window and door fittings have been submitted and approved by the Local Planning Authority. Samples will be required of replacement and or new:

1. Door handles
2. Window latches and stays

Reason: To protect the character and historic integrity of the green man and to ensure sympathetic repair replacement of historic architectural features.

INFORMATIVES:

None Specified

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

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 **Planning Committee Map**
Site address: Argo Business Centre, Kilburn Park Road, London, NW6 5LF
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This map is indicative only.

RECEIVED: 13 September, 2011

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Argo Business Centre, Kilburn Park Road, London, NW6 5LF

PROPOSAL: Demolition and redevelopment of the site to provide a part 5-, 4- (at southern end only) and 3- storey mixed use development comprising 93 residential flats; new replacement Class B1 office space (1406sq.m) including one commercial unit for flexible B1/A1 business use; 51 car parking spaces; cycle spaces, hard and soft landscaping and revised access

APPLICANT: Starprop LLP

CONTACT: Rolfe Judd Planning

PLAN NO'S:
See condition 2

RECOMMENDATION

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Community Infrastructure Levy of £275,765
- Affordable Housing - 23 units to be offered at new homes target rent for households decanting from properties in South Kilburn selected by the council, 5 units to be sold on a fixed equity basis to existing Leaseholders in South Kilburn to be agreed by the council (of no more than 60% of the value and with no rent payable on the remainder) these will be offered for 6 months prior and 6 months after completion (unless otherwise agreed by the council) before they are cascaded to standard shared ownership.
- A contribution of £459,000 (£3k/£2.4k per additional private/AH bedroom), index-linked from the date of Committee, and for Education, Sustainable Transportation and Open Space & Sports in the local area, due on Material Start, which may include but not be limited to works to children's play facilities in the local area.
- A contribution of £40,000 to enable the planting of 20 Street Trees along Kilburn Park Road and Stuart Road.
- A contribution of £21,949 due on material start and index-linked from the date of committee for the provision of new and improvements to existing open space.
- Sustainability - submission of and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved, BREEAM 'Excellent' for the commercial space, Code for Sustainable Homes Level 4, in addition to adhering to the Demolition Protocol, with compensation should it not be delivered.
- Join and adhere to the Considerate Contractors scheme.
- Permit Free- Remove the rights of residents to apply for parking permits.
 - A framework Travel Plan shall be submitted and approved within three months of the commencement of works and a full Travel Plan shall be submitted and approved prior to first occupation.
 - Enter into a S278 Agreement to secure highways works to provide the proposed pavement build out, the removal of redundant crossovers, provision of new vehicular crossovers together with alterations to marked on-street parking bays.
- To notify "Brent In2 Work" of all job vacancies, including those during construction and operation of the building.
- To sign up Registered Social Landlords to the measures in the local employment/ training 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 existing site consists of a 2 and 3-storey pitched roof building on the west side of Kilburn Park Road. The building provides 2363sqm of office accommodation and 73 parking spaces.

The opposite side of Kilburn Park Road falls within Westminster and is characterised by 3-storey terrace buildings running the whole length of the road. Stuart Road to the rear of Argo Business Centre also consists of 3-storey terrace buildings.

PROPOSAL

HISTORY

87/2348 Granted

Conversion of existing car park to general industrial units, light industrial units, studios and offices with central facilities and car parking.

96/0645 Granted

Retention of 2.4m high galvanised metal fence around the car park adjoining the park Business Centre

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)

This applies to relevant developments from 01/04/2012

The following policy documents need to be taken into account in the assessment of this application:

- London Borough of Brent Unitary Development Plan 2004 (UDP)
- Supplementary Planning Document (SPD) for South Kilburn (Adopted April 2005).
- Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"
- Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"
- The Masterplan for the Regeneration of South Kilburn (2004)
- The London Plan 2011

Brent Unitary Development Plan 2004

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

- 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.
- BE13 Particular regard will be had to the design and attractiveness of all development proposals in Areas of Low Townscape or Public Realm Quality (such as the majority of South Kilburn).
- H7 In the Major Estate Regeneration Areas, refurbishment and/or redevelopment is sought and supported, and should; demonstrate the full involvement of local residents; be according to the masterplan; involve the minimum loss of existing affordable housing; include a mix of house types and tenures; ensure through an overall landscape design framework; be exemplars in terms of their approach towards design, energy/renewables and water use, re-use of materials and measures to reduce the use of the car.
- H9 Requires a mix of family and non-family units on sites capable of accommodating 10 units or more, having regard to local circumstances and site characteristics.
- H12 Seeks to ensure that all residential development has a high quality layout, has an appropriate level of car parking and features housing facing onto streets.
- H13 The density of development is design led, where higher density developments are more appropriate in areas where there is very good public transport accessibility. Surrounding densities should be at least matched unless this would harm residential amenity.
- TRN3 Environmental Impact of Traffic
- TRN10 Walkable Environments
- TRN23 Parking Standards – Residential Developments
- TRN35 Transport Access for Disabled People and others with Mobility Difficulties
- PS14 Car Parking Standards – Residential Development
- PS15 Parking for Disabled People

Core Strategy

CP 19 Brent Strategic Climate Change Mitigation and Adaptation Measures

CP 21 A balanced Housing Stock

SUSTAINABILITY ASSESSMENT

CODE FOR SUSTAINABLE HOMES & ENERGY ASSESSMENT

A code for sustainable homes preassessment has been submitted achieving Code Level 4 with minimum score of 70.6 and possible score of 76.7 (68 is required for Level 4).

The submitted Energy statement includes the following:

- Code for Sustainable Homes Level 4 – as the site is within the South Kilburn Growth Area the Core Strategy requires this above the usual Code Level 3.
- 25% reduction in CO2 emissions beyond the Target Emissions Rate of Building Regulations 2010 (mandatory for Code Level 4) for the residential part of the development – this is a requirement of the London Plan policy 5.2.
- The proposal includes the use of communal CHP and Gas Boilers as well as 40sqm of PV panels.

The London Plan adopts a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation wherever feasible but this is not now a requirement, some on-site renewable energy generation will be provided through the proposed PV panels. This would only result in 6% reduction in carbon dioxide emissions but the target for the overall reductions is nevertheless met and the proposal on this basis is acceptable.

SUSTAINABILITY CHECKLIST

The application is a Major Case proposing in excess of 10 residential units and consequently reference needs to be had to the Council's SPG19. As such, the applicant is required to complete the Council's Sustainability Checklist and achieve a score of at least 50%. This will be secured by way of a s106 legal agreement to ensure that the development would realise the required sustainability benefits of the proposal.

ENVIRONMENTAL IMPACT ASSESSMENT

The proposal is for residential development with reduced commercial floorspace within the South Kilburn growth area – the principal of which is supported within the Local Development Framework Core Strategy. Officers have considered whether the application requires an Environmental Impact Assessment by virtue of its probable environmental effects, although it is a smaller site than that normally required to be assessed by the EIA regulations. While the development of this site is not referred to specifically within the SK Masterplan, it is considered that the scale of development will not significantly effect the conclusions about the potential impact of cumulative developments over the wider area.

DRAINAGE & FLOODING

The entirety of the subject site is located within a Flood Risk Zone 1 area where there is a low probability of flooding due to its proximity to any waterway. The site area of 0.35 hectares does not trigger the requirement for a Flood Risk Assessment (FRA).

CONSULTATION

Neighbouring occupiers were consulted on 11th October, 15 representations were received including 1 in support:

- The height of the building would severely cut out light and sunshine to the neighbours opposite as well as vista and privacy.
- Object to the height of the building - the Council are spending a lot of money demolishing high-rise buildings and replacing with 3-story buildings hugely improving the character of the area impacting on the environment and social issues. A 5-storey building is in direct conflict with this.
- The proposed building will completely overshadow existing residential houses and is clearly aimed at

maximising the financial return of the developer.

- It is not set back from the road as well as design this will increase reflected traffic noise.
- From visuals provided it is very poor quality compared with many more attractive developments taking place in London.
- The design is not in keeping with the houses on Kilburn Park Road and the area in general.
- Buildings opposite are Edwardian/Victorian era - the design is not in any way sympathetic to these with no aesthetic quality at all.
- No attempt to screen the building with a green area.
- It will result in increased traffic and congestion.
- Inadequate parking provided within the site and will put undue pressure on surrounding area.
- This proposal does not contribute to the community in any way.
- Very concerned about overcrowding and lack of parking spaces.
- There is no need for more residential and commercial space.
- This part of Kilburn will lose its residential charm and would become a concrete jungle worsened by the loss of trees.
- Before the tower blocks were built the street pattern allowed alternative access to Carlton Vale - restoring this would relieve pressure on Kilburn Park Road which is essentially residential.
- Plans are being presented in a piecemeal way and it is difficult to assess the impact of each in isolation.
- This development will further add to noise and air pollution.
- The development will be detrimental to the quality of life of neighbours.
- Concern about the stability of ground - subsidence.
- Surrounding homes will suffer a depreciation in house prices.
- This would be of benefit to the area and make it a nicer place to live.

Westminster Council have objected to the original proposal for the following reasons:

- Barrel roof and 6th storey projection fail to respect the prevailing character
- Insufficient on-site parking to serve new residential development
- The proposal does not adequately assess the consequence of the cumulative impact of the additional traffic resulting from the implementation of the proposed development in light of the overall Master Plan.
- A construction management plan should be required.
- Consider that in combination with other sites identified in the SK SPD an EIA is required.
- Insufficient capacity in the sewer network which would lead to increased risk of flooding.

Following a significant redesign of the proposal consultation letters were sent on 21st February 2012, 4 additional objections, 1 comment and 1 letter of support have been received:

- Stuart Road residents association wrote advising that they did not receive the original consultation in October and were not able to leave comments on the application webpage, the area already suffers from overcrowding and the structure would obscure natural light which would impact upon the quality of neighbours lives.
- A separate comment was received from a resident on Stuart Road representing 4 properties as the landlord stating that the building, higher than Stuart Road properties will block light.
- Would not want to see more takeaway businesses as this leads to further decline
- Some concern about width of the pavement.
- Support the development as it will bring more young professionals improving the quality of shops.

Internal

Highways: No objection subject to s106 - comments discussed below.

Landscape: No objection subject to contributions - discussed further below.

Environmental Health: Conditions required.

REMARKS

APPLICATION BACKGROUND

While this proposal is a private development Members will be aware about the ongoing attempts on behalf of the Council to regenerate the South Kilburn Estate. As mentioned elsewhere in this report, the New Deals for Communities (NDC) programme is no longer in existence and an alternative approach to regeneration is being progressed by the Council. An update is provided below, by way of background.

SOUTH KILBURN CURRENT PLANNING CONTEXT

The original South Kilburn Masterplan SPD was adopted in 2005, based on a strategy of comprehensive redevelopment of 1400 dwellings, subsidised by the delivery of 1500 private dwellings. The Council appointed a consortium of housing organisations, which included Hyde Housing, Bellway and Taylor Wimpey, to redevelop South Kilburn. The business case was predicated on the consortium running the whole redevelopment from start to finish.

In 2007 the Council submitted a bid to Central Government for £100m to fund the project, but was awarded only £50m. This lack of funding, coupled with the impact of the housing recession meant the Consortium was no longer able to deliver the regenerative development programme. As a result, the Council itself has been leading the regeneration programme bringing individual sites forward with a number of different partners with a wide range of different funding opportunities, but the key objective is delivery

In 2012 the South Kilburn redevelopment is going well; the first phase of over 350 homes has or will be completed this year, 208 further homes have been approved and will start on site in the summer. A planning application for 229 units has been submitted on the Bronte and fielding Houses site, just to the north of the Argo site and the council is considering how it can bring forward the redevelopment of the Stuart Road block immediately to the south of the Argo site. This would mean an almost complete transformation of the outward face of the South Kilburn estate along Kilburn Park road and send a strong signal of the council's firm intent to provide high quality homes set in a first class public realm.

While this application is a completely private site and not in partnership with the council it has the potential to play an important role in the provision of affordable units to assist in the decant process to enable the continued regeneration of South Kilburn, this is discussed in more detail below.

MASTERPLAN & PRINCIPLE OF REDEVELOPMENT

The 2005 South Kilburn Supplementary Planning Document does not identify Argo Business Centre, given that it is a private commercial site, as a site to be redeveloped. There is however no objection to the principle of redevelopment.

COMMERCIAL SPACE

The existing building provides sqm while the proposal seeks to rationalise the layout resulting in less wasted circulation space resulting in sqm.

	Existing Building	Proposed Building	Difference
Gross Internal Area	2363sqm	1406sqm	-957sqm
Net Internal Area	1669sqm (or 1459 discounting 210sqm currently vacant space)	963sqm	-706sqm (496sqm)

Policy EMP9 states that the loss of employment floor space cannot be supported unless it is demonstrated that there is a lack of effective demand for the space or else unacceptable environmental problems are associated with an employment use on the site. The applicant is of the opinion that the building is at the end of its commercial life and unsuited for further capital expenditure. In addition the building is very inefficient in terms of its layout and access to natural light and significant work would be required to make the building usable as modern offices.

According to the information supplied by the agent the site is 87% tenanted at the moment but the inefficient floor space arrangement means that out of a GIA of 2363sqm only 1459sqm is in active employment use. The proposed building would provide a useable employment floor area of 963sqm, a reduction of 496sqm re-providing almost 70% of NIA.

As it is known that much of the space is currently occupied, officers enquired what steps would be taken to re-provide for current tenants in the new development. The applicant states that it can be offered that any future developer of the site would take the existing tenants contact details and keep them informed of the redevelopment process and make direct contact with them first and foremost as part of any future marketing campaign for the new workspace.

The proposed space is for small and starter businesses and to be maintained by any future tenant. A statement provided by the applicant advises that the existing serviced accommodation has an average rent of £16 per sq foot. It is envisaged the best value for rents in the new development would be £18 per sq foot but likely less. It is therefore suggested that this is in line with what tenants are currently paying and is comparable for affordability.

The proposed replacement commercial space is of acceptable quantity and quality and it is not considered that application could be refused due to the potential displacement of existing tenants.

A small unit on the corner if proposed for flexible use as A1 of B1 creating a new active front to this corner useage.

MIXED USE

Policy BE11 of Brent’s UDP 2004 states that careful design is necessary in mixed-use developments to ensure that the quality and amenity of individual units/users is preserved. Where the vertical ‘stacking’ of uses is the most appropriate way of achieving a mix, the issue of the design and arrangement of uses is particularly important. A specific requirement is for residential units to be functionally independent of commercial or business uses and separately accessed at street level.

While the basement car park is shared and spaces are allocated by use (discussed below), officers are satisfied that the residential use can be introduced without impeding the re-provision of the commercial space and that an acceptable quality of residential amenity can be provided.

HOUSING ISSUES

AFFORDABLE HOUSING

A viability assessment has been undertaken and a satisfactory proportion of affordable housing proposed as a result. 30% of units and 29% of habitable rooms are proposed as affordable, the arrangement agreed is specific to this scheme and the needs of the South Kilburn area at this point in time in its regeneration.

The units on the Argo site will be particularly helpful in the decant process-23 units (16 x 1-bed and 7 x 2-bed) will be let at target rents, rather than the new affordable rent, and aimed only at existing tenants on the estate moving from soon to be demolished blocks. While on most sites where the council seeks as many family units as possible (3-bed and above), the council has now identified a shortage of 1-bed properties in which to decant existing tenants. The existing buildings in South Kilburn have a high proportion of 1 and 2-bed flats and this needs to be factored into some of the areas new developments.

In addition to the 23 rented units, 5 x 2-bed shared ownership units will be provided. These will be offered in the first instance to existing Leaseholders on a fixed equity basis. This will allow current leaseholders to move from their flats and use their equity to purchase a proportion of the new flat. They will not however pay rent on the remainder of un-sold equity as in a normal shared ownership deal. This means that the leaseholder’s outgoings will not increase - the unsold equity is then apportioned when the leaseholder sells or vacates their flat. If existing leaseholders do not take up these units then they will be offered firstly to tenants in South Kilburn and then on normal general shared ownership terms.

The London Plan proposes that of affordable housing, 60% should be for social rent and 40% for shared ownership, the offer in this development includes 18% of units as shared ownership (20% by habitable room). However, given the specific detail discussed, the requirements of South Kilburn regeneration and the viability of the scheme the proposed quantity and mix of affordable housing is acceptable.

UNIT MIX

Unit size (no. beds)	Private	Affordable	Total
1	23 (34%)	14 (50%)	37 (38%)
2	35 (52%)	14 (50%)	49 (51%)
3	9 (13%)	-	9 (11%)

Policy CP21 of Brent’s Core Strategy requires the maintenance and provision of a balanced housing stock in the borough, including the provision of family sized houses on suitable sites providing 10 or more homes.

As described above, the mix of units in the affordable housing offer is identified as targeting a specific need in South Kilburn, so while it does not provide a mix including family size units in this specific location and at this specific point in time in the regeneration of South Kilburn the proposed unit size in terms of bedroom numbers of the affordable units is acceptable.

The site constraints and the siting of the building within the site, as discussed further below, has a significant impact on the amenity space and there is no scope for the on-site provision of dedicated children’s playspace impacting on the appropriate mix of units within the development. On the upper floors 3-bed duplex units are proposed where a reasonable quantity of amenity space is provided, otherwise the development consists of 1 and 2-bed units.

UNIT SIZE

Brent’s guidance for new development, SPG17, includes minimum space standards for residential units and this is applied across the borough. The London Plan in 2011 introduced more generous space standards which officers now also have regard to and aim to achieve in all new developments. Members will be aware that the original South Kilburn SPD sought larger flat sizes in order to compensate for the proposed higher overall densities in the area. The internal space standards for new residential properties set down in the South Kilburn SPD exceed those in the both SPG17 and the London Plan.

Property Size	SPG17 (m ²)	London Plan (m ²)	South Kilburn SPD (m ²)
1-bed	45	50	52
2-bed (3 person)	55	61	80
2-bed (4 person)	65	70	80
3-bed	80	74+	98

The internal sizes of the private units all achieve SPG17’s standards as a minimum, just 9 of the 65 units (all 1-beds) do not achieve the space standards of the London Plan, these units are between 46sqm and 48sqm and are considered to provide an acceptable quality of internal space.

The units in the affordable core all meet or exceed the standards set in the London Plan, 16 of the 28 units also meet the target sizes set out in the South Kilburn SPD.

URBAN DESIGN

LAYOUT & ACCESS

Most of the ground floor of the building is proposed as commercial space for use as flexible work units, each of these units has an entrance either from Kilburn Park Road or Stuart Road. This will change the character of the site and on-street activity to both sides to the benefit of the vibrancy of the area. On Stuart Road where the footprint is currently right up to the boundary a private front curtilage and softlandscaping will be introduced improving the visual amenity of the public highway on this side of the street.

At the northern end of the site where the affordable housing core is proposed the use at ground floor is residential. These units have small private front gardens which will be protected by hedges around the entire perimeter, access to this core will be via a single and reasonably defined communal entrance on the corner of Cambridge Road and Kilburn Park Road. The existing pavement width, particularly on a junction, is insufficient for the location of an entrance in close proximity to the site boundary but subject to the build out of the pavement this entrance is acceptable, this work will be secured through the s106 agreement.

Access to the residential units above the commercial space will be via one of three entrances on Kilburn Park Road.

Vehicular access for residents or to the commercial parking spaces is at the southern end of the building on Stuart Road. Currently this can only be reached from the northern end of Stuart Road as there is a barrier to vehicles at the southern end, a report is being produced by the New Initiatives Team to take to the South Kilburn Board proposing the removal of the barrier. This would then be undertaken subject to public consultation. The basement parking arrangement as well as commercial servicing is discussed in more detail below.

SCALE & MASSING

The proposed building is about 150m in length and the footprint fills the majority of the plot. However officers have ensured that the building is sufficiently set within the boundary of the plot to ensure that it respects the surrounding streetscene. The footprint of the building achieves a set in from the boundary of 2m from the boundary with Kilburn Park Road, this becomes tighter where the boundary begins to curve around towards Cambridge Road and the pavement currently follows this curve. However, the application proposes a build

out of the pavement at this junction which will balance out this tightness, officers are in support of this pavement building out which will make the junction of Kilburn Park Road and Cambridge Road safer for pedestrians.

The footprint of the tallest point of the proposed building where an architectural feature has been created is set in from the boundary on Cambridge Road by at least 2m at all points. The footprint on Stuart Road also ensures an acceptable set in, this is generally at least 2.4m though towards the southern end of the plot the site boundary steps in by 0.3m while the proposed building line continues resulting in a tighter relationship between footprint and boundary. However the pavement depth does not differ and therefore for this relatively small stretch the relationship is considered to remain acceptable.

At the southern end of the plot where the proposed building is adjacent to 4-26 Stuart Road an average set in from the boundary of 4m is proposed. Given the length of the building, officers consider that it is important for there to be the allowance for a generous break between the proposed building and the existing site to the south.

The massing of the building has reduced significantly since the original submission. The proposal consists of four 5-storey blocks with the top floor set back from the main front elevation by 1.5m, the blocks are linked by 3-storey elements. The breaks through the 3rd and 4th floors create 4 distinct blocks, this has notably reduced the massing of the building in comparison to the original submission. The main 4-storey elevation of the blocks, which is set back from the site boundary on Kilburn Park Road by at least 2m, is broken up by 3 and 4-storey projections along the elevation.

On Stuart Road the scale and massing of the proposed building is further reduced by the increased set back proposed at upper floors. A set back from the main elevation of 1.8m has been introduced at third floor and the fourth floor is proposed to be set back by 6m. To a large extent from Stuart Road it is considered that the impact of this will be that the building appears as 4 rather than 5-storeys, given the proximity of the Stuart Road dwellings officers consider this relationship is more appropriate.

ELEVATIONAL DESIGN

There are established rhythms running through the elevations and elements of differing heights in the proposed building. The forward projecting 3 and 4-storey parts of the building and the recessed 3-storey elements which link the 4 blocks together are proposed to be clad with a pre-cast material with a Portland stone appearance, balconies are proposed at each level of these features. A traditional style yellow brick is proposed for the main 4-storey elevations and the recessed upper floor is proposed with a lightweight appearance being mainly glazed. The elevations as a whole are quite generously glazed preventing large expanses of brick without elements of interest. A sample board has been submitted for planning committee.

An architectural tower feature is proposed at the northern end of the site. This reaches just 2m higher than the flats roof of the top storey but creates a prominent feature to highlight this corner and identify the start of the building.

The building on the site currently lacks any defined building line, street presence or character. The proposal will significantly alter the character of the site with the erection of a contemporary building with a prominent building line presenting good quality architecture within a difficult and constrained plot.

SECURED BY DESIGN

Secured by design advisors were consulted by the applicants during the pre-application stages, this resulted in the physical breaks in the building on the site being removed.

OPEN SPACE

The depth of the site is a significant constraint on the ability of the development to provide amenity space. In order to provide a building which has activity fronting both roads, rather than presenting a 'dead' elevation on Stuart Road, there is scope only to provide a front garden type curtilage around the perimeter meaning that the majority of amenity space is provided at upper floors through balconies and terraces.

TREES

The council's Tree protection officer has not identified any of the 13 trees on site as being of a quality which requires their specific retention however the value that the trees provide as a whole must be replaced and

therefore their loss is subject to a satisfactory re-provision of trees in association with the development.

The applicants have sought to provide trees within the limited curtilage of the site surrounding the building. Officers are of the opinion that given the limited root space (basement car park), the rain shadow that projecting parts of the building would create as well as the proximity of the proposed trees to residential windows and balconies (which in the long term is likely to result in requests from residents for the removal or significant pruning), it is unrealistic to expect trees within the curtilage of the site to have a long life span or add significantly to the character of the site and streetscene in their size.

The perimeter of the site will be defined by a hedge and other soft landscaping of good quality will be required within the curtilage of the site including large shrubs. In addition to this officers have sought a contribution of £40,000 for the provision on-street (within the pavements) of 20 trees on Kilburn Park Road and Stuart Road. Given the minimal scope for large scale planting on-site this is required both to mitigate the loss of the existing trees and to enhance the site and proposed building.

On-street tree planting will be part of a coordinated approach along Kilburn Park Road.

AMENITY SPACE & CHILDREN'S PLAY AREA

The various amenity spaces are in the form of small private gardens at ground floor (given their proximity to the public highway officers would prefer to view these only as defensible space rather than usable amenity space), private balconies and private and communal terraces.

Balconies to the 1 and 2 bed units are a minimum of 3sqm but more often about 6sqm. The duplex 2 and 3-bed units have a good provision of amenity space in the form of terraces at fourth floor, the minimum private amenity provision to a 3 bed is about 15sqm in one instance but otherwise 20sqm is achieved. Three communal terraces of about 40sqm each are proposed on the recessed 3-storey parts of the building, it is not clear whether these will be accessible to all occupants of the private blocks or just the third floor units, clarity will be sought on this point.

The minimum amenity space provision which would be sought on site would be 1860sqm (93 units x 20sqm), while the proposal in total provides 1580sqm. The calculated shortfall is 280sqm. Officers are of the opinion that the development would still provide a satisfactory quality of accommodation but it would result in additional pressure on open spaces in the area so a further contribution is sought to mitigate this impact of an underprovision.

The standard charge of £3000 per bedroom includes a provision of £907 towards open space, based on this amount, the underprovision of amenity space and the proportion of different unit sizes in the development a contribution of £21,949.40 is offered to mitigate the impact of the development.

RESIDENTIAL AMENITY

DAYLIGHT/SUNLIGHT & OUTLOOK

Following officers considerable concerns about the original submission the scheme was revised and a new daylight/sunlight report has been submitted. The findings of the report have been scrutinised by an independent professional.

Our understanding is that:

Stuart Road

There would be noticeable reductions in daylight/sunlight for 4 ground floor windows between 9 – 31 and 5 ground floor rooms between 45 - 59, this is represented in the reduction in the measurement of the Vertical Sky Component (VSC). However, the rooms would all retain a reasonable level of daylight as demonstrated by the No Sky Line and Average Daylight Factor values.

Kilburn Park Road

The development would reduce VSC marginally more than the 20% threshold for ground floor rooms between 157 – 167 and 1- 8 Kilburn Park Rd but these retain relatively good daylight values as above. There are a number of basement properties (approx 14) between 177 - 211 which would experience a loss of VSC above 20% but other assessments indicate that retained daylight would be either reasonable or good.

On balance, it is not considered that the changes above would be able to be sustained as a reason for refusal

on appeal.

PRIVACY

Regarding the proposed residential units the only area of concern is around the northern end of the site where there are residential units at ground floor. A 2m set back from the boundary is achieved in most cases, also screened by hedges, and where this is tight the units also benefit from rooms with a greater set back within the staggered elevation.

The separation distance between the proposed development and the facing buildings on Stuart Road and Kilburn Park Road are defined by the existing road widths, this is as per the advice of SPG17 which does not set a minimum distance between front elevations but advises that this should be determined by the character of road width in the area. The very minimum distance between balconies and elevations containing habitable room windows on Stuart Road is 15.5sqm and 22m on Kilburn Park Road.

NOISE AND AIR QUALITY

Environmental Health officers have provided a condition to be attached to any permission to ensure acceptable noise levels are achieved within habitable rooms, post completion testing will be required to demonstrate this. Within the development the stacking of units does not always achieve the stacking of like uses (i.e. bedrooms over bedrooms), in order to ensure that this does not lead to disturbance between neighbouring occupiers a condition is recommended to demonstrate a high quality of noise insulation in walls and floors between neighbours.

A condition is recommended regarding the basement car park. While the applicant proposed only natural ventilation officers need confirmation that this will result in safe conditions within the enclosed car park and that carbon monoxide levels will not become excessive. A condition is recommended seeking predicted carbon monoxide levels.

Since the original submission, further details of the proposed CHP has been submitted and the route through the building from the basement plant room shown on drawings to demonstrate its feasibility. However, the Air Quality Impact Assessment does not adequately consider the impact of a CHP, given the status of the site within an Air Quality Management Area this needs to be addressed by condition. As such a condition is recommended to require the submission of an AQIA demonstrating that the CHP will have no more than a negligible impact, otherwise alternative measures or means for mitigation will be necessary.

TRANSPORTATION

HIGHWAY WORKS

The acceptability of the proposed development, and its arrangement within the site, is reliant on highway works to narrow the junction of Cambridge Road and Kilburn Park Road with 6m Kerb Radii. This will improve the safety and appearance of the junction and provide more than sufficient pavement width around the proposed development with a residential entrance proposed at this corner. Officers are clear that if this alteration was not secured an alteration to the northern end of the proposed building and residential entrance would be required. The same alteration is also proposed on the opposite corner, this will be shown in the forthcoming Bronte Fielding planning application.

Highways officers are supportive of this proposal, the work will be at the applicants expense and its delivery will be secured through the s106 agreement.

CAR PARKING

The site is located within Controlled Parking Zone KM, operational between 8am and 6.30pm Mondays to Saturdays. A total of 18 resident permit/pay and display bays are located along Kilburn Park Road site frontage and (when surveyed by Highways officers at 2.30pm on Thursday 20th October) 14 cars were parked in this stretch of road (i.e. 78% occupancy). Parking on the eastern side of Kilburn Park Road, which is also restricted to residents permit holders only, was about 50% parked.

Parking on Stuart Road is managed by Brent Housing Partnership through a permit system, with enforcement by a private contractor using clamping. Eighteen of 28 bays adjoining the site were occupied at the time of the site visit.

A total of 42 cars and 2 motorcycles were parked within the two on-site car parking areas for the building.

Car parking is proposed in the basement car park for both the residential units and the commercial premises. 51 parking spaces in total are provided with 43 spaces for residential units (including 6 disabled access spaces) and 8 spaces for the commercial units (including 2 disabled access spaces). Two are also designated for motorcycles.

Car parking allowances for the proposed uses within the site are set out in standards PS6, PS7 and PS14 of the adopted UPD 2004. As the site has very good access to public transport services and is located within a Controlled Parking Zone, a reduced residential standard of 0.7 spaces per 1/2-bed and 1.2 spaces per 3-bed unit applies. The provision of spaces and breakdown between the uses accords with standards for each particular use, at least 10% of the parking spaces would be accessible by wheelchair users.

A permit-free agreement will be applied to all residential units to ensure that there is no increase in on-street parking demand as this could not be accommodated.

Vehicular access to the 2.45m high basement is proposed via a ramp to a maximum gradient of 10% (with transition lengths), with a minimum head room of 2.1m at the entrance into the basement. The proposed width of the ramp is 6m with 600mm margins for the initial 9m, after which it narrows to 3.6m with a traffic signal system proposed to ensure vehicles do not encounter one another on the ramp. The access emerges onto Stuart Road at the southern end of the site with a 4m kerb radii indicated for the crossover. The gradient of the ramp, design of the junction, sightlines and proposed headroom are all fine, as is the layout of the parking spaces and aisles.

SERVICING

A loading bay is proposed on-site and accessible from Stuart Road, it is positioned in a ground floor undercroft area central within the commercial space and from this space along the central corridor all commercial units can be reached. Highways officers find this arrangement acceptable.

The introduction of the crossover to the servicing space and the basement car park access will both result in the loss of up to 2 on-street parking spaces each. However the removal of the existing crossover at the northern end of the site on Stuart Road permits the reintroduction of up to 3 spaces. When officers surveyed the parking levels the area was not parked at maximum capacity and this balance is acceptable.

In addition, the existing crossover at the southern end of the site on Kilburn Park Road will be redundant and removed. Subject to consultation on a Traffic Regulation Order this can be identified flexibly as an on-street loading bay without a loss of on-street parking.

TRAVEL PLAN

The submitted Transport Statement notes that the overall level of car parking on the site will fall and on this basis, the amount of traffic generated will also fall. Officers note however that the introduction of residential units on the site will be likely to generate additional traffic at evenings and weekends, this however is not a concern in terms of highway capacity.

A Framework Travel Plan has been prepared as part of the submission as required under the thresholds set by Transport for London. This sets out a number of measures to be implemented to minimise car usage at the development, however in assessing the plan using TfL's ATTrBuTE programme it has scored a FAIL. Key omissions include the absence of baseline targets, a shortage of measures to reduce car use and lack of clarity as to the process and timescales for developing the individual business and residential Travel Plans – the submission of an improved Framework Travel Plan to achieve an acceptable score in TfL's ATTrBuTE programme will be required by the s106 agreement.

CYCLE STORAGE

A total of 111 secure cycle storage spaces located in five separate rooms on the ground floor and basement level of the development would be provided for potential occupiers of the 93 units and the commercial space. The overall cycle storage provision is therefore considered to satisfy the Council's requirement of one space per unit. The cycle storage specifically for the commercial units needs to be identified.

S106 AGREEMENT & CONCLUSION

The development proposal has wider implications for the locality that cannot, or are unlikely to, be addressed within the application site. As a result, a Section 106 agreement controlling the benefits and financial contributions that might be required in relation to the proposed development would be required. As these are fundamental issues, the scheme would be rendered unacceptable if they were not adequately dealt with. Many of these issues have been expanded upon in the above report.

The precise details over what goes into the agreement is set down at the head of this report. Highway works are also required to be agreed with the Highway Authority as part of the development proposal and they should be included in any agreement.

The principle of the redevelopment of the site as a mixed use development including housing is considered to be acceptable in policy terms. The proposed development has been reduced and amended to limit its scale and impact to relate acceptably to its surroundings. It would also provide an opportunity to decant residents from other sites identified for redevelopment within South Kilburn.

The proposals are considered to accord with the policies set out within the Brent UDP 2004 and it does not conflict with the South Kilburn SPD and Masterplan, and on this basis, it is recommended that planning permission is granted, subject to the legal agreement referred to above.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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

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

1817-00-P-000-102 D
1817-00-P-000-109 N
1817-00-P-000-110 N
1817-00-P-000-111 N
1817-00-P-000-112 N
1817-00-P-000-113 N
1817-00-P-000-114 N

1817-00-P-000-116 D
 1817-00-P-000-118 A
 1817-00-S-000-101 L
 1817-00-E-000-120 K
 1817-00-E-000-121 K
 1817-00-E-000-122 K
 1817-00-DR-000 E
 1817-00-DR-140

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

- (3) 'Woodcrete' bat boxes shall be provided on the proposed building.

Reason: To enhance the habitat and include bat roosting opportunities as recommended in the Habitat Survey.

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

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

- (5) 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.

Such scheme shall also indicate:-

- (i) Detail of all proposed boundary treatments indicating materials and heights.
- (ii) Screen planting along all street level boundaries (hedge).
- (iii) Screening between balconies/terraces where they adjoin.
- (iv) Detail of all hardstanding
- (iv) Maintenance plan for all areas of planting

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.

All residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings-Code of Practice' to attain the following internal noise levels:

Criterion	Typical situations	Design range LAeg , T
Reasonable resting conditions	Living rooms	40 dB (day: T=16 hours 07:00-23:00)
Reasonable sleeping conditions	Bedrooms	35 dB (night: T=8 Hours 23:00-07:00) LAmax 45 dB (night 23:00-07:00)

A test shall be carried out prior to the discharge of this condition to show the standard of sound insulation required shall be met and the results submitted to the Local Planning Authority for approval.

Reason: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources.

- (6)

- (7) Details of noise insulation between the floors/ceilings of units shall be submitted to the LPA to demonstrate that noise transmission between different adjacent uses will be of minimal levels. The information shall be submitted to and approved in writing by the LPA before the works are carried out.

Reason: To ensure that residential amenity will not be harmed.

- (8) Prior to the commencement of the development the applicant shall provide details of the predicted Carbon Monoxide levels in the underground car park shall not exceed 30 ppm averaged over any 8-hour period and shall also not exceed 90ppm averaged over 15 minutes. If the forecast does not achieve acceptable levels, mechanical ventilation will be needed. This information shall be submitted to and approved in writing by the LPA prior to commencement, and the development shall be undertaken in accordance with the approved detail.

Reason: To protect the amenity of residents of the proposed development.

- (9) Prior to the commencement of the development the applicant shall provide a detailed Air Quality Impact Assessment to include the proposed Combined Heat and Power unit demonstrating that it shall have no more than a 'negligible' impact on Air Quality at the surrounding properties, taking into account proposed developments in the area. If it is not possible or feasible to achieve 'negligible' impact, then details of alternative measures or alternative means by which the impacts of the failure to achieve 'negligible' impact will be mitigated shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with approved details.

NB. Negligible impact refers to the descriptions specified in the EPUK guidance "Development Control: Planning for Air Quality (2010 Update)". All relevant pollutant species should be considered dependant on the fuel and engine type selected for the CHP.

Reasons: To protect the amenity of local residents and minimise impacts on Local Air Quality.

- (10) 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

- (11) A Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any demolition or construction works on site. This shall include, but not be limited to, evidence of measures to adopt and implement the ICE Demolition Protocol, and Considerate Contractor Scheme registration and operation. The approved Statement shall be fully implemented.

Reason: To minimise nuisance caused during demolition and construction activities and ensure demolition waste is sustainably reused or recycled locally, minimising waste sent to landfill.

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

(a) a scheme to provide designated locations for any future signage for the commercial units.


Reason: These details are required to ensure that a satisfactory development is achieved and to guard against cluttering and harm to the character of the building and streetscene.

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
- (2) If, following the projection of carbon monoxide levels, mechanical ventilation is required this needs to be taken into account in the sustainability of the development.
- (3) The applicant is advised that the provision of any water tank, air-conditioning or ventilation plant, extraction equipment or other roof structure (other than those shown on the drawings hereby approved) would require a separate grant of planning permission.
- (4) The applicant is informed that they must contact Thames Water, Development Planning, Asset Investment Unit, Maple Lodge, Denham Way, Rickmansworth, WD3 9SQ (01923 898072) before any works commence on the site.

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

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 **Planning Committee Map**

Site address: Thames Water Depot & Training Sh, 225 Harlesden Road, London, NW10 3SD

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This map is indicative only.

RECEIVED: 1 February, 2012

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: Thames Water Depot & Training Sh, 225 Harlesden Road, London, NW10 3SD

PROPOSAL: Residential development of 41 dwellings, consisting of a row of 2-storey terrace houses, a 2 to 3-storey block and a 4 to 5-storey block, with associated parking, infrastructure and landscaping.

APPLICANT: Notting Hill Housing

CONTACT: Capita Symonds

PLAN NO'S:

10004-GA-000 S

10004-GA-001 Q

10004-GA-002 L

10004-GA-004 N

10004-GA-011 J

10004-EL-001 G

10004-EL-002 D

10004-SE-000 E

10004-3D-001 A

2329_02 A

2329_03 A

RECOMMENDATION

Refusal

EXISTING

The subject site is accessed from Harlesden Road and is adjacent to Willesden Reservoir. The site accommodates redundant Thames Water pumping equipment, warehousing/storage and workshop type space (B1/B8 uses). It is largely covered by historic hardstanding with a group of cherry trees in the north west corner subject to a Tree Protection Order.

The shape of the site is roughly triangular and to 2 of the 3 sides the side is bordered by 2-storey terrace houses.

The reservoir is identified as a Site of Nature Conservation Importance (Grade II).

PROPOSAL

See description above

HISTORY

No relevant recent planning history

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27 March and replaces Planning Policy Guidance and Planning

Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)

This applies to relevant developments from 01/04/2012

Brent's UDP 2004

BUILT ENVIRONMENT

BE1 Urban Design Statements
BE2 Townscape: Local Context and Character
BE3 Urban Structure
BE5 Urban Clarity and Safety
BE6 Public Realm: Landscape Design
BE7 Public Realm: Streetscape
BE9 Architectural Quality
BE12 Environmental Design Principles

HOUSING

H1 Additional Housing
H2 Requirement for Affordable Housing
H3 Proportion of Affordable Housing
H9 Dwelling Mix
H11 Housing on Brownfield Sites
H12 Residential Quality – Layout Considerations
H13 Residential Density

EMPLOYMENT

EMP9 Local Employment Sites.

TRANSPORT

TRN3 Environmental Impact of Traffic
TRN10 Walkable Environments
TRN14 Highway Design
TRN23 Parking Standards – Residential Developments
TRN35 Transport Access for Disabled People and others with Mobility Difficulties
PS14 Parking Standards – Residential Development
PS15 Parking for Disabled People
PS16 Bicycle Parking

OPEN SPACE, SPORT & RECREATION

OS13 Development on Site of Borough (Grade II) and Local Nature Conservation Importance

Core Strategy

CP2 Population and Housing Growth
CP6 Design & Density in Place Shaping
CP15 Infrastructure to Support Development
CP18 Protection and Enhancement of Open Space, Sports and Biodiversity
CP19 Brent Strategic Climate Change Mitigation Adaptation Measures
CP21 A balanced Housing Stock

Supplementary planning guidance 17: Design Guide for New Development Supplementary Planning Document: S106 Planning Obligations

SUSTAINABILITY ASSESSMENT

A Code for Sustainable Homes pre-assessment has been submitted stating that the applicant is aiming to achieve code level 4, the conclusion of the report is that should the assumptions mentioned in the report for achieving CfSH Level 4 be implemented it could be achievable. However without the design stage being finalised no guarantee could be given. Policy CP19 of Brent's Core Strategy requires CfSH Level 3 be achieved outside of growth areas.

In terms of renewable energy, photovoltaic panels are proposed, from which each unit would benefit. Energy and water saving measures are proposed as well as green roofs.

The London Plan (Policy 5.2) requires that major developments achieve a carbon dioxide emissions reduction of 25% beyond the requirements of Building Regulations, this is also a requirement of CfSH Level 4. The documentation does not confirm that this target will be achieved and the related point on the Sustainable Development Checklist is not ticked, it does however identify that a carbon dioxide emissions reduction of at least 10%.

A sustainable development checklist has been submitted with the application, a score of 50% is required though currently only 28.7% is achieved. If officers were minded to recommend approval certainty would be required that 50% would be achieved and this would form part of a s106 agreement.

CONSULTATION

External

Neighbouring occupiers were consulted on 1st February 2012, a press notice and site notice were also published, objections have been received:

- Notting Hill Housing are trying to cram as many properties as possible into a very limited space.
- The proposal will impact on sunlight and privacy of surrounding neighbours
- Balconies will increase overlooking
- Any building up to 3 or 4 floors will be of concern
- The height will make it look like an estate rather than a tasteful area of enclosed housing
- The block will be an overly dominant and incongruous feature
- Buildings should be no higher than the houses they overlook
- Buildings should be in keeping with existing houses i.e. red brick
- Light pollution
- Idyllic rarity of not being surrounded by bricks and noise is being lost and the project is objected to.
- Increased opportunity for crime in the area caused by opening up this area - neighbouring gardens will be more accessible.
- Impact on dwelling adjacent to only access road - this will cause vibration, noise, pollution, concern for privacy and security and crime.
- The narrow access and tight bend will be a safety issue for pedestrian and vehicles

- Scale needs to be revised to minimise impact on existing residents.
- Loss of trees and natural habitat - has there been a study to ensure no bats are there?
- Concern about the environment- the reservoir is a place for birdlife and it is peaceful
- Concern about impact of construction work on mature plants in neighbouring gardens
- The amount of parking proposed is unlikely to accommodate all cars from the flats, it will increase traffic along Harlesden Road polluting and damaging the environment
- The staff car park at the hospital is too small so there is already an overflow of parking into residents spaces.
- Harlesden Road is very busy and dangerous
- What is happening with the reservoir - is it empty? In the past water has flooded neighbouring garden shed.
- The schools and doctors are heavily/over subscribed - the increase in people is too much for local amenities.
- New schools are needed before new housing
- The noise inconvenience, pollution and damage to the area outweighs the reason for building on the site
- Any work should be during winter as windows need to be open in summer and this will let in dust and noise
- Insufficient water pressure

Cllr Jones - Concern about highway safety, suggest that vehicles access and exiting the site be left turn only for safety reasons.

Natural England - The ecological survey submitted identified that there will not be any significant impacts on statutory protected sites, however the council should maximise opportunities in and around the development for building in beneficial features as part of good design in accordance with PPS9.

Thames Water - Conditions should be required regarding surface water drainage, discharge of groundwater, require petrol/oil interceptors fitted in all car parking/washing facilities, require a piling method statement to be submitted and approved by LPA. Informative that no building will be allowed within 5m of large water mains adjacent to the proposed development.

Internal

Highways - Comments discussed below

Environmental Health - Conditions would be required including air quality management, light pollution specifically regarding external lighting, contaminated land (remediation and verification) - remediation should also include more gas monitoring visits.

REMARKS

Principle

The principle of a residential development in this location is considered to be acceptable. The site has not been used in association with the reservoir or for other purposes for a significant amount of time.

Urban Design

Layout

The site is accessed from a single access road leading from Harlesden Road. The road would lead through the site to the 3 buildings proposed. On the left, backing onto gardens on Harlesden Road, a 2 and 3-storey building is proposed (south terrace), on the right, between the access road and the reservoir a 4 and 5-storey block is proposed (apartment block) and to the north, backing onto Kings Road, a 2-storey row of terrace houses is proposed (north terrace).

The impression of the public realm within the site is substantially one of hardstanding. Retained Thames Water single storey structures and parking bays flank the road once the depth of the Harlesden Road property has been passed. Behind and to the side of the parking bays an area of soft landscaping is proposed which would partially soften this area. Beyond this point the

apartment block and southern terrace flank the road, a soft landscaped buffer is proposed adjacent to the southern terrace but the apartment block would be hard against the pavement which would continue for a distance of about 31m which would have a severe and dominating impact on the character of the residential environment.

The northern terraces each have a private front curtilage providing a parking space and waste storage, about 1/3 of the area of each space would be soft landscaped.

Street level activity & presence

In terms of the quality of activity created at street level the apartment block and the southern terrace are considered to be poor in their arrangement. The elevation of the apartment block which dominates the narrow road at ground floor has a poor street level presence primarily consisting of blank walls with entrances into storage spaces. The relationship of this and the overhanging upper floors would be harsh and would not create a welcoming residential environment.

The rear entrance arrangement for the flats within the southern terrace also has an impact on the quality of streetscene and activity created. A gate is proposed through to a communal rear entrance tucked away from the access road, no street frontage doors are proposed so while windows look out on all elevations of the terrace and at all floors, there is an obvious lack of front doors facing onto the road, front doors are important in urban design to indicate and create activity, ownership of space and a residential environment.

The northern terrace alone directly addresses the street level with both windows and entrance doors, in general however the design and relationship of buildings with the vehicular and pedestrian accessway would create an environment with limited activity resulting in areas which could feel unsafe and not directly overlooked.

Scale

Although as explained above, there is general concern about the amount of development proposed for the site it is the footprint, massing and bulk of the apartment block which is of most concern in terms of the overall scale of the proposals. Officers consider the correct treatment of the site to be that of a backland site and have consistently stated that the 4 to 5-storey block is overbearing and disproportionate within the context of what are predominantly surrounding 2-storey houses. It may be that a building taller than these adjoining properties could be acceptable, but the current iteration clearly represents an overdevelopment within this constrained plot.

The primary consideration, as far as scale is concerned, centres on the impact of the proposed development on the character and appearance of the locality. The siting of the new buildings extends across too much of the site, providing limited space around. Gaps between buildings, and between buildings and boundaries, are restricted and it is considered that a buildings of this size, siting, height and bulk, would have an unacceptable impact on the character of the area providing for a poor quality of amenity. As explained above, the spaces around the buildings tend to be dominated by hard surfacing and Officers consider that any building, particularly one of the size and height of the 4/5 storey block, should be sited within its own landscaped setting with space around the building to provide for an attractive form of development.

Reference has been made by the applicants to the taller blocks at the southern end of the reservoir acting as some form of precedent. However, Officers wish to highlight that there are specific differences there, including their position fronting a highway and their arrangement on the site, set in far larger plots rather than the proposed densely developed site here.

Impact on Neighbouring Amenity

Apartment block

Drawing 10004-SE-000 E demonstrates that the form of the building has been designed largely

within the guidance angles of SPG17, these angles taken from the rear elevations and garden boundaries of adjacent residential properties are set out to inform designs particularly in terms of preventing a detrimental impact on daylight/sunlight. The 4 to 5-storey block falls below the recommended angles but the height of the apartment block would have an overbearing impact on neighbouring amenity given its disproportionate scale. While adequate separation distances are achieved in technical terms, the scale of the apartment block within the constrained site will result in it dominating outlook from surrounding properties and adversely impacting on the quality of the residential environment.

Southern terrace

The third floor proposed on the southern terrace to accommodate the fifth flat results in a tight relationship with neighbouring gardens with a habitable room window about 10m from the boundary and the creation of a roof terrace. Originally unrestricted access to the flat roof was shown but a revision has included a defined area though this is not shown on elevations, unrestricted access to the roof would result in residents overlooking neighbouring gardens from a second floor level which would be detrimental to privacy.

223 & 227 Harlesden Road

227 Harlesden Road is a 3-storey building, built with the ground floor as an ancillary office space to the depot use, the 2 floors above are residential. This building is about 6.5m back from the edge of the access road, part of which is private curtilage but some also forms part of the application site and the proposal includes the addition of trees in front of the site within the application site boundary.

223 Harlesden Road (containing 2 flats) is the end of terrace building adjacent to the entrance to the site, its side garden boundary, which is a brick wall, is the boundary with the access road. The height of the wall does not screen the ground floor windows and this property will be particularly sensitive to the proposed increase in activity on the access road. A revision has introduced a buffer which is 1m wide alongside the house, the supporting information states that this is in the form of planter boxes (could be moved if ever necessary for reasons connected with Thames Water access requirements). Insufficient detail has been provided to assess whether this will mitigate the impact of passing vehicles and pedestrians in terms of disturbance and privacy. An occupant has objected for reasons of privacy, pollution, noise and security, moveable planter boxes are unlikely to provide a considerable scale of planting and officers are of the opinion that this relationship is a significant issue which must be dealt with satisfactorily up front rather than leaving for consideration at a later date.

Quality of Accommodation

Internal space

The document states that the accommodation is designed in line with space standards as defined in the London Housing Design Guide.

In general the unit sizes which are stated for the apartment block exceed the London Plan standards, however 3x3-bed (5 person) are 84.5sqm narrowly missing the 86sqm target.

The floor areas for the terraces are not stated on plans but have been confirmed recently by the agent, all units meet and exceed the London Plan targets.

All units, in all parts of the proposal, either have a dual aspect of where single aspect are facing east or west. However, officers are concerned that the relationship between the ground floor units in the apartment block and the steeply rising reservoir. It is not well represented on drawings and could result in very restricted outlook. The southern unit has only 1.5m between its window and the boundary while the central units are 3.5m back from the reservoir boundary.

External space

Houses or ground floor flats suitable for family accommodation should have access to 50sqm of amenity space, while 20sqm should be provided for other flats within blocks.

The dwelling houses each have access to a private garden of at least 50sqm. The extent of amenity space allocated to the ground floor 3-bed flats in the apartment block is estimated (from the 1:500 scale site layout) at about 30sqm. The space is indicated as hardstanding and its quality is further limited by its narrowness, particularly to the northern and southern units. Half of the depth of the amenity space to the 2 central units would be overhung by balconies above.

The flats in the southern terrace have a communal amenity space of 50sqm, the ground floor units also have a private space each of about 17sqm while the second floor flat has a 12sqm roof terrace. This provision in total almost achieves the 20sqm per unit recommendation in SPG17.

The flats in the apartment block, above ground floor, each have access to a balcony. These are a minimum of 4.7sqm for the 1-bed units and 7.5sqm for 2 and 3-bed units, which are useable spaces but do not achieve SPG17's recommendation of 20sqm.

The site also benefits from a communal amenity space at the northeast corner which provides a further 450sqm. This would provide play space for children and in quantitative terms could mitigate the otherwise small provision for flats on the upper floors. The quality and quantity of space provided for the ground floor units remains poor.

Mix and Tenure

The scheme proposes 41 homes, with 3 x 1 bed, 24 x 2 bed and 14 x 3 bed homes. This unit mix offers a range of accommodation sizes which is considered acceptable, and provides for 34% family sized homes of three bedrooms or more in line with Brent's Local Development Framework Policy CP2, which requires at least 25% of new homes to be family sized.

The scheme is proposed as 100% affordable housing, with 13 affordable rent homes and 28 shared ownership homes, that is, a ratio of 31%:69% affordable rent to shared ownership housing. The tenure mix is not in line with London Plan Policy 3.11A that states affordable housing provision should be delivered at a ratio of 60%:40% affordable rent to intermediate rent or sale, nor Brent's Local Development Framework strategic objective that affordable housing be delivered at a ratio of 70%:30% affordable rent to intermediate rent or sale.

The applicant argues that tenure mix policy need only apply to 50% of the affordable housing delivered on the proposed scheme as Brent's Local Development Framework Policy CP2 sets the target that 50% of new homes should be affordable. Officers are of the view that this argument is unsound. The CP2 target that 50% of new homes should be affordable is a borough wide target and does not mean that in line with London Plan Policy 3.12A the Council will not seek to maximise the reasonable amount of affordable housing when negotiating affordable housing on individual schemes. Second, the tenure mix guidance set out in London Plan Policy 3.11A and Brent's Local Development Framework applies to new affordable housing provision and is informed by housing needs and priorities; the tenure mix guidance does not apply to affordable housing targets. Both these points, as well as the potential consequences of the widespread misinterpretation of affordable housing policy in this manner, have been made to the applicant.

However, there are a number of exceptional situations whereby the Council may relax its approach. Here officers can support deviation from tenure mix policy on the grounds of financial viability or the need to promote mixed and balanced communities. The applicant has submitted a financial viability assessment that demonstrates that due to the market land value of the site the

proposed scheme is not financially viable. Whilst the use of market land values rather than existing use values when testing development viability is questionable, for example in cases where a developer has clearly paid too much for the site, Officers are in this particular case prepared to accept the applicant's financial viability assessment as grounds for this deviation from tenure mix policy.

Highways

Parking

The site is in an area of moderate public transport accessibility (PTAL 2), there are three bus services within 8 minutes walk. The site provides 31 parking spaces which is below the maximum 54 spaces which could be provided under PS14 of Brent's UDP 2004. However policy TRN23 requires that where the full parking standard is not provided consideration be given to the impact on on-street parking in the area. 50% of the parking standard is attributed to social rented units and 75% of the maximum allowance to shared ownership units, based on the proposed mix this would result in 38 cars leaving 7 cars needing to park off-site.

The potential overspill parking gives significant concern as the site has no highway frontage and most adjoining houses along this length of Harlesden Road have no off-street parking. Neighbours, in their objections, report finding that parking is regularly difficult though in Brent's 2004 UDP the road was not identified as being 'Heavily Parked'. Unrestricted overspill parking cannot be accepted as it would be detrimental to highway safety and the safe and free flow of traffic and pedestrians.

A 'car-free' agreement, removing the right of all future residents of the development to an on-street parking permit, cannot be supported as the PTAL is too low (as described above). This results in development where future occupants, unable to own a car, have difficulty reaching public transport and essential services, officers consider that this would not constitute a sustainable development.

Three spaces have been indicated for the four wheelchair units, this falls short of the requirement of one space per wheelchair unit and for 10% of spaces to be marked as disabled spaces in affordable housing schemes. In order to comply with the London Plan at least 10% of spaces within unallocated areas should be provided with electric vehicle charging points.

The quantitative provision of cycle parking is acceptable however 16 of the spaces are external so offer no weather protection - a suitable lockable shelter would be required.

Access Road

The proposed access road would be laid out as shared surface which would require extensive resurfacing in coloured block paving, this would need to incorporate a differing colour to indicate pedestrian priority areas within the site. A pinch point of 3m width is indicated adjacent to the apartment block but the inclusion of a footway on the eastern side of this length means that adequate protection is still provided for pedestrians. Further details of lighting and drainage would be required by condition.

The turning point at the northern end of the site is acceptable.

The entrance into the site needs to provide a general minimum carriageway width of 4.8m, which allows some scope to incorporate protective margins/planting alongside the boundary and retaining walls on either side. Kerb build-outs with a 4m kerb radii and raised entry treatment are required to help improve visibility and aid turning into and out of the site - this should be combined with a kerb build-out outside 193-195 Harlesden Road to provide a length of sheltered parking complementary to the traffic calming proposals for the street.

Transport Statement

The proposal is estimated to generate 7 arrivals/36 departures in the morning peak hour and 26 arrivals/20 departures in the evening peak hour, of which 3 arrivals/8 departures in the morning and 6 arrivals/5 departures in the evening are estimated to be by car.

Traffic surveys undertaken in Harlesden Road showed two-way flows of 528 vehicles in the morning peak hour and 524 vehicles in the evening peak hour past the site. As such the additional traffic generated by the development would amount to only about 2% of existing flows in the street - this is not considered significant.

Reservoir servicing requirements

It is essential that access is maintained to the reservoir for servicing, this is generally in the form of a van, which will park in the service yard, 2-3 times per week (the service yard is assumed to be the space adjacent to 227 Harlesden Road).

In the event that repair work is required to the reservoir or associated equipment, access must be maintained for a crane. The occurrence of this instance may be very unlikely but it needs to be demonstrated that this can be accommodated without unacceptably conflicting with the ability of residents to leave and access the site. No further detail has been submitted leaving this issue unresolved.

Ecological report

Trees and hedgerows along the northern and western boundaries of the site are rated as intermediate to high in habitat value. Naturally developing dense scrub, amenity grassland and introduced scrub are low or intermediate in value.

All buildings and landscaping on the site were surveyed for signs of fauna, with a particular focus on bats. Within the buildings it is apparent that some feral pigeons only are roosting.

There are no habitats of international, national or local importance that would be directly or indirectly affected and no evidence of protected species have been recorded on the site. The key features to be retained include the areas of amenity grassland along the eastern boundary, this could be managed more sympathetically to allow the grass to grow taller and encourage a more diverse flora to develop, officers are concerned that the proximity of the building to the boundary and the proposed communal amenity space would conflict with this. Vegetation/trees on the western boundary would also be maintained.

S106

As an affordable housing scheme the development would be exempt from the Mayor's CIL however Brent's standard charge would apply, for affordable housing this is a reduced rate of £2,400 per bedroom. If officer's were minded to support the application a contribution of £223,200 would be sought towards mitigating the impact of the increased occupants on the infrastructure of the area including education (about which neighbours have expressed concern), sustainable transportation, open spaces and sport facilities.

Conclusion

While the principle of a residential development is acceptable the proposal has a number of serious shortcomings which cumulatively result in an unacceptable scheme which would be detrimental to neighbouring amenity, highway safety and would fail to provide an acceptable quality of residential environment for future occupants. Primarily, given the overbearing scale and bulk of the apartment block and the dominance of hardstanding within the site, it is clear that the proposal represents an overdevelopment of this backland site. The inability to balance the provision of sufficient parking for future occupants alongside a good quality street level residential environment further demonstrates this point.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposal would result in a poor quality urban environment, in terms of the poor relationship of buildings to the narrow vehicular and pedestrian access way, particularly the proximity and scale of the 4/5-storey building and the dominance of hardstanding across the site, the lack of activity at ground floor level to clearly define ownership or provide informal surveillance, and the arrangement of communal amenity spaces adjacent to parking bays and on the outer edges of the development. As such the proposal is contrary to policies BE2, BE3, BE5, BE6, BE7, BE9, H12, H13 and TRN10 of Brent's UDP 2004 as well as *SPG17: Design Guide for New Development*.
- (2) The proposal, by reason of the scale, bulk and dominance of buildings across the site in general and the massing, height and scale of the apartment block in particular, is disproportionate to and detrimental to the backland site and context of 2-storey houses. The proposal therefore represents an overdevelopment within this constrained plot which would be detrimental to character and appearance of the locality and would have an overbearing impact on neighbouring amenity. The proposal is contrary to policies BE2, BE9, H12, H13 and H15 of Brent's UDP 2004 as well as *SPG17: Design Guide for New Development*.
- (3) The significant increase in traffic, both vehicular and pedestrian, without adequate mitigation would have a detrimental impact on the occupiers of 223 Harlesden Road specifically in terms of privacy. A poor quality of detail has been submitted to demonstrate this can be acceptably addressed and as such the proposal would be harmful to the amenity of neighbouring occupants and is contrary to policy BE9 of Brent's UDP 2004 and *SPG17: Design Guide for New Development*.
- (4) In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure, without a contribution to sustainable transport improvements in the area, an increased pressure for the use of 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 education improvements. As a result, the proposal is contrary to policies STR19, TRN4, TRN23 and OS7 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Document;- s106 Planning Obligations.
- (5) In the absence of a legal agreement to control the matter, the proposal fails to comply with the principles of sustainable development and would be harmful to the aims and objectives of the Council, which seek to ensure that new development and land uses achieve sustainable development, and is therefore contrary to Policies STR14 and BE12 of the Brent Unitary Development Plan 2004 and the guidance contained within Supplementary Planning Guidance SPG19: "Sustainable Design, Construction and Pollution Control".
- (6) The level of provision of parking within the site would result in overspill parking on Harlesden Road, this unrestricted increase in demand for parking cannot be

accommodated and would be detrimental to the free flow of traffic and pedestrians and highway safety, in a location where a 'car-free' agreement cannot be implemented as access to public transport is insufficient to result in a sustainable 'car-free' scheme. The proposal fails to comply with TRN2, TRN4, TRN23 and TRN24 and PS14 and the National Planning Policy Framework.


INFORMATIVES:

None Specified

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

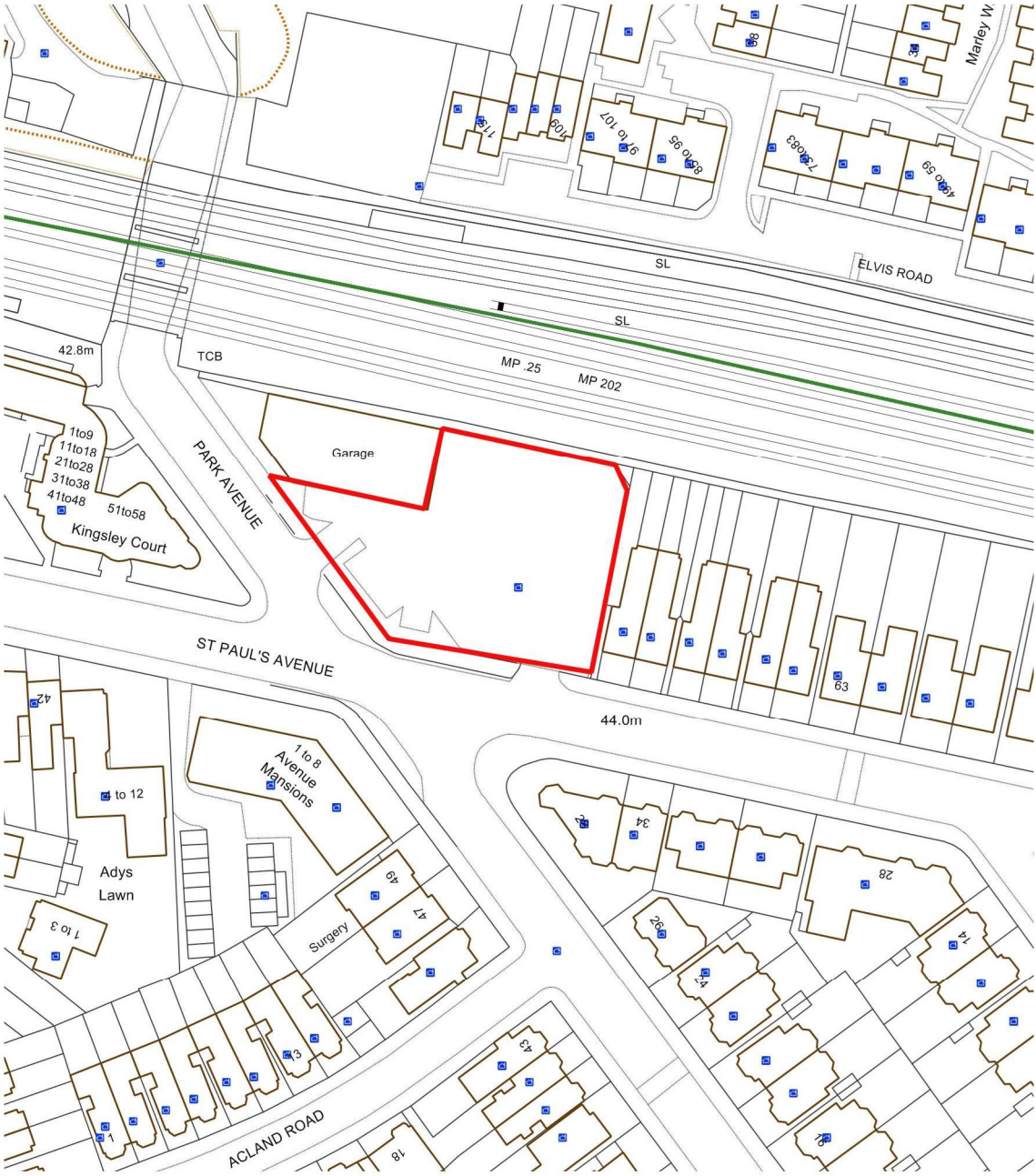
Committee Report
Planning Committee on 17 April, 2012

Item No. 10
Case No. 12/0247

 **Planning Committee Map**

Site address: Storage Land next to 75, St Pauls Avenue, London, NW2 5TG

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This map is indicative only.

RECEIVED: 2 February, 2012

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: Storage Land next to 75, St Pauls Avenue, London, NW2 5TG

PROPOSAL: Variation of condition number 2 (plan numbers) to allow the following minor material amendment:

- The inclusion of 8 parking spaces (for the use of the garage business or in association with the servicing and management of the proposed residential building only) within the proposed landscaped area at the southwest corner of the development site

to the scheme granted by full planning permission 11/0051 dated 11/04/01 for the redevelopment of the site to provide a part 3, part 4, storey building, comprising 10 affordable units and associated access, landscaping, a disabled parking space and cycle parking provision, and subject to a Deed of Agreement dated 11 April 2011 under Section 106 of the Town and Country Planning Act 1990, as amended

APPLICANT: Genesis Housing Association

CONTACT: Savills

PLAN NO'S:
See condition 2

RECOMMENDATION

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

SECTION 106 DETAILS

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

- (a) Payment of the Councils legal and other professional costs in
 - (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) 100% Affordable Housing .
- (c) A contribution of £55,200 (£2,400 per AH bedroom), 50% due on material start, 50% due on Practical Completion unless an affordable housing toolkit is submitted at that point showing a return of less than 15%. The contributions are to be index-linked from the date of committee and used for Education, Sustainable Transportation and Open Space & Sports in the local area.
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 3, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (e) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council

- who will provide that level of offset renewable generation.
- (f) Join and adhere to the Considerate Contractors scheme.
 - (g) The removal of the rights of residents to apply for parking permits.
 - (h) Contribution towards off-site landscaping in the pavement build-outs adjacent to the site.

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 is a vacant plot on the northern corner of St Paul's Avenue and Park Avenue North, NW2. The site is not within a conservation area but is opposite Kingsley Court which is a Grade II Listed Building.

The last lawful use of the site was as a petrol filling station. There is a functioning garage directly to the north of the site on Park Avenue North and a train line to the north of the site, all other neighbouring uses are residential.

PROPOSAL

See description above

HISTORY

11/0051 Granted subject to Legal Agreement

Redevelopment of the site to provide a part 3, part 4, storey building, comprising 10 affordable units and associated access, landscaping, a disabled parking space and cycle parking provision, and subject to a Deed of Agreement dated 11 April 2011 under Section 106 of the Town and Country Planning Act 1990, as amended

10/0677 Refused at planning committee on 30th June 2010

Redevelopment of the site to provide part 2, 3, 4 and part 6 storey building comprising 20 (5 one, 10 two and 5 three bed) affordable units and associated access, landscaping, car parking and cycle parking provision

POLICY CONSIDERATIONS

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)

This applies to relevant developments from 01/04/2012

Brent's Core Strategy 2010

Within the adopted LDF Core Strategy the following policies are considered to be the most pertinent to the application.

CP6 Design & Density in Placeshaping

Sets out the factors that will be taken into account in determining density and requiring good design

CP21 A Balanced 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

London Borough of Brent Unitary Development Plan 2004

Within the adopted Unitary Development Plan 2004 plan the following list of 'saved' policies are considered to be the most pertinent to the application.

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

Supplementary Planning Guidance Note 17: Design Guide for New Development Supplementary Planning Document: S106 Planning Obligations

SUSTAINABILITY ASSESSMENT

The checklist scores a value of 28.5%, which is considered fairly detrimental in sustainability terms. Further sustainability measures will need to be awarded to ensure that the proposal meets the 50% checklist requirement. This will be secured in the s106 agreement.

Suggestions to improve the sustainability score include:

- Provide information on the issues where points have been lost i.e. materials (including more sustainable materials – see SPG19 for details), water conservation and recycling, provide SUDs such as permeable paving, green/ brown roof.
- Provide further measures for water efficiency i.e. spray taps, water meter etc.
- Provide information for Localised lighting with user controls & low energy fittings.
- Sign up to the Considerate Contractors scheme and provide construction waste recycling targets in line with the ICE Demolition Protocol
- Proposals to improve air quality.

Energy

Applicants have gone through the necessary steps in accordance with the London Plan 'Energy hierarchy' to show the feasibility of reducing overall Carbon emissions.

Applicants have considered District Heating and CHP in line with the London Plan 'Energy Hierarchy' and have concluded that there is not a district network to connect up to, nor does the scheme have the appropriate mix or density for optimum CHP efficiency. These measures have been discounted accordingly.

Applicants have demonstrated that it is possible to achieve a 20% reduction on the buildings lean baseline CO₂ emissions (29,463KgCO₂/year) through renewables. It has been demonstrated that through a combination of solar thermal and solar PV, a 20% reduction can be achieved or alternatively, solar PV alone achieves the same reduction.

S106 requirements:

- Achieve at least 50% on the council's sustainability checklist
- An indicative BRE sustainability assessment showing that the development will be constructed to such specifications as to achieve Code for Sustainable Homes Level 3 rating.
- Energy conservation and passive solar measures to achieve higher levels of Carbon-reduction or SAP ratings (at least 10% above Building Regulations minimum)
- To commission and prepare a strategy to demonstrate that 20% of the site's Carbon emissions can be offset through onsite renewable energy generation and to fully implement that strategy and maintain it for the lifetime of the development unless otherwise agreed in writing by the Council OR if technically unfeasible, an equivalent level of off-site renewables, provided on a local school/community facility, and maintained for the life of the development.
- Evidence of sustainable materials shall be submitted to, and approved, by the local planning authority at Reserved Matters stage, or at least 4 months prior to site commencement of the development. Such materials shall be of a comparable sustainability standard to that indicated on (or negotiated through) the Checklist submitted with the application.
- To include details of how ICE Demolition Protocol Methodology has been applied in setting DRI &/or NBRI targets for recycled materials or content.
- To sign up to the Considerate Contractors' scheme

A pre-assessment statement has not been provided for the application. As the application is 10 units, the development will be expected to achieve Code for Sustainable Homes Level 3.

CONSULTATION

Neighbouring occupiers were consulted on 16th February 2012. A site notice and press notice were also published, 4 objections have been received making the following comments:

- The garage should be urged to use the forecourt in the way they have for the past 20 years - if there is any congestion in the garage forecourt traffic backs up onto Park Avenue North, the proposed parking bays will require cars to regularly block the entire Park Avenue North entrance causing traffic to back up around this blind corner creating the risk of accident.
- The proposal is a step backwards towards the original application rejected by the Inspector at appeal - the frontage and the vista as pedestrians walk down St Pauls Avenue would be a huge open paved area across the parking spaces
- The variation would leave only a narrow green strip while doubling the width of the paved area.
- Having trees along the perimeter is a good idea but the remaining total area of grass and trees is far too small to offset the massive frontage.
- The Inspector criticised the potential for conflict between cars and pedestrians - this will increase with this proposal.
- The conversion of the green area to a car park will attract rubbish and graffiti to the entire street.
- Not happy with the design/materials of the approved building - this will worsen with the stark open frontage replacing the promised green area.
- Conflict between Court Order and application - The application fails to show the other 7 parking spaces granted by the Court Order.
- Noise is likely to increase with the identified 15 parking spaces
- Traffic calming measures impede the right of way
- The introduction of these spaces is likely to lead to confusion amongst future residents as to who can use the space and conflict with the garage.

Internal

Highways - Residents will need to be informed that these spaces are not for residential use.

- It is recommended that a suitable line of bullnose kerbs, blocks or setts be provided along the line of the previously approved right of way to signify a consistent width of about 4m
- To compensate for the loss of landscaping new planting could be provided within the extensive footway areas around the amended junction, if this course of action is sought a suitable financial contribution should be secured.

REMARKS

Members will be aware that planning permission was granted on 11th April 2012 for a residential development comprising of 10 units. The original committee report for the approved scheme can be viewed in Appendix 1 below.

The current application seeks permission for the following amendment, otherwise the proposal remains unchanged:

- The inclusion of 8 parking spaces for the use of the garage to the north and the Housing Association within the proposed landscaped area at the southwest corner of the development site

Background

Following the approval of planning application 11/0051, the garage owners adjacent to the development site have successfully, through the courts, claimed prescriptive rights to park 15 vehicles on land owned by Genesis Housing Association (GHA). GHA are required to provide 8 parking spaces within the area of land to the south east corner of the plot which, under the approved planning application, is a landscaped area fronting St Paul's Avenue.

It is acknowledged that 7 other spaces will be provided elsewhere on the site but they do not impact on the form of the planning approval.

The application seeks approval for a revision, incorporating the 8 parking bays within the southeast corner of the site fronting St Pauls Road and Park Avenue East, to enable the 10 unit scheme to be implemented, whilst at the same time complying with the court ruling.

Landscaping

The extent of softlandscaping around the proposed building has been a significant issue and formed part of the reasons for refusal in the original application and dismissed appeal. This was, however, successfully overcome in the 10 unit scheme and an important element of this was the softlandscaped area on the corner of St Paul's Avenue and Park Avenue North.

It is inevitable that the current proposal, with the requirement to incorporate 8 parking bays within this identified area, will result in a reduction in the quantity of softlandscaping provided on the part of the site. However, officers have worked with the applicant, as well as highways and landscape officers, to seek a way to mitigate this.

A revised parking layout for the 8 cars has been provided since the submission of this application. The proposal now envisages a block of parking bays (2 rows of 4 spaces). While this arrangement means that not every space is independently accessible it is not unusual for working garages where parking is required in a relatively small space. GHA have sought advice and believe that this arrangement would not conflict with the Court Order, this is not an issue for the Council to judge but is a civil matter between GHA and the garage. The impact on the quantity and quality of landscaping and the resultant appearance of the development does however need to be considered.

The position of the parking bays allows for a fairly narrow strip of landscaping before the site boundary with Park Avenue North (ranging from just under 2m to about 1m), this will allow for the inclusion of a hedge as originally approved, a 1.5m high trellis is also proposed to allow for climbing plants. Other than the originally approved wheelchair accessible parking bay the rest of the space can remain as softlandscaping.

Officers are of the opinion that this revised layout of the parking spaces has a much less significant impact and can be mitigated by the inclusion of larger scale planting including trees within the site, this will be required by condition.

In addition to this, the recently revised junction layout adjacent to the site allows scope for the inclusion of softlandscaping within the widened pavement area further mitigating the on-site loss. A financial contribution will be required in a new s106 agreement to fund this, it is currently suggested that this could consist of 3 street trees but further details of this proposal will be included in a supplementary report.

While the quantity of on-site landscaping in terms of the area covered will reduce, through the inclusion of larger trees officers consider that the quality can be improved. The addition of off-site landscaping will further mitigate the quantitative loss with the result that the appearance of the development will, on balance, remain acceptable.

Impact on future residents

Officers raised initial concern about the relationship of the proposed parking spaces with the approved building in terms of the amenity of future occupants, particularly those with windows overlooking this space. The addition of the parking bays is not considered to specifically increase the capacity of the garage but the concern has been the proximity of activity to the residential units. The location of the parking bays is likely to increase the number of vehicular movements in close proximity to the residential units and may also increase the number of cars which choose to use the right of way to enter or leave the site.

The garage will be entitled to use the spaces Monday to Saturday from 7am to 7pm and not outside of these hours. There would be no vehicles or movements of vehicles in this space in the evenings or on Sundays.

Given that the site is located next to a garage and train line it has always been anticipated that there would be a notable amount of vehicle movements in and around the site as well as train noise. This was addressed in the original approval including a screen around the small private garden at ground floor as well as the angling of the upper floor balconies towards the front of the site, screening the garage. This design will largely direct outlook towards the part of the corner plot where softlandscaping is still proposed, as such the impact on amenity and outlook is expected to be limited.

Conclusion

Members will be familiar with this site and the difficulties of securing a scheme that can be supported by officers. A proposal was eventually granted in April 2011. The concerns of the adjoining garage site have been clearly set out over time and they have successfully, through the courts, sought to protect their position as far as number of car parking spaces are concerned. That position has impacted on the approved development and has required that it be re-visited. For Members information, this application only relates to the introduction of parking spaces into the south east corner of the site, and all other aspects are as per the approval from last April.

The revised proposal has been carefully considered and, with associated conditions and the additional financial contribution to off-site landscaping, will result in a different but nevertheless an

on balance acceptable arrangement. With the mitigation already designed into the approved scheme, the quality of accommodation will continue to be acceptable and with a larger scale of planting in the remaining on-site landscaped area plus the addition of off-site landscaping the appearance of the development will also remain of the necessary quality.

Appendix 1

As described above the application is for the development of the vacant plot on the northern corner of St Paul's Avenue and Park Avenue North, NW2.

The applicant is Genesis Housing Association and the proposed 10 units are all affordable and are proposed for social renting.

Context

A significant issue which has a direct and obvious impact on the form of the proposal is a Right of Access across this site which members will be aware of from previous applications. As things stand at the moment, the area affected cannot be built upon or treated in anyway which would prevent vehicular access. The areas unaffected are to the south west and to the centre, east and north east of the site. It is this right of access that has effectively determined the form that the proposal takes.

As yet discussions between the applicant and garage owner have not led to an agreement to remove this access or exchange an area of the site and as such the right of access and its restrictions remain.

No representations have been received from the garage owner to date about this current application.

Principle of Redevelopment

There is no objection to the principle of developing the site for residential use. It is not considered as local employment land, being a former petrol filling station, and the character of the area is residential with the exception of the adjacent garage site.

The proposal is for 100% affordable housing and would make a contribution to the housing need in the borough providing an acceptable mix of units including family sized maisonettes (7x2-bed and 3x3-bed).

Design & Scale

The site is a prominent corner plot at the junction of St Paul's Avenue and Park Avenue, across the junction to the west of the site is the 6-storey and Grade II Listed Kingsley Court and to the south, Victorian or Edwardian mansion blocks of 3 and 4 storeys face onto the junction. These buildings present a strong building line around the junction, each also benefiting from a landscaped set back and green perimeter resulting in the establishment of a clear residential character.

The proposal is for a part 3 and 4 storey building limited in its foot print to the eastern area as defined by the right of access. To the east of the site the buildings are semi-detached houses in appearance but were originally built as maisonettes. At the point closest to this neighbour the proposed building is 3 storeys and is lower than their ridge height, the main front building line here reflects that of the bay feature of the neighbouring maisonettes and officers' are of the opinion that this relationship is acceptable. The step up to 4-storeys still results in a building generally lower than the other corner plots.

The right of access has a significant impact on the treatment of the St Paul's Avenue frontage. Originally the proposed treatment of the frontage was 100% hardstanding. In the proposed scheme a front hedge has been introduced across the whole of the front curtilage. The Council's policies relating to the public realm state that a high standard of landscape design is required as an integral element of development schemes to provide a good quality residential development and to enhance the streetscene. In contrast to the refused scheme, as well as the above mentioned hedge, an area of green wall has been introduced to either side of the front entrance doors and most significantly it has been possible to add planters within the pedestrian frontage. These features add much needed softlandscaping to the hard frontage, a condition is recommended to ensure that good quality planting is introduced as well as maintenance to ensure it survives. This scheme also benefits from no building on the southwest part of the site which allows for the introduction a significant amount of softlandscaping. While the treatment directly in front of the building is still much harder than usually sought it is considered that given the specific constraints the proposals discussed above are acceptable.

Notwithstanding these significant limitations officers consider that the general design and scale of the proposed building is acceptable. The design detail relates acceptably to the architecture of Kingsley Court without mimicking the 1930s design and the height is sympathetic to the 2-storey houses. There is some rhythm and consistency with projecting windows and balconies providing some additional interest. Samples of the proposed materials are required by condition as high quality finished are required.

Residential Amenity

Standard of Accommodation for Future Residents

All units comply with or exceed the minimum internal floorspace standards of SPG17 and all are dual aspect, unit 2 does not have very generous outlook as it is constrained by the requirement for acoustic screening but its bedrooms have unobstructed outlook to their garden.

All units apart from flat 10 have private amenity space mostly in the form of small balconies. The two ground floor units each have a private curtilage indicated which are acceptably sized without counting the front gardens. The scheme achieves a sufficient quantity of amenity space as sought by SPG17.

In terms of noise the site suffers from both the railway to the north and the active garage to the northeast. The applicants have submitted a noise survey and assessment with the conclusion that the standards of BS8233:1999 "Sound insulation and noise reduction for buildings" can be achieved internally subject to particular construction of walls for the building. Officers are of the opinion that post-completion in this case will be particularly important and a condition is recommended to require this and, if standards are not achieved, remediation measures will need to be agreed and implemented which could require physical alterations and additions.

Noise attenuation will be crucial to ensuring the children's play space could be well used and details of the fencing are required, at busy times the garage can produce high levels of noise and the attenuation measures will aim to reduce the impact of this on the amenity space as far as possible. The shape and size of the amenity space has drastically improved from application 10/0677, while noise can be attenuated but not removed the quality and quantity is on balance considered to be acceptable.

Impact on Adjoining Occupiers

The separation distances across the junction and the fairly restrained height of the proposal result in an acceptable relationship in terms of surrounding neighbours.

To the rear the building has been designed to not project beyond the rear principal elevation (building line) of no. 75/75a St Paul's Avenue until it is 10m in from the joint boundary. At this point the building projects backwards by 6m at a height of 2-storeys, significantly less than the 2-storey outrigger of the adjacent building which is about 11.5m. At a further 5m from the boundary the projection increases by an additional 3m and is 4-storeys.

There are 2 windows above ground level in these flank walls and a condition is recommended to ensure they are obscure glazed to protect neighbouring privacy, as neither window is a sole window to a habitable room this condition would not harm the amenity of future occupants.

In the previous application concerns were expressed by an occupier of the neighbouring maisonette about the potential negative impact of the proposal on the levels of daylight and sunlight that they presently receive. In the neighbouring building containing 2 flats 3 windows (2 at ground floor and 1 at first floor) would experience a loss of daylight of over 20% which exceeds BRE Guidance, however the majority of reductions in daylight are below 20%. The units do benefit from south facing windows which do not face the application site and so are unaffected. While it would be preferable for the impacts not to exceed BRE Guidance at all the proposed height of the development is considered more sympathetic to the neighbouring dwellings and as a whole is considered to be sited so as to minimise its potential impact.

Transportation

As the development is proposed as social housing a 50% reduction in the parking standards set out in PS14 of the UDP 2004 applies, as such about 13 parked cars would be expected to be generated by this development. The proposal involves a single disabled off street parking spaces only

The applicant's Transport Statement suggests that a 'car-free' agreement be applied to the development,

While the site has a PTAL of 3 and PTAL 4 is usually required for car-free agreements it is at the upper end of the PTAL 3 range and the Council's Highways Officer accepts that a minor relaxation in this instance is acceptable and the scheme can be supported with a 'car-free' agreement to prevent future occupant's obtaining parking permits.

The disabled parking and cycle storage provision comply with the Council's requirements, as does the location and size of the refuse store.

Officers previously had concern about the awkward entrance arrangement into the site from St Paul's Avenue, while vehicles from the garage will still have use of this accessway only a single residential vehicle would now have access to the site which is considered to make a notable difference in the amount of vehicle activity.

One of the most concerning reasons for refusal in application 10/0677 related to the layout of the site and the conflict arising between vehicular and pedestrian movement across the front and also through the site. As no building is proposed on the plot to the left the visibility through the site is significantly improved, nevertheless officers still recommend a condition for a bollard on the southeast corner of the pedestrian only frontage as a marker for both pedestrians and vehicles. Speed humps are proposed along the route through the site as a traffic calming measure.

The pedestrian entrance to the site is proposed as a footpath with a kerb providing a safe accessway. Directly in front of the building, with the recessed ground floor entrance, there is a pedestrian only area of over 2.5m this is a significant increase compared to the refused scheme. A 1.5m deep area in front of this which is affected by the right of way is proposed to be treated in the same way as the pedestrian area to encourage drivers not to use it. An important and essential addition is the planters along the edge of the pedestrian space, these clearly indicate the

safe area for pedestrians without creating a solid barrier.

While the right of access is a significant constraint for the development of the site it is considered that the improvements made for pedestrian safety result in an acceptable proposal.

Landscaping

As discussed above the scheme provides a good quantity of amenity space. Details of all planting, play space equipment and planters etc. are required by condition to ensure high quality is achieved. Details of hardstanding are also sought and should be permeable as well as of a good quality appearance.

Servicing

Access to the refuse store from the highway does not exceed 15m and is therefore acceptable.

Comments were received from Thames Water on application 10/0677 and it is considered that the points raised need to be addressed in this application. Neighbours have raised concern about flooding from storm flow in the immediate vicinity and therefore a condition is required for details of storm flow attenuation to ensure that the development of the site does not negatively contribute to the existing situation. The site is currently 100% hardstanding so it is possible that the introduction of soft landscaping and permeable paving could improve the situation, but at the least it is important to ensure that it is not worsened.

S106

The applicants state that the scheme is unviable but make an offer of a contribution of £20,000. The standard contribution of £55,200 (£2,400 per AH bedroom) is advised by the s106 SPD and the recommended Heads of Terms suggest 50% provided on material start with 50% due on practical completion. The upfront 50% would be £27,600, officers seek this amount as the minimum contribution, upon Practical Completion the remaining 50% would be required unless an affordable housing toolkit is submitted at that point showing a return of less than 15%.

Other

Members are advised that as a final revision to the scheme was received at late notice (increasing the depth of the pedestrian area to the frontage and adding planters) only the ground floor plan so far shows this alteration. Other plans will be altered accordingly and revised plan numbers included in a supplementary report.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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

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

CONDITIONS/REASONS:

- (1) The development hereby approved shall be commenced within 3 years of 11th 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 drawing(s) and/or document(s):

813/X01

GHG/813/OD22 E

GHG/813/OD23 B

GHG/813/OD24 B

GHG/813/OD25 A

GHG/813/OD26 A

GHG/813/OD30 B

GHG/813/OD31

GHG/813/OD32 A

GHG/813/OD33 A

GHG/813/OD38 E

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

- (3) The east facing window of units 3 and 6 shall be obscure glazed and non-opening unless above at least 1.7m from internal floor level, and maintained as such.

Reason: In their interest of neighbouring amenity.

- (4) Any remediation measures required by the LPA shall be carried out in full. A verification report shall be provided to the LPA, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the LPA 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 UDP 2004.

- (5) The hereby approved 8 parking spaces shall be used by the garage business and in association with the servicing and management of the proposed building only and not by residential occupants at any time.

Reason: To prevent a conflict between the different users of the site and to maintain a car-free residential development.

- (6) Prior to the commencement of work details shall be submitted to and approved in writing by the LPA to demonstrate:
- proper provision for drainage of surface water to ground or a suitable sewer.
 - attenuation of storm flow or regulation into the receiving public network through on or off site storage.

N.b. Where the developer proposes to discharge to a public sewer prior approval from Thames Water is required.

Reason: To ensure that surface run off within the curtilage of the site can be contained.

- (7) 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

- (8) Notwithstanding indicative materials on plans details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works above ground level. 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.

- (9) 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 work on the site above ground level. Such landscaping work shall be completed prior to occupation of the building(s).

Such scheme shall also indicate details of:-

- Proposed walls, fences and gates including materials and heights
- Play area equipment
- Dimensions, appearance and siting of planters to frontage.
- Width of planting bed for hedge at front boundary.
- Detail of planters with climbing plants on front elevation either side of entrance doors as shown on GHG/813/OD30
- Maintenance plan with particular detail relating to planters.
- Materials of all hardsurfacing including samples (to be SUDS and/or permeable paving systems)
- The inclusion of 4 trees (14-16cm girth) within the landscaped area at the southeast corner of 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.

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

- (a) acoustic barrier between the amenity space and the adjacent garage

(b) acoustic screening to balconies to west elevation

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

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

- (11) Prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the LPA, 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 LPA.

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

- (12) Prior to occupation of the dwellings the applicant shall be required to submit in writing to the LPA the results of the post-completion testing undertaken in the noise affected dwellings to verify that all units would comply with BS8233:1999 'Sound insulation and noise production for buildings – code of practice'. If requirements are not achieved remediation measures shall also be submitted to and approved in writing by the LPA and implemented and re-tested accordingly.

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

- (13) Prior to the commencement of the development above ground level a Construction Method Statement shall be submitted to and agreed in writing by the LPA outlining measures that will be taken to control dust, noise and other environmental impacts of the development.

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

- (14) Further details of the proposed speed humps shall be submitted to and approved in writing by the Local Planning Authority and implemented before the building is occupied.

Reason: To minimise the conflict between users of the site.

INFORMATIVES:


- (1) Prior to the commencement of any works on site, developers must contact Network Rail to inform them of their intention to commence works. This must be undertaken a minimum of 6 weeks prior to the proposed date of commencement.
- (2) Prior to commencement of works, full details of excavations and earthworks to be carried out within 10 metres of the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details.

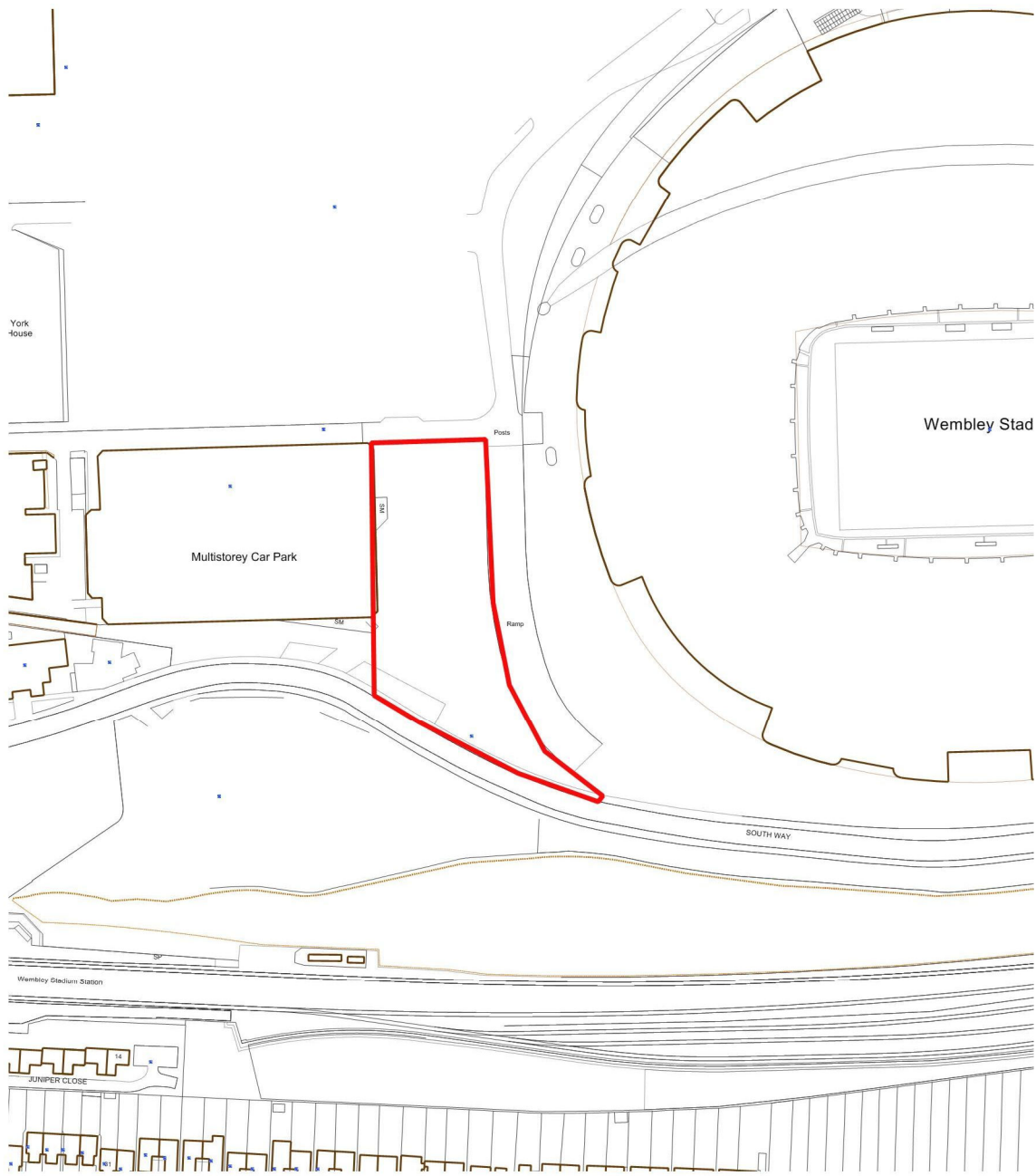
Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377

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Committee Report
Planning Committee on 17 April, 2012

Item No. 11
Case No. 12/0138

	Planning Committee Map
Site address: LAND SURROUNDING WEMBLEY STADIUM, Royal Route, Wembley, HA9	
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This map is indicative only.

RECEIVED: 23 January, 2012

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: LAND SURROUNDING WEMBLEY STADIUM, Royal Route, Wembley, HA9

PROPOSAL: Erection of an 8-storey car park for 734 cars with parking on roof and associated hard and soft landscaping and access and egress both from Royal Route and South Way.

This application is submitted as the Reserved Matters pursuant to Condition 2 (i), (ii), (iii), (iv) and (v), Condition 6 (Infrastructure), Condition 60 (Access Arrangements) and Condition 64 (Boundary layer wind tunnel testing) of Outline planning application 03/3200, relating to plot W10, and subject to a Deed of Agreement dated 31st March 2011 under Section 106 of the Town and Country Planning Act 1990, as amended

Planning application reference 03/3200, granted on 29/09/2004, for:
Works for the re-orientation of Wembley Arena
Class A1 (retail) comprising up to 14,200m² designer retail outlet, 11,800m² sports retailing
Class A1/A2 shops/financial and professional services up to 8,000m² (including up to 2,000m² supermarket)
Class A1 (retail) comprising up to 400m² of hotel boutique retail
Class A3 (food and drink), up to 12,700m²
Class B1 (a) (b) and (c) Business, up to 63,000m²
Class C1 (hotel), up to 25,400m²
Class C1/Sui Generis (hotel apartments), up to 26,700m²
Class C2 (residential institutions) up to 5,000m²
Class C3 (dwellings) up to 277,000m², (up to 3,727 dwellings)
Student accommodation (Sui Generis), up to 16,600m²
Class D1 (non-residential institutions), up to 8,200m²
Class D2 (assembly and leisure), up to 28,500m² (including the existing Arena of 13,700m²)
together with associated open space, public market area (Class A1), hard and soft landscaping, highway and engineering works, electricity substation, 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

APPLICANT: Quintain Estates and Development Plc

CONTACT: Signet Planning Ltd

PLAN NO'S:
Please see condition 1.

RECOMMENDATION

That consent be granted for the reserved matters relating to part of Plot W10.

SECTION 106 DETAILS

The outline planning consent, reference 03/3200, was accompanied by a Section 106 agreement which is subsequently applicable to all of the Reserved Matters Applications.

As such, a new Section 106 agreement is not required for this application.

This application is not subject to the Community Infrastructure Levy.

EXISTING

Plot W10, adjoining South Way, is located along the southern boundary of Quintains Stage 1 Masterplan Area (reference 03/3200). It adjoins and is to the south-west of Wembley Stadium, with the car park site separated from the Stadium Concourse by the pedestrian ramp which leads down from South Way to Perimeter Way.

The site is currently occupied by the existing 1200 space multi-storey car park, a concrete 4-storey parking structure with parking on the roof (thus providing 5 levels of parking). At-grade parking is also provided on part of the site.

PROPOSAL

This application seeks the approval of Reserved Matters for Plot W10, situated to the south-west of the Stadium. The erection of an 8-storey car park is proposed on the land immediately to the east of the existing multi-storey car park (the "Red Car Park"), with a capacity of 734 spaces. This includes 47 (6.4%) disabled spaces and 15 (2%) parent and toddler spaces.

Vehicular access to the car park is via South Way (to the south) and Royal Route (to the North).

This application is submitted as the Reserved Matters pursuant to Condition 2 (i), (ii), (iii), (iv) and (v), Condition 6 (Infrastructure), Condition 60 (Access Arrangements) and Condition 64 (Boundary layer wind tunnel testing) of Outline planning application 03/3200.

The proposed car park is to serve the commercial uses approved through the Stage 1 consent, and Wembley Stadium on event days.

HISTORY

The Quintain Stage 1 outline planning consent, reference 03/3200, was granted in September 2004 allowing:

Works for the re-orientation of Wembley Arena

Class A1 (Retail) comprising up to 14,200m² designer retail outlet, 11,800m² sports retailing

Class A1/A2 shops/financial and professional services up to 8,000m² (including up to 2,000m² supermarket)

Class A1 (Retail) comprising up to 400 square metres of hotel boutique retail

Class A3 (Food and Drink), up to 12,700m²

Class B1 (a) (b) and (c) Business, up to 63,000m²

Class C1 (Hotel), up to 25,400m²

Class C1/Sui Generis (Hotel apartments), up to 26,700m²

Class C2 (Residential institutions) up to 5,000m²

Class C3 (dwellings) up to 277,000m², (up to 3,727 dwellings)

Student accommodation (Sui Generis), up to 16,600m²

Class D1 (Non-residential institutions), up to 8,200m²

Class D2 (Assembly and Leisure), up to 28,500m² (including the existing Arena of 13,700m²)

3-storey structure to provide car and coach parking

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;

Minor non-material amendments to this proposal were approved by the Council in 2006, resulting in revisions to a number of the parameter plans.

Elements of this outline planning consent that have delivered to date includes:

- Works to the re-orient and renovate Wembley Arena
- The construction of Arena Square
- Forum House (Plot W01): 8-storey building arranged around a central courtyard with basement comprising of 286 residential units, 8 composite residential/business units, a retail unit, an employment agency and a crèche
- Quadrant Court (Plot W04): 8-storey building arranged around a central courtyard with basement comprising of 232 residential units, 618m² of local-needs floorspace, 2800m² of designer-outlet retail floorspace, 1469m² of D1 community floorspace in the form of a Primary Care Health Centre (PCHC)

Reserved Matters consent for plots W05 (Hilton Hotel, Student Accommodation, Food and Drink uses and Designer Outlet, Sports and local needs shopping) has been approved and this building is nearing Practical Completion.

Reserved Matters consent for Plot W07 has also been approved and works commenced on this plot toward the end of 2011. This plot will comprise a 9-screen multiplex cinema, Food and Drinks floorspace and Designer Outlet retail.

A temporary car park has been approved on the application site (Plot W10, reference 10/1417) as Reserved Matters to the outline consent. This allows the construction of a part 2-storey, part 5-storey (including parking on roof) car park structure comprising 700 parking spaces, with the duration of the consent limited to 10 years from the date that application was approved (5 April 2011) or 7 years from first occupation of the Designer Outlet retail units or the cinema. This represents an alternative to the permanent car park that is now proposed which can be implemented, albeit for a limited period of time. The applicant has indicated their preference to construct a permanent car park on this site (hence the submission of this application). However, the previous (temporary) approval would remain as a "fall back" option for the applicant. Both structures are situated on the same piece of land, so the applicant could not implement both schemes.

Reserved Matters approval has been granted for Plot W03. However, works have not commenced on this scheme and the Powerleague "5-a-side" football centre is currently operating from this plot under at temporary consent.

The Quintain Stage 1 consent envisaged the provision of two multi-storey car parks associated with the Stadium and Commercial uses, one to the East of the stadium and the other to the West. Plot W10 (the subject site) was envisaged as the location of the western car park. The outline

consent also allowed floorspace within Use Classes C2, C3, Sui Generis, A1 (sports), A1, A2, B1 and D1.

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)

This applies to relevant developments from 01/04/2012

This section of the report sets out the planning policies and guidance documents that are relevant to the proposed car park.

The outline planning consent established the principles for the majority of parameters that apply to the car park, such as the need and size of the car park, the siting of the car park and the location of accesses. Therefore, whilst the below list of policies and guidance are applicable, the consideration will focus on the issues of detail rather than the over-arching principles of the car park.

NATIONAL

National Planning Policy Framework

REGIONAL

The London Plan 2011

Supplementary Planning Guidance

- Sustainable Design and Construction – Supplementary Planning Guidance (2006)
- Accessible London: achieving an inclusive environment – The London Plan Supplementary Planning Guidance (2004)

LOCAL

Brent Local Development Framework Core Strategy 2010

CP1 Spatial Development Strategy

CP5 Placemaking

CP7 Wembley Growth Area

CP15 Infrastructure to Support Development

CP19 Brent Strategic Climate Change Mitigation and Adaption Measures

Brent Unitary Development Plan 2004

The relevant policies in this respect include Policies STR3-4 (prioritising locations and land-uses to achieve sustainable development), STR5 and 9 (reducing the need to travel) and STR12-15 (protecting and enhancing the environment)

Policies

BE2 Local Context

BE3 Urban Structure: Space & Movement

BE4 Access for disabled people

BE5 Urban clarity and safety

BE6 Landscape design

BE7 Streetscene

BE8 Lighting and light pollution

BE9 Architectural Quality

BE12 Sustainable design principles

BE34 Views and Landmarks

EP2 Noise and Vibration

EP3 Local air quality management

EP6 Contaminated land

EP12 Flood protection

EP15 Infrastructure

TRN1 Transport assessment

TRN2 Public transport integration

TRN3 Environmental Impact of Traffic

TRN4 Measures to make transport impact acceptable

TRN6 Intensive Development at Selected Transport Interchangees

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

TRN25 Parking in Town Centres

TRN28 Restrictions on Off-Street Public Parking and Contract Parking

TRN31 Design and Land Take of Car Parks

TRN34 Servicing in new developments

TRN35 Transport access for disabled people & others with mobility difficulties

WEM2 Pedestrian Route/Promenade

WEM7 Access to development – the National Stadium Policy Area

WEM9 Comprehensive Development – The National Stadium Policy Area

WEM12 Short stay car parking in the Wembley Regeneration Area

WEM16 Urban design quality – Wembley Regeneration Area

WEM17 The public realm – Wembley Regeneration Area

WEM19 Views of the Stadium

Brent Council Supplementary Planning Guidance and Documents

SPG3 Forming an access to a road

SPG12 Access for disabled people

SPG13 Layout standards for access roads

SPG17 Design Guide for New Development

SPG19 Sustainable design, construction and pollution control

Other Council Publications

Destination Wembley – A framework for development (2003) Supplementary Planning Guidance

Wembley Masterplan 2009

Wembley Vision (2002)

Wembley From Vision to Reality (2007)

SUSTAINABILITY ASSESSMENT

The applicant has submitted a TP6 Sustainability Checklist to accompany this application. The applicant has scored the TP6 at 53 % (“Very Positive”) after excluding sections of the checklist that they do not consider are applicable to this development. This is an approach that is used by your officers. However, when evaluating the TP6 form in relation to the scheme, your officers have scored the submission at 44.8 %. This is below the minimum required for Major applications (50 %). If improvements are made to the soft landscaping on site, the score would increase to an acceptable level (50.9 %). Your officers have requested such amendments which involve the planting of trees in the two areas to the south of the proposed car park. This is discussed further within the Remarks section of the report. However, the Sustainability Checklist has been considered acceptable on the basis of these amendments which can be secured through condition No 28 of the Outline Consent.

The car park is to be naturally ventilated and LED lighting is proposed. The majority of the block energy requirements are not applicable to this development due to the nature of the building and structure (i.e. heating and ventilation are not required). Given the low energy demand of the building, the applicant has confirmed that the Carbon Emissions will be at least 10 % below Building Regulation levels. It is also specified that PV is not viable as it only achieves a return of 5% to 6% due to changes in the feed-in tariff. No evidence has been submitted to support this. However, given the height of the proposed building in relation to adjoining existing and future buildings, it is considered likely that any PV arrays will suffer some degree of overshadowing.

The proposal is accordingly considered to be acceptable with regard to the Sustainability submission.

CONSULTATION

Statutory (application) consultation process

Consultation letters sent: 26 January 2012

Site notices erected: 27 January 2012

Advertised in local press: 2 February 2012

3rd party comments:

75 letters were sent to adjoining and nearby properties

No letters were received.

Internal Consultees

Transportation:

No objections subject to conditions. Comments from Transportation are discussed within the Remarks section of this report.

Landscape Design:

Very little landscaping proposed, with only two grassed areas one of which is on Grasscrete which is not considered to be acceptable. There should be scope for the planting of trees on these areas.

Environmental Health are satisfied that active ventilation is not required. There is potential for noise to affect future developments surrounding the site which may have implications for the level of insulation of those dwellings, and consideration should be given to the potential impact of the proposed routes of traffic on local air quality.

Ward Councillors: No comments received.

External Consultees

No responses received from Transport for London or Wembley National Stadium Limited

REMARKS

General principle of development

The layout of plots, the maximum height of buildings and the type and quantum of uses that are acceptable within each plot were approved within the Outline Consent. This proposal looks to deliver part of the W10 plot to provide the multi-storey car park situated on the western side of the Stadium.

The existing multi-storey car park obstructs direct access from South Way to the new boulevard and as such, the car park would need to be removed to ensure the provision of an adequate pedestrian link from the existing Town Centre and Wembley Stadium Station to the Quintain designer outlet retail centre.

The outline planning consent envisaged a number of uses on the W10 plot, including a multi-storey car park. However, the car parking element of this plot is to be brought forward earlier than the remainder of the plot so that it can be in place to serve the designer outlet retail units that are due for completion in 2013.

The number of non-residential car parking spaces is limited to a maximum of 3,380 by condition 56 of the outline consent and the proposal is in accordance with this condition. The siting of the vehicle accesses to the public highway are in accordance with the outline planning consent Parameter Plan 5 "Proposed Access and Circulation" as revised.

Design and Appearance

The general form of the car park is very simple, comprising a rectangular structure approximately 80 m (north to south) by 33 m (east to west) and generally 8-storeys high with ramps on the eastern side of the building. Although, it should be noted that ground level varies significantly across the site and the height above ground level is therefore variable. The basic car park structure is largely open on all sides to allow natural ventilation.

A facade treatment is then applied to the exterior of the car park structure to create visual interest. The applicant proposes a "ticker tape" theme, where "fins" comprising aluminium sheeting that will be cut to distinct shapes take the form of over-sized ticker tape running down the sides of the building. Each fin would be approximately 0.75 m apart and can be set at slightly different angles from the facade. A limited suite of colours would be used to accentuate the form of the fins and to

allow the creation of a highlight colour for the car park.

This treatment would cover the majority of the facade, with the access cores and ramps being the only elements of the building which would not be treated in this way.

Your officers consider that this approach could result in an interesting facade treatment from key angles, with the colour, finish and arrangement of the fins being critical to its success. Such details can be secured through the materials condition attached to the Outline Planning Consent.

This approach will allow the car park structure itself to be highly visible from certain angles. The fins will only screen the views to the car park when they are set at an angle to the viewer, with a 90 degree angle giving the maximum level of screening. As such, the appearance of the car park behind the fins, and the appearance of the cores and ramps, is of vital importance. The submitted drawings indicate that a galvanised metal will be used for the balustrade and concrete for the ramps which were not considered to be acceptable by your officers. The revised submission accordingly highlighted the fact that this material is subject to further design detailing and materials specification and the approval of actual details for the materials is required through a condition of the Outline Consent and this can accordingly be addressed through that process. Your officers consider this to be acceptable, subject to the subsequent approval of a different material.

Transportation

The comments from Transportation are as follows (this represents an extract of the comments): This proposal for a permanent multi-storey car park alongside the existing multi-storey car park will avoid any need to implement the temporary car park consent permitted under reference 10/1417, or to thereafter replace it after a period of ten years. Indeed, this proposal may allow the existing car park to remain in use until such time as the new car park is completed, thus overcoming any need to relocate parking onto other sites (such as the Palace of Arts & Industry) during the construction period at all. For these reasons, this proposal is welcomed as being far less disruptive to the continuity of parking for the new retail development and for Wembley Stadium. A condition is suggested requiring the demolition/decommission of the existing multi-storey car park once this new car park is opened, unless otherwise agreed by the LPA.

The provision of access and egress from both South Way and Royal Route is particularly welcome, providing maximum flexibility for customer accessing the site and thus relieving the pressure on any one particular traffic route. It will also allow the flexibility to allow South Way to continue to be closed to vehicular traffic on Wembley Stadium event days, as vehicles will continue to be able to access the car park via Royal Route, as at present. Appropriate signing is proposed to disperse traffic to and from the car park along the most suitable routes and this is welcomed, but will need to be developed into an appropriate detailed signage scheme in due course as a condition of any approval.

The one issue relating to Stadium event days though is the applicant's legal obligation to Wembley National Stadium to provide up to 2,900 spaces for events. With a reduction in parking capacity of about 500 spaces within this car park compared with the existing multi-storey car park, a significant number of replacement spaces may need to be identified elsewhere to satisfy this obligation. Whilst the former Palace of Arts and Industry site has previously been used on occasions, this was intended as a temporary arrangement to cover the redevelopment of the multi-storey car park only and no permanent planning consent has been granted for the use of this area for Stadium parking (indeed, the land now has planning consent for redevelopment anyway, with the new Brent Civic Centre occupying a significant portion of the site). Any replacement spaces should in any case be on, or at least accessed from, the eastern side of the Stadium, to encourage traffic to arrive and depart via North Circular Road. Further information on the applicant's intentions with regard to Stadium car parking is therefore required to assist in identifying suitable traffic management arrangements.

With regard to the car park layout itself, the provision of 734 spaces is otherwise acceptable and

the layout of the spaces and circulation within the car park accords with Institution of Structural Engineers standards for multi-storey car parks in terms of dimensions of spaces, aisle widths, ramp design, headroom and gradients. Adequate disabled parking (6.4% of the total) is indicated to satisfy standard PS15, together with parent/toddler parking (2% of the total), all of which spaces are located on the lowest two floors to allow easy access to the retail development and ensure adequate headroom is provided for high-top conversion vehicles.

The proposed junction onto South Way remains as previously approved for the temporary car park application (i.e. a priority junction with potentially two exit lanes (although only one lane is to be provided initially) and a raised entry treatment) and has therefore already been tested and approved in terms of capacity, geometry and visibility for a car park of this size. Indeed, the provision of a further access onto Royal Route for this scheme with signage directing local traffic for the north and west out of the Royal Route junction will further help to reduce the flows through this access, as will the fact that an access road to Perimeter Way is no longer proposed from this access either. Construction of the junction will need to be undertaken through an agreement under Section 278 of the Highways Act 1980.

The layout of the access and egress onto the private Royal Route is also considered to be fine, although there is little stacking capacity on the entrance to the car park (as is the case with the existing car park).

The total entry and exit capacity of the car park through the four entry and exit lanes has been calculated at 1,440 and 1,280 cars per hour respectively, which is double the capacity of the car park. As such, it is not considered likely that there will be any queuing issues at any of the entry or exit points, with a stacking capacity of 12 cars provided at the South Way entrance to the car park. Variable Message Signs will be used to help direct cars to available spaces on each floor, which is welcomed.

The pedestrian access routes and stair/lift cores for the car park in the southeastern and northwestern corners of the building are well located and will provide good access from South Way, Royal Route and beneath Royal Route to Wembley Park Boulevard (although further details of this will be forthcoming in a further application).

The use of a pay-on-foot payment system is considered appropriate for this car park, allowing quick egress through the exit barrier. This system can be readily suspended on Wembley Stadium event days, when pre-booking of parking spaces generally occurs.

Finally, the car park should also be designed to satisfy Secured by Design Gold Standard for Car Parks. This will ensure that the lighting is designed to a high standard (as proposed by the applicant) and that adequate CCTV coverage is provided, so that the temptation for the car park to be used for crime is minimised.

As such, your officers consider the proposal to be acceptable with respect to Transportation. Conditions have been recommended by Transport relating to signage, security (CCTV, Lighting), Secured by Design, the demolition of the existing Multi-storey car park and further details of the car and coach parking provision for Stadium Events.

As this is a reserved matters application, additional conditions should only be attached in exceptional circumstances. Some aspects of this are secured through conditions attached to the outline consent (signage and lighting). Other aspects, such as CCTV are not. However, the applicant has expressed their intention to install CCTV within the car park as they have done elsewhere in Wembley City and your officers consider that such a condition is not necessary.

A condition has been recommended regarding the cessation of operation and subsequent demolition of the existing multi-storey car park.

The applicant owns approximately 85 acres of land within the Wembley and as such, has specified that it can and will accommodate the parking needs for the Stadium within their land in the immediate vicinity. As such, your officers do not consider it appropriate or necessary to attach a condition regarding the details of the parking provision for Stadium events.

A condition has also been recommended regarding the revision of the Signage Strategy which is a requirement of the Section 106 agreement. This revision would look to update the strategy that has already been approved to include details of the signage required for the proposed car park.

Landscaping and Ecology

The initial proposal provided very little in the way of landscaping. The proposed car park occupies the majority of the application site, with this to some extent being a product of the nature of the proposal which only affects part of the W10 plot. Additional planting will come forward with the remainder of the plot. Nevertheless, there are opportunities for landscaping that were not taken. As such, the applicant has revised the notation on the landscape drawing to highlight the fact that the landscaping details will be submitted pursuant to condition 28 of the Outline Consent (the Landscaping condition). Your officers consider this to be acceptable as there is sufficient scope for adequate levels of tree planting in the area to the south of the car park building.

Noise

A number of measures have been incorporated to address the potential impacts of noise emanating from the car park. Environmental Health have questioned whether the proposal may result in some level of disturbance given the proximity to future dwellings in adjoining plots or in the remainder of this plot. However, developments within the Stage 1 application site must be designed to take account of noise from Stadium events and as such, incorporate ventilation systems and a high standard of noise insulation. As such, your officers do not consider the proposal to be inappropriate with regard to the potential impact on future dwellings.

Air Quality

The proposed car park is to be naturally ventilated and as such, emissions from cars within the car park will be adequately dispersed. Environmental Health have questioned whether the routing of vehicles from the site may result in localised air quality issues on those routes. The size of the car park on the western side of the stadium was set out in the outline consent and was accordingly considered at that stage. The outline consent envisaged that most vehicles would access the car park from the north, along Perimeter Way (adjacent to the Stadium). The proposal looks to spread that traffic, with vehicles also accessing the car park via Royal Route and South Way. Queues on these routes are not predicted to be excessive. Your officers accordingly consider this to be acceptable.

Wind

The report sets out that the wind conditions in and around the site are generally acceptable for current and planned pedestrian uses. Wind conditions around the car park will be "safe", with higher levels likely to be experienced on the Stadium Concourse adjacent to Royal Route once a year, where levels are likely to be marginally unsuitable for the general public in the interim condition (i.e. following construction of the car park but prior to the construction of the other plots in the vicinity). It is reported that this represents wind speeds with the potential to destabilise the less able members of the public or cyclists. Following completion of the surrounding plots, all of the tested points will be safe.

Archaeology

The report specifies that details will be submitted separately pursuant to Condition 8 of the outline consent. However, it is specified that no archaeological remains or artefacts have been found when undertaking other recent geotechnical site investigation works in the locality.

Drainage

Site-wide drainage within the Masterplan Area is dealt with under a separate condition pursuant to the outline consent. The applicants confirm that the proposal will accord with Thames Water's requirements and that the site wide system is required to attenuate a 1:100 year storm event.

Contamination

A contamination survey and remediation strategy was required by a separate condition attached to the original outline consent. The survey and strategy was submitted separately and has been approved.

Conclusion

Your officers consider that the proposed 734 space car park is considered acceptable subject to the submission and approval of further details pursuant to conditions and Section 106 clauses associated with the Outline Planning Consent. The success of the scheme is contingent on the quality of materials, details of which are to be secured prior to the commencement of works.

It is recommended that this Reserved Matters Application is approved.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

National Planning Policy Framework
London Plan 2011
Brent Local Development Framework Core Strategy 2010
Brent Unitary Development Plan 2004

CONDITIONS/REASONS:

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

AP(07)1111 Rev P01	AP(07)1107 Rev P01
AP(07)1110 Rev P01	AP(07)1108 Rev P01
AP(07)1100 Rev P01	AP(07)1109 Rev P01
AP(07)1101 Rev P01	AP(07)1120 Rev P02
AP(07)1102 Rev P01	AP(07)1121 Rev P02
AP(07)1103 Rev P01	AP(07)1125 Rev P01
AP(07)1104 Rev P01	400004 Rev 03
AP(07)1105 Rev P01	ITL70970-SK-011 Rev B
AP(07)1106 Rev P01	ITL70970-SK-012 Rev B
A0096/2.1/001	

Supporting reports:

Explanatory Report Reference HG1812 dated 20 January 2012

W10 MSCP (ref 12/0138) Response to Queries

Design and Access Statement Dated 20 January 2012

Summary Report Reference HG1812 dated 20 January 2012

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

- (2) A Signage Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the car park hereby approved, which shall, for the avoidance of doubt, set out proposals for on-site directional signage for vehicles together with indicative details for off-site signage, which may include variable message signage. The approved details for on-site signage shall be implemented in full and thereafter maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the free and safe flow of traffic on the surrounding highway network.

- (3) The car park hereby approved shall not be used for the purpose of the parking of vehicles unless the existing car park denoted as "MULTI-STOREY CAR PARK" within drawing AP(01)1111 Rev P01 is not used as a car park at that time.

Reason: To ensure the free and safe flow of traffic on the surrounding highway network.

- (4) The existing car park denoted as "MULTI-STOREY CAR PARK" within drawing AP(01)1111 Rev P01 shall be demolished no later than 12 months after Practical Completion of the car park hereby approved unless alternative timescales for demolition are submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the free and safe flow of traffic on the surrounding highway network, to ensure appropriate and sufficient linkages are achieved to the Wembley Stadium Station Square and the existing town centre and to achieve a high quality environment.

INFORMATIVES:

- (1) The details of external facing materials are required for approval pursuant to condition 2 of the Outline Planning permission, reference 03/3200. For the avoidance of doubt, the approval of reserved matters does not necessarily infer that the materials referred to within the drawings and documents, such as the galvanised mesh balustrade, are acceptable.

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

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Received PLANNING Appeals between 1-Feb-2012 and 31-Mar-2012

Planning Committee: 17 April, 2012

Application Number: 11/2134 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 07/02/2012 **Appeal Against:** Refusal of planning permission
Location: 118 Church Lane, London, NW9 8SS
Proposal:
Demolition of existing garages and erection of a new single storey detached double garage in rear garden of dwellinghouse

Application Number: 11/2222 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 13/02/2012 **Appeal Against:** Refusal of planning permission
Location: 1078 Harrow Road, London, NW10 5NL
Proposal:
Retention of two storey extension and conversion of two existing studio units to rear at first and second floor level into one self-contained dwelling unit

Application Number: 11/2284 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 06/02/2012 **Appeal Against:** Refusal of planning permission
Location: 10 Bacon Lane, London, NW9 9AX
Proposal:
Erection of a single storey side extension and front porch to dwellinghouse

Application Number: 11/2475 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 07/03/2012 **Appeal Against:** Refusal of planning permission
Location: 78 Christchurch Avenue, London, NW6 7PE
Proposal:
Erection of a two storey side extension, re-cladding of dormer window and re-tiling of roof of dwellinghouse

Application Number: 11/2580 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 21/03/2012 **Appeal Against:** Refusal of planning permission
Location: 15 Redhill Drive, Edgware, HA8 5JL
Proposal:
Erection of a single storey front extension to existing attached garage to dwellinghouse

Application Number: 11/2586 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 06/03/2012 **Appeal Against:** Refusal of planning permission
Location: Flat A1, A2 & A3, 279 Willesden Lane, Willesden, London, NW2 5JA
Proposal:
Retention of three self contained flats on the Ground Floor of 279 Willesden Lane.

Application Number: 11/2600 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 13/02/2012 **Appeal Against:** Refusal of planning permission
Location: 15A Ancona Road, London, NW10 5YD
Proposal:
Retrospective application for raised decking to rear of ground floor flat

Application Number: 11/2615 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 13/03/2012 **Appeal Against:** Refusal of planning permission
Location: FLAT 1-4 inc, 131, & 135A Kilburn High Road, London, NW6 7HR
Proposal:
Installation of replacement double glazed windows to flats

Received PLANNING Appeals between 1-Feb-2012 and 31-Mar-2012

Planning Committee: 17 April, 2012

Application Number: 11/2620 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 20/02/2012 **Appeal Against:** Refusal of planning permission
Location: 15 Lantern Close, Wembley, HA0 2JT
Proposal:

Retrospective application for erection of rear boundary wall to dwellinghouse

Application Number: 11/2677 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 12/03/2012 **Appeal Against:** Refusal of planning permission
Location: FLAT 1, 11 Victoria Road, London, NW6 6SX
Proposal:

Erection of a single storey rear and side infill extension to lower ground floor flat

Application Number: 11/2834 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 24/02/2012 **Appeal Against:** Refusal of planning permission
Location: 4 Tracey Avenue, London, NW2 4AT
Proposal:

Erection of a first and second floor rear extension to dwellinghouse

Application Number: 11/2912 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 12/03/2012 **Appeal Against:** Refusal of planning permission
Location: Land rear of flats 1 to 3 and 47 to 49, Byron Road, Wembley
Proposal:

Proposed new dwellinghouse on land to the rear of 47-49 Byron Road, Wembley HA0

Application Number: 11/2921 **Team:** Western Team **Application Type** Other ADV
Appeal Received: 27/02/2012 **Appeal Against:** Refusal of planning permission
Location: UNIT 1,2 & 3, CELLPHONE HOUSE, North Circular Road, Stonebridge, London, NW10 7SH
Proposal:

Installation of banner for the display of x1 illuminated banner advertisement sign measuring 8m x 30m on the front elevation (southern) of Cellphone House

Application Number: 11/3072 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 28/02/2012 **Appeal Against:** Refusal of planning permission
Location: Flat 5, 76 Donnington Road, London, NW10 3QU
Proposal:

Retrospective application for existing single storey extension to single storey building used as self-contained dwelling in rear garden

Application Number: 11/3209 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 07/03/2012 **Appeal Against:** Refusal of planning permission
Location: 15 Donaldson Road, London, NW6 6NA
Proposal:

Erection of a single storey rear extension to dwellinghouse

Application Number: 11/3336 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 19/03/2012 **Appeal Against:** Refusal of planning permission
Location: 12 Alington Crescent, London, NW9 8JN
Proposal:

Rebuild of outbuilding in rear garden by reducing the roof height as revised by plans received 01/02/2012

Received PLANNING Appeals between 1-Feb-2012 and 31-Mar-2012

Planning Committee: 17 April, 2012

Application Number: 11/3340 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 13/03/2012 **Appeal Against:** Refusal of planning permission
Location: Flat 3, 16 Plympton Road, London, NW6 7EG
Proposal:

Retrospective application for rear dormer window, involving the replacement of pvc-window frames with timber-framed, double-glazed sash windows to second floor flat

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Received ENFORCEMENT Appeals between 1-Feb-2012 and 31-Mar-2012

Planning Committee: 17 April, 2012

Application Number: E/09/0197 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 17/02/2012

Location: 34 Park View, Wembley, HA9 6JX

Description:

Without planning permission, the erection of a building in the middle part of the garden of the premises and the change of use of the larger building at the very rear end of the garden of the premises to a self-contained flat.

("The unauthorised development and change of use")

Application Number: E/09/0490 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 09/03/2012

Location: Ground Floor Flats, 279 Willesden Lane, Willesden, London, NW2 5JA

Description:

Without planning permission, the change of use of the ground floor of the premises from one self-contained flat to three self-contained flats.

("The unauthorised change of use")

Application Number: E/10/0240 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 29/03/2012

Location: 29B Huddlestone Road, London, NW2 5DL

Description:

The conversion of a first floor 3-bed maisonette into two self-contained flats (one-bedroom and two-bedroom) at the premises.

Application Number: E/10/0585 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 06/03/2012

Location: 40 Keslake Road, London, NW6 6DL

Description:

The breach of Conditions 2 and 3 of Planning Permission No. 10/1271 dated 9th July 2010 for "Erection of rear dormer window, 1 rear rooflight, installation of ground floor side window and new door to front corner of dwellinghouse", whereas:

Condition 2 states: "The development hereby permitted shall be carried out in accordance with the following drawings: 10112/01, 10112/02, 10112/03, 10112/11, 10112/12 & 10112/13" (Reason: For the avoidance of doubt and in the interests of proper planning)."

Condition 3 states: "All new external work shall be carried out in materials that match, in colour, texture and design detail, those of the existing building. This will include the new door being timber" (Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality)."

The dormer window is 36cm too high and 1.21m too deep when measured along flat roof compared to the approved plans, in particular drawing No. 10112/13 Rev A. There has therefore been a breach of Conditions 2 and 3.

Received ENFORCEMENT Appeals between 1-Feb-2012 and 31-Mar-2012

Planning Committee: 17 April, 2012

Application Number: E/11/0262 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 21/02/2012

Location: 44 Blenheim Gardens, Wembley, HA9 7NP

Description:

Without planning permission, the erection of a front boundary wall, pillars, railings and sliding gates, and the installation of doors to front elevation of premises.

("The unauthorised development")

Application Number: E/11/0361 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 24/02/2012

Location: 15A Ancona Road, London, NW10 5YD

Description:

The erection of a raised decking with railings to the rear of the ground floor of the premises.

("The unauthorised development")

Application Number: E/11/0545 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 07/03/2012

Location: 68 Pebworth Road, Harrow, HA1 3UE

Description:

Without planning permission, the erection of a gable end roof extension and a rear dormer window extension to dwellinghouse.

("The unauthorised development")

Application Number: E/11/0567 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 14/02/2012

Location: 43 College Road, Wembley, HA9 8RN

Description:

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

("The unauthorised development")

Application Number: E/11/0594 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 23/03/2012

Location: 15 Lantern Close, Wembley, HA0 2JT

Description:

Without planning permission, the erection of boundary walls to rear of the premises.

(The unauthorised development")

Received ENFORCEMENT Appeals between 1-Feb-2012 and 31-Mar-2012

Planning Committee: 17 April, 2012

Application Number: E/11/0631 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 15/02/2012**Location:** 79 Dollis Hill Lane, London, NW2 6JH**Description:**

Without planning permission, the erection of a front, side and rear boundary wall, the erection of a raised rear patio and the erection of a canopy to the rear of the dwellinghouse.

("The unauthorised development")

Application Number: E/11/0642 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 07/02/2012**Location:** 83 Purves Road, London, NW10 5TE**Description:**

The erection of a wooden decking and railings to form a roof terrace to the rear on top of two-storey rear extension of the premises.

("The unauthorised development")

Application Number: E/11/0708 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 28/03/2012**Location:** 12 St James Gardens, Wembley, HA0 4LJ**Description:**

Without planning permission, the erection of an L-shaped building in the rear garden of premises, the erection of a smaller building in the rear garden of premises and the erection of a single storey rear extension onto the back of an existing extension to dwellinghouse.

("The unauthorised development")

Application Number: E/11/0741 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 23/03/2012**Location:** 36A Belton Road, London, NW2 5PE**Description:**

The installation of the rooflights projecting above flat roof of the single storey side extension at the premises.

("The unauthorised development")

Application Number: E/11/0770 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 06/03/2012**Location:** 26 Brownlow Road, London, NW10 9QL**Description:**

Without planning permission, the change of use of the premises from a single family dwellinghouse to ten self-contained flats; the erection of a rear dormer window and hip to gable end roof extension; demolition of a garage to side and erection of single storey extensions to side and rear of the premises.

Received ENFORCEMENT Appeals between 1-Feb-2012 and 31-Mar-2012

Planning Committee: 17 April, 2012

Application Number: E/11/0785 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 22/02/2012

Location: 121 Woodcock Hill, Harrow, HA3 0JW

Description:

Without planning permission, the erection of a timber and corrugated plastic sheet extension to the side of the premises.

("The unauthorised development")

Decisions on PLANNING Appeals between 1-Feb-2012 and 31-Mar-2012

Planning Committee: 17-Apr-2012

Application Number: 11/0224 **PINSRefNo** A/11/2161651/NWF **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 06/02/2012

Location: 4 Sanellan Court, 1 Mapesbury Road, London, NW2 4HX

Proposal:

Conversion of the existing two-bedroom first floor flat and associated garage into a self-contained one-bedroom maisonette, and a self-contained two-bedroom flat with associated extensions, installation of front rooflight and installation of front and rear doors.

Application Number: 11/0757 **PINSRefNo** A/11/2165473/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 20/03/2012

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

Application Number: 11/1307 **PINSRefNo** A/11/2159347/NWF **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 27/02/2012

Location: All Flats at Jubilee Heights, Shoot Up Hill, London, NW2

Proposal:

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

Application Number: 11/1337 **PINSRefNo** X/11/2161665 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 02/03/2012

Location: 24 Cairnfield Avenue, London, NW2 7PE

Proposal:

Certificate of lawfulness for proposed erection of a single storey detached outbuilding in the rear garden to be used as a garage

Application Number: 11/1350 **PINSRefNo** A/11/2164981/NWF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 21/02/2012

Location: Flat 6, 88 Brook Road, London, NW2 7DU

Proposal:

Erection of a side dormer window

Application Number: 11/1398 **PINSRefNo** A/11/2164980 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 07/03/2012

Location: Land next to 64, Sudbury Croft, Wembley, HA0

Proposal:

Proposed erection of new 2-storey dwellinghouse on land next to 64 Sudbury Croft

Application Number: 11/1486 **PINSRefNo** X/11/2160959 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 15/02/2012

Location: 25 Berkeley Road, London, NW9 9DH

Proposal:

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

Decisions on PLANNING Appeals between 1-Feb-2012 and 31-Mar-2012

Planning Committee: 17-Apr-2012

Application Number: 11/1595 **PINSRefNo** D/11/2165749 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 17/02/2012

Location: 9 Ashridge Close, Harrow, HA3 0JE

Proposal:

Demolition of existing side extension, erection of a new two storey side extension, single storey rear extension and installation of 1 rear rooflight to dwellinghouse

Application Number: 11/1642 **PINSRefNo** A/11/2164341 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 12/03/2012

Location: 74 & 74 A-C inc, High Street, London, NW10 4SJ

Proposal:

Change of use from recording studio (class B1) to residential (class C3) and erection of second and third floor rear extension, along with rear balcony areas, to provide for a total of 4 one-bed and 2 studio units.

Application Number: 11/1669 **PINSRefNo** D/12/2168781 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 14/03/2012

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

Application Number: 11/1791 **PINSRefNo** X/11/2162386 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 02/03/2012

Location: 25 Dobree Avenue, London, NW10 2AD

Proposal:

Certificate of lawfulness for existing single storey outbuilding to rear garden of dwellinghouse

Application Number: 11/1926 **PINSRefNo** A/11/2163908 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 13/03/2012

Location: 50 Wendover Road, London, NW10 4RT

Proposal:

Conversion of dwellinghouse into 2 self contained flats.

Application Number: 11/2134 **PINSRefNo** D/12/2169564 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 08/03/2012

Location: 118 Church Lane, London, NW9 8SS

Proposal:

Demolition of existing garages and erection of a new single storey detached double garage in rear garden of dwellinghouse

Application Number: 11/2145 **PINSRefNo** D/12/2168174 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 20/03/2012

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

Decisions on PLANNING Appeals between 1-Feb-2012 and 31-Mar-2012

Planning Committee: 17-Apr-2012

Application Number: 11/2209 **PINSRefNo** A/11/2165154 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 23/03/2012

Location: 66 Okehampton Road, London, NW10 3EP

Proposal:

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

Application Number: 11/2284 **PINSRefNo** D/12/2170280 **Team:** Northern Team

Appeal Decision: Appeal part dismissed / part allowed **Appeal Decision Date:** 27/03/2012

Location: 10 Bacon Lane, London, NW9 9AX

Proposal:

Erection of a single storey side extension and front porch to dwellinghouse

Application Number: 11/2369 **PINSRefNo** D/12/2168743 **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 05/03/2012

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

Application Number: 11/2390 **PINSRefNo** D/11/2167192 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 15/02/2012

Location: 41 Fryent Way, London, NW9 9SL

Proposal:

Retrospective application for erection of a detached outbuilding in the rear garden of dwellinghouse

Application Number: 11/2399 **PINSRefNo** D/12/2169135 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 13/03/2012

Location: 43 Oxenpark Avenue, Wembley, HA9 9SY

Proposal:

Single and two storey side and rear extensions and front porch to dwellinghouse

Application Number: 11/2418 **PINSRefNo** D/12/2168875 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 07/03/2012

Location: 149 Chamberlayne Road, London, NW10 3NT

Proposal:

Erection of a single storey rear conservatory to dwellinghouse

Application Number: 11/2574 **PINSRefNo** A/11/2167324 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 19/03/2012

Location: 247 Preston Road, Harrow, HA3 0PS

Proposal:

Change of use of an A1 shop to a A2 use.

Decisions on PLANNING Appeals between 1-Feb-2012 and 31-Mar-2012

Planning Committee: 17-Apr-2012

Application Number: 11/2721 **PINSRefNo** D/12/2168618

Team: Southern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 27/02/2012

Location: 48 Linden Avenue, London, NW10 5RA

Proposal:

Erection of side infill extension to dwellinghouse

Decisions on ENFORCEMENT Appeals between 1-Feb-2012 and 31-Mar-2012

Planning Committee: 17 April, 2012

Application Number: E/07/0828 **PINSRefNo** C/11/2162498 & 2162499 **Team:** Northern Team**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 27/02/2012**Location:** 49 Valley Drive, London, NW9 9NJ**Proposal:**

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

("The unauthorised development")

Application Number: E/07/0847 **PINSRefNo** C/11/2161916 **Team:** Southern Team**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 01/02/2012**Location:** 38-42 Meyrick Road, London, NW10 2EJ**Proposal:**

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

("The unauthorised development")

Application Number: E/09/0125 **PINSRefNo** C/11/2158363 **Team:** Southern Team**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 12/03/2012**Location:** 85 and 85C Willesden Lane, Kilburn, London, NW6 7RR**Proposal:**

Without planning permission, the change of use of the ground floor of the premises from a shop to a mixed use as an estate agents office and one self-contained flat and the installation of a door fronting the highway to the flat.

("The unauthorised change of use and development")

Application Number: E/09/0333 **PINSRefNo** C/11/2159456 **Team:** Western Team**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 15/02/2012**Location:** 81 Lyon Park Avenue, Wembley, HA0 4DX**Proposal:**

Without planning permission, the material change of use of the premises to three self-contained flats and the erection of a building in rear garden of premises.

("The unauthorised change of use and development")

Application Number: E/10/0037 **PINSRefNo** C/11/2162941 **Team:** Southern Team**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 01/02/2012**Location:** 25 Cornwall Gardens, London, NW10 2QX**Proposal:**

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

("The unauthorised change of use")

Decisions on ENFORCEMENT Appeals between 1-Feb-2012 and 31-Mar-2012
 Planning Committee: 17 April, 2012

Application Number: E/10/0504 **PINSRefNo** C/11/2165347

Team: Southern Team

Appeal Decision: Appeal Allowed

Appeal Decision Date: 22/03/2012

Location: 29 Chelmsford Square, London, NW10 3AP

Proposal:

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

("The unauthorised development")

Application Number: E/10/0552 **PINSRefNo** C/11/2160497

Team: Western Team

Appeal Decision: Appeal withdrawn

Appeal Decision Date: 14/02/2012

Location: 51 Dagmar Avenue, Wembley, HA9 8DQ

Proposal:

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

("The unauthorised change of use")

Application Number: E/10/0584 **PINSRefNo** C/11/2161266

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 15/02/2012

Location: Land between 29 and 31 Elm Road and land to the rear of 27, 29, 31 and 33 Elm Road, Wembley, HA9 7JA

Proposal:

Without planning permission, the erection of a building at the rear of the premises, the erection of metal gates and fences and the formation of a hard surface at rear of the premises and the material change of use of the rear of the premises to vehicle parking area.

("The unauthorised change of use and development")

Application Number: E/10/0777 **PINSRefNo** C/11/2162055

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 14/02/2012

Location: 21 Springfield Gardens, London, NW9 0RT

Proposal:

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

("The unauthorised development")

Application Number: E/10/0846 **PINSRefNo** C/11/2163356

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 26/03/2012

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

Proposal:

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

("The unauthorised development")

Decisions on ENFORCEMENT Appeals between 1-Feb-2012 and 31-Mar-2012
Planning Committee: 17 April, 2012

Application Number: E/10/0878 **PINSRefNo** C/11/2161200

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 13/03/2012

Location: 23 Station Approach, Wembley, HA0 2LA

Proposal:

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

("The unauthorised change of use")

Application Number: E/11/0182 **PINSRefNo** C/11/2161966

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 01/03/2012

Location: 52 Honeypot Lane, London, NW9 9QL

Proposal:

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

("The unauthorised development")

Application Number: E/11/0395 **PINSRefNo** C/11/2167157

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 01/02/2012

Location: All floors of the building at 152 Mount Pleasant, Wembley, HA0 1UE

Proposal:

Without planning permission, the material change of use of the premises to a mixed use as a car wash business and ten non self-contained residential studios.

("The unauthorised change of use")

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**PLANNING SELECTED appeal DECISIONS between
1-Feb-2012 and 31-Mar-2012
Planning Committee: 17 April, 2012**

Introduction

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

Our reference: 11/0224	Appeal Decision: Appeal Allowed	Appeal Decision Date: 06/02/2012
Team:	Southern Team	
Location:	4 Sanellan Court, 1 Mapesbury Road, London, NW2 4HX	
Proposal:	Conversion of the existing two-bedroom first floor flat and associated garage into a self-contained one-bedroom maisonette, and a self-contained two-bedroom flat with associated extensions, installation of front rooflight and installation of front and rear doors.	
Our reference: 11/1307	Appeal Decision: Appeal Allowed	Appeal Decision Date: 27/02/2012
Team:	Northern Team	
Location:	All Flats at Jubilee Heights, Shoot Up Hill, London, NW2	
Proposal:	Erection of a 5-storey building, comprising 5 self-contained flats with roof garden, attached to southern elevation of Jubilee Heights	
Our reference: 11/1337	Appeal Decision: Appeal Allowed	Appeal Decision Date: 02/03/2012
Team:	Northern Team	
Location:	24 Cairnfield Avenue, London, NW2 7PE	
Proposal:	Certificate of lawfulness for proposed erection of a single storey detached outbuilding in the rear garden to be used as a garage	
Our reference: 11/1486	Appeal Decision: Appeal Allowed	Appeal Decision Date: 15/02/2012
Team:	Northern Team	
Location:	25 Berkeley Road, London, NW9 9DH	
Proposal:	Certificate of lawfulness for proposed demolition and replacement of existing garage with garage and store in rear garden of dwellinghouse	
Our reference: 11/1595	Appeal Decision: Appeal Allowed	Appeal Decision Date: 17/02/2012
Team:	Northern Team	
Location:	9 Ashridge Close, Harrow, HA3 0JE	
Proposal:	Demolition of existing side extension, erection of a new two storey side extension, single storey rear extension and installation of 1 rear rooflight to dwellinghouse	
Our reference: 11/1669	Appeal Decision: Appeal Allowed	Appeal Decision Date: 14/03/2012
Team:	Southern Team	
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	
Our reference: 11/1791	Appeal Decision: Appeal Allowed	Appeal Decision Date: 02/03/2012
Team:	Southern Team	
Location:	25 Dobree Avenue, London, NW10 2AD	
Proposal:	Certificate of lawfulness for existing single storey outbuilding to rear garden of dwellinghouse	

**PLANNING SELECTED appeal DECISIONS between
1-Feb-2012 and 31-Mar-2012
Planning Committee: 17 April, 2012**

Our reference: 11/2284 **Appeal Decision:** Appeal part dismissed / part allowed **Appeal Decision Date:** 27/03/2012
Team: Northern Team
Location: 10 Bacon Lane, London, NW9 9AX
Proposal:
 Erection of a single storey side extension and front porch to dwellinghouse

Our reference: 11/2369 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 05/03/2012
Team: Western Team
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

Our reference: 11/2390 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 15/02/2012
Team: Northern Team
Location: 41 Fryent Way, London, NW9 9SL
Proposal:
 Retrospective application for erection of a detached outbuilding in the rear garden of dwellinghouse

Our reference: 11/2418 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 07/03/2012
Team: Southern Team
Location: 149 Chamberlayne Road, London, NW10 3NT
Proposal:
 Erection of a single storey rear conservatory to dwellinghouse

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-Feb-2012 and 31-Mar-2012****Planning Committee: 17 April, 2012****Introduction**

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

Our reference: E/07/0847	Appeal Decision Date: 01/02/2012
Team: Southern Team	Appeal Decision: Appeal Allowed

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

Proposal:

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

Our reference: E/10/0504	Appeal Decision Date: 22/03/2012
Team: Southern Team	Appeal Decision: Appeal Allowed

Location: 29 Chelmsford Square, London, NW10 3AP

Proposal:

Without planning permission, the erection of a single storey rear extension onto another extension 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 13 December 2011

by John Bell-Williamson MA MRTPI

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

Decision date: 6 February 2012

Appeal Ref: APP/T5150/A/11/2161651

4 Sanellan Court, 1 Mapesbury Road, London NW2 4HX

- 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 Simon Power against the decision of the Council of the London Borough of Brent.
 - The application Ref 11/0224, dated 29 January 2011, was refused by notice dated 28 March 2011.
 - The development proposed is conversion of the existing two-bedroom first floor flat and associated garage into a self-contained one-bedroom maisonette, and a self-contained two-bedroom flat with associated extensions, installation of front rooflight and installation of front and rear doors.
-

Procedural Matters

1. A more accurate and concise description of the proposed development than that used in the planning application is 'conversion of the existing two-bedroom first floor flat and associated garage into a self-contained one-bedroom maisonette, and a self-contained two-bedroom first floor flat.' This description has been used in determining the appeal.
2. The address of the appeal property included in the planning application is '1 Sanellan Court, Mapesbury Road.' However, it is clear from subsequent statements and correspondence that the correct address is 4 Sanellan Court, 1 Mapesbury Road. Therefore, this address has been used in respect of this appeal.
3. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Decision

4. The appeal is allowed and planning permission is granted for conversion of the existing two-bedroom first floor flat and associated garage into a self-contained one-bedroom maisonette, and a self-contained two-bedroom first floor flat at 4 Sanellan Court, 1 Mapesbury Road, London NW2 4HX. The permission is granted in accordance with the terms of the application, Ref 11/0224, dated 29 January 2011, subject to the conditions included in the Schedule at Annex A.
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Main Issues

5. The main issues are: the effect of the proposal on the provision of family accommodation; on the occupiers of Flat 4, with regard to provision of outdoor amenity space; whether the proposal would provide adequate living conditions for future occupiers of the maisonette, with regard to outlook and privacy; and the effect on the character and appearance of the appeal property and whether the proposal would preserve or enhance the character or appearance of the Brondesbury Conservation Area.

Reasons

Provision of family accommodation

6. The appeal property is situated within a large detached building in a residential area that comprises similar properties that are either single houses or sub-divided into flats. Policy CP21 of the London Borough of Brent Local Development Framework Core Strategy (the Core Strategy) seeks to maintain and provide a balanced housing stock. The policy requires provision of family sized accommodation in suitable new-build schemes and conversions, as in this case.
7. Flat 4 currently has two bedrooms but Policy CP21 defines family sized accommodation as flats or houses 'capable of providing three or more bedrooms.' Accordingly, reference has to be made to the size of the flat to determine whether it is capable of accommodating an additional bedroom. Guidance on minimum internal areas for flats and houses is included in Supplementary Planning Guidance, *Design Guide for New Development* (SPG17). This provides a minimum size for a three bedroom flat of 80m². The Council also refers to more recent guidance in The London Plan 2011 which gives a minimum size of 86m² for the same type of flat.
8. The parties differ on the internal measurement of the appeal property; the appellant's measurement is 79.5m² while the Council's is 93.5m². Taking into account this difference, and with particular regard to the appellant's measurement as the lower figure, there is no material divergence from the minimum guidelines in SPG17 and The London Plan to suggest that Flat 4 is not capable of accommodating three bedrooms. However, Policy CP21 must be read as a whole as it includes other requirements for accommodation to be considered suitable for families.
9. The supporting text to Policy CP21 (paragraph 5.76) indicates that family accommodation would not be required on sites where it is not possible to provide a satisfactory environment for young children. Lack of external amenity space is identified as an important requirement in this respect. SPG17 includes guidelines for the size of outside space and indicates that a minimum of 50m² will normally be provided for a ground floor flat or house suitable for a family. Despite the appeal property being a first floor flat, this standard provides an indication of the minimum space expected by the Council in relation to family accommodation.
10. At approximately 15m² the current garden to Flat 4 falls considerably short of this standard. The Council argues that the standard should be applied flexibly given the generous size of Flat 4 and the acute need for family accommodation.

While I acknowledge this, regard also has to be had to the suitability of the amenity space for its intended use. Access is gained to the space from Flat 4 by way of two flights of stairs, through the communal entrance of the main building, across the communal forecourt and through two large sets of garage doors. In these circumstances, it would be difficult for young children to gain easy and safe access to the outside space, to the extent that it could be said to provide a satisfactory environment in the terms required by Policy CP21.

11. Taken together, the size and suitability of the outside space would not make it appropriate for family use. Therefore, despite its overall size, Flat 4 is not capable of providing family accommodation on the basis of the requirements included in Policy CP21 of the Core Strategy.
12. Taking into account the overall floorspace of the existing Flat 4, even with the proposed loss of the current second bedroom to the proposed maisonette, I am satisfied that the size of the reconfigured flat would not depart from the standards set out in SPG17 and The London Plan for a two bedroom flat, to the extent that it would be harmful to the living conditions of future occupiers. In respect of this aspect of the proposal there would not, therefore, be any conflict with development plan policies or guidance in this regard.

Provision of outdoor amenity space

13. SPG17 provides guidance - in support of Policy H18 of Brent's Unitary Development Plan 2004 (the UDP) concerning the quality of flat conversions - that a minimum of 20m² of amenity space will normally be provided for each unit in a block of flats in any scheme. The Council has accepted that this requirement would be met for the new maisonette by its occupiers' use of the existing space currently associated with Flat 4. However, a new unit would be created with no commensurate provision of amenity space for that which is lost from the existing flat.
14. However, it is not unusual for flats in dense urban areas and particularly on upper storeys of buildings not to have dedicated amenity space or a garden. There is also some flexibility within the standards in SPG17 in respect of the relevant amount of amenity space which will 'normally' be provided for each flat. In this instance, having considered the character of the area and the type of resultant accommodation, which I have already concluded cannot be considered suitable for a family, I am satisfied that in these circumstances there is no need for outside amenity space. Therefore, there would be no conflict with Policy H18 of the UDP and SPG17 in this regard.
15. The appellant has submitted a Unilateral Undertaking to secure a contribution towards the provision and maintenance of public open space. However, the Undertaking exhibits a number of deficiencies in its drafting which render it inadequate in terms of delivery. In addition, it is unclear how the contribution has been calculated and how and where the sum proffered through the Undertaking would be used. Therefore, I consider that there is a tension with the policy in Circular 05/2005, and taking into account my above conclusion that outside amenity space would not be required, the Undertaking has been given no weight in the determining of this appeal.

Living conditions

16. With regard to outlook, the Council is concerned that views from the rear ground floor windows of the maisonette would be towards a high wall. Furthermore, the distance between the windows and wall would be less than half the minimum distance required in such circumstances according to guidelines in SPG17. However, the standards referred to in SPG17 relate mainly to privacy rather than outlook and, in addition, can be applied flexibly according to the circumstances.
17. In this case, the most direct view from the relevant windows would be towards the garden fence and side of a garden shed directly opposite the rear of the maisonette. This view is relatively open due to the limited height of the fence. While there would be oblique views of the high wall of the house to one side of the garden, this would not appear as overly dominant or overbearing. For these reasons, the outlook would not be harmful to the living conditions of occupiers of the maisonette.
18. The Council contends that because the proposed front door of the maisonette would open directly onto the communal forecourt, users of this space would be able to look directly into the habitable space. However, the existing garage is set to one side of the main building and, consequently, people entering the driveway on this side and walking to the main communal entrance would not be particularly close to the front door of the maisonette. Furthermore, the extent to which the front door would be open in general day-to-day use of the property would not lead a harmful loss of privacy from any views that might be gained. Indeed, many properties have direct access from habitable rooms onto a public footpath with no obvious loss of privacy. For these reasons, with regard to both outlook and privacy, there would be no harm to the living conditions of future occupiers and therefore no conflict with development plan policies or guidance.

Character and appearance

19. The front door of the proposed maisonette would change the appearance of the existing garage doors principally through the addition of glazed side windows. These would be similar to the existing glazing across the top of the garage doors and would be visible from public and private views on Mapesbury Road. The Council is concerned that the similarity of the proposed to the existing design with a pedestrian opening is not suitable for domestic use and there are no other examples of this type of door in the Conservation Area.
20. The Brondesbury Conservation Area is a small area encompassing large residential properties in Mapesbury Road and several other surrounding roads. While garages do exist in similar positions in some neighbouring properties, there is no uniform appearance or design to these. There are a range of different types of garages of various designs and in these circumstances the proposed entrance would not appear incongruous, particularly due to the limited changes to the appearance of the existing doors. The Council also expressed concern about the effect of the proposed rooflight in the maisonette. However, this would be the same as the existing feature and would not be incongruous or unduly visible from external views of the appeal property.
21. For these reasons, the proposal not be harmful to the character and appearance of the host building, and would preserve the character and appearance of the

Conservation Area. As a result, the proposal would not conflict with policies in the Brent UDP or *Planning Policy Statement 5: Planning for the Historic Environment* that are designed to ensure this important objective of preserving or enhancing heritage assets is met.

Conditions

22. The Council expressed concern about the lack of details provided with the application about refuse and recycling facilities. I agree that these are important considerations for the occupiers' living conditions and the wider residential environment and that they should be addressed through imposition of a condition, as suggested by the Council.
23. The other two conditions suggested by the Council have been imposed. These are the standard time condition and, to avoid doubt and in the interests of good planning, one which requires development to be carried out in accordance with the approved plans. As the appeal site is within a Conservation Area it is particularly important to ensure use of appropriate materials for any external finishes in the proposed development. Accordingly, I have imposed a condition to achieve this, as suggested by the appellant.

Conclusion

24. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be allowed.

John Bell-Williamson

INSPECTOR

Annex A

Schedule – 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: location plan, 0926_L_021 Revision B, 0926_L_022 Revision C, 0926_L_023 Revision B, 0926_L_024 Revision A and 0926_L_025 Revision A.
- 3) Details of the refuse and recycling storage facilities to be provided for both dwellings hereby approved shall be submitted to and approved in writing by the local planning authority. The facilities will be provided in accordance with the approved details, prior to occupation of the dwellings, and thereafter permanently retained.
- 4) No development shall take place until samples of the materials to be used for the external surfaces of the dwellings 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.



Costs Decision

Site visit made on 13 December 2011

by **John Bell-Williamson MA MRTPI**

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

Decision date: 6 February 2012

Costs application in relation to Appeal Ref: APP/T5150/A/11/2161651 4 Sanellan Court, 1 Mapesbury Road, London NW2 4HX

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Simon Power for a full or partial award of costs against the Council of the London Borough of Brent.
 - The appeal was made against the refusal of planning permission for conversion of the existing two-bedroom first floor flat and associated garage into a self-contained one-bedroom maisonette, and a self-contained two-bedroom flat with associated extensions, installation of front rooflight and installation of front and rear doors.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. The appellant contends that the Council did not have proper regard to its own policy and guidance, to national policy in *Planning Policy Statement 3: Housing* (PPS3) and to emerging London-wide design guidance in its assessment of the suitability of Flat 4 as family accommodation. This was particularly the case, in the appellant's opinion, with regard to the inadequate size of the garden area and the indirect access to it. While the Council did not make explicit reference to PPS3 and the emerging London-wide guidance, it did rely on Policy CP21 in its recently adopted Core Strategy. This policy addresses the matters raised by the appellant in relation to the suitability of the residential environment for families, including provision of outdoor amenity space.
 4. The Council argued that in this instance the policy and guidance in respect of amenity space should be applied flexibly, because of its desire to meet the important policy objective of providing family accommodation, which is clearly set out in the Core Strategy. The approach it took, relying on development plan policy and reaching a decision based on this in the particular circumstances of the case, informed by judgement, does not amount to unreasonable behaviour by the Council.
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5. In the appellant's view, the Council failed to provide evidence of historic use of Flat 4 as a family-sized dwelling within the terms of Policy CP21. The focus of much of the debate between the parties on this point was whether the appeal property had had three bedrooms in the past. However, the Council substantiated its case on this issue by reference to Policy CP21 and the space standards set out in SPG17 to demonstrate, in its opinion, that the flat was capable of meeting the requirements for family accommodation. Despite the fact that the parties did not agree on this matter, in the circumstances I find no unreasonable behaviour on the Council's part.
6. With regard to the living conditions of future occupiers, the appellant states that the Council adopted an inconsistent approach to privacy standards and took no account of the proposed entrance screen. In addition, the appellant asserts that the Council's refusal on the basis of outlook is inconsistent with its acceptance of the appellant's technical report on this matter. On privacy, while reference was made to a number of other decisions, each case should be determined on its individual merits and it is not always possible or appropriate to make direct comparisons. This Council's response reinforces this view, as a number of the decisions referred to were taken some considerable time ago or are not directly comparable to the current appeal. As such, there was no unreasonable behaviour on the Council's part.
7. The Council contends that while it did not explicitly refer to the entrance screen, this does not mean that it did not have regard to it. In particular, it was not clear how the screen would be used and how effective it would be. While I accept that the Council could have sought further information in this regard, no evidence has been provided by the appellant of unnecessary or wasted expense in relation to this matter, which was one of a number of reasons for refusal that the appellant had to address as part of the appeal. For these reasons, I consider that the Council's behaviour was not unreasonable. The appellant's technical report concerned levels of daylight and sunlight in the maisonette, not outlook from the building, which is a separate matter. Therefore, there was no unreasonable behaviour in this regard.
8. The appellant asserts that the Council did not have proper regard to its own guidance in SPG17 on amenity space by not seeking a financial contribution towards off-site open space to compensate for that which would be lost. This resulted in the appellant providing a Unilateral Undertaking. The Council responds that it objected to the loss of family accommodation, including the amenity space, and had it requested a financial contribution and continued to oppose the application, this would have been unreasonable to the appellant. I accept that while the Council could have indicated that in the event of the appeal being successful it would have required a financial contribution to off-set the loss of space in accordance with SPG17, in the circumstances, for the reasons it gives, the Council did not behave unreasonably.
9. On the Council's concerns about the design matters in respect of the maisonette, the appellant contends that the view taken was arbitrary and unsupported. However, the Council referred to specific reasons as to why it considered the proposed rooflight was, in its view, inappropriate. In relation to the proposed doors, it compared these to the existing garage doors and gave the specific reason that they were not considered appropriate in a domestic setting. While I accept that these arguments could have been developed

further to substantiate the reason for refusal, the position the Council took does not amount to unreasonable behaviour.

10. The final ground of the appellant's claim relates to the lack of details about waste and recycling facilities. The appellant asserts that this was not a ground for refusal in a similar circumstance in relation to a previous application and that the Council could have suggested a condition to overcome this concern. I accept the Council's view that had this been the only or main reason for refusal, the approach taken would have been unreasonable. This issue was included in a wider reason for refusal related to future occupiers' living conditions and the Council did subsequently, in its appeal statement, suggest the wording of a condition to address its concern. Taken together with the fact that the appellant has not referred to any specific unnecessary or wasted expense incurred, for these reasons I find no unreasonable behaviour on the Council's part that warrants an award of costs.
11. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated and an award of costs is not justified.

John Bell-Williamson

INSPECTOR



Appeal Decision

Site visit made on 13 February 2012

by Ray Yorke BA(Hons) Dip TP MRTPI

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

Decision date: 27 February 2012

Appeal Ref: APP/T5150/A/11/2159347

1 Jubilee Heights, Shoot Up Hill, London NW2 3UQ

- 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 Redab Midtown Ltd and Redab Kilburn Ltd against the decision of the London Borough of Brent.
 - The application Ref 11/1307, dated 20 May 2011, was refused by notice dated 15 July 2011.
 - The development proposed is construction of a five storey residential building to provide 5 x 2 bed flats.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a five storey residential building to provide 5 x 2 bed flats at 1 Jubilee Heights, Shoot Up Hill, London NW2 3UQ, in accordance with the terms of the application, reference 11/1307, dated 20 May 2011 and the plans submitted therewith, subject to the conditions set out in the Appendix to this Decision.

Main Issues

2. The main issues in this case are:
 - (a) the effect of the development on amenity land within the Jubilee Heights and Cedar Lodge development.
 - (b) the effect of the development on the living conditions of neighbouring residents with particular regard to outlook, sunlighting and daylighting.
 - (c) the need for contributions towards community infrastructure.

Reasons for the Decision

3. The appeal site is within a residential area containing mostly large flatted developments and is visually separated from the commercial uses of Kilburn High Road by the railway embankment and the bridge that carries the railway across the main road. Minor commercial uses adjoin the northern side of the railway embankment opposite the appeal site.
 4. 1 Jubilee Heights is a modern building of 8 storeys which has been converted to residential use and extended in recent years. It is associated with the
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modern 5 storey building at Cedar Lodge which was built as residential flats. I have noted the extensive planning history of the site.

Effect on amenity land

5. The proposal would construct a building of 5 storeys attached to the Jubilee Heights building at its south eastern corner and projecting forward of the existing building on the Shoot Up Hill and Exeter Road frontages. It would be built on part of a landscaped amenity area and partly on an area occupied by a pedestrian ramp.
6. The appeal site is within an Area of Open Space Deficiency but I note the appellants' reference to existing open spaces within a reasonable distance of the appeal site. Saved Policy H12 of the Council's Unitary Development Plan 2004 (UDP) says that developments should have an amount and quality of open landscaped areas appropriate to the local availability of open space and the needs of prospective residents. Policy H13 seeks to balance the efficient use of land and the amenity needs of residents, with the most dense developments being appropriate in areas with good transport accessibility. The appeal site is in such an area. Policy BE9 expects development to be laid out in a way which promotes the amenity of users.
7. The Council's Supplementary Planning Guidance *Design Guide for New Development* adopted 2001 (*Design Guide SPG 17*), to which I give some weight, says at paragraph 5.1 that external open space is a very important part of any scheme providing for circulation as well as residential amenity.
8. Design Guide SPG 17 says that a minimum of 20 sq.m. will normally be provided for each unit in a block of flats. However it also says that if the quantity and quality of amenity space provided fails to meet these standards, this underprovision will be expected to be offset through a number of measures, including increased unit floor sizes, more generous balconies or roof terraces and S.106 payments towards improvements to the local public realm and open space. The proposal includes balconies for the proposed flats and a rooftop communal garden.
9. I have noted the Council's concern that the total amount of external communal open space at the existing Jubilee Heights/Cedar Lodge development is below the 20 sq.m. per flat of external amenity space required for the existing 121 flats at Jubilee Heights and Cedar Lodge. However, it seems to me that the appeal proposal would provide sufficient amenity space to meet the needs of the occupants of the 5 proposed flats and would provide a small surplus to help reduce the shortfall elsewhere in the Jubilee Heights/Cedar Lodge development referred to by the Council. I consider that the appeal proposal would enable better amenity use of the hard paved areas to either side of the main entrance to the existing building.
10. The Council is also concerned that the development would result in the loss of an area of external open space which has high amenity value because of its orientation and which currently receives good daylight and sunlight throughout most of the day, and that the proposed development would adversely affect the remaining external open space through the removal and screening of sunlight for the majority of the day to this space.

11. The front elevation of the Jubilee Heights building faces north eastwards and the amenity land along the Shoot Up Hill frontage is mostly situated to the north east of the 8 storey building. The amenity land is already overshadowed by the existing building for much of the day. However, the Daylight and Sunlight Assessment submitted by the appellants demonstrates that only a small part of the amenity area would be in permanent shadow. Guidance relating to gardens and amenity areas is set out in *Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (Second Edition)* published by the BRE Trust (the BRE Guidelines). The Guidelines recommend that at least half of amenity areas should receive at least two hours of sunlight on 21 March. It seems to me that this would continue to be the case in relation to the greater part of the remaining amenity land area fronting Shoot Up Hill.
12. I have also taken into account that the proposed communal roof garden would be available to all residents and would be in a location which would receive good levels of daylight and sunlight. In my opinion this would compensate for the small part of the existing amenity area which would be in permanent shadow as a result of the development. I consider therefore that the proposal would not significantly adversely affect the quality of the amenity land along the Shoot Up Hill frontage.
13. I conclude on this issue that the proposal would provide sufficient amenity land for the development proposed and that it would not significantly adversely affect the quality of the existing amenity land fronting Shoot Up Hill which would remain. The proposal would therefore not be contrary to UDP Policies BE9, H12 and HE13 or to the guidance in Design Guide SPG17.

Effect on living conditions

14. The second ground of the Council's decision sets out the Council's concerns regarding the effect of the proposal on the kitchen windows of the existing adjoining flats at the first, second and third floors of the Jubilee Heights building. These concerns relate to restrictions of outlook and overbearing nature and loss of morning sunlight to these windows. These flats are numbered 108, 208 and 308 and the windows concerned face north eastwards. Saved UDP Policy BE9 expects among other things that extensions and alterations to buildings should be laid out to provide satisfactory levels of sunlighting, daylighting and outlook for existing and proposed residents.
15. The Daylight and Sunlight Assessment submitted by the appellants points out that the windows of concern to the Council are facing within 90 degrees of due north, and that there is therefore no requirement for sunlight assessments. This opinion is consistent with paragraph 3.2.3 of the BRE Guidelines.
16. The Daylight and Sunlight Assessment demonstrates that, although there would be some impact on daylight to these windows, the daylight received would still be above the recommended Vertical Sky Component set out in the BRE Guidelines.
17. I was able to see the outlook from the kitchen windows of two of the existing flats referred to above and to assess the impact of the proposed development on that outlook. Looking out to the right from the windows there is a view at present to the railway bridge. The proposed development would result in the loss of that view. However, it seems to me that there would still be an

- adequate outlook from the kitchen windows towards Shoot Up Hill and that the proposed development would not be overbearing in relation to these flats.
18. The Council has referred to SPG5 – *Altering and Extending Your Home* adopted 2002. There is no information to indicate whether this document was the subject of public consultation prior to its adoption by the Council. Moreover, it seems to me that SPG5 relates primarily to domestic extensions rather than to a development such as the appeal proposal. This limits the weight I can attach to this document in this case.
 19. I conclude on this issue that the proposed development would not result in significant loss of daylight to the kitchen windows assessed. I also conclude that whilst there would be some loss of view from these kitchen windows, an adequate outlook would remain and the development could not be regarded as overbearing.
 20. I therefore find that the appeal proposal would not significantly adversely affect the living conditions of neighbouring residents with regard to outlook and daylighting. The proposal would not therefore be contrary to UDP Policy BE9 in this respect.

Contributions towards community infrastructure.

21. The third and fourth grounds of the Council’s decision relate to the additional pressure on transport infrastructure and education and increased pressure for the use of existing open space resulting from the development. They also say that the proposed development would not make sufficient provision for affordable housing on site or make satisfactory provision to compensate for this off site.
22. Policy CP2 of the Council’s Core Strategy (adopted 2010) sets out the Council’s aim that 50% of new homes should be affordable. Policy CP18 says that contributions will be sought from developments to help provide new or improved open space facilities in areas of deficiency. UDP Policy CF6 seeks contributions from housing development to build new school classrooms and associated facilities. UDP Policy TRN11 expects major developments to contribute to improvements in the cycle network. The Council has also referred to its adopted S.106 Planning Obligations SPD to which I give appropriate weight. I consider that the contributions towards infrastructure sought by the Council are justifiable and consistent with these policies and the SPD.
23. Subsequently to the Council’s decision on the planning application, the appellants have submitted a completed Unilateral Undertaking, pursuant to Section 106 of the Town and Country Planning Act 1990, which provides for financial contributions to be paid to the Council in respect of the above matters. I regard these contributions as reasonably necessary in the interests of proper planning and consistent with the Policies and the Planning Obligations SPD referred to above.
24. In the light of the completed Unilateral Undertaking, I regard grounds 3 and 4 of the Council’s decision as having been satisfied. I note that the Council takes a similar view.

Other Considerations

25. I have noted the other matters raised by local residents set out in letters and a petition, including the size, design and prominence of the proposed development, increased pressure on parking and noise and disruption from building works. The Council in its decision notice has not raised objection to the proposal on these grounds. I consider that the size, design and siting of the proposed development would be acceptable. Bearing in mind the location of the development, which is adjacent to the Jubilee Line station and is well served by bus routes, I do not consider that additional parking facilities are necessary at the site. Noise and disruption from building works would be a temporary phenomenon and would not be adequate reason to refuse development which would otherwise be acceptable. These other considerations are not of such weight as to lead me to a different conclusion in this appeal.

Conclusion

26. For the reasons set out above and having considered all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Conditions

27. In framing conditions, I have had regard to Circular 11/95: *The Use of Conditions in Planning Permissions*, and to the conditions suggested without prejudice by the Council. In addition to the normal time condition for the start of development, a condition to require the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.
28. A condition to require details and samples of external materials is necessary to achieve a satisfactory appearance for the development. Conditions to require a bedroom window and the roof lights of the proposed rooftop garden to be obscure glazed are appropriate to maintain privacy. Conditions to require further details of the communal roof top garden and the landscaping and future maintenance of this facility and the external communal amenity areas of the site are necessary in the interests of appearance and amenity.
29. A condition to require the provision of refuse and recycling storage facilities is necessary to ensure a satisfactory development and to protect amenity. A condition to require provision of bicycle parking facilities is necessary to encourage sustainable transport. Details of car parking management facilities for the proposed and existing residential units are necessary to minimise overspill parking on the surrounding road network.

RJ Yorke

INSPECTOR

APPENDIX - APPEAL DECISION: APP/T5150/A/11/2159347

1 Jubilee Heights, Shoot Up Hill, London NW2 3UQ

Conditions to which the Decision is subject

1. The development to which this permission relates shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

PL/266/1000; PL/266/1001; PL/266/1002; PL/266/1003; PL/266/1004;
PL/266/1005; PL/266/1006; PL/266/1007; PL/266/1008; PL/266/1009;
PL/266/1010; PL/266/1011; PL/266/1012; PL/266/1013 and PL/266/1014.
3. No development shall take place until details including samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. The window to bedroom 2 of the ground floor flat hereby approved shall be constructed with obscure glazing up to 1.8m above internal floor level and shall be so maintained thereafter unless the prior written consent of the Local Planning Authority is obtained to any variation.
5. The roof lights within the communal roof top garden hereby approved shall be constructed to be obscure glazed and non-opening and shall be so maintained thereafter unless the prior written consent of the Local Planning Authority is obtained to any variation.
6. Notwithstanding the submitted plans otherwise approved, further details of the communal roof top garden shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The proposed garden shall thereafter be constructed in full accordance with the approved details prior to the first occupation of any of the flats hereby permitted. Such details shall include:
 - a. Details of the roof construction including drainage and hard landscaping; and
 - b. Details of proposed plant species and substrate.

Any landscaping planted in accordance with the landscaping scheme which, within 5 years of planting is removed, dead or dying, seriously damaged or becomes diseased shall be replaced in similar positions with soft landscaping of similar species and size to those originally planted unless otherwise agreed in writing by the Local Planning Authority.
7. Full details of the landscaping works and treatment of the remaining communal amenity spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any demolition/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 by the Local Planning Authority. Such a scheme shall include:

- (a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (b) details of proposed planting including species, plant sizes and planting densities;
- (c) areas of hard landscape works and proposed materials;
- (d) a buffer between the remaining communal amenity space and the ground floor flat within the proposed development;
- (e) details of the proposed arrangements for the maintenance of the landscape works;
- (f) details of any exterior lighting to be provided on the site.

Any trees, shrubs and other plants planted in accordance with the landscaping scheme which, within 5 years of planting, are removed, dead or dying, seriously damaged or become diseased shall be replaced to the satisfaction of the Local Planning Authority in writing by trees, shrubs and other plants of similar species and in similar locations unless the Local Planning Authority agrees in writing to any variation.

8. Details of the location and nature of refuse and recycling storage facilities meeting the required capacity as outlined within "Brent's Waste and Recycling Storage and Collection Guidance for Residential Properties" for existing and proposed units within Jubilee Heights shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved facilities shall thereafter be constructed prior to the first occupation of any of the flats hereby permitted and thereafter retained.
9. Details of cycle parking facilities to accommodate 16 bicycles including details of the location and design of the cycle store shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The cycle parking facilities and cycle store shall thereafter be constructed in full accordance with the approved details prior to the first occupation of any of the flats hereby permitted.
10. Details of the management arrangements showing how the car parking spaces within the Jubilee Heights/Cedar Lodge site will be allocated for each unit within Jubilee Heights and Cedar Lodge, including the additional five units hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved management arrangements shall be implemented prior to the first occupation of any of the flats hereby permitted and thereafter retained.

R J Yorke

INSPECTOR



Appeal Decision

Site visit made on 7 February 2012

by B Barnett BA MCD MRTPI

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

Decision date: 15 February 2012

Appeal Ref: APP/T5150/X/11/2160959
25 Berkeley Road, London, NW9 9DH

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr S Sharif against the decision of the Council of the London Borough of Brent.
 - The application Ref 11/1486, dated 7 June 2011, was refused by notice dated 2 August 2011.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is a new garage/outbuilding at rear.
-

Decision

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

Reasons

2. The building would be about 8m wide and 6.75m deep. The Council accept that it would meet all the requirements of Class E of Part 1 of the Schedule to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO) in relation to size and location and I have no reason to disagree. The only matter in dispute is whether it is 'required for a purpose incidental to the enjoyment of the dwelling house as such'. If it is not, it would fall outside Class E and the planning permission granted by Article 3 of the GPDO would not apply.
3. The appellant has four children. He indicates that the building would be used for the parking of a car and for incidental storage and leisure use and that its design is consistent with that use. He considers the amount of floorspace reasonable having regard to the need for his family to store such items as bikes, garden implements, paddling pools, outdoor furniture, spare indoor domestic paraphernalia and other general household storage such as books.
4. The Council point out that the building, at about 53 sq m, is about 5 sq m larger than the ground floor area of the original house. Because of this and the limited area of garden which the property would retain, they consider that there is insufficient evidence to show that a building of the size proposed is reasonably required for the stated purpose.

5. There is no absolute limit on the floorspace which can be built under Class E permitted development. However, the onus is on the appellant to prove, on the balance of probability, that the building is reasonably required for the intended purpose. 'Reasonably required' does not mean essential, and there is no need to show that the use could not be accommodated in a smaller building. However it must be shown that the use of the building, when considered in the context of the planning unit, is intended and is likely to remain ancillary or subordinate to the main use of the property as a dwelling house. Size of the building relative to the house may be relevant but it is not determinative.¹
6. I have no reason to doubt that the building is likely to be used in the manner indicated by the appellant. Parking of a car, storage of various domestic items and use for hobbies or leisure is no more than one would expect to see in a domestic out-building. The structure would clearly be capable of such use and the Council has not suggested any other use to which it might be put. There is nothing to suggest that it is likely to be used as an extension to the basic living accommodation provided by the house and in this context I disagree with my colleague who determined an appeal referred to by the Council². In my opinion the storage of personal goods or items (which might include for example DIY tools, unused items of furniture, suit cases or children's play equipment) is capable of being incidental to the enjoyment of a dwelling house.
7. The building would be split into two sections. One would provide generously for a car leaving room for domestic storage around it. The other section would be slightly larger. It would undoubtedly provide a lot of space for use by the appellant and his family. I have no reason however, to believe that the nature, scale or intensity of such use would exceed what one might reasonably expect to find associated with a house of the size I saw at my visit. It was in the course of being altered to extend the accommodation with a side and rear single storey extension and a loft conversion providing a bedroom in the roof. These alterations were clearly in the appellant's mind³ when proposing the development the subject of this appeal and for this reason I attach little significance to the size of the original dwelling.
8. On the evidence before me and on the balance of probability, when the application was made the building was intended for a use which was, and was likely to remain, ancillary or subordinate to the main use of the property as a dwelling house. Its erection at that time would have fallen within Class E and would have been permitted by the GPDO.
9. For this reason I conclude that the Council's refusal to grant a certificate of lawful development in respect of the proposed erection of a new garage/outbuilding was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

B Barnett

INSPECTOR

¹ *EMIN v SSE AND MID-SUSSEX DC* (1989) JPL909. The judgement found that use of a building for indoor archery was capable of being incidental to the enjoyment of a dwelling house.

² APP/R5510/X/10/2122954

³ Permission for extensions and an LDC in respect of works to the roof were granted in March 2011.



Lawful Development Certificate

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

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

IT IS HEREBY CERTIFIED that on 7 June 2011 the operation described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

It would have been permitted by Article 3 and Class E of Part 1 of the Schedule to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Signed

B Barnett

INSPECTOR

Date 15.02.2012

Reference: **APP/T5150/X/11/2160959**

First Schedule

The erection of a new garage/outbuilding at the rear of the property in accordance with submitted drawings 10068-BerkeleyRoad-25 – 110, 111 and 112

Second Schedule

Land at 25 Berkeley Road, London, NW9 9DH

NOTES

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

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

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

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



Plan

This is the plan referred to in the Lawful Development Certificate dated: 15.02.2012

by **B Barnett BA MCD MRTPI**

Land at: 25 Berkeley Road, London, NW9 9DH

Reference: APP/T5150/X/11/2160959

Not to Scale





Appeal Decision

Site Visit made on 6 February 2012

by E C Grace DipTP FRTPI FBEng PPIAAS

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

Decision date: 17 February 2012

Appeal Ref: APP/T5150/D/11/2165749

9 Ashridge Close, Harrow HA3 0JE

- 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 Anil Chauhan against the decision of the Council of the London Borough of Brent.
 - The application Ref 11/1595, dated 20/6/11, was refused by notice dated 5/9/11.
 - The development proposed is demolition of existing side extension, erection of a new two storey side extension, single storey rear extension and installation of 1 rear roof light to dwelling house.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a new two storey side extension, single storey rear extension and installation of 1 rear roof light to the dwelling house at 9 Ashridge Close, Harrow in accordance with the terms of the application, Ref 11/1595, dated 20/6/11, subject to the schedule of conditions set out at the end of this decision:

Main Issues

2. The main issues in this case are whether the proposed development would:
 - a) result in harm to the character and appearance of the host dwelling and street scene and/or
 - b) give rise to inadequate parking provision.

Reasons

3. The appeal property is a semi-detached house dating from the inter-war period and is located towards the end of a short cul-de-sac, within a wider residential locality that forms the designated Northwick Circle Conservation Area. I have noted the appellant's questioning of the appropriateness of having included Ashridge Close in that designation as it appears to be the only road which does not lead onto one of the roads radiating from Northwick Circle, but rather, from a road outside the Conservation Area. Nevertheless, I have to have regard to the statutory designation and I consider the 1920/1930s architecture and layout of the dwellings here is typical of the wider Conservation Area.
4. The dwellings in the cul-de-sac have been subject to alteration and extension over time and the appeal property is no exception, albeit that these have been mainly to the rear. The current proposal involves demolition of the garage and rebuilding it wider to align with the later single storey extension to the rear. A first floor would then be constructed above, with the pitched roof continued over it but with a lower ridgeline than the main house. A further single storey extension to the rear is also proposed, but no objection has been raised to this.

5. Hence, it is evident that the Council are mainly concerned that the front façade of the extension would be flush with the main front wall of the house at both ground and first floor level. They regard this to be insufficiently subservient to the original dwelling.
6. The appellant points out that many other properties in the cul-de-sac have had comparable lateral extensions and all have been set flush with the front façade of the original house. Indeed, the attached house (No 11) has a very similar extension to that being proposed by the appellant, but the Council indicate this was approved in 1987, prior to the designation of the Conservation Area and adoption of current planning guidance and should not therefore be regarded as a precedent. Nevertheless, I saw that only the appeal property and just one other (No 5) on this side of the road have not been subject to such extensions. Whilst I acknowledge the Council's desire to strive for higher standards of design in connection with extensions to dwellings, I consider that, in this instance, the proposal would serve to re-establish the symmetry of the pair of houses and be compatible with others in the road. Moreover, I consider the lowering of the ridgeline over the extension provides an appropriate degree of subservience to the main dwelling. I therefore find that the character and appearance of the host dwelling and street scene in this part of the Northwick Circle Conservation Area would be preserved.
7. Turning to the second issue, the existing garage is unduly narrow and whilst it would undoubtedly have sufficed for an Austin 7 or similar vehicle of the period it is unsuitable for many of the wider car models of the present day. However, although the proposal would provide a garage of wider dimensions, it is shown to measure only 3m in depth due to the inclusion of a shower room/WC at its far end and thus it would be incapable of accommodating a car. The appellant indicates he is not objecting to the second refusal reason as he would be prepared to omit the shower room, thereby enlarging the garage, which he is prepared to retain as such. Although the appellant states he will confirm this in a revised drawing, I have not been provided with an amended plan showing that. However, I am content that I can impose conditions to address these matters, which I consider would suitably address the Council's objection on this count.
8. Being minded to allow the appeal, I have considered the conditions advanced by the Council and accept the need for the standard time limit and requirement for matching materials, in the interest of visual amenities. The Council's suggested condition relating to landscaping of the front garden is redundant in view of the appellant's indications relating to the garage. I shall however attach two further conditions to amend the detailed plan to delete the shower room/WC, in the interest of certainty, and require the garage to be retained as such, to reflect the appellant's declared intent.
9. For the reasons given above I conclude that the appeal should be allowed and permission granted subject to the conditions set out in the schedule below.

Edward Grace

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plan: 06/11/AC/01 Rev B, except in respect of the ground floor shower room/WC which shall be deleted and the area it occupied incorporated within the garage.
 - 4) The garage hereby permitted shall be kept available for the parking of motor vehicles at all times.
-



Appeal Decision

Site visit made on 7 February 2012

by B Barnett BA MCD MRTPI

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

Decision date: 15 February 2012

Appeal Ref: APP/T5150/D/11/2167192
41 Fryent Way, Kingsbury, London, NW9 9SL

- 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 Paramjot Singh against the decision of the Council of the London Borough of Brent.
 - The application Ref 11/2390, dated 12 September 2011, was refused by notice dated 4 November 2011.
 - The development proposed is retention of single storey detached building.
-

Decision

1. The appeal is allowed and planning permission is granted for the development which has taken place namely the erection of a single storey detached building at 41 Fryent Way, Kingsbury, London, NW9 9SL in accordance with the terms of the application, Ref 11/2390, dated 12 September 2011.

Reasons

2. Approaching the site from the north, Fryent Way is a wide avenue with service roads on either side separated from the main carriageway by tree lined verges. The houses are on the outside of the service roads set to well defined building lines behind short front gardens. Immediately past the house at No 41 the avenue character disappears and the road reduces in width to a single carriageway with adjoining footways where it crosses the railway.
3. Reflecting this change in character, No 41 has a side and front garden which extends around the end of the service road. The building addressed by the notice has been built here. From the north, it provides what I consider to be a very satisfactory termination to views down the service road. As one walks past, or views it from across the road or from the south, it looks like a high boundary wall but its brickwork is reasonably attractive and it does not appear oppressive or over dominant.
4. It is not characteristic of this area to have a building of this size forward of the building line. However, the circumstances here are exceptional because of the narrowing of the road and the unusual shape of the garden. In my opinion the building which has been erected takes account of these circumstances and does no harm to the character or appearance of the area. It does not make it a less pleasant locality in which to live or through which to pass. Its erection was consistent with the aims of Policies BE2 and BE9 of the Brent UDP.

B Barnett

INSPECTOR



Appeal Decision

Site visit made on 22 February 2012

by **B.S.Rogers BA(Hons), DipTP, MRTPI**

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

Decision date: 2 March 2012

Appeal Ref: APP/T5150/X/11/2161665
24 Cairnfield Avenue, London, NW2 7PE

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Bazaar Investments limited against the decision of the Council of the London Borough of Brent.
- The application Ref: 11/1337, dated 7 July 2011, was refused by notice dated 1 September 2011.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is a garage at the back of the rear garden.

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

Application for costs

1. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Reasons

2. The issue to be determined in this case is whether the outbuilding in question in question is permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (GPDO).
3. It is not in dispute that the outbuilding is within the domestic curtilage of no.24 Cairnfield Avenue and that it conforms to all the criteria of Class E of the GPDO, save for E.(a) as to whether it is *required for a purpose incidental to the enjoyment of the dwellinghouse as such*. The Council submits that it fails this test because its size is excessive in relation to that of the original dwellinghouse and because it is not required, as the house already has 2 parking spaces at the front.
4. The appellants state that the proposed use is as a double garage for the use of the occupants of no.24 Cairnfield Avenue. Such a use is normally regarded as incidental to the enjoyment of the dwellinghouse as such; it is one of the examples listed in the Technical Guidance: *Permitted Development For Householders*. The proposed building is designed as a garage, with vehicular access to be taken from the rear service road, along which there are several other similar garages. There would be a pedestrian door giving access to the rear garden of no.24.

5. Whilst the size of a proposed outbuilding can be material to the question of whether it would be *incidental*, the Council's comparison of the floorspace of the proposed garage with the footprint of the dwellinghouse (whether original or extended) appears to me to be misplaced in a case such as this. The proposed garage needs to be sufficiently large to fulfil its intended purpose of housing vehicles and at around 5m square internally, it would be neither excessively deep nor wide to operate as a functional double garage.
6. I saw that there is a parking space on the frontage to Cairnfield Avenue, which could accommodate one, or possibly two, cars. The Council has used its adopted parking standards, which would require a maximum of 2 off-street spaces for a dwelling with 4 or more bedrooms, as a guide to indicate that the development is not required for a purpose incidental to the enjoyment of the dwellinghouse as such. The Courts have held that the term *required* should be interpreted to mean *reasonably required*. The appellants' need for covered, secure parking does not appear to me to be unreasonable. It would be a common provision to make at a dwelling of this size and type and would clearly not be unusual in this locality, where several similar examples occur.
7. I note the previous history of enforcement action at this site but I have to determine the lawfulness of the proposed development on the basis of the application and the plans submitted. Should there be any material variation from the details indicated in the plans or should a material change of use occur without planning permission, the Council would be in a position to consider whether it was expedient to take enforcement action.
8. In the present case, I find that the appellant has shown, on the balance of probability, that the outbuilding is reasonably required for a purpose incidental to the enjoyment of the dwellinghouse as such. Accordingly, I conclude that the proposed development, as stated to be used, would be permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of the GPDO. The Council's decision to refuse the application was not well founded.

Formal Decision

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

B.S. Rogers

Inspector



Lawful Development Certificate

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

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

IT IS HEREBY CERTIFIED that on 7 July 2011 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed double garage would be permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

Signed

B.S. Rogers

Inspector

Date 02.03.2012

Reference: APP/T5150X/2161665

First Schedule

A garage at the back of the rear garden, as depicted in drawing no.811(P)1251 Rev.A, dated 18.05.11.

Second Schedule

Land at 24 Cairnfield Avenue, London, NW2 7PE, as depicted in drawing no.811(P)1251 Rev.A, dated 18.05.11.

NOTES

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

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

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

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



Costs Decision

Site visit made on 22 February 2012

by **B.S.Rogers BA(Hons), DipTP, MRTPI**

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

Decision date: 2 March 2012

Costs application in relation to Appeal Ref: APP/T5150/X/11/2161665 24 Cairnfield Avenue, London, NW2 7PE

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Bazaar Investments Ltd for a [partial] [full] award of costs against the Council of the London Borough of Brent.
 - The appeal was against the [refusal of] [part refusal of] [failure of the Council to issue a notice of their decision within the prescribed period on an application for] a certificate of lawful use or development for [details of development or use].
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The appellants submit that the Council has introduced the consideration of planning merits into a case where purely legal issues should be involved in determining an application, contrary to the advice of Circular 10/97. They argue that the use of the building as a garage is clearly incidental to the use of the dwellinghouse as such and the building would comply with all the dimensional criteria of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (GPDO).
3. The Council's response is that it has determined the application on a factual basis; it has not used planning policies to determine the application but to provide guidance as to what scale of outbuilding might be considered to be incidental.
4. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
5. In this case, there are 2 main considerations in determining whether the proposed garage would be classed as permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995, as amended. Before going on to decide if its siting, form and dimensions would meet criteria E.1 (a) to (i), it is necessary first, to consider whether the building would be required for a purpose incidental to the enjoyment of the dwellinghouse as such.
6. It can not be assumed that, because a garage is normally regarded as incidental in this context, any size of garage that would meet criteria E.1(a) to

(i) would be permitted development. The appellants acknowledge as much in stating "*Whilst it might be reasonable for any council to query if somebody endeavoured to achieve perhaps an outbuilding to contain four parking spaces for a two or three bedroom house*". The Council quite rightly conducted such an appraisal based on the relationship of the garage to the size of the dwelling and its view as to what level of parking provision would be reasonably required for such a dwelling. To my mind, the Council used its own parking standards as a guide on this issue, rather than to assess the planning merits of the case, which are clearly irrelevant to a decision on the lawfulness of a proposed development. In the event, I found in the appellants' favour. However, in my view the Council did not act unreasonably in determining the application and the application for costs accordingly fails.

B.S. Rogers

Inspector



Appeal Decision

Site visit made on 24 February 2012

by **D Cramond BSc MRTPI**

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

Decision date: 14 March 2012

Appeal Ref: APP/T5150/D/12/2168781
65 Chevening Road, London NW6 6DB

- 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 Dr K Sahota against the decision of the Council of the London Borough of Brent.
 - The application Ref 11/1669, dated 20 June 2011, was refused by notice dated 24 October 2011.
 - The development proposed is the formation of a vehicular access with new front boundary wall and hard and soft landscaping to the front garden of the dwellinghouse.
-

Decision

1. The appeal is allowed and planning permission is granted for the formation of a vehicular access with new front boundary wall and hard and soft landscaping to the front garden of the dwellinghouse at 65 Chevening Road, London NW6 6DB in accordance with the terms of the application, Ref 11/1669, dated 20 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: 65/003 Revised & 65/005 Revised3.
 3. Notwithstanding the plans hereby submitted and approved, details of the front garden layout and boundary treatment, including walling and hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. The approved boundary treatment and hard landscaping shall be completed prior to the first use of the parking area and retained thereafter. The soft landscaping shall be completed at the latest within the first planting season following first parking use of the development hereby approved. If, within 5 years of planting, any trees or shrubs die, are removed or become seriously damaged or diseased, in the first planting season thereafter they shall be replaced with others of the same species and size and in the same position.

Procedural matter

2. I use the Council's description of development which is more extensive than on the application forms.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

Reasons

4. The appeal property is a two storey terraced house with a pleasing front elevation to the north west side of Chevening Road in an established residential area of broadly homogenous well proportioned homes leading to a defined character area and a pleasant appearance for this locality. Front garden areas are more generous on the appeal site's side of the road than on the south east. Many of these larger gardens include hardstandings for cars, some do this relatively comfortably and others, regrettably, are of a size or style that detracts from the streetscene.
5. The site lies within the Queens Park Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The Brent Unitary Development Plan 2004 (UDP) includes policies BE2 and BE9. Amongst other matters, these policies seek to protect local distinctiveness and ensure that the design of new development is appropriate in scale, siting and appearance. The Council's *Queen's Park Conservation Area Design Guide* (CADG) seeks to protect the visual and character related qualities of this area. It advises that hardstandings in front gardens, where they are deemed acceptable, should maintain over 50% of soft landscaping.
6. The poor condition front garden wall would be replaced and one of the two existing gateways would be sealed up ensuring that overall enclosure is not greatly affected. The plans show good scope for soft landscape and the concrete pathway to the front door would be restored to a more original Victorian form. The other pathway would be removed and this would be around the same extent of hard surfacing as the proposed parking place. Due to spacing the parked car would neither be in front of the main door or jammed up to a principal window. Whether a car was in situ or not, the appearance would remain of a front garden faced by a pleasant and visible front elevation and enclosed to a reasonable degree by a front garden wall. The proposal would readily provide for over 50% of soft landscape.
7. I note that in this instance there are personal medical circumstances that are due a degree of weight and I do acknowledge that off-site charging of electric vehicles is not easy at the present time. Notwithstanding any personal circumstances, the Council is right to be cautious over allowing front garden hardstandings as the character of an area can change in a detrimental way through this. However, in my opinion due to the pattern of the immediate surroundings and the precise nature of the scheme before me the appeal property is, exceptionally, one which could satisfactorily accommodate a small hardstanding area without detriment to the visual qualities of the house or locality.
8. In the situation before me there would be no conflict with S72(1) of the Act; there would be preservation of the character and appearance of the Conservation area. For the reasons I have given I conclude that this scheme

would also accord with the UDP policies and the CADG cited in paragraph 5 above.

9. I note that other matters are raised including increased flood risk and safety to users of the footpath by reason of manoeuvring of the relevant vehicle. On the former I am satisfied that the judicious use of permeable materials and the proposed removal of an existing pathway would prevent an overall increase in water run off. I am also satisfied that due to the space available between roadside parked cars, the position of the proposed drop kerb, and the alignment of the opening for the parking area, there would be sufficient space for an average or small car commensurate with the length of parking bay to undertake egress and exit without any particularly unusual or additional manoeuvres beyond the normal act of a single crossing. The slight off-set between crossing and entrance will not make a material difference. I see no conflict with the safety and aesthetic aims of the Council's SPG3 – *Forming an Access onto a Road*. I have carefully considered all other points raised by the Council and interested parties and none outweigh my conclusion on the main issue.

Conditions

10. In addition to the standard three year commencement condition suggested by the Council I shall, for the avoidance of doubt and in the interests of proper planning, include a condition requiring that the development would be carried out in accordance with listed, approved, plans. The plans are not precise on hard and soft landscape form, the Council's report touches on the ability to call for more detail on this, and in my view a condition seeking greater definition on this issue would be reasonable and is necessary. The appellant underlines the intent to complete the whole scheme as a beneficial re-plan and thus an implementation and retention element to the condition would not be unreasonable.

Overall conclusion

11. For the reasons given above I conclude that the appeal proposal would not have an unacceptable adverse effect on the character and appearance of the host property or the locality. Accordingly the appeal is allowed.

D Cramond

INSPECTOR



Appeal Decision

Site visit made on 22 February 2012

by **B.S.Rogers BA(Hons), DipTP, MRTPI**

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

Decision date: 2 March 2012

Appeal Ref: APP/T5150/X/11/2162386
25 Dobree Avenue, London, NW10 2AD

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Z.Usman against the decision of the Council of the London Borough of Brent.
- The application Ref: 11/1791, dated 8 July 2011, was refused by notice dated 1 September 2011.
- The application was made under section 191(1)(b) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is retention of detached outbuilding to be used as ancillary use to the dwelling (games room).

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

Reasons

1. The issue to be determined in this case is whether the outbuilding in question is permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (GPDO).
2. It is not in dispute that the outbuilding, which is within the domestic curtilage of no.25, Dobree Avenue, conforms to all the criteria of Class E of the GPDO, save for E.(a) as to whether it is *required for a purpose incidental to the enjoyment of the dwellinghouse as such*. The Courts have held that the term *required* should be interpreted to mean *reasonably required*. The Council submits that it fails this test because its size is excessive both for its stated purpose and in relation to the size of the original dwellinghouse.
3. Whether the development meets the above test is a matter of fact and degree in each case. For a use to be incidental, it must not be for a primary residential purpose i.e. for an essential basic domestic requirement, such as a living room, a bedroom or a kitchen. Here, the appellants state that the proposed use is as a games room/gym for the personal enjoyment of the 7 occupants of the dwellinghouse. To my mind, such a use could quite properly be regarded as incidental to the use of the dwellinghouse as such. The outbuilding has been designed to accommodate a full sized snooker table plus 2 items of gym equipment and a w.c.. It has a footprint of some 53 sq.m. and does not appear to me to be excessive in floor area to accommodate the above features, and to allow for a suitable amount of circulation space.

4. Whilst the size of the outbuilding relative to the dwellinghouse may give some guidance as to whether the use may be regarded as incidental, it is not in itself decisive. In any event, I regard the comparison made by the Council with the size of the original dwellinghouse to be inappropriate. The outbuilding has been built to meet the requirements of the occupants of the present dwellinghouse, whose enlarged form the Council must have deemed to be appropriate, when granting permission for the extensions. The present house has a footprint of some 148 sq.m. and contains 6 bedrooms. In this context, the outbuilding does not appear to be disproportionately large. Furthermore, a substantial and useable garden area is retained.
5. I have taken account of the other appeal decisions referred to me by the Council and consider that my approach to this case is consistent with those in the other cases.
6. In the present case, I find that the appellant has shown, on the balance of probability, that the outbuilding is reasonably required for a purpose incidental to the enjoyment of the dwellinghouse as such. Accordingly, I conclude that the development as built, and as stated to be used, is permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of the GPDO. The Council's decision to refuse the application was not well founded.
7. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing operation which is considered to be lawful.

B.S. Rogers

Inspector



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

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

IT IS HEREBY CERTIFIED that on 8 July 2011 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The outbuilding in question is permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

Signed

B.S. Rogers

Inspector

Date 02.03.2012

Reference: APP/ T5150/X/2162386

First Schedule

Detached outbuilding to be used as ancillary use to the dwelling (games room) as depicted on drawing no.DOPA25/SH/2, dated 14.11.11.

Second Schedule

Land at 25 Dobree Avenue, London, NW10 2AD, as depicted on drawing no.DOPA25/SH/2, dated 14.11.11.

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

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

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



Appeal Decision

Site visit made on 21 March 2012

by **David Fitzsimon MRTPI**

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

Decision date: 27 March 2012

Appeal Ref: APP/T5150/D/12/2170280
10 Bacon Lane, Kingsbury, London NW9 9AX

- 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 Maria Connell against the decision of the Council of the London Borough of Brent.
 - The application Ref 11/2284, dated 3 September 2011, was refused by notice dated 21 November 2011.
 - The development proposed is a single storey side extension and front porch.
-

Decision

1. The appeal insofar as it relates to the single storey side extension is dismissed. The appeal insofar as it relates to the front porch is allowed and planning permission is granted in accordance with the terms of the application, Ref 11/2284, dated 3 September 2011 and the plans submitted with it so far as relevant to that part of the development hereby permitted and 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 approved drawing references CHM/3079/A1 (Sheet 1) and CHM/3079/A1 (Sheet 2).

Main Issue

2. The main issue in this case is whether the development proposed would preserve or enhance the character or appearance of the Roe Green Village Conservation Area.

Reasons

Character and appearance

3. The appeal relates to a house which sits at one end of a terrace of three similar properties. Whilst this part of Bacon Lane is home to several different house types, the general uniformity of this terrace is a noticeable feature which contributes positively to the overall character and appearance of the Roe Green Conservation Area (CA).
-

4. The Council raises no objection to the proposed porch and I agree that it would at least preserve the character and appearance of the CA because it is well proportioned and its design would sit comfortably against the host dwelling.
5. The same, however, cannot be said about the proposed single storey side extension. Although appropriate external materials would be used, the footprint of the proposed extension would be considerable. It would span the full depth of the appeal property, including the existing rear extension, and its roof would be broadly flat. As a result, the side of the proposed extension would appear awkward when viewed against the predominantly tile hung side gable of the host dwelling, even accounting for the proposed vertical slate hung fascia detailing. The presence of mature landscaping to the side boundary with No. 8 Bacon Lane would not prevent this uncomfortable relationship from being readily visible from the public domain. Furthermore, when viewed from the front, the roof profile of the proposed extension would bear no resemblance whatsoever to that of the host dwelling. For these reasons, I find that the proposed single storey side extension would be an unsympathetic addition to the host dwelling, and its character and appearance would be damaged.
6. The appeal property has a generous side garden. The house at the other end of this terraced row, No. 14 Bacon Lane, does not enjoy such space and it is located very close to No. 16 Bacon Lane which is a dwelling of an entirely different design. Given this relationship, the space at the side of the host dwelling would remain greater than the space at the side of No. 14 if the side extension was added. Nevertheless, this does not alter the fact that the overall scale and form of the proposed addition would harmfully affect the general unity of this terrace of three dwellings. This, in turn, would degrade the quality of the street scene.
7. For these reasons, I conclude that although the proposed porch would at least preserve the character and appearance of the CA, the proposed single storey side extension would not. This harm could not be adequately mitigated by additional landscaping and as a consequence, the side extension would conflict with saved policies BE2, BE9, BE25 and BE26 of the adopted Brent Unitary Development Plan along with the guidance contained within the Council's Design Guide for Roe Green Village Conservation Area.
8. In addition to the standard conditions which limit the lifespan of the planning permission and seek to ensure that the development takes place in accordance with the approved plans, the Council has suggested a condition to secure a landscaping scheme for the front garden in the event that the appeal succeeds. I am able to issue a split decision in this instance as the porch and side extension are physically separate and functionally independent. Given that I am allowing the porch only, which is a minor addition, I consider that such a condition is not necessary. The Council has not suggested any conditions to control the external materials of the proposed additions. I am satisfied that such condition is not required for the porch, as the Application Form confirms that the existing finish of the host property would be appropriately matched.

Other matters

9. In reaching my decision, I am mindful that planning permission has been granted for a garage to be built at the side of the appeal dwelling. Whilst I

have not seen the approved plans, I understand that the garage would be detached. As a result, this building would not be read as part of the existing house and therefore it would not cause such an imbalance as the proposal before me.

10. I have also considered the fact that the extension would provide an additional bedroom which would be for the sole use of the appellant's son who has special needs, and that it might be more affordable than moving house. Whilst I sympathise with this position, it is likely that the proposed side extension would remain long after these cease to be material considerations. Accordingly, these factors do not outweigh the significant harm I have identified.
11. In addition, I accept that the proposed extension would not harm living conditions of the occupiers of neighbouring properties in any way given its limited height and generous distance from the rear and side boundaries of the appeal property. This factor does not, however, go to the heart of the matter before me.
12. Several examples of extensions to other dwellings within the local area have been brought to my attention by the appellant. Not all of these, however, are directly comparable to the proposed side extension in terms of their design, siting, scale and context and nor do I know the planning circumstances behind them. I do accept that the extension recently permitted at No. 2 Scudamore Lane, which was designed by the same agent, is similar. Nevertheless, this extension has been added to a house of a very different design which sits within a terrace of four houses rather than three. Furthermore, the Council has explained that planning permission was granted for this extension in order to address an imbalance to this row of properties which was caused by an earlier addition to the side of No. 8, which is highly visible from the street scene. In any event, I have considered the appeal proposal on its individual merits and within its particular context.
13. In light of the above, and having considered all other matters raised, the appeal relating to the front porch succeeds and the appeal relating to the single storey side extension fails.

David Fitzsimon

INSPECTOR



Appeal Decision

Site visit made on 24 February 2012

by D Cramond BSc MRTPI

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

Decision date: 5 March 2012

Appeal Ref: APP/T5150/D/12/2168743
10 Dean Court, Wembley HA0 3PX

- 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 Ahmed Jabbar against the decision of the Council of the London Borough of Brent.
 - The application Ref 11/2369, dated 9 September 2011, was refused by notice dated 4 November 2011.
 - The development proposed is the removal of the existing garage and erection of a single storey side and rear pitched roof extension and construction of an additional parking space to the front of the house.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of the existing garage and erection of a single storey side and rear pitched roof extension and construction of an additional parking space to the front of the house at 10 Dean Court, Wembley HA0 3PX in accordance with the terms of the application, Ref 11/2369, dated 9 September 2011, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 3. The development hereby permitted shall be carried out in accordance with the following approved plans: 10-04 (Elevations); 10-04 (Floor Plans); 10-06 (Site Plan)
 4. Notwithstanding the plans hereby submitted and approved, details of the front garden layout, including soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. The approved soft landscaping shall be completed within the first planting season following first occupation of the development hereby approved. If, within 5 years of planting, any trees or shrubs die, are removed or become seriously damaged or diseased, in the first planting season thereafter they shall be replaced with others of the same species and size and in the same position.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

Reasons

3. The appeal property is a two storey semi-detached house with a pleasing front elevation in an established residential area of broadly homogenous properties with mid density character and pleasant appearance. The area is deemed one of Distinctive Residential Character (DRC) in the Brent Unitary Development Plan 2004 (UDP). The proposal is as described above and would primarily allow for a new playroom, store and extended kitchen.
4. The Council has two principal concerns in respect of the proposed extension; the lack of a set back and the false pitched roof design to the front elevation. I can entirely appreciate that in many, if not most, instances such an approach for a side extension would be inappropriate. However in this instance there is an unattractive garage which is only just detached from the house and lies slightly forward of the front elevation. There is an extension on the adjoining property sharing the relevant side boundary which effectively mirrors what is being sought. There is an existing mono-pitched roof over the porch which would tie in to the scheme. Furthermore, the immediate vicinity includes many not dissimilar extensions and even if some may be not recent or not authorised they do form part of the character of the area. Importantly, on this property the large bay which runs to two storeys and the existing form of the porch would help the front elevation visually absorb the proposal in this particular instance. In my opinion this extension would not unduly catch the eye or jar in the streetscene. It would not detract from the pleasant appearance of the front elevation of this home; it would not look out of character in this area.
5. The UDP includes policies BE2 and BE9. Amongst other matters, these policies seek to protect local distinctiveness and ensure that the design of new development is appropriate in scale, siting and appearance. This development would not run contrary to these policy objectives for the reasons I have given. I have also considered the Council's SPG5 *Altering and Extending Your Home* and would deem the advice within it generally well founded. However, it can not be expected to cover every eventuality and in this instance I am satisfied that the proposal meets the objective of the document, being to achieve good design appropriate to host properties and their settings. In this instance the scheme does this without having to follow the generic guidance to the letter.
6. The Council suggests the standard commencement condition along with the requirement for materials to match the existing building. I agree this latter condition would be appropriate in the interests of visual amenity. I consider that there should be a condition ensuring works are to be carried out in accordance with listed, approved, plans; for the avoidance of doubt and in the interests of proper planning. In the interests of visual amenity I agree with the Council that a landscape scheme should be required for the front garden. I shall modify the suggested implementation requirement for clarity and I consider that, in this instance, and taking into account UDP Policy BE7(d), seeking 50% of area to be soft landscape works would be unduly restrictive and not necessary to ensure an attractive scene or protect the character of the area. I am satisfied that a suitable good quality landscape scheme with adequate planting and reasonable useable hardstanding could be devised on a

different basis to protect visual amenity and street character. In this way the concerns expressed in the second reason for refusal would be overcome.

Overall conclusion

7. For the reasons given above I conclude that the appeal proposal would not have an unacceptable adverse effect on the character and appearance of the host property or the locality. Accordingly the appeal is allowed.

D Cramond

INSPECTOR



Appeal Decision

Site visit made on 29 February 2012

by Christopher Gethin MA MTCP MRTPI

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

Decision date: 7 March 2012

Appeal Ref: APP/T5150/D/12/2168875

149 Chamberlayne Road, Brondesbury Park, London NW10 3NT

- 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 R A Macfarlane against the decision of the Council of the London Borough of Brent.
 - The application ref. 11/2418 was refused by notice dated 2 December 2011.
 - The development proposed is a rear conservatory.
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Decision

- 1 The appeal is allowed and planning permission is granted for a rear conservatory at 149 Chamberlayne Road, London NW10 3NT in accordance with the terms of the application ref. 11/2418, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the approved drawing no.GS1495:150E.
 - 3) No development shall take place until details of the construction and finish of the external surfaces, doors and windows of the development hereby permitted, together with samples of the materials to be used in their construction, have been 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 details of the proposed hedging along the boundary with no.151 has been submitted to and approved in writing by the Local Planning Authority. All planting comprised in the approved details shall be carried out in the first planting season following the completion of the development. Any trees or shrubs which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority first gives written consent for any variation.

Main Issue

- 2 The principal issue is the effect of the proposed development on the living conditions of the occupiers of the adjoining dwellings.

Reasons

- 3 The subject property is an end-of-terrace dwelling in a residential street. It is separated from the neighbouring end-of-terrace dwelling at no.151 by about 2.6m, being set about 1.3m from the side boundary. The houses in these terraces feature two-storey rear returns. Projecting out from the rear elevation of nos 147/149 is a wall which forms the first part of the common boundary between their rear gardens: it projects some 3.8m and is about 3m high.
- 4 The proposal is for a rear conservatory which would project 3.6m from the rear elevation of no.149. It would have an aluminium frame and would be almost 5m wide, projecting about 1m out from the existing side elevation of the rear return. It would leave a gap of about 2.3m to the side boundary with no.151, which is presently defined by open fencing.
- 5 The Council's Supplementary Planning Guidance (SPG) *Altering and Extending Your Home*, adopted in 2002, says that the maximum permitted depth for a rear conservatory to a terraced house should be 2.5m. However, following the 2008 amendments to the GPDO the Council now accepts a projection of 3m. I consider that the distinctive feature on the appeal site which makes a projection of 3.6m acceptable in this case is the existence of the boundary wall: this will prevent the proposed conservatory from appearing overbearing on no.147. I consider that the width is also acceptable in this case, bearing in mind the separation distance from the adjoining dwelling at no.151. The proposed planting of a hedge would reduce mutual overlooking between the properties to minimal and acceptable levels.
- 6 I conclude that the proposed development would not harm the living conditions of the occupiers of the adjoining dwellings. It would be acceptable by reference to 'saved' policy BE9 of the 2004 Brent Unitary Development Plan and the SPG.

Conclusion

- 7 For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed. The Council has not suggested any conditions. I consider that two standard conditions are necessary and justified by reference to Circular 11/95 *The Use of Conditions in Planning Permissions*. Details of the materials, fenestration and glazing are required in the interests of visual amenity (to be in keeping with the existing dwelling) and of residential amenity, to limit light pollution and overlooking. A condition requiring the planting of the proposed boundary hedging is justified in the interests of residential amenity, to minimise mutual overlooking. For the avoidance of doubt and in the interests of proper planning, it is necessary to include a condition requiring that the development be carried out in accordance with the approved drawing.

Christopher Gethin

INSPECTOR



Appeal Decision

Site visit made on 24 January 2012

by C A Newmarch BA(Hons) MRICS MRTPI

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

Decision date: 1 February 2012

Appeal Ref: APP/T5150/C/11/2161916
38-42 Meyrick Road, London NW10 2EJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Tony McGovern (Limited) against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/07/0847.
- The notice was issued on 23 August 2011.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a building containing five self-contained flats.
- The requirements of the notice are to demolish the building containing five self-contained flats, remove all items and debris arising from that demolition and remove all materials associated with the unauthorised development from the premises.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) (f) and (g) of the Town and Country Planning Act 1990 as amended.

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

Background

1. Meyrick Road is characterised by predominantly residential development, although it is within a mixed area with an industrial site to the rear of the site. The Council granted planning permission (Ref 05/3051) for the demolition of existing buildings at Nos 38-42 and the erection of a 2 storey building consisting of 4 self-contained flats.
2. In January 2008, the Council granted consent for the details of the landscaping, samples of materials and refuse storage, pursuant to conditions 3, 6 and 7 of the above permission. Details relating to the contamination of the site were agreed in 2009.
3. The appellant has made an unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 as amended. It relates to car parking and financial contributions, and is discussed further below.

Ground (a)

4. The appeal on ground (a) is on the basis that planning permission should be granted. In considering this ground, the main issues are the effect on:
 - the character and appearance of the area;

- the living conditions of the occupiers of Nos 38-42 Meyrick Road, in relation to floorspace and outdoor amenity space; and
- the living conditions of the occupiers of No 44 Meyrick Road, in relation to light and outlook.

Character and appearance

5. The receipt submitted by the appellant confirms that the yellow bricks, which have been used on the front elevation of the building, are those specified in the planning permission. However, they are a brighter colour than the yellow stock bricks on the older, adjoining buildings at No 44-46, and others within the locality. However, as the main front walls of several of the nearby buildings within Meyrick Road have been rendered and painted, or pebble-dashed, there is no uniformity among the facing materials within the street scene.
6. The 2 first floor windows between the front bays appear to be wider than those at the adjoining dwellings at No 34-36, but the difference is marginal. The single entrance door with a side light window at the appeal premises also differs from the pairs of front entrance doors at Nos 34-36, but it is set within a similar position within its frontage and its overall height and width are not significantly different. In any event, the rhythm of the windows and doors has not been maintained throughout the street scene. The colour, profiles and appearance of the white coated aluminium window frames and door are not out of keeping with the range of materials visible elsewhere within Meyrick Road.
7. The materials, fenestration and the entrance door are not, therefore, materially harmful to the character and appearance of the area. Rather, the appearance of the front of the building respects and, to my mind, makes a positive contribution to its context. It does not conflict with policies BE2 or BE9 of Brent's Unitary Development Plan (UDP), 2004.
8. Despite the receipt mentioned above, the parties still disagree as to whether the approved bricks and window frames have been used. However, as I find their appearance to be acceptable, it is not a determinative matter.

Living conditions of the occupiers of Nos 38-42 Meyrick Road

9. Floorspace: The approved plans for the building include 4 flats, 2 of which would be 2 storey maisonettes. However, the completed internal arrangement provides 5 flats, with 2 flats on each of the ground and first floors and a single flat on the second floor. There is some discrepancy between the floor areas in the written submissions from the parties, with the Council's figures being lower than the appellant's. Although measuring was, to some extent, constrained by furniture and fittings, the following measurements were agreed between them at the site visit: Flat 1: 33.2sqm; Flat 2: 58.6sqm; Flat 3: 46sqm; Flat 4: 52sqm; Flat 5: 63.8sqm.
10. The Council's 'Design Guide for New Development Supplementary Planning Guidance' (SPG17), 2001, provides guidance on minimum floor standards. These include 33sqm for a studio, 45sqm for a 1 bedroom flat, 55sqm for a 3-person, 2 bedroom flat, and 66sqm for a 4-person, 2 bedroom flat. On the basis of the agreed measurements, all but Flat 1, which has the characteristics of a 1 bedroom flat, accord with the recommended floor areas in SPG17. However, if Flat 1 were to be considered to be a studio, it would accord with the space standard in SPG17. Either way, it appears to provide satisfactory

accommodation and has the additional benefit of some outdoor private amenity space. I find, therefore, that the size and arrangement of rooms within all the flats accords with the advice in SPG17 by creating well-designed home environments, which are composed of attractive and usable spaces.

11. Amenity space: The private amenity areas at the rear of the building are entirely paved. While UDP policy H12 seeks to avoid excessive hard landscaping, the soft landscaped areas, which were approved in connection with condition 3 of the planning permission mentioned above, would be very small. There is no information before me relating to the prevailing character of rear gardens in the area, and it has not been demonstrated that soft landscaping would be appropriate to the character of the area. By contrast, the modest rear patio gardens are acceptable as they provide scope for drying laundry, sitting out and the potential for container planting.
12. The development does not, therefore, have a seriously harmful effect on the living conditions of its occupiers, in relation to floor space or outdoor amenity space, and does not conflict with UDP policy H12 or H18 or SPG17.

Living conditions of the occupiers of No 44 Meyrick Road

13. The large rear projection included in the planning permission is a material consideration. The Council concedes that, due to an error on the submitted plans, its effect on the rear facing first floor windows at No 44 was not properly considered. I agree with the Council that it causes harm with respect to light and outlook, but I must also take into account any additional harm arising from the building as it has been constructed.
14. The rear section of the roof and the rear projection at No 38-42 differ from the approved plans. The appellant concedes that the rear element is slightly wider and higher at the boundary than approved, but measurements have not been provided. The Council refers to No 44 as being to the north of the appeal premises, while the appellant considers it to be to the east. However, the north point on the approved plans indicates that it is in between the 2 compass points. On this basis, the additional bulk marginally increases the overshadowing of the rear first floor windows at No 44 in the afternoons. However, the additional impact, though undesirable, is limited and does not amount to significant harm.
15. I have approached the question of outlook on the basis of any harm which could be caused by an overbearing development rather than in the sense of a loss of view. The flank wall of the rear projection is closer to the common boundary with No 44 than permitted, but given that the rear projection is no deeper than permitted, I am not persuaded that it is significantly more overbearing than the permitted scheme would have been. As such, it is not seriously harmful to the living conditions of the occupiers of No 44, in relation to outlook or light, and does not conflict with UDP policies BE2 or BE9.

Unilateral undertaking

16. Car parking: The existing planning permission is for car-free housing within a controlled parking zone. The additional flat could increase the demand for on street parking. An undertaking within the completed S 106 deed removes the occupiers' entitlement to apply for residents' or visitors' parking permits within the controlled parking zone. It further provides a sum of £5,000 towards non-car access/highway safety improvements and/or parking controls within the

vicinity. I accept that this precludes any additional parking stress arising from the additional flat within the development, and accords with UDP policies TRN 23 and TRN 24 and SPG 17.

17. The deed also includes an undertaking to pay a financial contribution of £24,000 which the Council could utilise for sustainable transport improvements, school or nursery places, the improvement of existing open space or environmental improvements. This accords with the thrust of policies CP15 and CP18 of the Brent Local Development Framework Core Strategy, 2010, and the details in the Council's 'S106 Planning Obligations Supplementary Planning Document,' 2007. As such, it accords with the tests in Circular 05/2005, and I have taken the obligations in the unilateral undertaking into account.

Conclusion

18. For the reasons given above, I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on grounds (f) and (g) do not, therefore, need to be considered.

Formal Decision

19. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a building containing five self-contained flats on land at 38-42 Meyrick Road, London NW10 2EJ.

CA Newmarch

INSPECTOR



Appeal Decision

Site visit made on 6 March 2012

by **Andrew Jeyes BSc DipTP MRTPI**

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

Decision date: 22 March 2012

Appeal Ref: APP/T5150/C/11/2165347
29 Chelmsford Square, London NW10 3AP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr M Setti against an enforcement notice issued by the Council of the London Borough of Brent.
 - The Council's reference is E/10/0504.
 - The notice was issued on 20 October 2011.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a single storey rear extension onto another extension to the premises.
 - The requirements of the notice are:
 - STEP 1 Demolish the single storey rear extension to the rear of the premises, which has been built onto another extension, remove all items and debris arising from that demolition and remove all materials associated with the unauthorised development from the premises.
 - The period for compliance with the requirements is: 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended.
-

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 as amended for the development already carried out, namely the erection of a single storey rear extension onto another extension to the premises on land at 29 Chelmsford Square, London NW10 3AP referred to in the notice.

Ground (a)

2. The ground of appeal is that planning permission should be granted. The property is one of a pair of semi-detached houses situated around the green of Chelmsford Square. Planning permission was granted and implemented for a two-storey side extension with a single storey extension behind. To this has been added a further single storey extension alongside the boundary with the adjacent property, No 31. This is the extension the subject of the Notice.

Main Issues

3. The main issues relating to the unauthorised extension are the effect of the extension on the character and appearance of the host property and the effect on the living conditions of the residents of No 31 having regard to visual amenity, including outlook and enclosure.

Character and Appearance

4. The permitted single storey extension replaced a garage in the rear garden and extends back a similar distance; a similar garage is retained in the adjacent garden of No 31. The extension has a simple flat-roofed design, which reflects that of the

permitted extension, but is of smaller scale, being 2.56 metres high and with a depth and width of 2.39 metres by 3.02 metres. It has a low-level link, around a metre high, to the main extension so giving the appearance of a separate building whilst being physically linked. The extension, used for domestic storage, has been rendered and finished to match the permitted extension, other than the wall facing No 31, which is in plain brickwork that reflects the adjacent garden wall.

5. The Council is concerned that the extension does not maintain symmetry with the width and height of the permitted extension and that its freestanding appearance gives an ungainly visual relationship. Supplementary Planning Guidance No 5: *Altering and Extending Your Home* [SPG5] indicates that rear extensions should reflect the size and character of the existing house and that extensions to extensions are usually not acceptable, except where no material harm arises; SPG5 has been adopted following public consultation and carries substantial weight.
6. The extension cannot be seen from any public viewpoint. The adjoining garden walls range between 1.2 and 1.5 metres in height, so that neighbours see the extension from their gardens and, in more limited views, from windows. Whilst extending further back than existing structures in neighbouring gardens, the extension is of a design and appearance that reflects that of the permitted extension, with its reduced size acknowledging its subsidiary role, which does not detract from the host building. Outbuildings in rear gardens exist at other houses within the area.
7. For these reasons, the extension does not harm the character or appearance of the existing host property and meets the intentions of Saved Policies BE2 and BE9 of the Brent Unitary Development Plan 2004 [UDP] and SPG5. These aim for extensions to embody a creative and appropriate design solution that is of a scale, design and relationship that does not adversely effect character and appearance, and which satisfactorily relates to the design characteristics of adjoining development.

Living Conditions

8. To protect the living conditions of adjoining residents, SPG5 advises a maximum depth of three metres for a rear extension. This has already been exceeded by the permitted single storey extension, which has a depth of 5.65 metres, reflecting the original garage in this position. The unauthorised extension projects beyond the rear of the garage of No 31.
9. The extension is not visible, because of the existing garage in the garden, in views from the ground floor rooms of No 31 and is only partially visible from first floor bedroom windows and that part of the garden closest to the house. It is however directly visible from the rear of the garden. Rear garden aspect is dominated by the higher existing garage and the flank two-storey wall of 23 Irwin Gardens. The extension does not have an unacceptable impact on outlook or the sense of enclosure of the garden and does not otherwise harm visual amenity.
10. Whilst not mentioned in the reasons for serving the Notice, the Council indicate in their statement that overshadowing occurs to No 31 from the extension. The extension is sited on the northern side of the garden of No 31 and it is hard to see how an unacceptable level of overshadowing could occur.
11. The extension does not cause unacceptable harm to the living conditions of the residents of No 31 and therefore meets the aims of saved UDP Policy BE9 and SPG5. These require extensions to embody a creative and appropriate design solution that is of a scale, design and relationship that provides a satisfactory level of privacy and outlook for existing residents.

Other Matters

12. The appellant has indicated two possible fall-back positions. The first would allow the erection of an outbuilding of similar size in this position as permitted development, if it

were not physically connected to the permitted extension. However, Part E of the GPDO¹ indicates that such an outbuilding would need to be less than 2.5 metres in height as the extension is within two metres of the boundary; this is not the position here. It is of course, also physically connected to the dwellinghouse.

13. The second fall-back position is that an outbuilding incidental to the residential use could be built in the back garden in any case. The Council has not accepted this position as it has not been demonstrated that 50% of the original medium sized rear garden would be retained. I agree that insufficient information has been submitted in respect of the size and position of such a building and its relationship to the overall garden area, to demonstrate that such an outbuilding could be erected.

Conclusions on Ground (a)

14. In conclusion, the extension does not harm the character or appearance of the existing host property and nor does it harm the living conditions of the residents of No 31 through an unacceptable level of visual amenity, including outlook and sense of enclosure. There are, therefore, no reasons why planning permission should not be granted. No conditions have been suggested as appropriate for the development.

Ground (f)

15. As the enforcement notice succeeds on Ground (a) the appeal on ground (f) has not been considered.

Conclusions

16. For the reasons given, and taking account of local representations and all other matters, the appeal should succeed on Ground (a) and planning permission will be granted.

Andrew Jeyes

INSPECTOR

¹ Town and Country Planning (General Permitted Development Order) 1995 (as amended)