



Planning Committee

Wednesday 13 March 2013 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)
Aden
Baker
Cummins
Hashmi
John
CJ Patel
RS Patel
Krupa Sheth
Singh

first alternates

Councillors:

Thomas
Long
J Moher
Kansagra
Ms Shaw
Cheese
Van Kalwala
Hopkins
Gladbaum
Oladapo
Hossain

second alternates

Councillors:

R Moher
Naheerathan
Moloney
HB Patel
Sneddon
Beck
Ogunro
Lorber
Harrison
Powney
Mashari

For further information contact: Joe Kwateng, Democratic Services Officer
020 8937 1354, joe.kwateng@brent.gov.uk

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

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Members' briefing will take place at 5.30pm in Committee Room 4

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting		1 - 6
Extract of Planning Code of Practice		
SOUTHERN AREA		
3. Lawnfield House, Coverdale Road, London, NW2 4DJ (Ref. 12/3349)	Brondesbury Park	11 - 16
WESTERN AREA		
4. Former Palace of Arts & Palace of Industry Site, Engineers Way, Wembley (Ref. 12/3361)	Tokyington	17 - 30
5. Land south of Coronation Road / west of Rainsford Road, Coronation Road, London, NW10 (Ref. 12/2861)	Stonebridge	31 - 52
6. 1-12 Inc & Garages, Tregenna Court, Harrow Road, Wembley, HA0 (Ref. 12/2449)	Sudbury	53 - 66
7. Car park, Brook Avenue, Wembley (Ref. 12/3499)	Preston	67 - 84
8. SKL House, 18 Beresford Avenue, Wembley, HA0 1YP (Ref. 12/3089)	Alpertton	85 - 92

PLANNING APPEALS

List of planning and enforcement appeals for the period 1 to 31 January 2013.

9. Any Other Urgent Business
- Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.

Site Visits -9 March 2013

SITE VISITS – SATURDAY 9 MARCH 2013

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
12/3361	Former Palace of Arts & Palace of Industry Site, Engineers Way, Wembley	4	Tokington	9:35	17 - 30
12/3499	Car park, Brook Avenue, Wembley Middlesex	7	Stonebridge	9:55	67 - 84
12/3089	SKL House, 18 Beresford Avenue, Wembley, HA0 1YP	8	Alperton	10:40	85 - 92

Date of the next meeting: Wednesday 17 April 2013

The site visits for that meeting will take place the preceding Saturday 13 April 2013 at 9.30am when the coach leaves Brent House.



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

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 13 February 2013 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), Daly (Vice-Chair), Aden, Cummins, Hashmi, Ogunro (In place of John), CJ Patel, RS Patel, Krupa Sheth and Singh

Also present: Councillor Allie.

Apologies for absence were received from Councillor John.

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

No declarations were made.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 16 January 2013 be approved as an accurate record of the meeting.

3. **Claremont High School, Claremont Avenue, Harrow, HA3 0UH (Ref. 12/2942)**

PROPOSAL: Erection of first floor extension to existing single storey western wing of Claremont High School to form Sixth Form facility comprising three additional classrooms and library at north west of school site.

RECOMMENDATION: Grant planning permission subject to conditions.

Rachel McConnell, the Area Planning Manager updated members that a further representation had been received from one of the objectors to the application which reiterated the issue of privacy. In order to address residents' concerns, she recommended an additional condition to ensure that all glazing on the first and second floors of the northern elevation of the extension would be obscure glazed below 1.7m. She drew Members' attention to an amended condition 5 as set out in the supplementary report requiring details of additional landscaping to be planted along the northern boundary to provide screening.

DECISION: Planning permission granted subject to conditions and informatives and additional condition 8.

4. Claremont High School, Claremont Avenue, Harrow, HA3 0UH (Ref. 12/3110)

PROPOSAL: Demolition of existing single storey store and office and erection of first and second floor extension to existing ground floor girls' gymnasium at north eastern wing of Claremont High school, to form additional accommodation for Sixth Form Facility.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions and informatives.

5. 23 & 25 Tudor Gardens, London, NW9 8RL (Ref. 12/3201)

PROPOSAL: Erection of two detached two storey dwellings with associated parking, turning and landscaping at land rear of nos 23 & 25 Tudor Gardens.

RECOMMENDATION:

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

Mr Paresh Patel, a local resident stated that residents of Daisy Close had no objection to the application in principle and would be prepared to work with the developer to achieve a scheme that addressed their concerns. These included the following concerns: health and safety, the impact on residents during construction and inadequate lighting to Daisy Close. Mr Patel explained that construction vehicles using Daisy Close would lead to increased traffic which could cause accidents as well as obstruct access to Daisy Close. He continued that, due to the width of Daisy Close, refuse trucks would have difficulty accessing the road during construction, further adding to adverse impact to residents.

In responding to the concerns expressed, Rachel McConnell, Area Planning Manager, stated that Daisy Close residents had dedicated parking spaces and that the access road of 4.8metres in width and turning head would allow refuse vehicles to enter and leave in forward gear. She continued that as Daisy Close was a private road which had not been adopted the Council could not exercise the usual controls but she was confident that as the developer had signed up to the Considerate Constructor Scheme (CCS), they would seek to minimise any impact that may result from the construction of the scheme. Rachel McConnell clarified that high level street lighting would not be appropriate along Daisy Close and the new development site, given that it would be adjacent to residential gardens.

DECISION: Planning permission granted as recommended.

6. Willesden Green Library Centre, 95 High Road, London, NW10 2SF (Ref. 12/2924)

PROPOSAL:

Demolition of the existing Willesden Green library building, retention of the former library building on the High Road frontage, and the erection of a new Cultural Centre, including cafe and retail space, along with 95 residential flats (46 one and 49 two bed units) to the rear of the site, with associated car parking.

RECOMMENDATION: Defer to a special meeting to comply with the period of statutory notice for re-consultation.

Chris Walker, Assistant Director of Planning and Development informed members that as a result of further legal advice in relation to the period of statutory notice following re-consultation, the application had been recommended for deferral to be considered at the next available meeting. It was noted that residents and interested parties had been notified.

DECISION: Deferred to a special meeting to comply with the period of statutory notice for re-consultation.

7. Willesden Green Library Centre, 95 High Road, London, NW10 2SF (Ref. 12/2925)

PROPOSAL:

Conservation Area consent for partial demolition works to the rear of the old library building to facilitate its link to the proposed Willesden Green Cultural Centre.

RECOMMENDATION: Defer to a special meeting to comply with the period of statutory notice for re-consultation.

See previous item for preamble.

DECISION: Deferred to a special meeting to comply with the period of statutory notice for re-consultation.

8. SKL House, 18 Beresford Avenue, Wembley, HA0 1YP (Ref. 12/3089)

PROPOSAL:

Erection of first floor extension to front of building, with alterations to the front forecourt layout, reduction in width to existing vehicle access and change of use from office (B1a) to a mixed use with B1(c) (light industrial), B8 (warehouse & distribution) with ancillary office and kitchen showroom (as amended by revised plans dated 22/01/13).

RECOMMENDATION: Grant planning permission subject to conditions.

Chris Walker, Assistant Director of Planning and Development informed the Committee that an additional letter of objection had been received but raised no new issues of concern by residents. In responding to concerns expressed by residents, the Assistant Director stated that the scheme was supported by Transportation Officers and would provide improved servicing arrangements improved vehicle access arrangements and still represented 75% of the maximum parking standards being provided off-street. In respect of facilities for bin and refuse storage, he drew Members' attention to condition 9(a), which required the approval of refuse storage details prior to commencement of the use, thus giving the Council sufficient control over the capacity of refuse storage and its location.

Mr David Stock, Chair of Heather Park Residents' Association, in objecting to the proposal expressed concerns about over-development of the site, inadequate facilities for loading and reduction in off-street parking. He continued that there were no arrangements in place for the storage of bins, raising concerns about health and safety. Mr Stock also added that the scheme had introduced a chimney to the rear of the building of which residents were not previously made aware.

In accordance with the provisions of the Planning Code of Practice, Councillor Allie, ward member stated that he had been approached by representatives of the Residents' Association. Councillor Allie stated that the current scheme would give rise to additional traffic movements, traffic congestion and obstruction to emergency vehicles. In his view, these issues could alter the residential character of the Heather Park area.

In the ensuing discussion, Members considered that in view of the concerns expressed by residents, the scheme was flawed. Members felt that the applicant had not assessed the full extent of the impact of the proposal on the neighbouring residential part of Beresford Road nor made clear the end use of the building. In view of these matters, Councillor Hashmi moved an amendment to the recommendation to defer for a site visit to enable Members to assess the full impact of the development on the local residents. Prior to voting, the Assistant Director reiterated that the scheme would be an improvement on the existing situation for the reasons he had outlined in his introduction.

Members voted by a majority to defer the application for a site visit.

DECISION: Deferred for a site visit.

9. Appeals Decision Monitoring: 1 January 2012 - 31 December 2012

The Committee received a report which sought to simplify information on planning appeals into categories which would enable meaningful comparisons to be made. Members noted that with the general format for the analysis established, officers could identify key issues where further work and assessment was required to better inform the decision making process. The Assistant Director of Planning and Development added that officers intended to carry out further work and provide feedback including a review of enforcement appeals periodically.

In welcoming the monitoring report, Members congratulated officers for providing a useful and informative report on planning appeals.

RESOLVED:

that the appeals monitoring report be noted.

10. Any Other Urgent Business

None.

The meeting ended at 7:45pm

COUNCILLOR KETAN SHETH
Chair

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EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

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

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

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

STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

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

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

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

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 **Planning Committee Map**
Site address: Lawnfield House, Coverdale Road, London, NW2 4DJ
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This map is indicative only.

RECEIVED: 18 December, 2012

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Lawnfield House, Coverdale Road, London, NW2 4DJ

PROPOSAL: Advertisement consent for 1 no. non-illuminated 1200mm x 1000mm pole mounted sign to location adjacent Coverdale Road/Brondesbury Park and 1no. non-illuminated 800mm x 750mm wall mounted sign to rear existing railings adjacent to the pedestrian entrance to Lawnfield Court on Coverdale Road.

APPLICANT: MHA Care Group

CONTACT: Henry Taylor Building Surveyors (Small Works) Ltd

PLAN NO'S:
See condition 2.

RECOMMENDATION

Approve.

EXISTING

Lawnfield Court is a four storey detached flatted development located on the north-eastern side of Brondesbury Park at its junction with Coverdale Road. It provides sheltered housing accommodation for 17 elderly persons flats.

DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
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FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
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TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
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PROPOSAL

As above.

HISTORY

There is one relevant historic application with respect to advertising on the subject site and an enforcement record;

00/2240 - Installation and display of advertisement sign - Granted. 06/03/2001.

E/12/0152 (Enforcement) - The installation of 4 unauthorised advertisements to the front of the premises. 22/6/2012. These signs included two banners attached to the existing railings around the site and were removed at the request of the Council.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

BE2	Townscape: Local Context & Character
BE7	Public Realm: Streetscape
BE21	Advertisement Hoardings

Supplementary Planning Guidance 8 "Advertisements other than shops"

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

Thirty-five neighbouring properties were notified of the application on 8 January 2013. A total of three objection letters have been received.

The planning issues raised are as follows;

- Unacceptable impact on the character of the neighbourhood. It is totally residential. The colours proposed are too garish.
- The proposed sign at junction of Coverdale Road and Brondesbury Park could be a distraction to motorists.
- Why does Lawnfield House need to be advertised in this strident fashion? The signs are too big and are not necessary.

In addition, Ward Councillor Shaw has also expressed concern about the overall amount of advertisement proposed on this site.

These points will be further discussed within the remarks section of this application.

TRANSPORTATION ENGINEERS

Officers have advised that they have no objections to the proposal, provided that the sign on the corner of Brondesbury Park and Coverdale Road is set back a minimum of 2 metres from the back of the footpath in order to avoid obscuring sightlines.

REMARKS

AMENDMENTS TO THE PROPOSAL

Members should be aware that Officers have sought two important amendments to the scheme during the lifetime of the application. Firstly, the freestanding sign at the junction of Coverdale Road and Brondesbury Park was re-sited so as to be 2.0 metres (rather than 1.0 metre) back from the rear of the footpath and, secondly, the sign on Coverdale Road attached to the railings adjacent to the pedestrian entrance into the property was reduced from 1.2 metres by 1.0 metres in size to 0.8 metres by 0.75 metres. For the avoidance of doubt, neither sign is proposed to be illuminated.

POLICY CONTEXT

The Council's adopted policy and guidance for assessing planning applications that involve the display of advertisements of this nature are primarily set out in Policy BE2 of the Unitary Development Plan 2004 and SPG8 'Advertisements other than shops'. Policy BE2 concerns assessing the impact of any proposal on the

existing townscape and local character, whilst SPG8 provides guidance in terms of assessing amenity and public safety, on which to judge the effects of any advertisement. The Council recognises that poorly located advertisements can be particularly obtrusive and in some locations pose a danger to highway and pedestrian safety. Therefore, they will only be deemed acceptable where it is considered that the proposals would not cause harm to the character and/or appearance of an area, whilst at the same having no impact on public safety.

For the information of Councillors, UDP policy BE21 relates to advertisement hoardings and other freestanding advertisements. It is evident that this policy concerns larger signage which would normally display commercial advertising space and be displayed on main roads, rather than the sort of signs the subject of this application. In any event, it is clear that the proposal clearly satisfies all criteria with the exception of criteria (a) and the consideration of this point is discussed in this report.

Policy BE21 states that advertisement hoardings will not be approved in the following areas:

- (a) Predominately residential areas;
- (b) On or adjacent to conservation areas and listed buildings;
- (c) On open space, or where they would block important views across it, or where they would obscure other important views, landscaping or groups of trees;
- (d) Where it would lead to advertisement clutter, detract from public realm enhancements within the area and/or prejudice regeneration initiatives;
- (e) On railway embankments; and
- (f) On major roads and road junctions where distraction to drivers could be prejudicial to highway safety.

As explained above, it is evident that these considerations relate to larger advertisement hoardings which might display commercial advertising space. However, it is clear that this proposal clearly satisfies all criteria with the exception of criteria (a) in any event and the consideration of this point is set out elsewhere within this report.

IMPACT ON THE STREETSCENE

There are two advertisements proposed here. Objectors have raised the question of whether, or not, the signs are actually needed by the applicant. However, that is a not a matter that can be reasonably considered by the Planning Authority. Instead, the planning assessment of the signage falls to be determined on visual amenity and highway safety grounds alone. For clarity, these are the only issues that can be taken into consideration when assessing any signage application.

For clarity, Officers have called the sign attached to the pedestrian entrance into the building Sign A and the freestanding sign at the road junction Sign B.

SIGN A

This non-illuminated sign is considered, following amendments, to be of a size and scale that is not considered to be excessive in terms of its visual impact. The railings to which it would be attached either side of the pedestrian entrance are set back from the back edge of the footpath (unlike the majority of the railings which are on the back edge of the footpath), which helps to reduce still further views of the sign from along Coverdale Road. The sign will be seen in the context of well-established landscaping either side of the entrance and, on this basis, it is considered that the proposal would comply with policy BE2 of the UDP 2004 and Supplementary Planning Guidance 8 (SPG8).

SIGN B

The consideration of the free-standing sign B is more balanced, given the form that it is proposed to take. However, Officers remain of the view that the size and scale of the sign would not be excessive. The siting of the sign has been amended so that it would now be set back 2.0 metres into the site and although it would be positioned approx. 1.3 metres above ground level, again it does need to be seen in the context of the well-landscaped grounds of Lawnfield House, the fact that this part of the road already benefits from a number of established street trees which have a significant positive impact on both long and short views of the site, and the fact that the background to the sign would be the relatively large 4 storey building itself. For the information of Members, the building on the opposite side of the Coverdale Road/Brondesbury Park

junction is of a similar height to Lawnfield House.

Adopted guidance SPG8 does state that advertisements should respect the scale and character of any buildings nearby and policy BE2 notes that they should not cause harm to the character and appearance of the locality. In consideration of these points, whilst it is acknowledged that the issue is more balanced than Sign A discussed above, Officers consider that the size, scale and location of the proposed sign would not appear visually obtrusive when viewed from various points outside the site.

There is no issue here of the proposed advertisement adding to any existing clutter in this relatively prominent location, particularly when viewed from the south up Brondesbury Park. This is, of course, one of the points of the objectors, that the proposal introduces signage where at the moment there is none, but as explained above it is considered that the particular details of this proposal mean that it can be supported. For the avoidance of doubt, other signs that might perhaps be larger, be more visible and have less of a landscaped setting than is the case here would not necessarily receive the balanced recommendation for approval that Sign B has received.

HIGHWAY CONSIDERATIONS

Advertisements can be refused if they are considered to have an impact on traffic or highway safety. In this case, Sign A has no impact on highway users and the Council's Highways Engineer has recommended that Sign B be set back a fairly significant distance so as to avoid any hazardous distraction to passing motorists in this location and make sure that the sign would not impact on sightlines from Coverdale Road looking north up Brondesbury Park at this mini-roundabout.

CONCLUSION

Officers understand that there is a desire on behalf of the care provider who runs this building to advertise its existence. Whilst objectors have questioned this, whether or not the signs are needed is not something that the Planning Authority can reasonably take into account. Instead, as with all advertisement proposals, the two issues that can be considered are the acceptability of the proposals in visual amenity and highway safety terms.

Officers consider that in the case of Sign A on Coverdale Road the proposal clearly complies with the adopted Council guidance. In the case of Sign B, the case is more balanced, given that the character of the surrounding area is for the most part residential, albeit not all single family dwellings. However, for the reasons set down above the sign is not considered to be excessive in size or be visually prominent, taking into account its revised siting and the context within which it will be seen as described above.

As such the application is considered to comply with adopted policies BE2 of the UDP 2004, as well as the guidance contained in SPG8. It is, therefore, recommended that advertisement consent be granted.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

- Brent Unitary Development Plan 2004
- Council's Supplementary Planning Guidance 8 - Advertisements (other than shops)

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

- Built Environment: in terms of the protection and enhancement of the environment
- Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

(1) This permission is granted subject to the requirements of Regulation 14(7)(b) of the Town and

Country Planning (Control of Advertisements) (England) Regulations 2007 which states that every grant of express consent shall operate for a period of five years from the date of consent and is subject to the following standard conditions stipulated in Schedule 2 to the said Regulations:-

(i) no advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(ii) no advertisement shall be sited or displayed so as to endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military).

(iii) no advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air.

(iv) no advertisement shall be sited or displayed so as to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(v) any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(vi) any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public

(vii) where an advertisement is required under the Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Following the expiration of the period of five years, to which this permission relates, the advertisement(s) and all fixtures and fittings associated with it (them) shall be removed.

Reason: To conform with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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

- SW/050/12/05.R1
- SW/12/050/02.
- SW/12/050/03.
- SW/12/050/05 (800mm x 750mm sign).

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

INFORMATIVES:

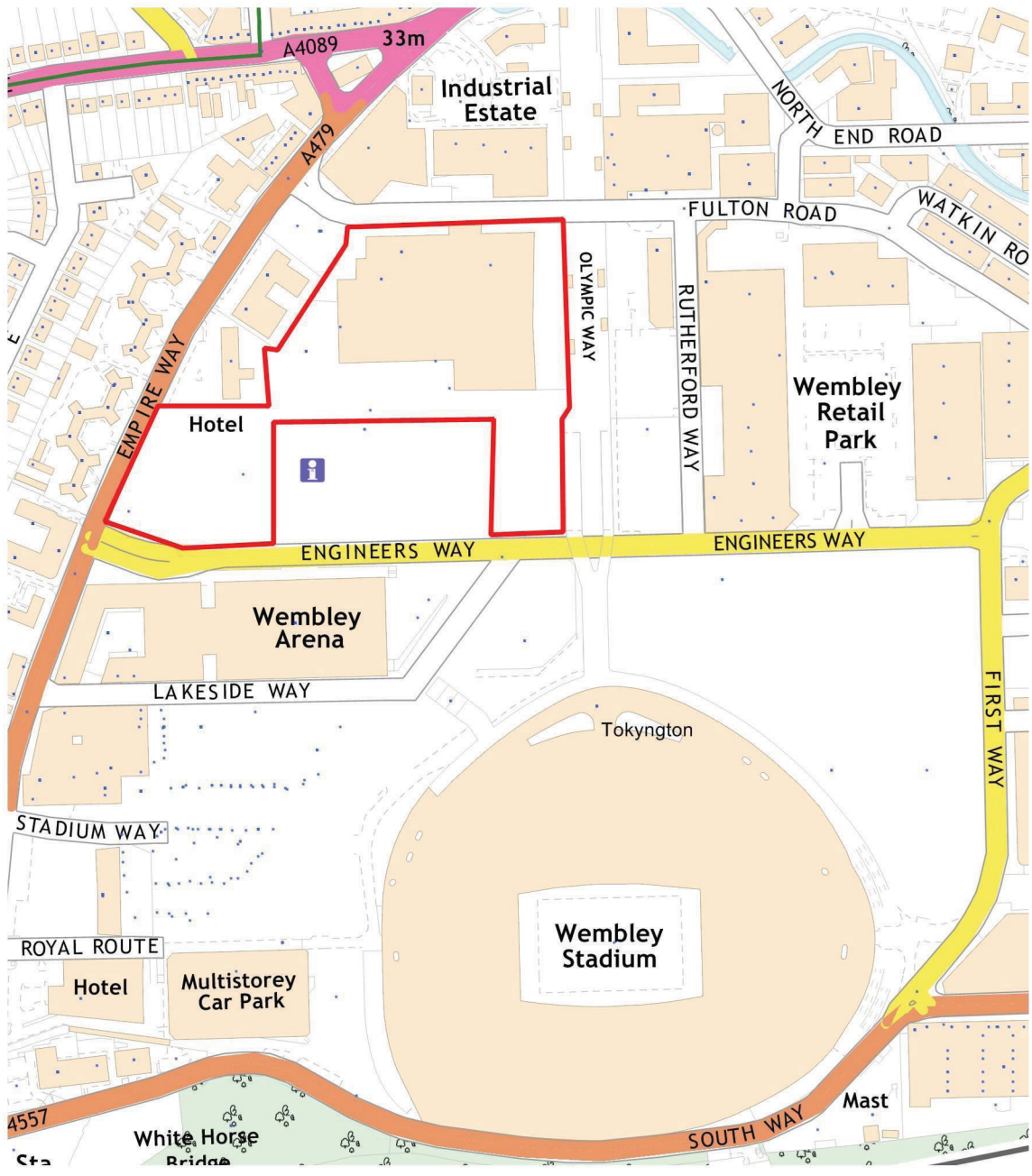
None Specified

Any person wishing to inspect the above papers should contact Sarah Baker, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 2707

 **Planning Committee Map**

Site address: Former Palace of Arts & Palace of Industry Site, Engineers Way, Wembley

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This map is indicative only.

RECEIVED: 19 December, 2012

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Former Palace of Arts & Palace of Industry Site, Engineers Way, Wembley

PROPOSAL: The use of the site for surface car parking for up to 1,350 cars for a temporary period of 3 years while land to the south of Engineers Way is redeveloped pursuant to planning permission 03/3200 and the making good of part of the site and other minor works following the demolition of the former Palace of Industry building. The application site is situated between Engineers Way, Olympic Way, Fulton Road and Empire Way but excludes the Quality Hotel, Dexion and Howarine House, the Civic Centre and Malcolm/Fulton House sites.

APPLICANT: Quintain Estates and Development PLC

CONTACT: Signet Planning Ltd

PLAN NO'S:
Please see condition 2.

RECOMMENDATION

That full planning permission is granted for a period of 3 years from the commencement of the use, subject to the ability to agree an extension to this period of time through condition.

EXISTING

The subject site is situated between Engineers Way, Empire Way, Fulton Road and Olympic Way but excludes the Civic Centre site, the Quality Hotel, Dexion House and the site formerly occupied by Malcolm and Fulton House. These named sites and building adjoin the subject site.

The southern parts of the site were cleared some time ago and have been used for various temporary purposes, including the Badminton warm-up facility for the London 2012 Olympics. The northern part of the site is occupied by the "Palace of Industry Building" which formed a part of the Empire Exhibition. This building was Listed until 2004 when it was removed from the statutory list by English Heritage. It is unoccupied and is to be demolished imminently.

The entire application site is the subject of an outline planning consent which was granted in 2011 for the comprehensive redevelopment of the site to provide 160,000 square metres of mixed use development, including residential, retail, hotel, office, student accommodation, workspace and other uses.

The site benefits from an existing consent for temporary use for parking for up to 1,300 vehicles which was granted in 2006. This consent also included the land that is occupied by the Civic Centre. The use of the land for parking

The site adjoins the Quintain "Stage 1 consent" site which is currently being built out (see Site History for more detail). The "Stage 1 consent" site included the Wembley Arena, a grade II listed building previously known as the Empire Pool which is adjacent to this site, on the opposite site of Engineers Way.

DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
1	sui generis	private car parks

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1					

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain

PROPOSAL

This application seeks consent for the use of the land for parking for a temporary period to provide parking that would have otherwise been provided on the Quintain "Stage 1 Consent" site. This change of use would allow parking to continue to be provided while the various buildings within the "Stage 1 Consent" site are built out and thus allows Quintain to provide the car and/or coach parking spaces that it is legally obliged to provide for Wembley Stadium Events. The total number of parking spaces would not exceed the level permitted within the Stage 1 consent.

For example, the demolition of the majority of the multi-storey car park is due to commence later this year which will displace 1,200 parking spaces until the new permanent multi-storey car park and associated temporary spaces on Plot W10 are provided. This results in a significant shortfall in parking spaces during the intervening period which must be addressed in the immediate vicinity of the Stadium. The temporary car park that is the subject of this application would address that requirement.

HISTORY

Ref 10/3032 – The Quintain "North West Lands consent", granted 24 November 2011

This 15 years planning consent has not been commenced yet, but is likely to commence in 2014.

Outline application, accompanied by an Environmental Impact Assessment, for the demolition of existing buildings and the mixed-use redevelopment of the site to provide up to 160,000m² of floorspace (GEA, excluding infrastructure) comprising:

- *Retail/financial and professional services/food and drink (Use Class A1 to A5): 17,000m² to 30,000m²*
- *Business (Use Class B1): up to 25,000m²;*
- *Hotel (Use Class C1): 5,000m² to 20,000m²;*
- *Residential dwellings (Use Class C3): 65,000m² to 100,000m² (815 to 1,300 units);*
- *Community (Use Class D1): 1,500m² to 3,000m²;*
- *Leisure and Entertainment (Use Class D2): up to 5,000m²;*
- *Student accommodation/serviced apartments/apart-hotels (Sui Generis): 7,500m² to 25,000m²;*

and associated infrastructure including footways, roads, parking, cycle parking, servicing, open spaces, landscaping, plant, utilities and works to Olympic Way, and subject to a Deed of Agreement dated 24 November 2011 under Section 106 of the Town and Country Planning Act 1990, as amended

05/2353 – The 2005 consent for temporary parking on this site, granted 27 April 2006

Use of the land for temporary parking for a period of three years from demolition of the western multi-storey car park associated with the Stage 1 Development Area, the new Wembley Stadium, Wembley Arena and Wembley Sunday Market

Associated consents

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 D2 floorspace (gym)
- Plot W05 (Hilton Hotel, Student Accommodation, Food and Drink uses and Designer Outlet, Sports and local needs shopping, although the retail uses have not yet opened)

Plots the have commenced and are under construction

- 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 and is due to open in October.
- Reserved Matters has been granted for a multi-storey car park within Plot W10 and works have commenced on that car park. The majority of the existing multi-storey car park on Plot W10 / the Boulevard is to be demolished this year. However, parts of this car park are to be retained on a temporary basis.

Other development

- 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.

Various permanent and temporary landscape works have been approved on and surrounding the Boulevard.

POLICY CONSIDERATIONS

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

Brent Unitary Development Plan 2004

- 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
- EP3 Local air quality management
- EP6 Contaminated land
- EP12 Flood protection
- TRN1 Transport assessment
- TRN2 Public transport integration
- TRN3 Environmental Impact of Traffic
- TRN4 Measures to make transport impact acceptable
- TRN10 Walkable environments
- TRN11 The London Cycle Network
- TRN12 Road safety and traffic management
- TRN15 Forming an access to a road
- TRN16 The London Road Network
- TRN20 London Distributor 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

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

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

Not applicable given the type of development proposed and temporary nature of the consent.

CONSULTATION

Statutory (application) consultation process

Consultation letters sent: 21 December 2012

Site notices erected: 10 January 2013

Advertised in local press: 3 January 2013

Third party comments:

Letters of objection were received from 18 people, including representatives of the Wembley History Society, raising the following issues:

- No objection to the use of the site for parking from many objectors, but subject to the following comment regarding the retention of façades;
- The majority of the objections request that the northern and eastern façades of the building should be retained for a further two years so that they are in place for the 90th anniversary of the Empire Exhibition;
- Some comments set out a strong objection to the demolition of the building (as opposed to the comments which request the retention of the two façades referred to above. They highlight the importance of the building, being the last remaining structure from the 1924/25 British Empire Exhibition, designed by Maxwell Ayrton and Owen Williams.
- Two comments object to the environmental impact of the provision of parking, setting out that the car park does not correspond to Brent Council's supposed green credentials. Reference is made to the Willesden Green Library Centre application, setting out that the car parking provided within the Palace of Arts and Industry application indicates that the Willesden Green Library Centre application is inconsistent with the requirements of the local community with regard to parking.
- Concern is raised regarding flooding and water quality given that this area used to be prone to extensive flooding due to poor drainage through the Middlesex clay. The objector recommends that substantially better drainage and water cleaning facilities are installed to protect the local water table and drinking water given that this site is to be used as a car park.

The following is officer commentary on these objections

Retention of façade/building.

The majority of the objections request the retention of the eastern and northern façade of the building for a period of 2 years. The Wembley History Society also contacted the applicant and agent directly regarding this matter. The applicant has specified that they cannot feasibly retain those façades for structural (and thus, safety) reasons and highlight the fact that the regeneration of the site and area will deliver a significant number of jobs within the locality. Some objectors would like to see the building itself retained, rather than just the façade.

The demolition of the building does not require further planning consent as the building is no longer listed. English Heritage lifted that designation approximately 9 years ago and the building no longer benefits from any additional forms of protection. As such, the demolition of the building is not the subject of this application and this matter should not form a part of the consideration of this application.

Quintain have specified that demolition is likely to commence prior to the Planning Committee meeting to ensure that the car park is available for use when the existing multi-storey car park adjacent to the Holiday Inn is demolished.

Environmental Impact of this level of parking for the Council

This is not a Council proposal. This application has been submitted by Quintain and it relates to the provision of parking spaces that have been approved through their "Stage 1 Consent". This included parking for

specific uses together with general “town centre” spaces and parking for Stadium events, with “town centre” spaces used for Stadium events on event days. As such, a condition will be attached to ensure that the total level of non-residential parking provided within the application site and the “Stage 1 consent” site does not exceed those levels permissible within the “Stage 1 consent”. The proposal therefore does not result in additional vehicles travelling to the area, but rather results in comparatively minor changes to the precise location at which parking occurs.

Flooding and Water Quality

This application is referable to the Environment Agency and they have accordingly considered such matters. Their comments are discussed later in this report.

Internal Consultees

Transportation:

Transportation have informally commented that they do not object in principle to the use of the land for the proposed purposes but require further controls (to those proposed) to be secured through the Parking Management Plan that is required to be revised and approved subject to a condition of this consent and the Section 106 agreement of the “Stage 1 consent”.

Brent Public Safety Team:

No objection

Landscape Design:

Tree planting in pots is recommended at a rate of 1 tree per 10 spaces (135 trees). They suggest instant mix hedging and a verge of ground cover. Permeable surfacing is recommended, and details of plants, materials etc should be secured through condition.

Environmental Health / Safer Streets:

No objection subject to a condition regarding lighting.

Cllr Claudia Hector has also objected to the application, requesting the retention of external walls as discussed above. She specifies that “We will have nothing left of our extraordinary history if characterful, significant structures are needlessly destroyed”.

Sarah Teather MP forwarded the comments from one of her constituents, requesting that her concerns are considered. Her constituent requested that the external walls of the building are retained until the main construction phase is ready.

External Consultees

Thames Water:

Informatives are recommended.

The Environment Agency

The level of surface water storage from the proposed SUDS system (42 % of the 100 year 6 hour storm duration) is considered to be acceptable given the temporary nature of the consent. It is recommended that a small amount of additional storage is provided, however no formal conditions are requested.

London Fire and Emergency Planning Authority

The Brigade is satisfied with the proposals.

Wembley National Stadium Limited / The FA:

WNSL have expressed their support of this application. Comments are provided on traffic routing during events. WNSL note that the covering letter for the application comments generally that event day traffic from this car park and the green car park to the east of the Stadium will be routed east via Great Central Way. WNSL believe that there would be a significant benefits by routing a significant proportion of event day traffic

to the west, via the triangle and Harrow Road to the North Circular Road and via Empire Way, Forty Lane and Blackbird Hill to the North Circular Road. They would welcome discussions with the Council and other stakeholders regarding this issue.

Greater London Authority (the GLA)

This application does not raise any new strategic planning issues [further to the views of the GLA on the previous temporary consent, which was also referable to the Mayor of London. The comments that have been made by TfL are endorsed by the GLA. The GLA does not need to be consulted further on this application.

Transport for London (TfL)

TfL would expect the use of the site to still be controlled by the Traffic Management Plan, to be re-secured via condition. However, it should be noted that the current plan relies heavily on the use of Great Central Way for egress towards the North Circular and it is felt that Harrow Road is underused for egress from the site. TfL considered these issues could be addressed through revisions to the existing Traffic Management Plan in consultation with TfL.

Provision for Blue Badge holders and electric vehicles should be confirmed. A condition is also expected to be imposed on any consent to control the timing of the application and to cap the total car parking numbers across the development site as a whole

REMARKS

General principle of development

When considering this application, your officers consider that the proposed car park, which is to provide for already approved parking spaces that are to be displaced by construction, differs significantly from proposals to provide a new car park that does not serve such a function.

Planning consent for these parking spaces has already been granted in the immediate vicinity through the Quintain "Stage 1 consent". The proposals confirm that the total number of car parking spaces will not exceed the levels approved within that consent and this will be controlled through condition. As such, this application will not consider the need for these parking spaces, but rather will focus on the change in the general principle of the use of the land, the location of the spaces and any associated impacts.

The land that is the subject of this application benefits from Outline Planning permission for a major mixed-use redevelopment scheme. The proposed use would not be seen to be appropriate if it were proposed as a permanent consent as it would constitute the underdevelopment of land for which a significant number of homes and jobs are projected. However, the applicant only seeks consent for a temporary period and the consent would allow the flexibility to deliver development on parts of the site whilst operating the parking arrangements on the remainder of the site. Your officers consider this to be an appropriate period of time subject to a mechanism (condition) which allows the agreement to an extension of this period if required and if considered acceptable.

Turning to the car parking use itself, consent was granted for this use in 2006, with the commencement of that use being triggered by the demolition of the red multi-storey car park (next to the Holiday Inn). Given the need to provide parking for the stadium whilst new developments are constructed, this site is the logical choice for the provision of car parking spaces due to its proximity to the Stadium.

Nevertheless that immediately surrounds the Stadium represents a preferential location for the provision of parking and therefore controls are necessary to ensure that priority is given to the provision of parking within the "Stage 1 consent" area and that this site is only used only used when necessary. This can be secured through the Parking Management Plan which is discussed later in this report. Given this need to prioritise parking on the "Stage 1 consent" site, the Parking Management Plan must include details of the location of parking spaces (i.e. how many spaces within each of the car parking areas) so that these details can be considered and approved.

The adjoining uses comprise office use, food and drink, hotel and the Council's Civic Centre. In some locations there are residential dwellings that are opposite the site (e.g. Forum House and Raglan Court). However, these are separated from the site by a busy road. It is considered that the proposed development will not have an unduly detrimental impact on those uses, particularly given the current state and use of the land.

Your officers consider that the use of the site for car parking as described within the application documents is acceptable in principle subject to conditions as discussed above.

Car Park Layout

The application submission includes an indicative car park layout which is intended to demonstrate that 1,350 cars can be parked on this site. However, the temporary car park would be primarily used for Stadium events and as such, car parking bays would not be marked out on the ground. The car park would be used in a similar fashion to the Green car park (immediately to the east of the Stadium) where cars are directed to the appropriate location by marshals. This approach is often used for events across the country and has been implemented for the Green car park for some time. The requirement for Stadium events is to provide up to 2,900 car parking spaces, or a combination thereof. As such, flexibility is required in the parking layout to accommodate for potential coach parking for Stadium events.

The TfL have queried the provision of Blue Badge parking spaces within the site. Blue badge parking spaces for Stadium events are normally provided in the areas with suitable accessibility as close as possible to the Stadium. At present they are provided in the Green Car Park which immediately adjoins the Stadium. When construction commences on that land then there may be the need to provide the blue badge spaces on the application site. Given the flexible nature of the proposed parking spaces (i.e. not marked out), the location and number of spaces can be provided at the time. This can also be adequately controlled through the Parking Management Plan.

Whilst a flexible arrangement is considered to be acceptable in principle, the arrangement of cars and coaches within the site can have a significant impact on the speed at which the car park can be cleared at the end of a Stadium Event, particularly where there is a combination of cars and coaches. As such, it is considered that the Parking Management Plan should include indicative parking layouts details various combinations of cars and coaches.

TfL have also queried the provision of electric car charging points. They have indicated that there is no specific standard for this type of parking facility and have said that they accept that the temporary and flexible nature of the car park will limit the number of points that is feasible. Quintain have commented that they are providing 80 electric car charging points within the new permanent multi-storey car park within plot W10 ("Stage 1 consent" area) for which construction has recently commenced. There is no requirement to provide electric car charging points within that car park due to the date that Outline consent was granted. As such, this represents additional provision that will provide a greater benefit from the incorporation of charging points within a temporary car park and this is considered to be acceptable.

The indicative drawing shows three access and egress points to the car park. There is also an existing access onto Empire Way and an additional one that is not highlighted as an indicative access point onto Engineers Way. The access and egress points into the site and the routing of traffic can be controlled through the Parking Management Plan which is to be secured through condition and is discussed later in this report.

Routing of Traffic for Stadium Events

At present the majority of car parking capacity (1,700 spaces) is provided in the Green car park to the east of the Stadium. The primary access and egress route is therefore to the east, via Great Central Way to the North Circular Road. The remainder of the parking capacity (1,200 spaces) is provided in the red car park adjacent to the Holiday Inn, with primary access and egress to the west. Wembley National Stadium Limited (WNSL) and Transport for London (TfL) have suggested that more cars could be routed in a westerly direction, via the Triangle and Harrow Road to the North Circular Road or via Empire Way, Forty Lane and Blackbird Hill.

The location of parking spaces in itself directly affects the routing of traffic due to the road closures that are implemented at the end of major stadium events. These closures result in the loss of east-west vehicle movement, thus requiring those parked to the east of the Stadium to leave Wembley via Great Central Way and those parked to the west of the Stadium via Empire Way or Wembley Hill Road.

Decisions regarding the routing of traffic for stadium events are taken by the Council in collaboration with key partners including Transport for London, Wembley National Stadium Limited and the MET Police. Such decisions are captured through the Parking Management Plan which is a Section 106 requirement of the "Stage 1 consent" and is to be secured through condition in relation to this consent. The "Stage 1 consent" requires the approval of a revised "Parking Management Plan" where changes are made to the location of parking which involve more than 500 parking spaces, but excluding ad-hoc (one-off) changes such as those

required by the Police for crowd segregation purposes. Whilst the 500 space limit is likely to capture the first use of the application site, your officers consider that the condition should specify that it must be reviewed prior to first use to ensure that adequate arrangements are in place before the first use even if that includes less than 500 spaces.

The Parking Management Plan is accordingly considered to be an appropriate mechanism to allow the assessment of the access and egress routes associated with the temporary car park and the other car parking facilities within the "Stage 1 consent" area.

Nevertheless, the Council may not necessarily find the routing suggested by the Stadium and TfL to be appropriate for large numbers of cars unless traffic management measures are implemented by TfL on the North Circular Road. The route to the south via the Wembley Triangle is closed upon egress of the Stadium to facilitate the very high pedestrian flows to Wembley Central Station, having strong regard to the use of public transport as the preferred method of access to the Stadium. This therefore results in the routing of traffic to the north along Bridge Road, Forty Lane and Blackbird Hill to the North Circular Road. During the most recent Stadium Event, part of the application site was used for parking (as a "temporary use" of the site) and vehicles were routed in this direction. This caused significant congestion on this route. This highlights the importance of considering routes to and from the stadium within the Parking Management Plan having regard to traffic management measures that may be in place (as implemented by the Council and TfL) and the location of parking, for which the presumption must be to provide parking within the "Stage 1 consent" site unless this is not feasible due to construction works on the Stage 1 plots. Details of routing should demonstrate the routes for traffic as far as the North Circular Road.

Design, Appearance and Lighting (including Landscaping)

A limited suite of changes are proposed to the site given the temporary nature of the consent. This comment excludes the demolition of the Palace of Industry building which is to be demolished outside of this consent and was discussed previously.

The surface of the car park will be "made good", meaning that repairs and levelling will be undertaken where necessary, and some drainage works will be implemented. Light columns (and the associated lighting) will be installed. Details of the columns and lighting have not been provided. However, this can be secured through condition to ensure that the lighting is appropriate with regard to appearance, uniformity of light and light spill.

No soft landscaping has been proposed. However, the applicant has suggested that they intend to undertake some landscaping works in the locality to improve the local environment. The Council's landscape officers have suggested that a large number of trees are planted in pots. However, your officers consider that the cost of planting and maintenance is not reasonable given the temporary nature of the consent and the requirement for the parking to be flexible. Nevertheless, there are opportunities for planting around the periphery of the site and your officers consider it appropriate to require details of landscaping through condition.

Flood Risk Assessment

The site is within Flood Risk Zone 1 (low risk of flooding), however, the site is over 1 hectare in size and as such, this application is accompanied by a Flood Risk Assessment.

The Environment Agency have considered the submitted flood risk assessment which covers both flooding and risk of groundwater contamination.

With regard to the drainage works and measures to minimise the risk of pollutants entering the surface water system, the applicant proposes to puncture the slab and create a series of pits filled with a coarse granular material wrapped in a geo-textile. This will provide on site storage and a degree of cleansing to the surface water run off before seeping into the sub-soil.

A bund will be created around the site using road upstand kerbs to deal with excess water from abnormal storm events.

The Environment Agency have specified that the submitted details are acceptable. They recommend a small amount of additional storage but do not set this out as a requirement. As they consider the level of storage to be acceptable, this application is recommended for refusal on that basis. However, the comments have been passed to the applicant.

Thames Water also do not object to the proposal. They recommend Informatives regarding petrol / oil

interceptors and surface water attenuation.

Contamination

Environmental Health / Safer Streets have commented that remediation measures are not required given the nature of the proposal, where the site is to remain covered by hardsurfacing, possibly with the exception of some small areas of soft landscaping.

It should be noted that remediation measures are required for the redevelopment of the site as consented through the 2011 "North West Lands consent".

Other matters (including the demolition of the existing building)

The matters raised by objectors have been discussed previously within the report.

Whilst discussed previously, it is considered important to reiterate that the demolition of the Palace of Industry Building does not form a part of this proposal as no further permission is required this in relation to Planning.

Conclusion

The proposal seeks to provide parking on a temporary basis to allow the regeneration of the Wembley Area to take place alongside the on-going operation of the Wembley Stadium. The use of the land as a temporary car park (for a period of 3 years with the ability to extend this) is considered to be acceptable in principle and the detailed matters such as lighting, landscaping, access and egress routes, etc can be adequately secured through condition.

Your officers recommend that planning permission is granted.

REASONS FOR CONDITIONS

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
Council's Supplementary Planning Guidance

CONDITIONS/REASONS:

(1) The use hereby permitted shall be for a temporary period of 3 years commencing on the date that the use commences and the use shall cease at the expiration of the 3 year period unless an alternative expiration date is approved in writing by the Local Planning Authority and the use shall thereafter cease prior to that date.

Reason: The proposal is only acceptable on a temporary basis and in the interests of redevelopment and regeneration plans for Wembley.

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

ITL7093-SK-010 Rev E
ITL7093-SK-011 Rev D
ITL7093-SK-013 Rev C
ITL7093-SK-014 Rev B
"Transport Statement" reference SAW/GJ/ITL7093-001E R dated 19 December 2012
"Drainage and floor risk report" reference WEM009 Rev 00 dated 19 December 2012

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

- (3) The temporary parking area hereby approved shall only be used in connection with or in substitution for parking provision displaced as a result of works carried out to implement planning permission 03/3200 and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: The proposal is only acceptable on a temporary basis and in the interests of the redevelopment and regeneration plans for Wembley

- (4) The use hereby approved shall be operated in full accordance with the Parking Management Plan, as most recently approved by the Council at the time of operation of the car park, pursuant to Clause 5 of the first schedule of the Deed of Agreement dated 23 May 2012 made under Section 106 and 106A of the Town and Country Planning Act 1990, as amended, relating to planning consent reference 03/3200, and that Parking Management Plan shall:
- Be revised prior to first use of the application site for the purpose hereby approved;
 - Prioritise the provision of parking within the application site for consent reference 03/3200 above parking within the site for this application unless unfeasible for construction reasons;
 - Include details of the location of parking (number of spaces within each parking area);
 - Include indicative stadium event day layouts and operation methodology;
 - Include details of access and egress points and arrangements;
 - Include details of the routing of vehicles on the local network and as far as the North Circular Road;

or as otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the free and safe flow of traffic and pedestrians on the highway.

- (5) Notification of the date at which the use hereby approved has commenced shall be submitted to the Local Planning Authority within 10 working days of the commencement of the use.

Reason: The proposal is only acceptable on a temporary basis and in the interests of redevelopment and regeneration plans for Wembley.

- (6) The following details shall be submitted to and approved in writing by the Local Planning Authority prior to use for parking and the development shall be carried out in accordance with the details approved before the parking is operational:
- Details of external lighting, including details of lighting columns and fixtures (including their locations), and details of light levels having regard to safety amenity and sky glow;
 - Details of soft landscaping proposals, including the areas of soft landscaping, plant species, size and density and any hard landscape features;
 - Details of any proposed boundary treatments;
 - Details of any signage;
 - Details of any CCTV fixtures.
 - Details of how the measures detailed within the "Drainage and floor risk report" reference WEM009 Rev 00 dated 19 December 2012 shall be implemented in the site, or other such measures as are submitted to and approved by the Council.

Reason: These details are required to ensure that a satisfactory development is achieved and in the interests of safety, security and amenity.

- (7) The applicant shall maintain a record of the combined total number of non-residential parking spaces that are made available for use for the purpose of parking within the application site relating to planning consent reference 03/3200 and the site for this planning consent (reference 12/3361). The maximum number of parking spaces provided within this application site shall not exceed the lower of:
- 1,350 spaces; and
 - 3,380 spaces minus the total number of spaces that are made available for parking within the application site for planning consent reference 03/3200

or the equivalent, incorporating spaces for coaches and/or mini-buses unless otherwise agreed in writing by the Local Planning Authority.

The record of the number of parking spaces referred to above shall be made available for inspection by the Council upon the Council's reasonable request.

Reason: In the interest of the highway and pedestrian flow and safety.

INFORMATIVES:

- (1) Thames Water would recommend that petrol / oil interceptors be fitted in all car parking / washing / repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- (2) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

REFERENCE DOCUMENTS:

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

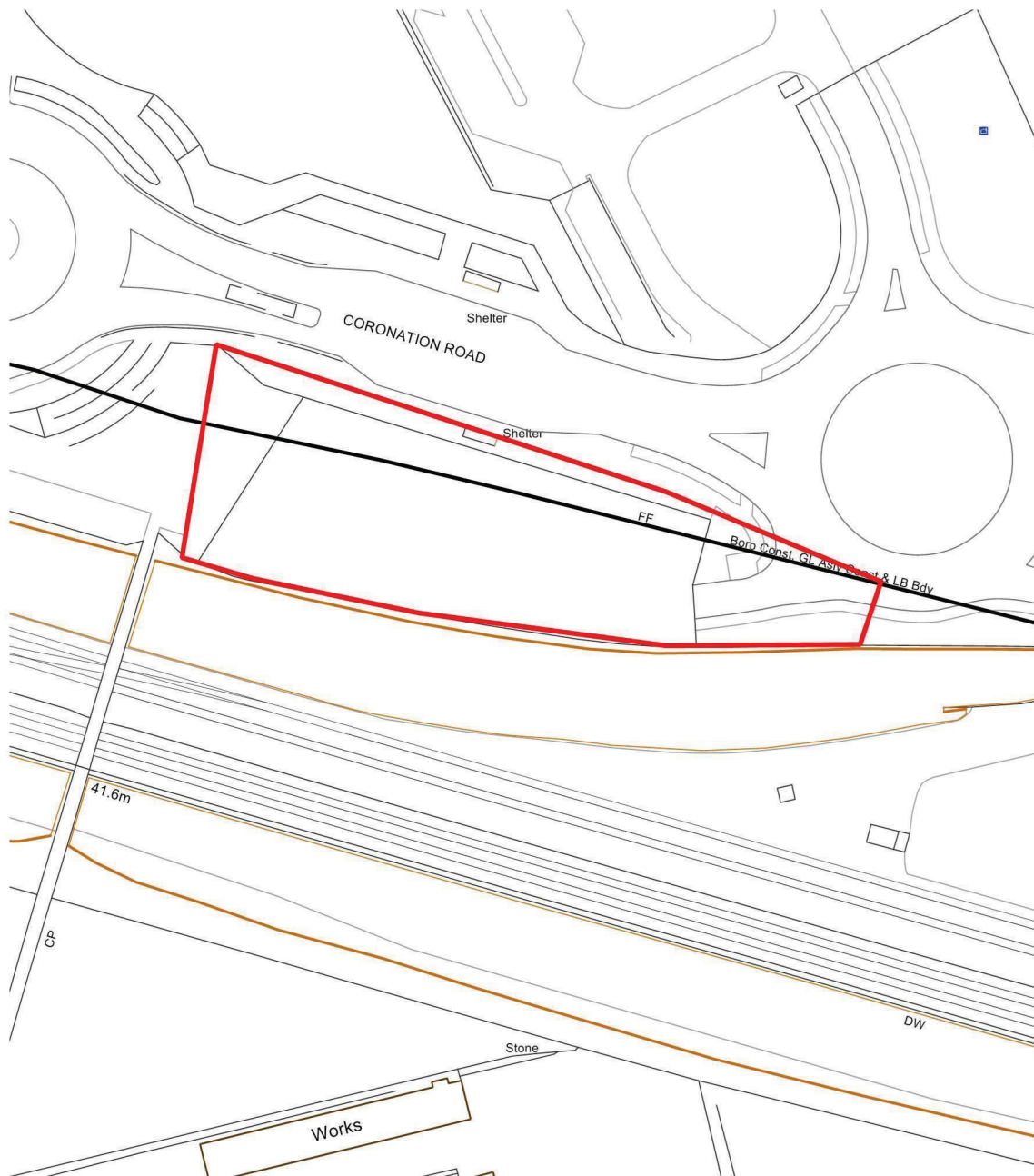
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Planning Committee Map

Site address: Land south of Coronation Road / west of Rainsford Road, Coronation Road, London, NW10

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This map is indicative only.

RECEIVED: 26 October, 2012

WARD: Stonebridge

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Land south of Coronation Road / west of Rainsford Road, Coronation Road, London, NW10

PROPOSAL: Erection of an 11 storey building (including lower ground floor) with basement level to provide 229 bed hotel (Class C1) including function / event space, conference suite, bar and dining facilities together with associated car parking, cycle parking, servicing, retail kiosk (Class A1 or A3), coach drop-off lay-by and dedicated coach parking area on Lakeside Drive.
(N.B. This is a cross-boundary application so identical applications have been submitted to both the London Borough of Brent and Ealing Council for their determination.)

APPLICANT: Savannah Hotels

CONTACT: CgMs Consulting

PLAN NO'S:
(See condition 2 for the approved plans and supporting documents)

RECOMMENDATION

To resolve to Grant Consent, subject to:-

(a) the referral of the application to the Mayor of London for its Stage 2 response in accordance with part 5 of the Town and Country Planning (Mayor of London) Order 2008, and any direction by the Mayor of London to refuse the application. In accordance with Article 5 of the Town & Country Planning (Mayor of London) Order 2008 following the Council's determination of this application, the Mayor is allowed 14 days to confirm if the application is in compliance with the London Plan, and to decide whether to allow the draft decision to proceed unchanged or direct the Council under Article 6 to refuse the application;-

(b) and subject to the completion of a satisfactory Section 106 and/or other form(s) of legal agreement/undertaking in order to secure the s106 matters as detailed in this report and to delegate authority to the Head of Area Planning or other duly authorised person (taking into account any further representation received) to agree exact terms thereof on advice from the Director of Legal Services and Procurement, having referred the the application to the Mayor of London

SECTION 106 DETAILS

Officer's still await confirmation from the applicant that they are agreeable to the content of the legal agreement, any changes to the terms set out below will be covered in a supplementary report. Members are advised that the application requires a Section 106 Agreement, in order to secure the following benefits:-

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance.
- (b) A contribution of £10,000 for '*10,000 Trees in Park Royal*' project.
- (c) A contribution of £79,000 is to be utilised by the Council towards sustainable transportation in the local area, including but not limited to improvements to pedestrian routes to and from the Development.
- (d) Prior to commencement of development submission of a detailed sustainability strategy which shall demonstrate -. (i) How the measures set out in a revised checklist to be submitted, will be implemented to ensure compliance with the Brent, TP6 sustainability checklist ensuring a minimum score of 50% is

achieved and (ii) within 3 months of the commencement of development submit a 'BREEAM' interim design stage certificate and indicative assessment to demonstrate the development will achieve BREEAM 'excellent' rating or similar, with compensation should it not be delivered. (iii) Prior to first occupation of the development the Owner shall commission at its own expense an independent BREEAM review by a BRE-approved independent body (the "**Assessor**") with a view to determining whether:

- (1) 50% "Very Positive" on the London Borough of Brent's Sustainability Development Checklist has been achieved unless an alternative level is agreed in writing by the Council; and
 - (2) the BREEAM Rating of "Excellent" or equivalent has been achieved.
- (e) Prior to the commencement of development, the Owner shall submit to the Council for approval a renewable energy strategy which shall include details of whether and how a 25% improvement on the 2010 Building Regulations Carbon Dioxide Target Emission Rates (TER) could or could not be achieved. Acceptable evidence for which must be submitted before Material Start and post construction validation of this. Where it is clearly demonstrated that this cannot be achieved on-site, any shortfall may be provided off-site or through an in-lieu contribution to secure the delivery of carbon dioxide savings elsewhere.
- (f) Implementation of the submitted Interim Travel Plan (draft) dated October 2012..
- (g) Join and adhere to the Considerate Contractors Scheme.
- (h) Prior to first occupation submission and approval of a Service & Delivery Management Plan.
- (i) To demonstrate that upon completion of the approved energy centre on Lakeside Drive, that the proposed development is capable of connection to the district wide heating system.
- (j) Prior to Material Start enter into a S278 to cover the Highways Works to Coronation Road and Lakeside Drive, including (but not limited to) works along Coronation Road to, involving the extension of the existing bus lay-by approximately 30m eastwards in broad compliance with the indicative layout shown on drg HFC-A-L-00-201,revB (but amended to include a splayed kerb at the eastern end), and the access works to the coach parking area on Lakeside Drive.

At the time of completing this report the applicant is in discussion with the GLA on matters relating to the energy strategy, in theory any future changes to the strategy in order to satisfy the GLA may have an impact on the above Heads of Term. A further update on the GLA's position will be reported through the supplementary report. Members are therefore requested to agree to the principle of the proposed development and the recommendation to approve, and, to delegate authority to the Head of Area Planning, or other duly authorised person, to agree the exact terms of the s106 agreement, and to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above Heads of Terms and meet the policies of the London Plan, Unitary Development Plan by concluding an appropriate agreement.

As this is a cross-boundary planning application both Brent and Ealing Council's will be a party to the s106 legal agreement.

Community Infrastructure Levy (CIL)

The Mayor's Community Infrastructure Levy, otherwise known as CIL became effective from the 1st April 2012 onwards.

The Planning Act 2008 gave powers to the Mayor of London which allow a London wide CIL to be charged on eligible developments in order to help fund strategic infrastructure projects. The Mayor has now decided to charge CIL in order to raise approximately £300m which will be put toward London's share of the Crossrail funding package agreed with central Government. This means that all eligible developments granted planning permission from 1 April 2012 will be liable to pay Mayoral CIL regardless of when the application was submitted to the Council or any resolution to grant planning permission by the Council's Planning Committee.

Mayoral CIL has been set at £35 per sqm on developments involving the creation of 100sqm or more of floor area, and this proposal would qualify as chargeable development on the basis of the floorspace being created, which is 14,850sqm (GIA).

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £519,750.00.

EXISTING

The subject site is located along Coronation Road and lies to the north of the A40 Western Avenue and is bounded by London Underground and Network Rail lines to the south. To the west of the site is the new perimeter road of Lakeside Drive and to the northwest is the Diageo headquarters office development. To the east of the site is currently undeveloped land, this was once part of the former Guinness Brewery though all buildings are now demolished.

The application site is situated within designated Strategic Industrial Land (SIL) and the Park Royal Opportunity Area Framework (OAPF).

The proposed development site crosses the borough boundary with Ealing Council and the proposed building will straddle the borough boundary. Some 0.24ha (44%) of the site are in Ealing with 0.31ha (56%) being in Brent. Ealing have designated the part of the site that falls within their Borough as Metropolitan Open Land (MOL), however the part of the application site within Brent is not designated as MOL. It is currently just a grassed area that is fenced off preventing any form of public access or recreational use.

Being situated within Park Royal, and within close proximity to the former Guinness Brewery site surrounding uses here are predominantly industrial and commercial.

DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
1	shops	
2	hotels	

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	0		0	38	
2	0		0	14812	

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0		0	14850	

PROPOSAL

Erection of an 11 storey building (including lower ground floor) with basement level to provide 229 bed hotel (Class C1) including function / event space, conference suite, bar and dining facilities together with associated car parking, cycle parking, servicing, retail kiosk (Class A1 or A3), coach drop-off lay-by and dedicated coach parking area on Lakeside Drive.

(N.B. This is a cross-boundary application so identical applications have been submitted to both the London Borough of Brent and Ealing Council for their determination.)

The applicants – Savannah Hotels, propose that the hotel will be a 4* and operated as a franchise under licence from one of the three large international hotel brands. At this stage advanced negotiations with the final 'brand partner' are taking place but the end user is not known.

HISTORY

98/0016 – Granted

Guinness Site, Park Royal, London NW10

Full planning application for new access road from A40 and outline planning application for mixed-use

development on a 22.18-hectare site, including 116,100m² of offices (Use Class B1); 61 residential units; Underground station including ancillary retail; 150-bed hotel; indoor leisure facilities and open space; with associated access/servicing, landscaping and car-parking, including demolition of existing brewery and leisure buildings.

(N.B. This consent includes the application site as the location for the hotel.)

A significant s106 package of £3.6m was secured to contribute towards (i) improvements to public transport infrastructure (ii) associated highway and junction improvements (iii) provision and maintenance of 5 acres of public open space, and (iv) maintenance and management of wildlife corridors.

The substantial s106 package was largely due to help fund the new Underground Station that was consented. However Transport for London (TfL) no longer supports a business case for this new station interchange here in Park Royal.

10/3321 – Granted

Revised outline planning consent for up to 60,000sqm of office accommodation (Class B1), in 3 buildings up to a maximum of 10 storeys in height, up to 1700sqm of retail, restaurant, hot-food takeaway floorspace, up to 2500sqm of health and fitness floorspace, with associated pedestrian areas, landscaping, access, servicing, car and cycle parking.

The construction of 4 residential blocks up to a maximum of 9 storey's in height to provide a maximum of 545 residential units

The provision of two play areas and a Multi Use Games Area, and modifications to existing footpaths in West Twyford Park (Bodiam Fields) and modifications to existing surface treatment in Lakeside Drive; and

The provision of an Energy Centre on land east of Lakeside Drive.

(N.B. This revised outline consent excludes the application site.)

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF) – 2012

London Plan 2011 – Spatial Development Strategy for London;-

- 2.7 Outer London Economy
- 2.13 Opportunity Areas
- 2.17 Strategic Industrial Locations
- 4.5 London's Visitor Infrastructure
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design & Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.11 Green Roofs
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and Other Strategically Important Transport Infrastructure
- 6.13 Parking
- 7.3 Designing Out Crime
- 7.5 Public Realm
- 7.6 Architecture
- 7.17 Metropolitan Open Land

Park Royal Opportunity Area Planning Framework (OAPF) – 2011;-

This is non-statutory supplementary guidance to the London Plan, and is a material consideration when deciding strategic planning applications.

By identifying park Royal as an Opportunity Area it recognises this as a suitable location for growth, and to accommodate a substantial number of new jobs, homes or both. The framework aims to strengthen its industrial role and the need to maintain Park Royal's employment function through the protection of SIL.

London Plan policy 5F.2 identifies Park Royal as an OAPF, with a target to accommodate 11,000 new jobs and 500 new homes over the next 20 years.

Brent Unitary Development Plan (UDP) – 2004;-

STR5 A pattern of development which reduces the need to travel, especially by car, will be achieved.

STR11 The quality and character of the Borough's built and natural environment will be protected and enhanced.

STR13 Environmentally sensitive forms of development will be sought.

STR14 New development to make a positive contribution to improving the quality of the urban environment in Brent

STR15 Major development should enhance the public realm.

BE2 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

BE10 High Buildings

BE12 Sustainable design principles

EP2 Noise & Vibration

EP3 Local air quality management

EP12 Flood protection

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 interchanges

TRN9 Bus Priority

TRN10 Walkable environments

TRN11 The London Cycle Network

TRN12 Road safety and traffic management

TRN13 Traffic calming

TRN14 Highway design

TRN22 Parking Standards – non-residential developments

TRN30 Coaches and Taxis

TRN34 Servicing in new developments

TRN35 Transport access for disabled people & others with mobility difficulties

PS1 Parking standards – Operation of these parking Standards

PS11 Parking standards – Hotels (Use Class C1)

PS15 Parking for disabled people

PS16 Cycle parking standards

PS21 Hotel Servicing Standards

TEA6 Large-Scale Hotel Development

OS5 Green Chains

OS14 Wildlife Corridors

CF4 Community Facilities Capable of Holding Large Functions

Brent Council Supplementary Planning Guidance and Documents

SPG12 Access for disabled people

SPG17 Design Guide for New Development

SPG19 Sustainable design, construction and pollution control

SPD Section 106 Planning Obligations

Brent Core Strategy - 2010

- CP1** Spatial Development Strategy
- CP3** Commercial Regeneration
- CP6** Density & Design in Place Shaping
- CP12** Park Royal
- CP14** Public Transport Improvements
- CP15** Infrastructure to Support Development
- CP18** Protection and enhancement of open space, sports and biodiversity
- CP19** Brent Strategic Climate Change Mitigation and Adaption Measures
- CP20** Strategic Industrial Locations

LDF Core Strategy Site Specific Allocations – SSA – Adopted 2011

PR2 First Central Park Royal

Allocation; B1 Office and hotel development required to support employment growth objectives in park Royal. Proposals will need to secure provision of appropriate transport improvements. Part of these works must include public realm works to enhance pedestrian access to Park Royal Station.

SUSTAINABILITY ASSESSMENT

The TP6 checklist was assessed by your Officer's who scored it 39%, achieving a rating of 'Fairly Positive'. Officer's consider there is scope to incorporate additional measures in order to raise the sustainability rating to a minimum 50%.

The submission of a revised TP6 "Sustainability Checklist" to achieve a minimum of 50% has been included as part of the s106 requirements for the development.

CONSULTATION

Date site notice erected: 10 December 2012

Press Date advertised: 29 November 2012

Public

170 letters were sent to addresses in both Brent and Ealing.

To date one letter of objection has been received. The grounds for objection can be summarised as;

- *Concerned that the proposal will increase traffic flow on Twyford Abbey Road. At peak times this road experiences heavy traffic, particularly at the approach to Hanger Lane roundabout. This proposed development should secure improvements to the junction of Twyford Abbey Road and Hanger Lane roundabout.*

Response

The Transport Assessment has assessed peak traffic flows that would be associated, and finds that the hotel will not have a perceptible impact on the local road network. This position is supported by Brent Transport Officer's and the GLA.

Internal

Landscape: Landscape Design officers are fully supportive of the proposal.

Transportation: In summary no objections on transportation grounds are raised subject to (i) a Section 106 agreement to secure (i) an agreement under s278 of the Highways Act 1980 to allow the undertaking of highway works along Coronation Road, involving the extension of the existing bus lay-by by approximately 30m eastwards in broad compliance with the indicative layout shown on drawing HFC-A-L-00-201 Rev.8 (but amended to include a splayed kerb at its eastern end), together with all accommodation works and works to statutory undertakers equipment within the highway arising as a consequence of these works (ii) implementation of the submitted Interim Travel Plan (draft) dated October 2012 for the sites (iii) implementation of the submitted Servicing & Management Strategy (dated October 2012) and (iv) submission and approval of a Construction Management Plan.

It is requested that a condition be attached to any planning permission preventing occupation of the hotel until such time as the coach layover area has been provided along Lakeside Drive.

Urban Design: The architectural approach, scale and massing are considered to be appropriate. Critical to

the end quality of the building will be the materials, and further consideration to these should be required through condition, in order to secure a high quality development.

Environmental health;

There are no concerns related to possible contamination of the land. In this respect the site is considered suitable for its end use.

Due to the buildings proximity to railway lines and in order to ensure good resting conditions are achieved in the bedrooms a condition is recommended to be attached setting out acceptable internal noise levels that should be achieved, and that post completion testing be carried, and the results of this be submitted to the Local Planning Authority for approval prior to first occupation.

In terms of the effects of vibration officer's are satisfied that this will not pose any problems.

No concerns are raised about the developments impact on air quality and no further mitigation measures are recommended.

Policy;

No objection is raised. The planning history for the site shows there is support for a hotel in this location.

External

Environment Agency;

No objection is raised.

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

A stage 1 response, dated 6 Feb 2013 was received from the GLA which provides the following comment on the proposal:

- The principle of providing a hotel on this site is acceptable in strategic planning policy terms. However there are a number of planning issues that will need to be resolved before the application can be considered to fully comply with London Plan policy. These issues relate to; inclusive design, the proposed energy strategy and transport matters.
- It is recommended that the issues raised in the Stage 1 response be satisfactorily addressed before the applications are referred back to the GLA at Stage 2.

The GLA stage 1 report is summarised as follows:

Land use principle;

- The part of the site that falls within Ealing is designated Metropolitan Open Land (MOL). London Plan policy 7.17 confirms the Mayor's strong support for MOL, and its protection from development that could have an adverse impact on its openness. This approach is also consistent with the NPPF.
- Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy (and by extension MOL policy), is to prevent urban sprawl by keeping land open. The NPPF also states, (at paragraph 87), that inappropriate development is by definition harmful to such land and should not be approved except in 'very special circumstances.
- The applicant contends that the site's remaining MOL designation (within Ealing) is obsolete as; a) it does not meet current London plan criteria, b) because it fails to take into account why it was originally designated as MOL, and c) because planning permission was granted for a hotel on the site in 1999. The applicant also indicated that it is prepared to enter into a unilateral undertaking with Brent Council not to object to it designating a much larger area of open land it owns to the north of the application site as new MOL.
- The GLA considers there to be two key issues upon which the acceptability of the proposal should be judged. These are; 1) whether it presents such very special circumstances, and 2) whether London plan policies to protect MOL would be outweighed by other planning considerations.
- GLA officers are of the view that such very special circumstances do exist here given the unique circumstances of the site and its planning history, and should the applicant conclude and sign the unilateral undertaking it has proposed, the wider regeneration benefits that would accrue from the development are considered to outweigh the harm that would result.
- In conclusion the potential loss of MOL is therefore considered acceptable in strategic planning terms.

Proposed hotel use;

- The proposed use is consistent with London Plan policy 4.5, which seeks to achieve the delivery of 40,000 additional hotel bedrooms by 2031, of which 10% would be wheelchair accessible.

- The site is well located within an opportunity area, where there is good public transport access to central London. A hotel use would therefore be acceptable in this location and help deliver the regeneration and employment opportunities sought by the Park Royal OAPF.

Urban Design:

- The massing is appropriate to the scale of buildings in the area. The façade design would create an interesting and striking appearance.
- The proposed bulk, scale and appearance of the building are acceptable in strategic planning terms.
- The incorporation of a retail unit and a new security office to provide surveillance and activity at plaza level are welcomed and would satisfactorily address concerns the GLA raised at pre-application stage.

Inclusive Design:

- At pre-application stage the applicant was advised that there were concerns about level access, particularly with visitors coming from Park Royal station arriving at lower plaza level. The applicant was asked to consider these access arrangements again, and the possibility of a secondary entrance to the hotel from this level. It is noted that this has been considered by the applicant but rejected. The GLA re-confirm that the applicants should look again at providing a secondary entrance to ensure full inclusivity.
- It is suggested that some of the proposed disabled parking bays should have a vertical clearance of not less than 2.6m, to allow for wheelchair hoists.
- Further details of additional disabled parking bays and details of the retail kiosk's and rooftop accessibility should be sought and addressed before the applications are referred back to GLA at Stage 2 (a planning condition is recommended to secure the submission of these details).

Biodiversity:

- No strategic planning issues are raised, but it is requested that a conservation-orientated management plan be secured through condition. This will be utilised to ensure a long-term commitment to biodiversity on site.

Sustainability:

- This is considered satisfactory from a strategic planning perspective.

Water resources and flood risk:

- The site is in Flood Risk Zone 1 and the development does not pose a flood risk.
- To minimise surface water run-off it is noted that the FRA proposed attenuation through the installation of tanks, in order to restrict discharge from the site. Further attenuation is proposed through the provision of green roofs. The GLA accept both measures, and request a condition to secure these measures.

Energy:

- The applicant's energy strategy broadly follows the London Plan energy hierarchy to reduce carbon dioxide (CO₂) emissions. But further revisions and information is required before the proposals can be considered acceptable and the CO₂ savings verified.
- In terms of the *Be Lean* measures the applicant is asked to verify the savings to be achieved in regulated CO₂ emissions, as a result of the energy efficiency measures proposed.
- In terms of the *Be Clean* measures it is noted that the applicant is proposing to connect the hotel to a wider district heating network within the vicinity of the site. The applicant is also proposing a site wide heat network, and the applicant should confirm that all rooms and areas of the hotel will connect to this site network.
- In terms of the *Be Green* measures the applicant has investigated the feasibility of renewable technologies and is proposing to use air source heat pumps (ASHP), this technology will provide space heating and cooling to the building. The GLA comment that ASHP and CHP are conflicting technologies competing for heat demand within the building. The applicant is asked to confirm that the ASHP will be a centralised unit serving the building via a network, and that it will not be individual units for each room.
- The applicant is asked to provide further clarification on the overall savings of CO₂ emissions, after each stage of the energy hierarchy.

Transport:

- A total of 90 parking spaces are proposed, including 20 accessible parking spaces. Whilst the London plan does not specify a maximum parking level for hotels in more moderately accessible areas, it is noted the applicant has applied Brent Council 2004 standards. This results in 46 spaces

for the hotel use and 28 spaces for the staff (74 in total). However, a further 11 spaces are proposed on top of this for non resident visitors to the food and drink facilities to be provided within the hotel.

- Due to the hotels out of centre location TfL does not consider that the visitor numbers will justify the additional 11 spaces, and recommends their deletion.
- 20% of the final number of spaces agreed shall be fitted with electric vehicle charging points (EVCP's), and this should be secured through condition.
- TfL agrees with the applicants trip generation assessment, which finds that the development would have a minimal impact on traffic levels and on the public transport network (including London Underground).
- The proposed extension and re-location of the bus lay-by on Coronation Road is supported by TfL.
- The trip generation assessment shows it likely that hotel trips would occur outside the network peak, therefore no further mitigation will be required. TfL also note that £450,000 has been secured from the wider masterplan proposals for the First Central site towards bus service improvements.
- TfL supports the provision of a coach parking area/lay-by along Lakeside Drive, subject to the submission and approval of a coach management strategy.
- As the hotel will include conference/function/event space TfL considers that the demand for taxis may have been underestimated, and would support the provision of a dedicated taxi rank. However TfL accepts the applicants justification for not providing such a facility.
- TfL notes that as part of the wider masterplan proposals for the First Central site that a contribution of £550,000 has been secured specifically for improvements to pedestrian and cycle links. The identified improvements included the footbridge over the rail lines, Mason's Green Lane (connecting to Park Royal station) and the pedestrian subway under the A40. Whilst this funding will deliver improvements there is a limit as to what works can be undertaken with this amount. TfL therefore requests further s106 funding to help deliver wider pedestrian improvements.
- TfL welcomes the provision of a workplace travel plan.

Following Members resolution on the application it will be necessary to consult the GLA again for the Mayor's Stage 2 response.

High Speed 2 Ltd:

- The Government has announced its intention to construct a high speed railway, known as High Speed 2, between London and Birmingham. Consultation has recently begun on draft safeguarding areas to be utilised for both the construction and operation of High Speed 2.
- The site is entirely within a safeguarding area (see safeguarding map No.9), required temporarily during construction phases but no longer required once the construction is complete. Objection is raised for this reason.

REMARKS

Planning context and history

The site was once part of the former Guinness brewery complex that was closed down in 2002, and all associated buildings demolished soon after. In 1995, Ealing and Brent Council's adopted a Planning Brief to guide future development of the area. This envisaged significant employment development, supplemented by a hotel, residential units and other ancillary uses, together with road access improvements.

In 1998 outline planning consent was granted by Ealing and Brent (ref; 98/0016) subject to s106 agreements for a masterplan, incorporating a mixed-use development on a 22.18 hectare site, including 116,100m² of offices (Use Class B1); 61 residential units; new Underground station including ancillary retail; 150-bed hotel; indoor leisure facilities and open space; with associated access/servicing, landscaping and car-parking, including demolition of existing brewery and leisure buildings. Full planning permission was also granted for the construction of a new access road from the A40 Western Avenue.

Following the approval of Reserved Matters construction works commenced in 2002, including the construction of the A40 access road, and improvements to Coronation Road. To the north-west of the application the Diageo headquarters office building was built, together with a second speculative office building along side – this second building still sits vacant.

In 2008 the road network improvements were completed, resulting in the extension to Rainsford Road which links this to Coronation Road.

Due to the change in market conditions it was no longer considered viable to build out the consented scheme that was heavily weighted towards the provision of office floorspace. In 2010 outline consent for a revised masterplan was granted (ref; 10/3321), this includes a greater proportion of residential development,

provision for a dedicated energy centre to serve all the new developments plots, including the proposed hotel, but this excluded the application site from the masterplan area. Planning permission for this revised scheme was granted in March 2012.

The revised masterplan is still centred on the 1999 outline consent that includes a central landscaped park on the northern side of Coronation Road. Approved building heights range in heights between seven and ten storeys, with ten storeys approved directly opposite the application site on the northern side of Coronation Road.

It is also relevant to the proposal to mention that one of the initial phases of the masterplan was the provision of a new public open space. This has been delivered, and known as West Twyford Park this provides a green link from Mason's Green Lane to Twyford Abbey Road.

Principle of Development

The principle of a large hotel on this site is accepted, having been supported in the original planning brief, and granted in the original outline masterplan for the former Guinness brewery site. More recent support for a hotel use is expressed through Brent's Core Strategy Site Specific Allocation – PR2, adopted in 2011. This allocation supports B1 office and hotel development in this location. The GLA has confirmed their support for the principle of a hotel use on this site.

The proposal involves the loss of an area of open space, however this has no policy designation, no formal use and is fenced off with no public access. So in policy terms there is no objection to its loss, and this loss has been accepted before through the granting the first masterplan.

On the Ealing side of the borough boundary the land is however designated as Metropolitan Open Land (MOL) and the proposal results in the loss of MOL, albeit less than 4% of the total area. The loss of this MOL is not objected to by Ealing Council.

The GLA also confirm that very special circumstances exist here that allow them to support the loss of MOL, these circumstances exist here due to the unique circumstances of the site (i.e. that it is fenced off with no public access) and its planning history (i.e. that the principle of hotel development on MOL has previously been granted approval). Subject to the applicant completing a unilateral agreement, that it will not object to Brent Council in the future designating an area which it owns, known as Twyford Abbey Park as MOL the GLA will support the development on MOL on the basis that the wider regeneration benefits will outweigh any harm that may result.

Scale and Design

The hotel is expressed as two primary elements, a plinth at street and lower plaza level and a tower feature. The plinth contains the public functions, including entrance, reception, lounge, bar and restaurant along with the function and conference suites. The tower will contain the guest rooms. At its highest the building is 11 storeys high, and will be 37m above ground level.

Consents have been granted for developments in the vicinity of the site which range from 7-storeys to 10-storeys, on the First Central site so the current proposal for a 11-storey building is considered to be of an appropriate scale.

The GLA express their support for the building in urban design terms, and state that *"the proposed bulk, scale and appearance of the building are also acceptable in strategic planning terms"*.

External Appearance

The massing of the proposed building is broken down by the two primary elements – the plinth and tower. The plinth is articulated as two elements, a glass element at Coronation Road level which gives the impression of the tower element floating above this, and the secondary masonry element below connects Coronation Road level and the lower piazza level. The tower is expressed as different elements with the main central element containing the bedrooms, this is to be treated with a type of anodized aluminium rainscreen cladding. The top two floors are to be treated with a glazed curtain wall, and this helps to make the tower element appear lightweight. Sitting above this glazing is a protruding canopy feature. Full details of the palette of materials will be secured as a condition of any approval, this will ensure that there is sufficient control over the quality of the external finishes to the building.

The GLA express their support for the approach, commenting that *"the façade design responds appropriately to the massing, and would create an interesting and striking appearance"*.

Access

Visitor access and legibility has presented one of the main challenges to the design, layout and function of the building. This is because of the split level approach.

The main pedestrian approach to the site is from Park Royal underground station, via Mason's Green Lane, which is a pedestrian only route. Mason's Green Lane opens out into a public piazza space immediately adjacent to the western end of the proposed building. Stepped access and ramped access currently exists which provides a connection for pedestrians from piazza level to Coronation Road street level, which is approximately 1-storey higher.

The main public entrance is located at Coronation Road level, this is a deliberate response to the fact that the majority of hotel guests and visitors will arrive by vehicle, whether bus, hotel or airport courtesy minibus, coach, taxi or car, and not primarily by underground, via Park Royal Piccadilly line station. As a response to this the main public functions of reception, lounge, bar, dining and function spaces are arranged at this level, and these uses provide an active frontage to the street level along Coronation Road.

The GLA has expressed some concerns with the buildings legibility, and their main reason for this is the split level approach described. This is not seen to be ideal for disabled users. This was flagged up by the GLA at pre-application stage, and the applicants were asked to look at the possibility of creating a secondary public entrance so that customers could enter at piazza level. The GLA re-confirm in their Stage 1 response that this should be re-considered as it would ensure full inclusivity to the building. The applicants position is that functional, operational and security requirements dictate that a single point of entrance is essential, and that this is best located at Coronation Road.

Two principle vehicle access points are proposed for those arriving by car/vehicle. A vehicle set down is to be provided at entrance level on Coronation Road. This will require the re-positioning of an existing bus lay-by, and this is supported by Transport for London (further discussion on this can be found in the '*Transport*' remarks section). Alternatively a secure car park is proposed at basement level, and will be accessed via a new road along the southern edge of the site which forms an extension to an existing hammerhead on the eastern roundabout on Coronation Road. Servicing access will also be gained via this new road.

External spaces

Due to the building footprint opportunities for landscaping are limited. A new frontage along Coronation Road is proposed, this hard landscaping has been designed to adoptable standards. New paving will be laid from back edge of footpath to the hotel entrance, with different colours and textures laid to delineate the main entrance. A raised planter is also proposed along the building frontage to soften the frontage.

At the western end of the building is the interface with the lower piazza level. The building aims to respond to the piazza by locating the car park security office at this level (which will be permanently manned). It is also proposed to provide a retail unit at this level, which would be available to rent to a local start-up business at below market rates. Outside seating to the unit is also proposed, this will give a greater level of activity to the space. The siting of both these units will provide better natural surveillance of the plaza level, and will be a marked improvement because at present this space is not overlooked, or particularly well used because of the perceived fear of crime this space presents. The GLA welcomes this response and this satisfactorily addresses concerns that had been expressed at pre-application stage.

On the upper levels to the building external spaces have been created at first and eight floors. These will be hardwood decked spaces, softened with raised planters, shrubs and trees within planters and bespoke timber seating, offering guests the use of high quality outside spaces.

Above the function suite space an extensive green sedum roof is proposed, this will also include evergreen climbers to screen the plant enclosure walls. The green roof will provide sustainability and biodiversity benefits, as well as aiding with the visual impact of the roof space and plant, and further details of its construction is requested through condition.

Internal Layout and uses

Basement level and lower ground floor will contain all the parking and servicing space. The ground and first floors will include the main hotel reception, lounge, bar, restaurant, function space, meeting rooms, conference space, fitness suite together with the necessary back office support functions.

The function suite is provided with its own separate entrance, and will be capable of seating 225 diners. This will support the conference and business functions of the hotel, as well as being available for private hire.

Guest bedrooms, totalling 229 will be spread over the upper eighth floors of the building (second floor level and above). Of the 229 guestrooms, 26 of these are suites and these are to be located on the top two floors, and 10% of rooms are wheelchair accessible.

<u>Description of use</u>	<u>Measured area/sqm</u>
229 Guest rooms (incl circulation)	8134 sqm
Public areas (reception, bar, restaurant etc)	882
Function suite	480
Business/conference centre	503
Back of house functions	1890
Car parking/servicing	2923
Lower piazza level retail unit	38

Total gross internal floor area: **14, 850**

Transport and Servicing

The site has moderate public transport access, with PTAL 3. Park Royal (Piccadilly line) and Hanger Lane (Central line) are both within 960m (12 minutes walk), and there are three bus services within 640m (8 minutes walk), these are bus routes 95, 226 and 487.

On street parking in the area is generally restricted. Nearby, Lakeside Drive and Rainsford Road restrict parking at all times. The nearest available on-street parking is along Coronation Road to the east of the site, which actually lies within the Borough of Ealing.

A total of 90 parking spaces are proposed within two levels of basement parking. This includes 20 disabled spaces and 27 electric vehicle charging points. Four motorcycle spaces are shown at basement level, along with 24 cycle parking spaces. Servicing provision has been included with a 12m loading bay proposed at the eastern end of the building.

All vehicle access is to be via a new 4.5m service road at the southern end of the site, this is to be accessed via the existing unused fifth arm of the Coronation Road/Rainsford Road roundabout, and is in conformity with the original Masterplan for the First Central development.

Highway works are proposed to the front of the site along Coronation Road, to extend the existing bus lay-by to also accommodate a 'setting down' area for taxis and coaches, with the existing bus stop repositioned further eastwards. Furthermore works are proposed along east along Lakeside Drive to create an off-street coach only lay-by, waiting area.

Transport Impact

The overall impacts of the proposal and surrounding development on the local transport network have been considered at length, dating back to the original masterplan consent for the First Central development. The Transport Assessment for the revised masterplan in 2010, factored in a 200-bed hotel as that size of hotel was under consideration at the time. As such the impact of a large hotel on this site has already been accepted.

The TA produced by URS has used survey data of trip rates, based on five similarly sized hotels in outer London, in order to derive estimated vehicular trip numbers. This exercise shows there to be expected peak periods of 8am-9am and 5pm-6pm. This is based on 2010 data, and is specifically in relation to a 200-bed hotel that was being considered at that time. In comparison a 229-bedroom hotel is now proposed, and your Transport Officer's advises that the impacts of an additional 29 bedrooms will amount to just 3-4 extra car journeys in each peak period. Similarly the additional impacts on the public transport network will be minimal.

TfL agrees that the proposal would have a minimal impact on traffic levels, and that there would not be a perceptible impact on the underground network.

Parking levels

Car parking allowances for hotels are set out in standard PS11 of the adopted UDP 2004. This allows one space per five bedrooms and one space per five staff. For the purposes of assessing the parking requirements staff on site at any one time has been assumed at 75% of the total number of staff to be employed – equating to 137 staff. As such this would amount to 45.8 spaces for hotel guests and 27.4 spaces for staff, with a total requirement for 73 spaces overall. So the provision of 70 standard width spaces would accord with adopted standards. The additional restaurant and bar facilities are assessed individually against standards for A3 uses, set out through PS9.

In addition 20 disabled spaces are proposed, this more than meets Brent's standard for 5% of all spaces. In doing so the overall number of spaces proposed reaches 90. This level of provision has been met with concern by Transport for London, as set out in the GLA's Stage 1 report. TfL have expressed that the number of spaces should be limited to a maximum of 74, as this is in line with the maximum levels afforded through Brent's maximum standards. Ealing Council has also expressed some concern with the overall level of parking, and would support a reduction.

The applicants have set out that is their position that a minimum of 90 parking spaces is required for staff and guests in order to make the scheme commercially viable.

Brent parking standard PS3 supports an increase of a third (above maximum standards) in Park Royal, provided the following can be demonstrated;(a) that is a key regeneration proposal in the area; and (b) the transport and environmental impacts of the development area acceptable; and (c) the proposal secures significant and sufficient public transport/walking/cycling improvements, and/or contributions towards on-street parking controls, and implementation of a green transport plan. Your Officer's consider that the proposed development satisfies each of the above criteria, and on this basis the parking levels can be justified in this location, notwithstanding the GLA's position.

The applicants have submitted a transport update to the GLA, also for Ealing Council, to respond to issues raised in the GLA's Stage 1 report, and to justify the parking levels proposed. Within this update it is noted by URS that Ealing have only assessed parking levels based on the hotel element of the scheme, with no appreciation for the ancillary uses open to the public. This approach is contrary to Ealing policy C1, relating to hotels with ancillary uses. Further response to this is awaited from both parties and any comments will be reported through the supplementary report. The update also confirms that the proposed level of parking accords with maximum Brent standards, based on the combined application of parking standards PS11 (Hotels), PS9 (food and drink uses) and PS3 (Regeneration Exception), and parking levels can be justified against these policies.

Any further comments the GLA have will be reported through the supplementary report. So, subject to the GLA confirming their position, and in the event they insist on a reduction in parking spaces, otherwise a direction of refusal under Stage 2 may follow Members are therefore requested to delegate authority to Officer's to attach a planning condition, requiring the submission and approval of a revised parking layout showing a reduction in parking numbers (with other associated changes) to an agreed level.

Servicing

Under servicing standards PS20 and PS21 a minimum 10m loading bay is required. To comply with this a 12m loading bay is accommodated at the eastern end of the building. Access to this and to the two levels of basement parking is to be via the new southern access road, to the rear of the building. No transport concerns are raised.

S278 works to the highway / re-location of bus lay-by on Coronation Road

Brent policy TRN30 of the UDP 2004 requires dedicated setting down/picking up facilities for taxis and coaches where a hotel use is proposed. Standard PS11 also requires a minimum of one coach parking space per 50 bedrooms, equating here to a requirement for 4-5 spaces. The shape of the site and the access constraints mean that it is not possible to accommodate the requirement on-site.

A solution is offered, and highway works are proposed to the front of the site (Coronation Road) to extend the existing bus stop lay-by approximately 30m further eastwards. This will allow for the re-positioning of the bus stop eastwards towards the rear of the extended lay-by. The western end of the lay-by would then be designated as a short-term drop-off/pick-up area for coaches and taxis only.

Both TfL and Brent Transportation have confirmed they are agreeable in principle to these works being carried out. The s106 agreement will require agreement under s278 of the Highways Act 1980 to allow the undertaking of the aforementioned highway works.

Coach parking

The coach drop-off/pick-up point that is to be provided along Coronation Road is not sufficient by itself to satisfy the requirements for a hotel of this size, and neither would this be suitable for long-term overnight parking. The GLA advised the applicants at pre-application stage of the requirements for coach parking, as set in London Plan policy 6.13 (1 coach parking space per 50 hotel rooms). Due to the constraints of the site it has not been possible to accommodate this on-site. The applicants solution, in order to meet London Plan policy and Brent's adopted servicing standards has been to propose a dedicated coach parking area off-site,

eastwards along Lakeside Drive. This is approximately 90m north of the hotel site, and will be large enough to accommodate 2 full sized coaches, or 3 midi sized coaches.

The GLA supports this and consider that this will deal with likely demand and prevent coaches from standing on Coronation Road, which could potentially disrupt bus operations along here. Brent Transportation Officer's also support the approach.

This coach parking area is fully within Brent and is to be privately maintained. Unfortunately it does result in the loss of some landscaping along Lakeside Drive, as this was land to be landscaped along the western edge of the First Central development. However the operational needs of the hotel outweigh the harm caused by the loss of landscaping.

Subject to the access works to the coach parking area being incorporated into the s278 Highway agreement works, and to a planning condition restricting the use of the parking area for coaches only there would be no objection to this. A coach management strategy will be secured through condition in order to address the GLA's request for this.

Travel Plan

In an attempt to try to maximise the use of non-car modes of transport to and from the site, a draft Travel Plan has been developed by URS and submitted. This sets out a range of measures with the aim of significantly reducing staff journeys by car over a five year period, with progress to be monitored on an annual basis.. The Travel Plan has been assessed using TfL's ATTrBuTE programme and has scored a PASS rating. The plan is therefore considered suitable for inclusion within the s106 agreement in its current form, alongside a clause requiring its implementation.

High Speed 2 (HS2)

The site has been identified as a potential works site for the construction of the proposed High Speed Rail Link 2 (HS2) between London and Birmingham. HS2 Ltd are currently undertaking a consultation of various landowners and other stakeholders along the route of the proposed HS2 over land that may be safeguarded as part of the project. The site to which this application relates is identified as a potential safeguarded area and HS2 Ltd object to this application on the basis that it might prejudice the use of the site as a potential works site. However the safeguarding will only achieve statutory status if and when the HS2 bill is approved by parliament. At present the application must be considered against the current policy framework. It would therefore not be reasonable to refuse or delay making a decision on this application on the basis of possible future legislation. It should also be noted that the site already has planning permission for an even larger development which will remain extant until March 2015.

Landscape

Opportunities for landscaping at street level are limited, this is mainly due to the size of the site, its relatively shallow depth and the need to accommodate servicing access. To off-set this, the strategy is to deliver a high quality semi-public/semi-private front forecourt to enhance the public realm, and to provide high quality public terraces (with planting) on the upper floors.

The site at present consists of lawn and to its northern edge is a row of nine semi-mature Lime trees. Removal of these trees is required. The response to this from your Tree Protection Officer is that this is acceptable in principle provided the trees are safely removed and re-planted elsewhere within the vicinity of the site, as the applicant proposes. In order to secure their safe removal it is recommended that further details of how these works will be done are secured through the submission of method statement condition.

Given the urban character of the site it is not unusual to see buildings in areas such as this without a landscaped setting, and the need for more generous landscaping is outweighed in this instance by the regeneration benefits this proposal would deliver. Members are also reminded that one of the obligations in the s106 is for a contribution of £10k, for the '10,000 trees in Park Royal' project - this will help to deliver public realm improvements.

Biodiversity

The southern edge of the site forms part of a larger east-west Green Corridor, which London Plan policy 7.19 (Biodiversity & access to nature), requires boroughs, to identify, protect and enhance. The proposal does not break the Green Corridor.

The ecological appraisal has due regard for legislative requirements and the planning policy context and has been submitted in support of the application. This includes a detailed desk-top study, and a site walk over was carried out. This confirms that the site is not designated for its nature conservation value, and that there

is no evidence of protected species or habitats on site. The risk of finding roosting bats is found to be negligible and no further survey work is recommended.

Protected species are unlikely to be a constraint to development and further survey work is not recommended.

Notwithstanding this it is proposed to maintain this Green Corridor, and it extend it from the point at which it currently terminates at the point of the piazza. This proposed extension of the pedestrian and cycle routes will connect through to the roundabout on Coronation Road, and will also maintain the Green Corridor as an access route from Twyford Abbey Road to the north to Coronation Road and Rainsford Road to the south. The GLA has requested that a *conservation-orientated management plan* be utilised to ensure the sites long-term commitment to biodiversity, and compliance with relevant London Plan policies, and that this should be required through planning condition. An appropriately worded condition secures this.

Sustainability/Energy Measures

Sustainability and energy measures which are coming forward as part of this proposal, are outlined in the applicant's supporting Energy and Sustainability Statement. The energy statement sets out measures as to how the development would comply with London Plan policy 5.2, which requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy to;

Be Lean: use less energy

Be Clean: supply energy efficiently

Be Green: Use renewable energy

The *Be Lean* measures that are proposed to achieve CO2 savings are proposed to be achieved through a range of passive design features and demand reduction measures. High performance in terms of air permeability rates and heat loss are aimed for.

The GLA has requested that the applicant provides further information in order to verify the savings in regulated CO2 emissions resulting from energy efficiency measures alone. This information is currently in the process of being compiled for submission to the GLA.

In order to meet the *Be Clean* objectives the applicant is proposing to connect the development to a local, district heating network that is being bought forward as part of the wider masterplan proposal for the area. The First Central site has consent for an energy centre, which will incorporate a Combined Heat and Power (CHP) unit, this is to be utilised by the hotel for decentralised energy supply. Though at this stage the GLA are seeking verification on CO2 reductions.

In order for the development to meet the *Be Green* objectives the applicant has investigated the feasibility of a range renewable energy technologies. Following this exercise it is proposing to install air sourced heat pumps (ASHP) that will perform the function of space heating and cooling. Though it is noted by the GLA in their Stage 1 report that ASHP and CHP are conflicting technologies, both competing for heat demand within the building. The applicant is therefore required to confirm that the ASHP will be a centralised unit serving the building via a network, and not individual units provided for each room. This has been requested, and an update will be reported in a supplementary report.

The applicant submits that the above strategy, based on low zero carbon technologies will mitigate the London Plan target of a 25% reduction in CO2 emissions.

In summary there is broad acceptance for the strategy, however the applicant is required to provide further verification of the CO2 emissions savings before the GLA give support to the energy strategy. Further calculations showing residual CO2 emissions after each stage of the Mayor's energy hierarchy are requested. These should then be used as a comparison against a 2010 Building Regulations compliant development.

As it stands the applicant's are currently in discussion with the GLA in order to address their Stage 1 comments, verify CO2 savings and agree the proposed energy strategy for the development. A supplementary report is currently being produced by the applicants, responding to the issues raised by the GLA. Response to this from the GLA will be reported in the supplementary report. In any event members are reminded that they are requested to delegate authority to the Head of Area Planning to agree the exact s106 Heads of Terms, including the sustainability and energy measures.

BREEAM

The proposed development is targeting a BREEAM rating 'Excellent', this will satisfy Brent Core Strategy policy CP19, and a BREEAM pre-assessment has been submitted to demonstrate how this will be achieved. Further details of this and post completion verification of the BREEAM rating will be required through the s106 agreement.

Flood risk

The subject site falls within Flood Risk Zone 1 and accordingly is situated within an area of low risk of flooding. The Environment Agency has confirmed they have no objection to the proposal or any conditions to add.

Other Supporting Documents

An Air Quality Assessment has been submitted as the site falls within a designated Air Quality Management Area (AQMA). Environmental Health officer's are satisfied that there will be no significant impacts on air quality caused by traffic. Further clarification has been requested of how the hotel will be heated if it does not connect to the First Central energy centre.

A Noise and Vibration report has been submitted. The report recommends suitable glazing performance for the hotel bedrooms that face onto the railway, this will ensure good resting conditions. Subject to a condition requiring the results of post completion testing of bedrooms then no further information is required. The same report assesses the potential for disturbance caused by vibration noise and Environmental Health Officer's advise that there are unlikely to be any related problems.

London Borough of Ealing's position on the proposed development

A number of meetings have taken place with Officer's from Ealing during which it has been confirmed that Ealing Council also supports the principle of a hotel development in this location, and are comfortable with the scale and design of the building. It is understood that further discussion is taking place between the applicants and Ealing Council's Energy and Sustainability Officer around the energy strategy. Any significant changes to the strategy will be reported through the supplementary report.

Officer's at Ealing are proposing to report the application to Ealing's planning committee on 27 March 2013.

As this is a cross-boundary application then there should be consistency between Borough's with regards to planning conditions and the s106 legal agreement. Ealing Council has indicated broad support at this stage for the recommended conditions, and has raised no concerns with the s106 agreement. If there are any further changes to report on either the conditions or the s106 agreement then again these will be reported to Members through the supplementary report.

Summary

In conclusion, the principle of a hotel development is deemed to be acceptable in this location. The scale and massing is acceptable in this location and fits in with the principles of the Masterplan aspirations. The design of the hotel is of a quality that Brent is looking to achieve on major development proposals in the Borough and this proposal will help deliver a highly sustainable scheme bringing significant regeneration benefits to the Park Royal area and contributions towards pedestrian improvements.

Officers consider that the application can be supported, subject to referral to the London Mayor for his Stage 2 response. As things stand the Mayor considers that the application does not fully comply with the London Plan for the reasons set out above. He states that there are remedies that could address these deficiencies. If the Council decides to make a decision on this application it must consult the Mayor, once again, and give him a period of 14 days within which to allow the draft decision to proceed unchanged, to direct the Council to refuse the application or to issue a direction that he is to act as the Local Planning Authority and proceed to determine the application. The applicant is in the process of responding to these identified deficiencies and the supplementary report will update this.

Members are therefore asked to delegate the final decision to approve the scheme to the Head of Area planning provided that the GLA's stage II response does not require any significant changes to the scheme.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

National Planning Policy Framework 2012
London Plan 2011
Brent LDF Core Strategy 2010
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
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
Tourism, Entertainment and the Arts: the need for and impact of new tourists and visitor facilities
Transport: in terms of sustainability, safety and servicing needs
Park Royal: to promote the opportunities and benefits within Park Royal
Site-Specific Policies

CONDITIONS/REASONS:

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

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

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

Drg HFC-A-L-00-X01,rev04
Drg HFC-A-L-00-001,rev7
Drg HFC-A-L-00-101,rev8
Drg HFC-A-L-00-201,rev8
Drg HFC-A-L-00-301,rev5
Drg HFC-A-L-00-401,rev4
Drg HFC-A-L-00-501,rev5
Drg HFC-A-L-00-601,rev4
Drg HFC-A-L-00-701,rev4
Drg HFC-A-L-00-801,rev4
Drg HFC-A-L-00-901,rev5
Drg HFC-A-L-00-1001,rev5
Drg HFC-A-L-00-1101,rev4
Drg HFC-A-L-00-X20,rev04
Drg HFC-A-L-00-X21,rev04
Drg HFC-A-L-00-X22,rev03
Drg HFC-A-L-00-X23,rev04
Drg HFC-A-L-00-X30,rev01
Drg HFC-A-L-00-X31,rev01
Drg 0059-PLI-90-101,revPL00

Drg 111286L11
Drg 111286L07,revB
Drg 111286D05
Drg HFC-A-L-00-X02
Drg 0059-PLI-90-100, revPL00

Supporting Documents

Air Quality Assessment - Oct 2012
Arboricultural Survey - Oct 2012
BREEAM pre-assessment - Oct 2012
Brent Sustainability checklist - Oct 2012
HKS-Design & Access Statement - Oct 2012
Ground Investigation Study - Oct 2012
Ecological Appraisal - Oct 2012
Ashmount - Energy & Sustainability Statement - Oct 2012

Keystone - Flood Risk Assessment & Drainage Strategy - Oct 2012
Interim Travel Plan (Draft) - Oct 2012
RBA Acoustics - Noise Survey - Oct 2012
RBA Acoustics Vibration Assessment - 17 Oct 2012
CgMS Planning Statement - Oct 2012
Servicing & Management Strategy (report 2012153/01) - Oct 2012
URS Transport Assessment Report (47063904) - Oct 2012

Reason: For the avoidance of doubt and in the interests of proper planning.
(2)

- (3) Notwithstanding the plant area proposed at Level 3/First Floor, elsewhere no further plant equipment or machinery shall be fixed to the building externally without the further written consent of the Local Planning Authority.

Reason: To ensure that such further structure(s) do not prejudice the amenity of the neighbouring occupiers or the appearance of the development in the interests of the visual amenities of the locality.

- (4) No less than 20% of all parking spaces shall be fitted with electric vehicle charging points (ECVP's), and not less than 10% passive provision. Such spaces shall be provided prior to commencement of the use hereby approved and fully maintained thereafter.

Reason; In order to comply with Transportation requirements.

- (5) The development shall be carried out in accordance with Flood Risk Assessment & Drainage Strategy, dated 2 October 2012, unless otherwise agreed in writing by the Local Planning Authority.

Reason; To minimise the risk of flooding.

- (6) Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the commencement of development. The work shall be carried out in accordance with the approved details thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

- (7) The area(s) so designated within the site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority within 3 months of the commencement of development, 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. Such a scheme shall include;-

- (i) areas of hard landscape works including details of location, materials and finishes. These shall have a permeable construction;
- (ii) details of proposed boundary treatments including screening, walls and fencing, indicating materials and dimensions;
- (iii) details of all planting including location, species, size, density and number including tree planting incorporated for the frontage;
- (iv) details of the green sedum roof to be implemented on the roof including a cross section showing the depth of the soil and details of all planting including location, species, size, density and number
- (v) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.
- (vi) details of planting/soft landscaping to the coach lay-by parking area on Lakeside Drive

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

- (8) Details of a scheme showing those areas to be treated by means of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such details shall include detailed drawing(s) of those areas to be so treated, a schedule of materials and samples if appropriate. The approved scheme shall be implemented in full prior to first occupation of the development.

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

- (9) Prior to the commencement of works on-site a construction and freight management plan shall be submitted to and approved in writing by the local planning authority, and thereafter the development carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason; In the interests of highway safety

- (10) (a) All parking spaces (including cycle parking), turning areas, loading bays, access roads and footways shall be constructed and permanently marked out prior to commencement of use of any part of the approved development approved by the Local Planning Authority.

(b) The dedicated coach parking situated on Lakeside Drive shall be made available prior to first occupation of the building, and thereafter used only by coaches associated with the hotel use, and shall be permanently maintained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

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.

- (11) All guest bedrooms 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:

Living rooms - 30dB (day: T=16 hours 07.00 - 23.00)

Bedrooms - 30dB (night T= 8 hours 23.00 - 07.00) LAmax 45dB (night 23.00 - 07.00)

A post-completion test shall be carried out prior to the discharge of this condition to show that the standard of sound insulation required shall be met and the results submitted to the Local Planning Authority for approval. In the event that the results show that the above standards cannot be achieved, details of further mitigation measures shall be submitted to and approved in writing by the local planning authority.

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

- (12) Details of any external lighting (including spillage) shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the commencement of any works on site and the approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of safety and the amenities of the area.

- (13) Further details of a Coach Management Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use, and thereafter the hotel shall operate fully in accordance with the agreed strategy.

Reason; In order to comply with Transportation requirements.

- (14) Prior to the commencement of works on site a detailed method statement for the transplanting of existing Lime trees on site shall be submitted to and approved in writing by the local planning authority, and shall be in accordance with best practice as described in BS4043 '*recommendations for transplanting semi-mature trees*'. Details submitted shall also include a 3 year maintenance schedule and any tree that dies within 5 years of transplanting should be replaced with a new tree of the same species, of a similar size or the largest commercially available at time of planting. Thereafter works shall be carried out fully in accordance with the approved method statement.

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

- (15) Prior to the commencement of works on site further details of a biodiversity conservation management plan, setting out a long-term commitment to maintaining and promoting the biodiversity of the site, shall be submitted to and approved in writing by the local planning authority. The approved management plan shall be permanently maintained thereafter.

Reason;-To ensure a satisfactory standard of development and protect biodiversity.

- (16) Notwithstanding the approved drawings further detailed drawings shall be submitted, prior to first occupation, demonstrating level accessibility is to be provided for users of the retail kiosk (lower plaza level) and the rooftop terraces/outdoor spaces.

Reason; To ensure the building is suitably designed for wheelchair users.

INFORMATIVES:

- (1) This approval, does not imply approval of any entertainment licensing requirements of the Licensing Authority. Further advice on this should be sought from the Council's Health Safety and Licensing Division, PO Box 411, Brent House, High Road, Wembley Middx. Tel 020 8937 5365.
- (2) Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any
- (a) illuminated fascia signs
 - (b) projecting box signs
 - (c) advertising signs
 - (d) hoardings
- (3) Attention is drawn to the provisions of s151 of the Highways Act 1980, which requires that all construction vehicles leaving the site must be cleansed as necessary to avoid depositing mud and other material onto neighbouring roads.
- (4) The Environment Agency advises the applicant that drainage to soakaway from car parking areas for >50 spaces should be passed through an oil interceptor before discharging to ground. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to groundwater.
- (5) With regards to condition 14 the applicant should be aware that the Council's Tree Officer advises that work relating to the transplanting of existing Lime trees shall be done in the dormant season (Nov-Mar), and preferably in the months Nov-Dec. For further advice on the matter please contact Lawrence Usherwood (tel; 0208 937 5247)

REFERENCE DOCUMENTS:

National Planning Policy Framework (2012)
London Plan (2011)
Mayor of London - Park Royal Opportunity Area Framework
Brent Core Strategy (2010)

Core Strategy Site Specific Allocations DPD (2011)
Brent Unitary Development Plan (2004)

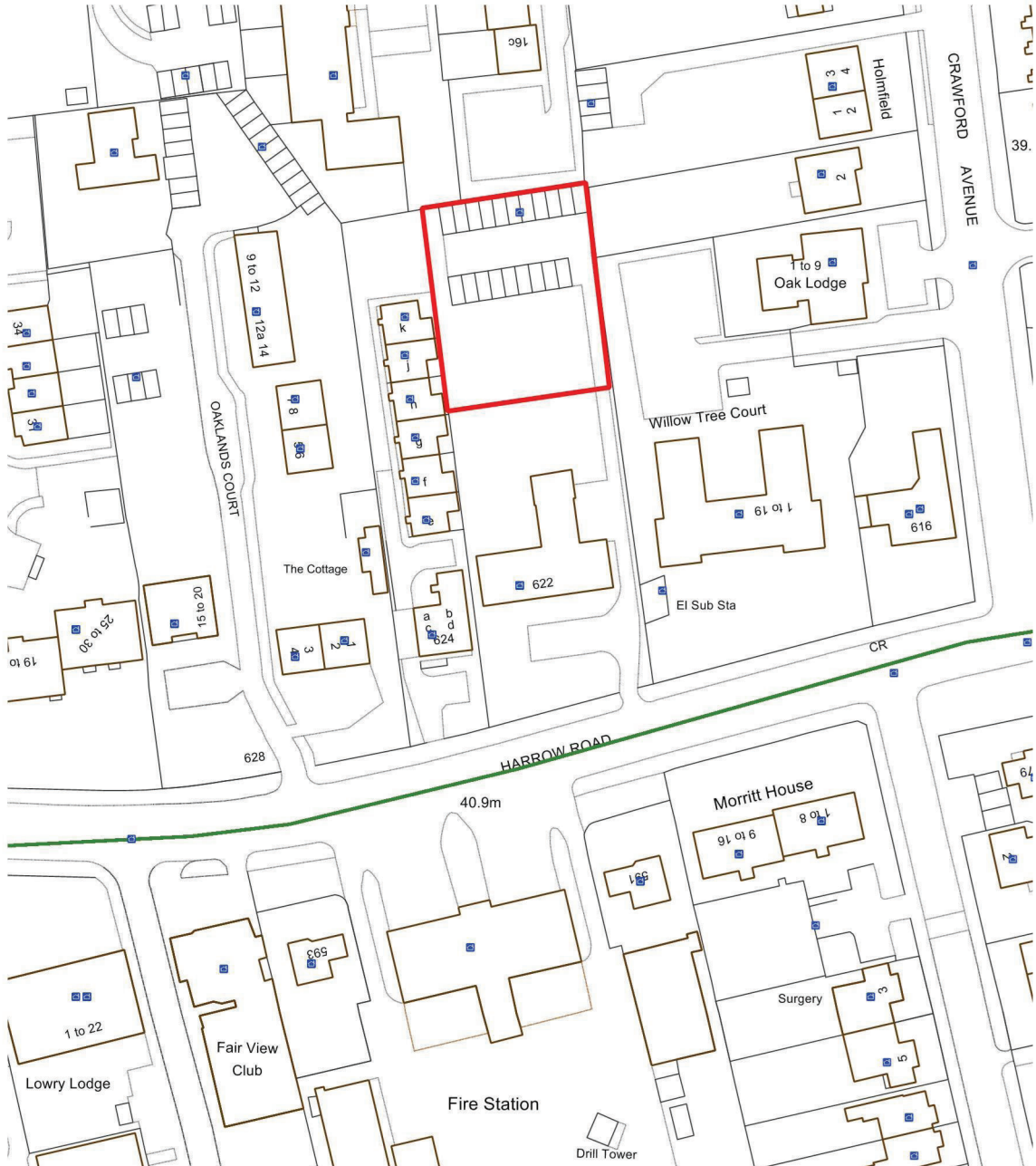
Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



Planning Committee Map

Site address: 1-12 Inc & Garages, Tregenna Court, Harrow Road, Wembley, HA0

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This map is indicative only.

RECEIVED: 11 September, 2012

WARD: Sudbury

PLANNING AREA: Wembley Consultative Forum

LOCATION: 1-12 Inc & Garages, Tregenna Court, Harrow Road, Wembley, HA0

PROPOSAL: Extension to time limit for implementation of full planning permission 07/2297 dated 15 September 2009 for the *"erection of 2-storey building containing 6 self-contained flats, 4 single-storey garages, refuse stores, cycle parking, associated landscaping, with new access pathways, on land to rear of existing block of flats ("a car free development")."*

APPLICANT: Vectis Property Group

CONTACT: Strutt & Parker LLP

PLAN NO'S:
(See condition 5 for the approved plans/documents)

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal 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) A contribution of £36,000 (£3,000 per bedroom), due on material start and, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- (c) The removal of rights of future residents of the approved scheme to apply for parking permits to park on-street.

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.

Community Infrastructure Levy (CIL)

The Mayor's Community Infrastructure Levy, otherwise known as CIL became effective from the 1st April 2012 onwards.

The Planning Act 2008 gave powers to the Mayor of London which allow a London wide CIL to be charged on eligible developments in order to help fund strategic infrastructure projects. The Mayor has now decided to charge CIL in order to raise approximately £300m which will be put toward London's share of the Crossrail funding package agreed with central Government. This means that all eligible developments granted planning permission from 1 April 2012 will be liable to pay Mayoral CIL regardless of when the application was submitted to the Council or any resolution to grant planning permission by the Council's Planning Committee.

Mayoral CIL has been set at £35 per sqm on developments involving the creation of 100sqm or more of floor area, and this proposal would qualify as chargeable development on the basis of the net floorspace being created (GIA).

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be

£4,725.00.

EXISTING

The proposal relates to a backland site which is an area of land currently comprising 20 lock-up-garages to the rear of 1-12 Tregenna Court which is a 3-storey block of flats fronting Harrow Road.

The site adjoins the rear boundary of a flatted development on Crawford Avenue (Ithell Court) to the north. To the east the site shares a boundary with a number of properties, the largest of these being 1-19 Willow Tree Court which is a flatted development similar in size and scale to Tregenna Court. To the west the site adjoins a backland "infill" development of 7 bungalows to the rear of 624 Harrow Road.

The area is characterised by a mixture of flatted developments, detached and semi-detached houses. Infill developments in backland settings are a common part of the urban grain in the surrounding area.

The development site comprises a piece of land to the north of Tregenna Court, this portion of land has 20 individual garages arranged in two rows, current levels of usage of these garages are extremely low and the majority of garages are in poor condition.

The site contains a high level of tree coverage which is of significant landscape value, this acts as a natural "buffer" between the garages (*proposed location for development*) and flats in Tregenna Court.

DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
1	use not known	garages

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	265	0	265	400	135

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	265	0	265	400	135

PROPOSAL

This application seeks to renew the planning consent for the redevelopment of the rear of the application site. If this application is granted, this would allow a further three years from the date of the decision for the implementation of the consent.

The consent for which renewal is sought was granted by Planning Committee on 10 August 2007, this was subject to a s106 agreement that was completed on 20 August 2009. Upon completion of the s106 agreement planning permission was issued on 15 September 2009. This application to renew the consent was received on 11 September 2012, within 3 years of the extant planning consent.

No changes to the nature of the development are proposed. The planning consent for which a renewal is sought is for *"the demolition of the existing garages and erection of a two storey building comprising of 6 self contained 2-bedroom flats, 4 single storey garages, refuse stores, associated landscaping, with new pathways on land to the rear of Tregenna Court"*.

The proposed two storey contemporary building to provide 6 x 2-bedroom flats will be sited over 30m away in terms of the direct distance from the rear of Tregenna Court. The building will feature timber gables (max

height 7.6m) in height. The new building will have a depth of 7.5m along the western flank wall, increasing to a depth of 12m along the eastern flank wall. 3 flats are proposed on each level with private balconies to the upper floor flats and private rear gardens for the ground floor flats (19 sqm in area). Secure cycle parking stands and refuse storage areas are also proposed.

Access is to be gained via the existing crossover which serves Tregenna Court with a shared access way leading to the rear of the site. This same access will be resurfaced and utilised as the access to the proposed flats, parking spaces and vehicle turning head area.

HISTORY

07/2297 Erection of 2-storey building containing 6 self-contained flats, 4 single-storey garages, refuse stores, cycle parking, associated landscaping, with new access pathways, on land to rear of existing block of flats ("a car free development"). **Granted on 15/09/12 following a resolution to grant from Members at Planning Committee on 10/08/07.**

06/2385 Demolition of existing garages and erection of two-storey building comprising 6 self-contained, two-bedroom flats at rear of site, provision of 6 car-parking spaces and refuse-storage areas and cycle parking, alterations and provision of landscaping and extension of hardstanding to front of existing property. **Application withdrawn.**

POLICY CONSIDERATIONS

Policy Context

Any changes to planning policy and guidance that have been adopted since the previous grant of planning permission are a material planning consideration.

At a national level the most significant change has been the introduction of the National Planning Policy Framework (NPPF) – 2012.

Core principles of NPPF

At the heart of the NPPF is a presumption in favour of sustainable development. Applications for planning permission must be made in accordance with the development plan unless material considerations indicate otherwise.

The NPPF identifies a set of core land-use planning principles that should underpin both plan-making and decision-taking. There are 12 principles in total, those considered to be most relevant are;

- Proactively support sustainable economic development to deliver homes that are needed.
- Always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings.
- Encourage the effective use of land by reusing land that has previously been developed (Brownfield land), provided that it is not of high environmental value.

At sub-regional level the London Plan 2011 was adopted (replacing the 2008 plan), this amongst other things introduces new minimum floorspace standards for assessing all new residential development.

London Plan 2011

- **3.3** Increasing Housing Supply
- **3.5** Quality & Design of Housing Development
- **3.8** Housing Choice

Since the grant of planning permission 07/2297 the Brent Unitary Development Plan 2004 has been partly superseded, though a number of 'saved' policies still apply. In 2010 the Local Development Framework Core Strategy was adopted by the Council, currently this sits alongside those policies of the 2004 UDP that are 'saved'.

Brent Core Strategy 2010

- **CP2** Population & Housing Growth

- **CP6** Design & Density in Place Shaping
- **CP15** Infrastructure to Support Development
- **CP17** Protecting & Enhancing the Suburban Character of Brent
- **CP18** Protection of Open Space, Sports and Biodiversity

Brent Unitary Development Plan 2004

- **STR11** the quality and character of the Borough's built and natural environment.
- **BE2** on townscape: local context & character
- **BE3** urban structure space and movement
- **BE5** urban clarity and safety
- **BE6** public realm: landscape design
- **BE7** public realm; streetscape
- **BE9** architectural quality
- **BE12** sustainable design principles
- **BE33** tree preservation orders
- **H11** housing on brownfield sites
- **H12** residential quality – layout considerations
- **H13** residential density
- **H15 backland development** - which states *where backland development is proposed special regard will be paid to the following; a) the density and height of the proposal which should be subsidiary to the frontage housing; b) the privacy and outlook from existing dwellings and in particular gardens; c) any proposed demolition of existing dwellings or parts of dwellings to form accesses. If this would create an unattractive breach in a consistent street frontage this will not be permitted; d) access arrangements which would cause significant nuisance to neighbouring properties will not be permitted; e) that sufficient garden depth and area is retained by existing dwellings commensurate with their size and character; f) the effect and cumulative impact of the development on the loss of garden habitat.*
- **TRN3** environmental impact from traffic generated it will be refused.
- **TRN4** measures to make transport impact acceptable
- **TRN23** parking standards for residential developments.
- **TRN34** servicing in new development
- **PS14** – parking standards for residential development.
- **PS16** – cycle parking standards for residential development.

Brent Supplementary Planning Guidance

Supplementary Planning Guidance (SPG) Note 17: 'Design Guide for New Development'
Supplementary Planning Document (SPD) 's106 Planning Obligations'

CONSULTATION

-122 neighbours/representees consulted on 01 October 2012

-Ward councillors, Brent Transportation & Brent Landscape Design Team consulted on 01 October 2012

3 individual letters of objection have been received. In summary the following grounds of objection are raised;

- The proposal represents an overdevelopment of the site.
- Loss of privacy to existing residents of Tregenna Court and harmful to the use of neighbouring gardens.
- Loss of existing garden used by residents of Tregenna Court.
- Loss of property values (not a material planning consideration).
- Proposal is harmful to the character of the area.
- Proposal will place further pressure on local infrastructure (transport, health, education, emergency services, open space).
- Loss of trees and wildlife.
- The shared vehicle access will lead to safety problems.

Transportation Unit Comments:

- The site lies within CPZ "ST" and has very good accessibility with a PTAL Level 5.
- The CPZ and good PTAL rating means that car parking standards are set at the stricter level under PS14 (0.7 spaces per unit).

- Each proposed 2-bed unit can be permitted up to 0.7 spaces, meaning a total of 4.2 car parking spaces would be acceptable. None are proposed though as this is a “car free development”.
- The existing 12 flats in Tregenna Court will continue to have provision of 12 parking spaces (they currently have 10). The provision of 12 spaces is an improvement for residents and is actually greater than is required for 12 flats in this location where stricter parking standards of 0.7 spaces per unit would apply. This would equate to a maximum of 8.4 spaces.
- The layout that was approved (07/2297) and supported by Transportation at the time proposes the provision of 4 new garages that are to be accessed of the shared access. Your Highways Officer’s are now advising that the approved layout, to which no changes are proposed does not provide sufficient depth immediately in front of the garages for vehicles to easily manoeuvre into. It is recommended that the position of the garages be changed to suit.
- A concern has been raised concerning the width of the shared access.
- Highway’s officer do not welcome the proposed use of asphalt to surface the shared access. They would favour a higher quality finish, preferably block paving, but with different colours and textures to demarcate the pedestrian route.
- The proposed works to the parking at the front of Tregenna Court represent a clear improvement in the parking layout in this part of the site and are welcomed.
- Transportation will again seek a “car-free” agreement for the proposed flats, this is to restrain on-street parking around Tregenna Court and in the area, this agreement is only applicable to the new dwellings. This will again be secured through a Section 106 Legal Agreement (*further discussion can be found in the Remarks section*).
- A standard contribution of £1000 per dwelling will be sought towards non-car access, highway safety and new parking controls.
- Again improvements to the existing vehicle access from Harrow Road will be sought, this will assist emergency and servicing vehicles when entering and exiting.

Urban Design Comments;

No additional comments have been provided as this application is to renew an extant planning permission – where no changes to the building or layout are proposed. But for clarity the following text is taken from the 2007 Committee Report, at that time Design Officer’s had commented on the proposal in the following way;

“The scheme has potential to be a high quality development, the notion of a building with contrasting front and rear elevations shows that there is a strong rationale behind the proposal.”

REMARKS

This application seeks to extend the time limits for the implementation of the development that was approved through planning consent reference 07/2297 on 15 September 2009. Government guidance is clear, that the consideration of such applications which are for a ‘renewal’ must focus solely on the changes in policy or guidance that have come into force since the previous application was approved that would affect the proposal.

The original committee report can be found as an insert at the end of this report. It does not change as the quantum of development, its design, scale, layout and massing are all to remain the same as previously approved. For this reason the issues discussed in the original report will not be discussed again unless the relevant policies have changed.

Principle

The principle of development has already been accepted by Members when it was resolved to grant permission following consideration of the scheme at Planning Committee in 2007. Details for this application can be found on the Council’s website.

Government response

In 2009 the Government recognised the difficulties facing the development industry, as a result of the recession and introduced legislation to help maintain the delivery of sustainable development in the face of the UK recession. As of October 2009 applicants have been able apply to their Local Planning Authority (LPA) for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development. This has been introduced in order to make it easier for developers and Local Planning Authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve.

Procedural matters

The process is referred to as an extension to time limit of planning permission. More formally, a new planning

permission will be granted, with a new reference number, for the development granted permission by the original decision. This new permission will be subject to a new standard timescale condition and all original conditions and S106 obligations will be retained and updated if necessary. There is scope to impose additional conditions and obligations if necessary too, if these can be justified through policy.

The Department of Communities and Local Government stresses that, although this is not a 'rubber-stamp' exercise, "development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date"

Brent's Approach

Guidance titled '*Greater Flexibility for Planning Permissions: Guidance*' has been published by the Government and this document informs how LPAs are to approach these types of applications (Communities and Local Government, 2009). LPAs are instructed to take a "positive and constructive approach" towards those applications which improve the prospect of sustainable development being taken forward quickly. The focus of attention in determining the application should be on those development plan policies and other material considerations (including national or regional policies) "which may have changed significantly since the original grant of permission".

A number of new plans and guidance documents have been adopted, such as the National Planning Policy Framework (NPPF) 2012, the LDF Core Strategy 2010, the London Plan 2011 the LDF Site Specific Allocations 2011.

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

- Internal floorspace standards, as set out in 2011 London Plan
- Impact on suburban character
- Introduction of Mayoral CIL

Internal floor space standards

Since the approval of the previous consent in 2009, the Mayor has introduced new minimum space standards for residential developments. These are greater than those standards previously set out within SPG 17, which the approved scheme was judged against.

All six units are treated as 2-bed/3-person units, this is because the bedroom spaces in each are less than the desired 12sqm that is required for these to be recognised as twin occupancy rooms. This is set out in the Mayor's 'London Housing Design Guide'. So as 2-bed/3-person units then a minimum of 61 sqm should be achieved to comply with Mayoral standards. With the exception of 'flat 2' on the first floor which is 63sqm, each of the other five units fall marginally short of the minimum standard, each ranging in size from 57 to 59.7sqm. On balance the shortfall on a per unit basis is not considered to be significant enough to warrant sub-standard, unacceptable living conditions for future occupiers.

Impact on character of area

Core Strategy policy CP17 seeks to protect the suburban character of Brent from inappropriate development, and to resist the development of garden space and infilling of plots with out-of-scale buildings that do not respect the setting of existing dwellings.

Backland development is a well established form of development in the surrounding area. Here the principle of a backland development has already been established to the rear of Tregenna Court through the grant of 07/2297. Outside of the application site the principle of backland development has also been well established over recent years with the building of Ithell Court, north of the site and Oaklands Court, west of the site. More recently it is of note that planning permission for a backland development similar in scale and form to that which renewal of consent is sought, was granted to the rear of 2 Crawford Avenue. This scheme (09/3080) which is currently under construction is immediately east of the application site.

This scheme was previously considered acceptable in terms of the scale of the building, which is subservient to the frontage building, and how this relates to the scale of surrounding development. Other principle considerations such as the potential impact on the amenity and privacy of neighbouring dwellings and the transportation impacts associated were assessed previously, and judged to have been acceptable.

Community Infrastructure Levy (CIL)

As the renewal of planning permission would involve the issuing of a new planning permission it will be CIL liable as any consent will be issued after Mayoral CIL came into effect on 1 April 2012.

The proposal results in the loss of buildings comprising total floorspace of 265 sqm. Total gross internal floorspace (GIA) for the proposed development is 400sqm and the net increase in floorspace is chargeable, at £35 per sqm.

Substantial physical changes to the area since August 2009

The only notable change is the current construction of the backland development to the rear of 2 Holmfield on Crawford Avenue, as discussed above this is similar to the current proposal in its scale and form.

Changes to the planning permission

To reflect the changes in policy described above, the following changes are made to the decision notice:

- a) Update 'Summary reasons for approval'
- b) Attach additional conditions (including a condition listing all the approved plans and documents)
- c) Re-number conditions to follow new standard of listing restrictive conditions first

And the S106 agreement will be re-drafted to reflect the new planning permission.

Summary

The Government, when introducing this legislation, expected LPAs to assist the wider economy and the delivery of sustainable development by keeping alive those planning applications which would otherwise lapse during the UK recession. Some policy changes were anticipated in the legislation and although the guidance made it clear that applications to extend planning permissions should not be considered a rubber stamp exercise, it also made clear that LPAs should be positive and constructive in their approach to determining them.

Your officers are of the opinion that the planning policy changes discussed in this report that have come into effect are not of a nature that they mean permission should not be given to extend the 2007 planning permission. In reaching this decision, your officers have attached substantial weight to the Government's guidance on how to approach these applications and where there have been changes in policy these have been applied.

In your officers opinion, the planning policies and guidance that have been adopted since the previous grant of planning consent do not affect the acceptability of the proposal. It is accordingly recommended that the planning consent is renewed for a further period of three years.

DISCUSSION OF THE MERITS OF THE 'APPROVED' DEVELOPMENT – EXTRACTED FROM PLANNING COMMITTEE REPORT 07/2297

Design of proposed development and layout

The form of development has an identity of its own and does not replicate surrounding forms of development, as an approach this is considered appropriate as the built form around the site is mixed. This is due to the fact that many surrounding sites have been developed piecemeal. The proposal is for a contemporary building which aims to respond to its site and surroundings, key to the concept is the retention of the existing stand of trees which form a screen between existing and new buildings. Living rooms are proposed to be south facing, this elevation will be glazed with etched glass and framed with aluminium. At first floor balconies will be set in to the building to provide external space, but at the same time avoiding any risk of overlooking adjoining neighbours. The balconies range in size from 8 -14 square metres, additional amenity space is provided communally. Ground floor flats each have private rear gardens which are 20 square metres in area.

The rear elevation of the site is a contrast to the glazed southern elevation. The elevations for the rear wall are far simpler, the wall will be clad in timber and punched bay windows are regularly spaced throughout. The timber gables which form the roof design are used to express the widths of the individual units inside the block.

The overall width of the block is 24m, the height to eaves is 5.7m and the height to the apex is 7.6m. The windows on the rear elevation (north facing) are 8m away from the rear boundary with Ithell Court. This falls short of standards in SPG17 as we normally seek this distance to be 10m in the interest of outlook and privacy. However this is not always achievable on all sites especially backland development sites, and where it can be demonstrated there is no resultant harm then a shortfall can be justified. It is clear that a shortfall of 2m in this instance will not reduce the outlook for prospective occupants to an unacceptable level. Secondly this shortfall will not result in overlooking or a loss of privacy to occupiers of Ithell Court at the rear, as the outlook from the flats is directly onto a designated parking area, this is unlikely to be developed in the future.

The building has been positioned 2m further north than the previous application (06/2385) to improve its relationship with Bungalow K, 624 Harrow Road, to the west of the proposed building. Positioning the front building line 2m further north lessens the impact and ensures that there is no harm caused to the outlook from Bungalow K. The knock on of this is that the distance from the rear elevation to the rear boundary reduces down to 8m, but for the reasons already discussed this can be justified on the basis there will be no material harm.

The distance between the front elevation of the proposed block and Tregenna Court is approximately 32m, this significantly exceeds 20m which is required to meet SPG17. This will ensure that standards of privacy are maintained. The only window in the flank wall of the western elevation will be obscure, serving a bathroom.

The internal floor areas of the 2-bed flats will satisfy the floor area standards specified in SPG17, in accordance with this document a 2-bedroom flat must have a minimum 55m² floor area. The proposed 2-bed units range from 61 square metres up to 66 square metres, ensuring compliance in terms of floor area. The layout proposed at both levels results in an acceptable standard of development, each room has reasonable outlook with windows serving each room. The internal layout results in the stacking of like for like rooms above or below each other.

The flats will be accessed by new timber decked pathways, at ground floor new pathways will have flush thresholds so that they are accessible to wheelchair users. Access to the upper floor flats will be via secure clear glass staircases, flats 4 & 5 will share one staircase, and flat 6 will have its own private staircase. Large glazed aluminium framed doors will provide direct access to front timber decking areas, which have been incorporated at ground floor level to provide private amenity space.

Impact on neighbouring properties

The existing property on site, Tregenna Court is 3-storey's and as discussed above will be far enough away from the proposal to alleviate concerns of loss of light, outlook or privacy. Consideration has been given to the impact of the development on 'Bungalow K' (*west of the site*), as discussed above it is considered an improvement to the neighbour's amenity that the proposed building has been positioned further north, and moved closer to the rear boundary.

The scale and massing of the development meets SPG17 standards in terms of 30 and 45 degree angles which are in place to ensure the scale of new development respects the height of adjoining buildings. The size and scale of the building ensures an appropriate relationship between neighbouring buildings and adjoining private amenity areas.

The proposed development is to be sited 3.5m from the western site boundary and as a result the separation between Bungalow K and the development will be greater than the existing in terms of the distance between Bungalow K and the existing garage blocks. Bungalow K does have a patio door positioned on the rear elevation, it is believed this serves a lounge in any event the building has been designed to maintain an acceptable neighbourly relationship. The existing outlook from the rear of Bungalow K is blocked to a degree by the end wall of the garage block, whereas the proposed development results in an improved outlook, the siting of the development and the tapered building design provides a greater un-interrupted outlook than that currently enjoyed by the occupiers of Bungalow K. The horizontal view analysis submitted with the application confirms the horizontal viewing angle enjoyed from Bungalow K improves by 26 degrees, from 42 to 68 degrees.

Transportation considerations

Parking standards for dwelling houses are found in PS14 of the Adopted Unitary Development Plan, in this location car parking standards are set at the lower level of 0.7 spaces per unit because of the CPZ and the good PTAL rating Level 4. The existing 12 units on site require a maximum 8.4 spaces to be in line with current standards, the current provision is in excess of this when taking into account the amount of surface parking and the lock-up garages (*which are proposed for demolition*).

This is proposed as a "car free" development, therefore the occupants of the 6 flats will be restricted from applying to the Council for resident's parking permits. Transportation has confirmed this is appropriate because of the CPZ and the good PTAL Level 4. A number of bus routes run along Harrow Road and Wembley Central Station is approximately 500m away, the walking distance from the back of the site to PTAL 5 is approximately 450m.

The scheme proposes the re-arrangement of on-site parking spaces for residents of Tregenna Court. At the moment 8 parking spaces are provided as surface parking (*although not formally marked out*) and 4 of the garages are used, the remainder of the garages are under utilised and dilapidated. A total of 12 surface parking spaces are to be provided as part of a new site layout, maintaining a ratio of 1 space per unit.

The proposal will also see the re-provision of 4 new garages, these are replacements for the 4 garages currently leased. The lease arrangement these individual garage users have requires that they are re-provided, therefore spaces 9, 10, 11 and 12 indicated on plan will be new garages. These garages were previously proposed in front of the new block, however they have been re-located to lessen their impact on the existing lawn/amenity area. These will be timber garages with green sedum roofs, and new shrub/tree planting will be required around garages 9 and 10 to ensure a pleasant outlook for the occupiers of Tregenna Court. Parking spaces 7 and 8 are proposed along the eastern side of the building, this area is currently used for parking. Furthermore the improvements to the frontage parking will result in formal marking out of spaces 1-6.

A turning head is provided to allow refuse vehicles to enter and leave the site safely in forward gear. The proposed site plan detailing this is an amendment to earlier plans submitted, a reduced turning head is now proposed. It has been agreed through discussion with Transportation that the size of the turning head now proposed is the minimum required to meet standards. The reduction which has been achieved lessens the impact on the existing grass area, and the amount of lawn lost is kept to the very minimum. This is an improvement to the original site layout proposed and has less of an impact on the residential environment. It is also worth noting that the turning head will be constructed in "Grasscrete" or a similar product to ensure it is more in keeping with its surroundings.

The access from Harrow Road has been increased to include 6m radius kerbs and a shared surface of 4.1m in width has been provided to meet Transportation requirements. Refuse storage points are to be provided in two locations, one to the rear of the site and another to the frontage. 6 secure cycle stands will be located to the rear of the site, with a low surrounding wall to screen them.

Landscape comments

The site contains a high degree of landscaping at present with some mature, attractive trees, the proposed development attempts to guard against the removal of much of the screen of trees which is found between the garages and Tregenna Court.

In principle Landscape do not object to the proposal, they have examined the "*Arboricultural Impact Appraisal & Method Statement*" prepared by Barrell Tree Consultancy. The tree survey and analysis of their condition is accepted as accurate. Chris Barrons (Principal Landscape Designer) has confirmed some of the trees on site are included in a Tree Preservation Order.

The Barrell report identifies 4 trees that must be removed (identified as T10, 11, 19 and 21) of these two are low category because of their poor form, and one low category tree that needs to be removed for management reasons because of its poor condition. Regrettably one high category tree will be lost but this is only seen through glimpses of the site. Within the report a further 17 trees are identified as being at risk of adverse effects of development. Of these, trees located along the eastern boundary are considered the most important providing screening and separation from the adjoining site, it is inevitable some of these will be damaged to the extent removal will be necessary.

The loss of some of the trees to the south of the proposed building would be accepted due to their condition and potential effect on new residents. These trees could be replaced at a more appropriate distance from the building. It is also inevitable that some of the 17 trees deemed to be at risk will have to be pruned to reduce the impact of root damage.

The Arboricultural Method Statement sets out in some detail the precautions that are needed during construction works to minimise the risk of damage to existing trees. Brent's Principal Landscape Designer has advised that no more can be done except for the identification of routes, depths and installation methods for underground services.

Landscape has requested the following conditions aimed at protecting existing trees and ensuring new trees are planted.

1. The tree protection method statement contained in the Barrell Tree Consultancy Arboricultural Impact Assessment and Method Statement is to be followed during all demolition and

- construction works.
2. Details of the location and depth of all underground services to be submitted and approved prior to the commencement of any works.
 3. Details of the pruning of trees to be retained to be submitted and approved before the commencement of any works.
 4. A standard landscape condition which identifies new trees to be planted.

Conclusion

The revised proposal is considered to be in keeping with the scale of the surrounding buildings and it is not considered harmful to the amenities of surrounding occupiers. The proposal is considered to be consistent with the requirements outlined by the Council's planning policies within the London Borough of Brent Adopted Unitary Development Plan 2004 and Supplementary Planning Guidance Note 17 'Design Guide for New Development'. Accordingly, it is recommended that this application be granted with relevant conditions attached.

RECOMMENDATION: Grant Consent subject to Legal agreement

CONDITIONS/REASONS:

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

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

- (2) The development hereby approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith,

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

- (3) The tree protection method statement contained in the Barrell Tree Consultancy Arboricultural Impact Assessment and Method Statement is to be followed during all demolition and construction works, such protection measures detailed shall be installed and retained throughout the period of the work.

Reason: To ensure that trees which are to be retained as part of the development are not damaged by construction works in the interests of the local environment and the visual amenity of the area.

- (4) The areas of car-parking and the access road serving them, as indicated on the submitted drawing, shall be laid out and available for use prior to the first occupation of any of the dwellings hereby permitted and thereafter should not be obstructed or used for any other purpose except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure adequate car-parking is provided and retained in the interests of the conditions of general highway and pedestrian safety and the free flow of traffic on the neighbouring highways and the general amenities of the locality.

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

0508 (PL) 00, revB (1:1250)
0508 (PL) 01 (1:250)

0508 (PL) 02 (1:100)
0508 (PL) 03 (1:100)
0508 (PL) 09, revA (1:500)
0508 (PL) 10, revF (1:250)
0508 (PL) 11 (1:100)
0508 (PL) 12, revA (1:100)
0508 (PL) 13, revA (1:100)
0508 (PL) 14 (1:200)
0508 (PL) 15, revA (1:100)
0508 (PL) 16, revC (1:100)
0508 (PL) 17, revA (1:100)
0508 (PL) 18, revA (1:100)
0508 (PL) 20, 21, 22 (nts)
0508 (PL) 24 (1:100)
0508 (PL) 40, revA (1:100)
0508 (PL) 41, revA
0508 (PL) 42, revA
0508 (PH) 01, 02, 03, 04, 05, 06 & 07

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

- (6) Notwithstanding any description of materials given in the application, further details of the materials, including samples, proposed for:
- (a) all external surfaces of the building (including windows)
 - (b) all areas of hard landscape works (including pathways)
 - (c) boundary treatments, fencing and any other means of enclosure (i.e. balconies, bin stores), including a boundary fence wall of 1.8m high, and 0.6m high trellis along the northern boundary of the site.
 - (d) the replacement garages

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site, and the development shall not be carried out otherwise than in accordance with any such approval. Where appropriate, a schedule of the exact product references shall be provided.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity.

- (7) Notwithstanding any landscaping details submitted with the application, prior to commencement of works on site, a detailed scheme of landscaping for the areas within the site surrounding the building and garages, depicting the size, density and number of trees, shrubs and plants, rooting systems, retention of any existing landscaping, means of enclosure, areas of hard and soft landscaping and any other features on the site shall be submitted to and approved in writing by the Local Planning Authority, such details shall also include tree planting along the northern site boundary. The landscape work shall be fully completed during the first available planting season following completion of the development hereby approved. Any trees or shrubs which, within 5 years of planting, die, are removed or become seriously damaged or diseased, shall be replaced with others of the same species and size and in the same locations, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance, to provide a suitable setting for the development, so that the proposal enhances the visual amenity of the locality, and to provide suitable tree planting.

- (8) Detailed drawings of all underground works and additional precautions to prevent damage to tree roots shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works, such detail to include the location, extent and depth of all excavations for drainage and other underground services, in relation to the trees to be retained on site and these works shall be carried out and completed in all respects in accordance with the approved drawings prior to the commencement of works on-site.

Reason: To ensure the trees are protected and not damaged during the demolition and construction works as they represent an important visual amenity that the Local Planning Authority considers should be substantially maintained and kept in good condition.

- (9) Details for the pruning of trees to be retained to be submitted and approved, and the pruning carried out before the commencement of any works.

Reason: To ensure that trees which are to be retained as part of the development are not damaged by construction works in the interests of the local environment and the visual amenity of the area.

- (10) Further details of the provision of a minimum of 6 secure cycle parking spaces shall be submitted to and approved in, writing, by the Local Planning Authority prior to the commencement of work on site and the cycle parking spaces shall be provided in accordance with the approved details prior to occupation of the residential development.

Reason: To ensure satisfactory facilities for cyclists.

- (11) Prior to the occupation of the development, a scheme of external lighting to the footways and vehicle access areas shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external lighting scheme within the development site does not result in nuisance to adjoining residential properties and provides a safe environment for residents.

- (12) The 12 on site parking and garage spaces hereby approved shall be implemented in full prior to the commencement of works to demolish the existing garage block and shall thereafter be permanently retained for use solely by the occupiers of the existing flats 1-12 Tregenna Court, with 1 parking space or garage allocated per flat at no additional cost to the occupiers, unless the Local Planning Authority agree in writing to a variation to the approved parking arrangements. Details to be submitted for approval shall include a Management Plan setting out the allocation arrangements for the garages and parking spaces, including arrangements for those spaces not taken up by the existing residents.

Reason: To ensure that sufficient off street parking is retained for existing residents.

- (13) Notwithstanding the approved plans revised details of the external finishes to the shared space shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site.

Reasons; In the interests of pedestrian and highway safety

INFORMATIVES:

- (1) During construction on site:-

(a) The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site.

(b) The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays.

(c) Vehicular access to adjoining and opposite premises shall not be impeded.

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

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

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

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

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

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

- (2) With regard to surface-water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface-water sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on- or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, to ensure that the surface-water discharge from the site will not be detrimental to the existing sewerage system. They can be contacted on 08454 850 2777.
- (3) If the development is carried out it will be necessary for a crossing to be altered over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Should Application for such works should be made to the Council's Safer Streets Department, Brent House, 349 High Road Wembley Middx. HA9 6BZ Tel 020 8937 5050. The grant of planning permission, whether by the Local Planning Authority or on appeal, does not indicate that consent will be given under the Highways Act.

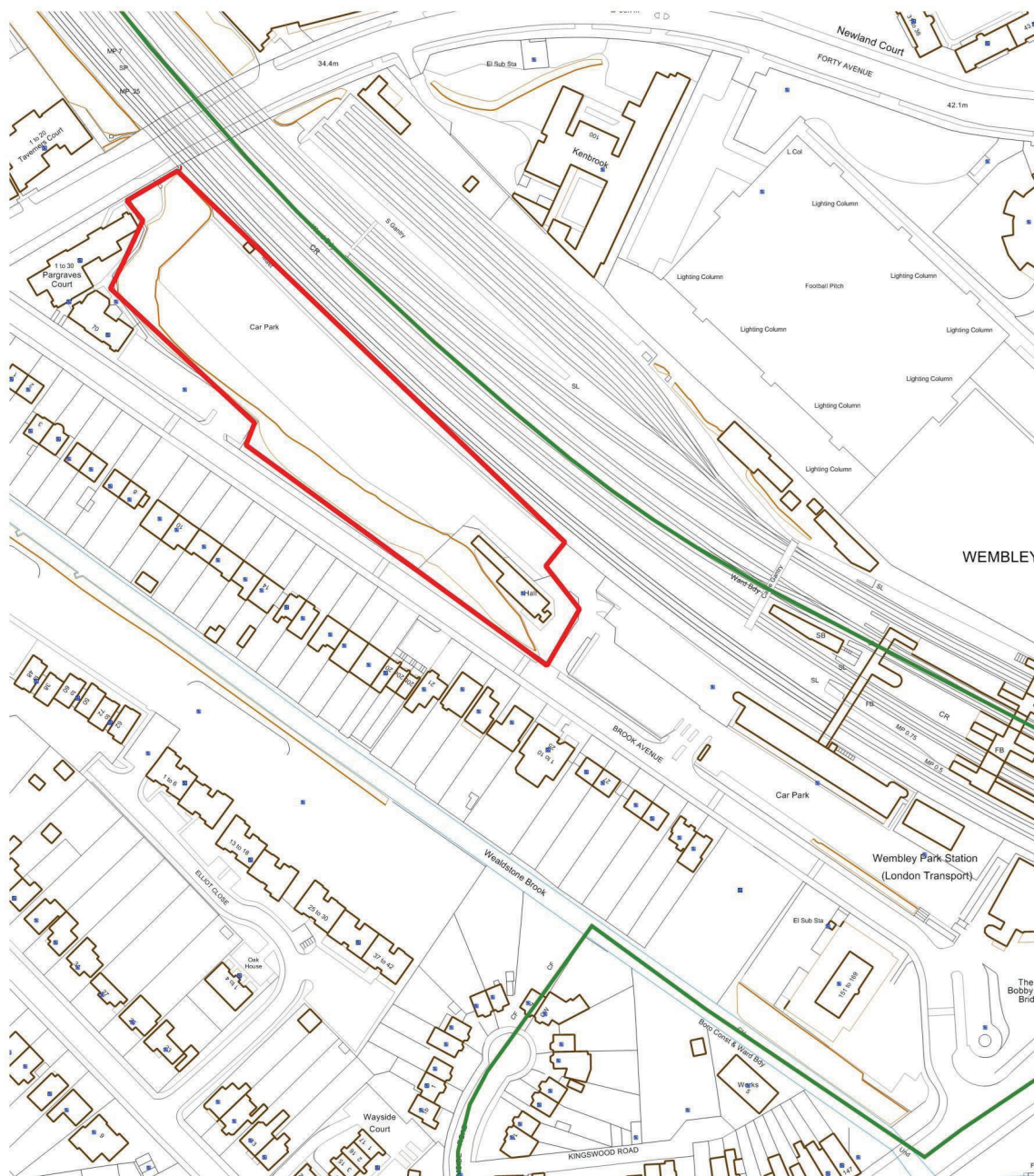
Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



Planning Committee Map

Site address: Car park, Brook Avenue, Wembley

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This map is indicative only.

RECEIVED: 17 December, 2012

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: Car park, Brook Avenue, Wembley

PROPOSAL: Erection of 4 blocks of flats (3x8-storey & 1x5-storey) comprising 109 flats and the erection of 2x3-storey semi-detached family houses. (Revised Description)

APPLICANT: Network Housing Association Ltd

CONTACT: Jones Lang LaSalle

PLAN NO'S:
See condition no 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 or other duly authorised person 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) Provision of 55 units (49%) for Affordable Housing, comprising:
 - 20 affordable rented units (11x1 bedroom and 9x2 bedroom) subject to rent controls requiring a rent of no more than 80% of market rent inclusive of service charges
 - 10 affordable rented units (8x3 bedroom and 2x4 bedroom) at target rents exclusive of service charges
 - 25 intermediate units (5x1 bedroom, 17x2 bedroom, 3x3 bedroom)
- (c) A contribution £588,600 (£2,400 per net affordable bedroom, £3,000 per net market 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, to include a part of this contribution to be ring fenced to deal with the environmental issue of Japanese Knotweed specifically on the banks of the river Brent situated on the southern side of Brook Avenue.
- (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) The submission, approval and implementation of details demonstrating how the measures and CO2 reductions (total reduction in regulated CO2 from 2010 TER and the reduction in CO2 associated with on-site renewables) that are set out in the Energy Statement hereby approved, including the incorporation of CHP, will be incorporated into the development.
- (h) Improvement of 25% over the Target Emission Rate of Part L of 2010 Building Regulations,
- (i) Permit Free (residents will not be entitled to permits should a CPZ be introduced in the future).
- (j) Provide training opportunities for local residents as part of a local labour placement under the Construction Training Initiative.
- (k) Prior to Occupation, submit, gain approval for and adhere to a Residential Travel Plan that is of sufficient quality to score a PASS rating using TfL's ATTrBuTE system.
- (l) Funding towards the provision of a Car Club Scheme to include 2 year free membership package for each dwelling (to sign up with a car club provider), and to use all reasonable endeavours to ensure that at least one on-street Car Club Space has been provided prior to first occupation of the units within the development.
- (m) Prior to Occupation enter into a S38/278 of the Highways Act 1980 to cover resurfacing and widening of the public footpath adjoining the site, amendments to the vehicular accesses to the site (incl

reinstatement of all redundant lengths to footway) and dedication of an additional strip of at least 3m width along the front boundary of the site as publicly maintainable highway

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.

The final details of the Heads of Terms are to be revised, in particular in terms of the affordable housing provision and the financial contribution, following further assessment of the revised plans

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £181,567.13.

EXISTING

The application site is an NCP car park located on the northern side of Brook Avenue, Wembley, covering an area of approximately 0.92 hectare.

The application site itself has a steep embankment rising up from southern to the northern boundary of the site, with the strip along Brook Avenue comprising overgrown trees and vegetation, before levelling off for the existing car parking area

Immediately to the north of the site are the railway tracks, to the east staff car parking for Wembley Park Station, and to the west lies a 3-storey block of flats, Pargraves Court. The opposite side of Brook Avenue comprises of 2-storey residential properties, mainly dwellinghouses and also some flats. To the south east of the site, currently under construction, is a part 5-, 6- and 7-storey building comprising 33 flats (site at 29-31 Brook Avenue). Adjacent to this development is a part 5- storey part 10- storey block of 44 flats.

Brook Avenue itself is not defined as heavily parked, and is not within a controlled parking zone, apart from on Wembley Stadium Event Days. The site is highly accessible to public transport, with a PTAL rating of level 5 (adjacent to the Wembley Park Station) and dropping to a rating level of 4 where adjacent to Pargraves Court. Wembley Park Station is within walking distance of the site, and several bus routes locally available.

DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
1	dwelling houses	housing - affordable
2	dwelling houses	housing - private

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	0	0	0	4856	4856
2	0	0	0	5211	5211

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0	0	0	10067	10067

PROPOSAL

The application has been revised since the original submission and now proposes 109 new, mixed tenure homes: private sale, intermediate rent flats and 2 affordable rent houses. This would provide a total of 111 new homes. (This is a reduction from the originally proposed 111 flats and 2 dwellinghouses to 109 flats and 2 dwellinghouses)

The application as revised proposes the erection of a total of 4 blocks of flats, each including a mix of one-, two- and three bedroom flats, and a pair of semi-detached dwellinghouses,

Block 1 is to be 8 storeys tall consisting of 30 flats
Block 2 is to be 8 storeys tall consisting of 31 flats
Block 3 is to be 8 storeys tall consisting of 31 flats
Block 4 is to be part 5 part 4 storeys tall consisting of 17 flats
Block 5 is to be pair of 4-bedroom dwellinghouses.

The proposal includes 27 on-site car parking spaces, including 10 disabled spaces, 136 cycle parking spaces and associated landscaping. The revised proposal also includes an additional pedestrian access from Brook Avenue and a pedestrian lift is proposed adjacent to the vehicular entrance.

HISTORY

No relevant recent planning history.

POLICY CONSIDERATIONS

NATIONAL

National Planning Policy Framework (2012)

REGIONAL

The Mayor of London
The London Plan 2011

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

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

- 7.6 Architecture
- 7.14 Improving Air Quality

Supplementary Planning Guidance – Sustainable Design and Construction (May 2006)
Supplementary Planning Guidance – Accessible London: Achieving an Inclusive Environment (April 2004)
Supplementary Planning Guidance – Housing (2012)
Supplementary Planning Guidance – Shaping Neighbourhoods: Play and Informal Recreation (2012)

LOCAL

Brent Local Development Framework Core Strategy 2010

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

Brent Unitary Development Plan 2004

Policies

- STR3 Sustainable Development (development of previously development urban land will be maximised)
- 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.

- BE2 Local Context & Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for disabled people
- BE5 Urban clarity and safety
- BE6 Landscape design
- BE7 Streetscene
- BE8 Lighting and light pollution
- BE9 Architectural Quality
- BE12 Sustainable design principles
- EP2 Noise and Vibration
- EP3 Local air quality management
- EP6 Contaminated land
- EP12 Flood protection
- EP15 Infrastructure
- H12 Residential Quality – Layout Considerations
- H13 Residential Density
- H14 Minimum Residential Density
- TRN2 Public transport integration
- TRN3 Environmental Impact of Traffic
- TRN4 Measures to make transport impact acceptable
- TRN10 Walkable environments
- TRN11 The London Cycle Network
- TRN15 Forming an access to a road
- TRN23 Parking Standards – Residential Developments
- TRN26 Re-Use of Surplus Car Parking
- TRN29 Station Car Parks
- TRN34 Servicing in new developments
- TRN35 Transport access for disabled people & others with mobility difficulties
- Appendix TRN2 Parking and Servicing Standards
- CF6 School Places

Wembley Area Action Plan – Preferred Options (at Public Consultation August 2012)

Site W22 – Wembley Park Station Car Park

Brent Council Supplementary Planning Guidance and Documents

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

SUSTAINABILITY ASSESSMENT

The proposed development achieves a 36% reduction in regulated CO₂ through be lean measures, the incorporation of a CHP engine and associated site-wide heat network and the provision of PV panels on some of the roofs. As such, the proposal exceeds the London Plan target reduction in CO₂ of 25 %.

The provision of on-site renewables is not maximised on the site and it does not meet the London Plan target, achieving a 5 % reduction in regulated CO₂ after the “Be Lean” and “Be Clean” measures have been applied. However, given that the overall CO₂ reduction associated with the development is projected to be 36 % from 2010 TER and thus, is well in excess of the 25 % target, the energy strategy is acceptable.

The Section 106 heads of terms should incorporate the requirement to submit details of how the measures and CO₂ reductions (total reduction in regulated CO₂ from 2010 TER and the reduction in CO₂ associated with on-site renewables) that are set out in the Energy Statement hereby approved, including the incorporation of CHP, will be incorporated into the development, or other such measures as are subsequently approved in writing by the Local Planning Authority.

CONSULTATION

Since the original plans submitted for this application, the proposal has been revised, as stated in the ‘proposed’ section of this report. Re-consultation letters to all consultees have been sent out by letters dated 27th February 2013 giving 14 days notification. Any representations received as a result of this re-consultation will be reported in the Officer’s Supplementary Report prior to the committee.

The following consultation responses are a summary of the initial consultation letters sent out for this application:

The consultation process included initial notification letters sent on 14th January 2013 to 194 residents, ward members, Transportation, Landscape Design, Urban Design, Environmental Health, and Statutory Consultees. A press notice has been published on 17th January 2013, and site notices posted on 15th January 2013. The following comments have been received. Further consultation letters were sent out to Barn Hill Residents Association and Elmstead Avenue Residents Association and the Ark Academy.

Objection from Councillor Harshadbhai Patel on the following grounds:

- The proposals represents a gross over-development of the site in question
- It will detrimentally affect the street scene and also result in the removal of a substantial number of trees
- There will be insufficient car parking the area
- Extra traffic will be generated in an already busy road

Objection from Councillor Choudhary on the following grounds:

- The proposal comprises tall blocks of flats which are considered to be an outdated form of residential development in London, as well as all over Europe and America
- Two sites in Brent are examples of this – Chalkhill and Stonebridge
- The approach adopted in Chalkhill would be more appropriate for Brook Avenue

Objection from Barn Hill Residents Association, on the following grounds:

- The loss of the car park at Wembley Park Station
- The consequent increase in parking (for the station as well as more residents) in an already heavily parked road
- 8 and 9 storeys are far too high in this mainly residential area of domestic dwelling houses. Even the 5 storeys is over bearing
- 27 car parking spaces for 113 dwellings are insufficient. Future residents are still likely to have cars which would result in them parking on the road.
- The proposal would be an overdevelopment of the site
- Has questioned whether the density range of the site is too high
- The area to the North and West of Wembley Park station has always been mainly of traditional suburban 3/4 bedroom dwelling houses with leafy aspects. A large development on this site, of this high density of flats, would be detrimental to the neighbouring houses and residents along Brook Avenue
- Even with careful landscaping the impact on the surrounding area would be overpowering. It would take many years for trees/shrubs to mature enough to mitigate the extra pollution which would ensue
- Development in Wembley should have more regard for the existing character of the area, which is mainly 1920s and 30s design of dwellings.

A 28 signature petition was received, via email. The accompanying email cites online objections received which raises the following issues:

- The 9-storey building will be over-imposing when viewed from the other side of the road, despite the proposed woodland buffer, as the car park is already elevated above the road.
- The 9-storey flats at the end of the road adjacent to the Premier Inn should not be used as a precedence for the rest of the road as this building is next door to another 9-storey building and steps down in height
- All the other recent housing developments in the immediate area (Forty Lane/Elmstead Avenue) have all been limited in height to blend in with the existing low level houses and low level blocks of flats. Even the Chalkhill development has been re-developed without buildings of such a height as that proposed here
- Brook Avenue is a residential road with mainly private house owners- we would be looked down on from these flats
- The over-imposing scheme will affect the re-sale value of the existing houses – the proposal looks no better than a council housing estate block with fancy coloured balconies
- The proposed parking provision is insufficient, and there is only one vehicular access into the development- which will exacerbate existing traffic on Brook Avenue during rush hour and during Events
- The existing car park which the new development will occupy currently takes a lot of parking burden. However, the new development having insufficient parking will mean the existing parking problems will be exacerbated.
- Litter will also present a problem – as is already the case especially on Event Days. With extra 113 flats from this development, in addition to those recently been approved on Brook Avenue would effectively quadruple the residents on Brook Avenue- hence additional litter generated
- It is hoped that the proposal to enhance the woodland is carried out with respect for the wildlife habitat

13 letters of objections were received, raising the following additional concerns (not already listed above):

- Concerns have been raised over the existing traffic congestion on Brook Avenue, particularly during rush hours, with drivers seeking parking spaces. The proposal will result in this being exacerbated.
- The loss of the car park will be particularly adversely affect elderly and disabled people who rely on the parking facilities due to making this more accessible to use Wembley Park Station.
- The car park is also essential for those concerned about street crime who rely on the ability to park close to the station so that they are able to drive safely home, instead of walking a long distance late in the evening to areas such as Barn Hill. The loss of the car park may potentially result in the increase in crime.
- The loss of the car park, and increase in cars on Brook Avenue, would mean nearby streets will be more congested and heavily parked
- One resident considers that the car park site was intended for use for parents to drop off their children attending the nearby Ark Academy
- There will be noise and pollution during construction work
- Views during construction work as well as after the construction work is complete will be adversely affected.

- There is concern raised that the development may affect the nearby Ark Academy in terms of overlooking
- As the site is in close proximity to the underground and high speed railway lines, - the noise levels as a result of this should be mitigated against for future residents.
- The residential blocks proposed are too tall, due to a number of factors, including the affect on health and fear of crime and anti-social behaviour.
- The successive tall blocks can cast shadows preventing the habitable rooms receiving adequate daylight
- Energy use of tall buildings is greater then for low rise development
- A low rise development would be more appropriate.
- The development would have an harmful impact on the visual amenities of the area – including views from the Barn Hill Conservation Area.

Environmental Health:

No objections subject to conditions regarding contaminated land and further information on the Air Quality and CHP Assessments. This information has since been provided, and is considered acceptable, with appropriate conditions. A condition is also recommended ensuring the provision of both suitable ventilation and good sound insulation for bedrooms and living rooms.

Landscape/Tree/Biodiversity Officers:

The proposed landscaping and woodland management plans for this scheme are supported. Recommendations to ensure that good quality schemes are implemented and retained are recommended by all officers. The collective comments from these officers are summarised as follows:

- The indicative planting proposals are acceptable, however a detailed planting scheme should include hard and soft landscaping details including planting schedules, all species, pot size number, density and locations. Green roofs should also be incorporated
- The woodland management plan should include a detailed 5 year landscape (hard and soft) maintenance plan and schedule to be submitted for approval
- Although a number of mature trees of relatively low value are to be lost, the proposed woodland planting is acceptable and sufficient in compensation.
- The Biodiversity officer has requested the planting of Alder Buckthorn (*Rhamnus frangula*) as a food source for the Brimstone butterfly, which could be incorporated into the woodland edge mix
- Extra bat and bird boxes are also requested, with a recommendation that a good quality product is used, such as those manufactured by Schwegler. The location and positioning of any boxes should also be overseen by a relevant expert.
- Other relevant biodiversity measures have also be recommended, details of which would be requested by condition.

Highways Engineer

The Highways Officer has concerns due to the likely impact the development would have on parking in the area. The proposal could require up to 137 car parking spaces. However only 27 car parking spaces are proposed, including 10 disabled parking spaces. There will be a predicted demand for 94 spaces within the region of the site, which leaving an estimated overspill of about 67 cars. On street car parking on Brook Avenue is unrestricted other than on Wembley Stadium Event Days when residents parking permits are required between 10am and midnight. Parking along the southern side of the road is prohibited between 8am-6.30pm

As Brook Avenue does not currently lie within a Controlled Parking Zone (CPZ), a car free approach is inappropriate at this time. However, if Brook Avenue were to in the future have a CPZ, then this approach may be implemented. If officers are minded to recommend approval despite this objection, then contributions should be sought towards the provision of a car club with a 2 year membership package for all units proposed. A revised Travel Plan is also sought, as the one submitted has achieved a low score against TfL's ATTrBuTE programme. Further details were also requested, including a parking management plan; and a further parking survey.

If the application is to be supported, then a S106 Agreement would be sought withdrawing the right of future residents to apply for on-street parking permits in the area in the event that a CPZ is introduced in the future. During the interim period this can be enforced on the 30 or so days per year when there is an event taking place at the Stadium, although it would remain relatively easy to circumvent for any residents for this

development who wish to own a car.

Transport for London have requested at least 6 spaces be provided with electric vehicle charging points and this request is support by the Council's Highways Officer.

The provision of 10 disabled car parking spaces and 136 secure bicycle storage spaces complies with relevant parking standards.

A standard sum of financial contributions per proposed units for residential developments is also sought towards improvements to non-car access and parking controls.

A condition will also be sought requiring the developer to meet the cost of the reinstatement of all redundant crossovers to the site to footway prior to occupation of the development via an agreement under S278 of the Highways Act 1980

Transport for London

No objections subject to recommended conditions, which include the provision of 6 spaces to be provided with electric vehicle charging points and a revised Travel Plan. (see Highway's Engineer's Comments)

Network Rail

No response to date – any response shall be reported in the Officer's supplementary report to committee.

Environment Agency

No objections. The site is not located within a high risk flood zone, and is less than 1.0 ha in size, and therefore a flood risk assessment is not required.

REMARKS

This application proposes a new residential development on the NCP Car Park Station on Brook Avenue.

The key considerations arising from the proposed development are as follows:

- Principle of development
- Visual impact
- Impact on neighbouring residential amenity
- Standard of accommodation and types of units proposed
- Parking, access and traffic and impact
- Landscape and trees
- Response to objections

Principle of development

The application site is located within the Wembley Growth Area, and is identified in *the Wembley Area Action Plan- Preferred Options (Public Consultation August 2012)* as a suitable site for residential development, with an indicative development capacity of 100 units. The revised proposal is for a total of 109 units. Brook Avenue is a mainly residential street, and with the site being in close proximity to Wembley Park Station, has good links to public transport, with a PTAL rating of 4/5. A residential development on this site is therefore appropriate in principle.

Density

National, regional and local policies seek to optimise the potential of the site, with the NPPF 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). 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".

The site has an area of 0.92ha and a total of 333 habitable rooms, giving a density of 361 habitable rooms per hectare and it has good access to public transport (PTAL 4/5)

In terms of its characteristics the site lies between a suburban and urban environment as defined by the London Plan matrix, which gives a density range of 200-250hrh or 200-700hrh respectively.

In accordance with policy CP6, in order for a high density scheme to be acceptable, the application should provide a reasonable proportion of family housing, design of the highest quality, amongst other criteria more geared towards developments in growth zones. Whilst design is a subjective matter, the proposed scheme is supported by your design officers and is considered an appropriate response to the site specific circumstances. Furthermore characteristics often associated with overdevelopment are not apparent, for example, the scheme provides high quality external amenity space, with an enhanced woodland frontage. Policy CP6 also states that tall buildings are acceptable in the growth areas, and (In summary, the density of the development is considered acceptable.

1.3 Mix and tenure

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

Prior to the recent revisions to the proposal, which includes the reduction of the proposed number of residential units from 113 to 111, the proposed mix was as follows:

- Units for market sale – 10 x 1 bedroom; 45 x 2 bedroom; 3 x 3 bedroom;
- Affordable rent – 11 x 1 bedroom; 9 x 2 bedroom; 8 x 3 bedroom; 2 x 4 bedroom;
- Intermediate units – 5 x 1 bedroom; 17 x 2 bedroom and 3 x 3 bedroom

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 14% of the proposed units. The number of affordable units is 49% by unit numbers.

However, the above is to be revised due to the reduction of units in the revised scheme. The final up to date details will be reported in the Supplementary Report to committee. The relevant section of the report relating to the S106 Agreement shall also be accordingly revised.

Visual impact

The built character of the surrounding area is mixed, with 2-storey residential properties located to the south. To the south east of the site, currently under construction, is a part 5-, 6- and 7-storey building comprising 33 flats (site at 29-31 Brook Avenue). Adjacent to this development is a part 5- storey part 10- storey block of 44 flats. To the east of the application site is a 3-storey block of flats, known as Pargraves Court, to the west is the staff car park for Wembley Park Station. The northern boundary of the site lies the railway tracks for Chiltern Railways, and Metropolitan and Jubilee underground lines.

It is acknowledged that housing directly opposite the site on Brook Avenue is characterised by the 2-storey residential properties, the application site, due it's size, location in proximity to Wembley Park Station, with a good PTAL Rating of 4/5, and it being set in from the road frontage, with the Woodland buffer, the site provides an opportunity for a higher density development of an urban character.

Your officers consider that the context of the application site provides the opportunity for a development which could create a

Good design is a vital aspect of successful development and this has been reiterated by recent policy document including the National Planning Policy Framework 2011 , 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".

The application proposes 5 blocks of residential units, comprising of three blocks of flats at a height of 8-storeys, one block of flats at a height of part 4- part 5-storeys and a 3-storey block comprising a pair of semi-detached dwellinghouses.

Viewed from Brook Avenue, towards the western boundary of the site, Block 4 at a height of part 4-, part 5-storeys is to be located adjacent to the site at Pargraves Court, which is at 3-storeys in height. Blocks 1, 2 and 3 each at a height of 8-storeys are located centrally within the site. The vehicular gated access within the site separates the proposed 8-storey Block 1 from the 3-storey Block 5 (pair of dwellinghouses), which is

adjacent to the Wembley Park Station staff car park.

The southern boundary of the site, fronting Brook Avenue, is to be an enhanced woodland strip along the embankment, providing a landscaped setting and ensuring that the biodiversity qualities of the site are retained / enhanced. The opportunity to improve the biodiversity conditions of the site with the woodland strip is welcomed, and would visually enhance the frontage of the site, as well as provide a good quality setting for the development.

The site is to have one vehicular entrance, also providing pedestrian access, including a pedestrian lift for wheelchair access, located between the proposed pair of dwellinghouses (identified on the submitted plans as 'Block 5') and Block 1. Two pedestrian accesses are also proposed, between Blocks 1 and 2 and between Blocks 2 and 3. The gaps between the proposed blocks allows for a landscaped setting for each block, allowing views through toward. The separation also helps to ensure that the potential for the blocks to be appearing over-bearing is reduced, and to allow for a light open feel to the development. The proposed colours and textures of the materials to be used of the blocks, including the green glazing for proposed balconies would complement the woodland setting of the scheme. The final proposed materials and colours for the development would be sought by condition. The contemporary design approach, using natural colours and use of textures to break up the mass of the building is considered to result in a visually pleasant scheme for the site.

In terms of design, materials and bulk and scale your officers find the scheme acceptable.

Impact on neighbouring residential amenity

The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the need for new development. On new developments such as this the main impacts on amenity to be considered are (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 No. 17 "Design Guide for New Development" (SPG17) 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.

The scheme has been designed to comply with the guidelines of SPG17; the closest proposed residential block is Block 1, which, as revised, has recently been reduced to a height of 8-storeys. The revised, reduced height complies with the 45 degree line, taken from the opposite side of Brook Avenue, when measured from the dwellings on the opposite side of Brook Avenue. The closest property, 20 Brook Avenue, is located over 40m away from the proposed Block 1. The views from the existing dwellings from Brook Avenue will also be mitigated by an improved Woodland strip. The proposed development is also to the north of the existing dwellings on Brook Avenue.

The applicants have submitted Daylight and Sunlight Assessment, which has assessed the impact of the development on existing nearby properties in terms of daylight, sunlight and overshadowing. The impact of the development in terms of daylight is within acceptable limits, and adequate taking into consideration the urban location of the site. The proposed development would also have no impact on sunlight access of the surrounding properties. In terms of overshadowing to amenity spaces, this passes the recommendations of the BRE standards.

In conclusion the proposal would not adversely affect the living conditions of the existing properties in proximity to the proposed development.

Standard of accommodation

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

The scheme has been designed to comply with the Interim London Housing Design Guide, Lifetime Homes and Building for Life. The scheme is also designed to meet Code for Sustainable Homes Level 4. Twelve of the units are designed to be wheelchair accessible.

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 and separate living rooms and the flats are laid out coherently and each would be dual aspect or benefit from good outlook to the west or east.

Where possible all flats have private amenity space as either terraced areas/ gardens or balconies and communal amenity space is provided in general accordance with SPG17 standards. The two proposed dwellinghouses have private gardens.

External factors such as noise disturbance from the railway lines along the northern boundary, are not likely to be detrimental to the living standards of future occupants. The application is accompanied by a Noise and Vibration Assessment, which has been assessed by the Council's Environmental Health officer. A condition requiring bedrooms or living rooms facing the north should be fitted with trickle vents to allow the rooms to be ventilated with the windows closed or that mechanical ventilation could be used to ventilate these rooms.

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

Parking, access and traffic impact

The proposal results in the loss of the NCP car park at Wembley Park Station. The site does not lie within a controlled parking zone, apart from on Wembley Stadium Event Days, when residents parking permits are required between 10am and midnight. Public transport access to the site is good at a PTAL level of 4 and increasing to PTAL5 where the site is closer to Wembley Park Station.

The proposed parking provision for the revised level of 111 residential units is to be 27 off street car parking spaces, including 10 disabled parking spaces. 136 cycle parking spaces are to be provided.

The application is supported by a Transport Statement which has been assessed by the Council's Transport Officer. A Travel Plan has also been submitted, but this achieves a low score against TfL's ATTrBuTE programme. A revised Travel Plan has been submitted, and is yet to be assessed by the Transport Officer. Other information details were also requested, including a parking management plan; and a further parking survey. Also requested were revised details of the site access for pedestrians including for wheelchair accessible. The rear access road (along the northern boundary) is considered to be too narrow for wide vehicles in some sections, and the Transport Officer had reservations as to how the site access for such vehicles would operate. Revisions and further information, including tracking details have been submitted by the applicants, which the Transport Officer is still assessing.

Recent revisions to the proposal include a passenger lift, located adjacent to the proposed gated vehicular access, and an additional pedestrian access from Brook Avenue. These address some of the issues raised with regard to pedestrian and wheelchair access for future residents.

If the application is to be supported, then a S106 Agreement would be sought withdrawing the right of future residents to apply for on-street parking permits in the area in the event that a CPZ is introduced in the future. During the interim period this can be enforced on the 30 or so days per year when there is an event taking place at the Stadium, although it would remain relatively easy to circumvent for any residents for this development who wish to own a car.

Transport for London have requested at least 6 spaces be provided with electric vehicle charging points and this request is supported by the Council's Highways Officer.

Landscape, trees, biodiversity

The application is accompanied by a detailed landscape strategy; Tree Bat survey; a Woodland Management Plan and an Arboricultural Report. The landscape, tree and biodiversity officers are satisfied with the details submitted, subject to recommended conditions

Each of the upper floor flats have private balconies (minimum 5sqm) the ground floor flats have private terraced areas/private garden areas, and the two proposed dwellinghouses have private gardens. In addition, the proposal will provide approximately 924sqm of communal amenity space in five locations around the site, including within the gaps between the proposed blocks. This does not include the woodland strip.

In general the hard landscaping proposals are acceptable, subject to further details.

Your landscape and tree officers are satisfied with the broad principles of the proposals however they recommend several conditions be added to any consent to secure further details of the landscaping, to include a detailed planting plan, details of all hard materials (permeable where possible), street furniture and boundary treatment (type/colour/finish), construction details and specification of living roof and a landscape maintenance and management plan. Relevant biodiversity conditions are also recommended by the tree and biodiversity officer, as well as details of green/biodiverse roofs for Blocks 3 and 4.

Conclusion

The application would provide a significant contribution to much-needed family accommodation for social rent within a mixed tenure development 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. The scheme is judged to be sustainable development which optimises the use of a site close to good transport links within the Wembley Growth Area, 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.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Brent Core Strategy 2010
London Plan 2011
Central Government Guidance: the NPPF
Council's Supplementary Planning Guidance Nos. 3, 12,17 and 19 and Supplementary
Planning Document s.106 obligations

CONDITIONS/REASONS:

(1) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with 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) proposed walls and fences indicating materials and heights;

(c) screen planting along the all site boundaries;

(d) adequate physical separation, such as protective walls and fencing between landscaped and paved areas;

(e) existing contours and any proposed alteration to ground levels such as earth mounding;

(f) areas of hard landscape works and proposed materials, including footpaths, and all shared surfaces;

(g) details of the proposed arrangements for the maintenance of the landscape works.

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.

- (2) 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.

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

PL0 00	PL4 100 Rev D
PL0 01 Rev F	PL4 101
PL 100 Rev B	PL4 102 Rev A
PL 101 Rev B	PL4 200 Rev C
PL 400	PL5 100 Rev D
PL 401	PL5 101 Rev C
PL 402	2383 GMP 01 Rev G
PL 403	2383 LA01 Rev C
PL 404	2383 LA02 Rev C
PL 405	Design & Access Statement by PCKO
PL 406	Planning Statement by JLL
PL1 100 Rev E	Affordable Housing Statement by JLL
PL1 101	Sunlight/Daylight Report by XC02 Energy
PL1 102	Energy Strategy by Calford Seaden
PL1 103 Rev A	CfSH Ecological Assessment by Middlemarch Environmental Ltd
PL1 104 Rev B	Extended Phase 1 Habitat Survey by Middlemarch Environment Ltd
PL1 200 Rev D	Tree Bat Survey by Middlemarch Environmental Ltd
PL1 201 Rev C	Transport Assessment by Conisbee
PL2 100 Rev D	Transport Addendum by Conisbee
PL2 101	Revised Travel Plan by Conisbee
PL2 102	Fire Tender Plan C601 Rev P2
PL2 103	Pantechnicon Plan C603 Rev P3
PL2 104	Air Quality Assessment by Phlorum
PL2 200 Rev B	Landscape Strategy by Allen Pyke Associates
PL2 201 Rev B	Landscape Masterplan by Allen Pyke Associates
PL3 100 Rev D	New Woodland Management Plan by Allen Pyke Associates
PL3 101	Planting Schedule by Allen Pyke Associates
PL3 102	Woodland Planting Plan;
PL3 103 Rev A	Noise and Vibration Assessment by Stilwell Partnership
PL3 104 Rev B	Arboricultural Report by Broad Oak Tree Consultants Limited
PL3 200 Rev C	Report on Tree Inspections by Broad Oak Tree Consultants Limited
PL3 201 Rev C	

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

(3)

- (4) No external lighting shall be installed on site without the prior written approval of the Local Planning Authority. Details to be submitted shall include: a lighting contour plan, lux levels, light angles and baffles which shall be submitted prior to installation, approved and thereafter installed and maintained in accordance with the approved details

Reason: To safeguard local residential amenities, and highway safety

- (5) All openable windows on the North facing facades of blocks 1 - 5 shall be fitted with sound attenuated air vents unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of residents.

- (6) No development shall commence unless the tree protection measures within the approved Arboricultural Report (in accordance with BS 5837:2005 – Trees in relation to Construction;) are undertaken/ installed and implemented in accordance with the approved details for the duration of construction on site.

Reason: To ensure that existing landscaping features are retained and protected from damage during the course of construction works.

- (7) Notwithstanding details annotated on the submitted drawings, no development shall commence unless details of materials for all external work (including walls, doors, windows, balcony details), with samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development carried out in accordance with the approved details.

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

- (8) No development shall take place until a remediation strategy has been submitted to and approved by the Local Planning Authority. The strategy must include all works to be undertaken to remove, treat or contain any contamination found on site; proposed remediation objectives and remediation criteria; and an appraisal of remedial options.

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

- (9) Details of all (appropriately aged) play spaces shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such playspace works shall be completed prior to occupation of the building(s). Such scheme shall indicate but not be limited to:

- (a) Any proposed boundary treatments including walls and fencing, indicating materials and heights.
- (b) Details of types of equipment to be installed.
- (c) Surfaces including details of materials and finishes.
- (d) Existing contours and levels and any alteration of the ground levels, such as earth mounding.
- (e) All planting including location, species, size, number and density.
- (f) The location of any proposed signage linked to the play areas

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

Reason: To ensure a satisfactory appearance and setting of development so that the facilities provide a benefit to the local community and residents.

- (10) No development shall take place unless there has been submitted to and approved in writing

by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments to be erected or retained. The boundary treatment shall be completed before occupation of the buildings, or commencement of the use, or in accordance with a programme agreed in writing with the Local Planning Authority. Any existing boundary treatment shall not be uprooted or removed except where in accordance with the approved plan and shall be protected from building operations during the course of development.

Boundary details shall include but not be limited to:

- a) All external boundaries of the site
- b) treatment of the balconies/ terraces, including methods of screening the areas to limit overlooking and safeguard future occupiers' privacy
- c) a method of screening the ground floor units between the parking area/ paths and habitable windows

Reason: To safeguard the character of the area and the reasonable residential amenities of local residents.

- (11) Prior to development commencing, further details of
- a) the proposed refuse and recycling facilities for the residential units
 - b) the proposed private secure bicycle storage facilities at a scale of at least 1:100 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 buildings are occupied.

Reason: These details are required to ensure that a satisfactory development is achieved to prevent the accumulation of waste and in the interests of sustainable development.

- (12) The residential units hereby approved shall not be occupied unless details are submitted to the Local Planning Authority which confirms that all units have been constructed to lifetime homes standards and a minimum of 10% wheelchair residential accessible units have been provided within the development.

Reason: In the interest of providing accessible and adaptable accommodation for future users.

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

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

- (14) No development shall commence unless the applicant submits details of proposed living roofs on the roofs of proposed Blocks 3 and 4. Such living roof details shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing and thereafter shall be installed prior to occupation and maintained as brown roofs. The details shall include:

(i) General arrangement of hard and soft landscape; construction details of roof; drainage; waterproofing; proposals; indicative sections across roof.

(ii) Substrate depth to soft landscape – to be a minimum of 100mm for sedum/wildflower; 150mm for turf; 300-450mm for shrubs. Areas of soft landscape/planting should cover at least 70% of total roof space.

(iii) All hard surfacing including locations, materials and finishes.

(iii) Proposed boundary treatments including railings, balustrades, parapets, screens etc. indicating materials and dimensions.

(iv) All planting including location, species, size, density and number. Native, suitable plants

should be specified as much as possible, where appropriate.

(v) A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape. Water points should be provided as necessary

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 the interests of both local biodiversity and amenity are maximised. Also to promote sustainable design, sustainable drainage, and urban cooling.

- (15) The site shall be remediated in accordance with the approved remediation strategy. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation strategy and the site is permitted for end use. The soil on site is not suitable for reuse in areas of sensitive end-use, such as soft landscaped areas. The quality of any soil imported to the site for the purposes of landscaping and the creation of the amphitheatre, must be tested for contamination and the results included in the Verification Report.

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

- (16) No development shall commence unless details of a Construction Method Statement incorporating:
- a) details of the proposed site compound
 - b) methodologies that ensure air quality on site is safeguarded during construction
 - c) a Site Waste Management Plan
- This shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of works and thereafter the details and methodologies approved shall be complied with

Reason: In order to safeguard local residential amenities, sustainability measures and air quality

- (17) The Combined Heat and Power unit installed shall emit no more than 500mg/m³ of Oxides of Nitrogen and have an air discharge velocity of no less than 7.9m/s. Prior to the commencement of the use the applicant shall submit to the Local Planning Authority details of tests undertaken on the installed unit to demonstrate that these standards have been met, and shall maintain the unit thereafter in such a way as to ensure that these standards continue to be met, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect local air quality, in accordance with Brent's

- (18) Prior to commencement of works, details of any proposed bird and bat nesting boxes shall be submitted to and approved by the Local Planning Authority. The installation of the approved nesting boxes shall be undertaken prior to occupation of the development.

Reason: In the interest of wildlife preservation

INFORMATIVES:

None Specified

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

	Planning Committee Map
Site address: SKL House, 18 Beresford Avenue, Wembley, HA0 1YP	
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This map is indicative only.

RECEIVED: 20 November, 2012

WARD: Alperton

PLANNING AREA: Wembley Consultative Forum

LOCATION: SKL House, 18 Beresford Avenue, Wembley, HA0 1YP

PROPOSAL: Erection of first floor extension to front of building, with alterations to the front forecourt layout, reduction in width to existing vehicle access and change of use from office (B1a) to a mixed use with B1(c) (light industrial), B8 (warehouse & distribution) with ancillary office and kitchen showroom (as amended by revised plans dated 22/01/13).

APPLICANT: Mr G Singh

CONTACT: Mann Associates Ltd.

PLAN NO'S:
Dwg 01A
Dwg 02A

INTRODUCTION

This application was deferred from the Planning Committee meeting of 13 February 2013 in order to allow Members request to undertake a site visit before the matter is formally considered.

There are no changes to the main body of the report, and to date no further representations have been received. Any queries or points of clarification to arise from the Members site visit will be reported in a supplementary report.

RECOMMENDATION

Approve

EXISTING

The site is located on the southern side of Beresford Avenue within the Northfields Industrial Estate which is designated as a Strategic Industrial Location. Surrounding uses here are a mixture of commercial and industrial on the southern side of Beresford Avenue, with residential properties along the northern side.

The site is mostly taken up by a mainly two storey 1950s era brick commercial building with clad elevations. Formerly a warehouse/industrial building it was converted to an entirely office use and subdivided into separate office suites sometime in the past. The building is now vacant undergoing internal refurbishment.

The site is not within a Conservation Area, nor does the application related to a Listed Building.

PROPOSAL

Erection of first floor extension to front of building, with alterations to the front forecourt layout, reduction in width to existing vehicle access and change of use from office (B1a) to a mixed use with B1(c) (light industrial), B8 (warehouse & distribution) with ancillary office and kitchen showroom (as amended by revised plans dated 22/01/13).

HISTORY

10/1604 – Refused – Appealed – Dismissed on Appeal

Retrospective application for change of use from offices (Use Class B1) to a college of further education (Use Class D1).

Reason for refusal:

The proposed change of use from offices (Use Class B1) to a college of further education (Use Class D1) is contrary to policies CP3, CP12 and CP20 of the Brent Core Strategy (adopted July 2010) and policy CF2 of Brent's Unitary Development Plan 2004, resulting in the loss of protected employment land.

06/0715 - Certificate of Lawful Development - Granted

Certificate of lawfulness for existing use for the use of the building as offices (Use Class B1(a)). This showed the building laid out internally into a number of self-contained office suites. It is now understood that this building has been gutted internally so this layout no longer exists.

POLICY CONSIDERATIONS

National Planning Policy Framework - 2012

Policy Considerations

Brent Unitary Development Plan 2004

<i>BE2</i>	<i>Townscape: Local Context & Character</i>
<i>BE4</i>	<i>Access for Disabled People</i>
<i>BE9</i>	<i>Architectural Quality</i>
<i>TRN3</i>	<i>Environmental Impact of Traffic</i>
<i>TRN22</i>	<i>Parking standards – non-residential development</i>
<i>TRN34</i>	<i>Servicing in New Development</i>
<i>PS6</i>	<i>Parking Standards – 1 space per 150m² of floor area applies.</i>
<i>PS19</i>	<i>Servicing Standards</i>

Brent Core Strategy – July 2010

CP20 Strategic Industrial Locations

Main Considerations:-

Acceptability of the use of the building
Impact on neighbouring occupants/businesses
Impact on servicing and parking arrangements
Size, scale and design of extensions

CONSULTATION

CONSULTATION

Consultation letters were sent out to 21 properties on **6 December 2012**. Internally comments were sought from Brent's Transportation Unit.

Three objections have been received and a petition objecting to the proposal has been received from Heather Park Neighbourhood Watch, this is signed by 8 signatories. The reasons for objecting to the application have been summarised as:-

- The existing building works and associated vehicles are blocking traffic along Beresford Avenue.
- Existing refuse provision is inadequate.
- Parking is an existing problem on Beresford Avenue, workers and visitors to the proposed use will worsen the situation.
- Any reduction of off-street parking spaces on the application site will worsen the parking congestion on Beresford Avenue.
- Traffic is an existing problem on Beresford Avenue and this proposal will worsen the situation.
- Objection to the use of the building as an education facility (this is incorrect, there is no proposed change of use to a place of education).

Transportation & Highways:-

The site is currently served by up to 7 parking spaces, at the front of the site. These are accessed via an 8m wide crossover.

The application site is on the southern side of BA, a local distributor road. The site has moderate access, with a PTAL rating of level 3.

The proposed extensions will increase the total floor area of the building to 825sqm. This will not increase the parking or servicing standards applicable.

The existing depth between the front of building and back edge of highway is approximately 6m, and at present the building line is staggered which results in an area which is deeper than the rest. This is deep enough for an 8m long rigid vehicle to stand, which is required under servicing standard PS19 to stand clear of the highway.

As originally proposed the extension would have meant that it would no longer be possible for an 8m vehicle to stand clear of the highway without overhanging the footpath. The loss of this servicing was objected to on transportation grounds. To address this objection the proposal has been amended, and the ground floor infill has been omitted from the scheme. So instead a recessed loading bay is proposed on the ground floor, with 8m depth maintained directly in front of this ensuring adequate servicing provision in line with PS19.

The front forecourt layout has also been amended, this proposes to rationalise the parking layout so that four spaces will be clearly marked out. These are easily accessible, unlike the current layout which results in vehicles illegally crossing the footpath to access certain spaces. The provision of four spaces is acceptable to Transportation as this represents 75% of the maximum parking standard, which is 5 spaces for a building of this size.

The existing 8.5m wide crossover is excessively large and the applicant has agreed to Transportations request to reduce its width. The alterations to the kerb radii as shown on the revised plan will reduce the length of crossover and prevent vehicles from illegally crossing the footpath. Furthermore a new dwarf wall is to be erected either side of the crossover, this will also help to prevent vehicles from crossing the footpath in the future. Both of these measures represent an improvement to pedestrian and highway safety.

Details of refuse and recycling storage and collection arrangements have not been supplied, and are to be requested through condition. The same applies to cycle parking details, these too will be secured through condition.

Summary:-

Transportation has confirmed that with the amendments that (i) see the retention of an adequate servicing bay on the frontage (ii) improved front parking layout (iii) and reduction in width to the existing vehicle crossover that they remove their objection. The proposal can now be supported on Transportation grounds.

REMARKS

Principle of development:-

This proposal is to extend the existing building for use by a company who are in the business of kitchen production, assembly, packaging and distribution. It has been confirmed that the companies main manufacturing and production takes place from a larger premises in Hayes, this site on Beresford Avenue is much smaller in scale and will be a secondary site to help supplement their business operation. An ancillary kitchen showroom will also be included, for trade customers only.

In policy terms there is no objection to this use. The type of operation will include elements of B1(c) and B8, with ancillary office space and kitchen showroom. This is an appropriate use within Strategic Industrial Land, it will bring back into use a vacant building, and will provide an economic benefit to the area.

Size, scale & design of extension:-

The ground floor infill extension has been omitted from the proposal now and it is proposed to maintain a loading bay in this area (with roller shutter access). On the first floor it is proposed to extend the front building across, eastwards. The additional floor space at first floor level will provide additional office space.

The extensions are proposed to support the intended use of the building.

Materials to be used will match those found on the existing building and the visual impact of the proposed extension is acceptable.

Transportation impacts:-

Officer's from Highways and Transport Delivery were initially concerned about the implications of this extension. As discussed above in the 'consultation' section concerns were initially raised on servicing grounds, and to the vehicle access arrangements.

Revised plans were requested. The scheme as amended now addresses each of the concerns raised, how this has been achieved is briefly set out below:-

1. An 8m loading/servicing bay is to be maintained on the frontage. This will comply with UDP standard PS19.
2. The front parking layout is to be improved, four parking spaces are proposed. The maximum standard, applying standard PS6, is for five parking spaces. However Transportation will accept 75% of this standard being provided off-street, and they have confirmed this level of parking to be acceptable.
3. The existing vehicle crossover is excessively wide at 8.5m. The applicant has agreed to reduce the crossover width in accordance with drg 02B and this is welcomed.
4. A new dwarf wall is to be erected to the eastern side of the access, this will prevent vehicles from illegally crossing the footpath.

Impact on surrounding users:-

The premises are bordered on either side by industrial and commercial premises. The proposed extension would not impact directly on these neighbours.

The other main consideration would be the impact this proposal would have on highways safety. However this matter has been addressed, the revised plans have the support of Transportation Officer's

Local residents and the Heather Park Neighbourhood Watch group have objected to the proposal. The main concerns are related to traffic and parking, with concerns being raised that this will worsen traffic conditions on Beresford Avenue, and add to local parking congestion.

Response;

The use of the building is appropriate in planning policy terms for a site designated as Strategic Industrial Land. The proposed extension does not trigger an increase in the parking or servicing standards either. The application instead provides the opportunity to secure improvements to the servicing arrangements, parking layout and the access arrangements, all of which are welcomed.

The objectors refer to existing parking problems associated with nearby businesses parking vehicles along Beresford Avenue. However if other businesses locally are operating in such a manner this on its own is not a reason to resist this proposal, where it has been demonstrated that suitable parking and servicing arrangements will be provided off-street, in accordance with adopted UDP standards.

Summary:-

There is no objection in principle to extending the premises and this will bring back into use a currently vacant building, which is welcomed. The revised plans which omit the the ground floor 'infill' extension, in order to retain a suitably sized servicing/loading area are considered to be acceptable and the scheme is assessed as being acceptable on transportation grounds. It is accordingly recommended that planning permission be granted, subject to the attached conditions.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Central Government Guidance

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

Built Environment: in terms of the protection and enhancement of the environment
Employment: in terms of maintaining and sustaining a range of employment opportunities
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):

Dwg 01A
Dwg 02B (dated 22/01/13)

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

- (3) All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

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

- (4) No part of the development shall be occupied until the existing vehicle access has been altered fully in accordance with the details hereby approved and as shown on drawing 02B (dated 22 Jan 2013).

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

- (5) The front forecourt area shown on the approved plans shall be retained and shall be used only for the purposes of parking and loading/unloading in association with the use of the building.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highways and to maintain specified servicing area.

- (6) (a) Details including loading bays and accesses
All parking spaces, loading bays, access works and front boundary wall works shall be constructed and permanently marked out prior to commencement of use of any part of the approved development approved by the Local Planning Authority.

(B) Parking spaces 2.4m x 4.8m

Parking spaces shall be constructed with minimum dimensions 2.4m x 4.8m.

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) The office floorspace hereby approved shall be used only in conjunction with and ancillary to the main approved use of the building and for no other purpose.

Reason: To ensure that no separate use commences without the prior approval of the Local Planning Authority and to ensure that any subsequent use complies with the Council's adopted policies for the area.

- (8) The kitchen showroom floorspace shall be used by trade customers only, and not visiting members of the public, and shall not be separately occupied from the main premises, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the building is not occupied by a stand alone A1 retail use in Strategic Industrial Land and an out of centre location, in accordance with policies EMP8 and SH5 of Brent's Unitary Development Plan 2004.

- (9) (a) Details of adequate arrangements for the storage and disposal of refuse and recyclable material shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.

(b) Details of the provision of a minimum of 3 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work

on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure satisfactory facilities for cyclists

INFORMATIVES:

- (1) If the development is carried out it will be necessary for alterations to be made to the existing crossing over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Should Application for such works should be made to the Council's Safer Streets Department, Brent House, 349 High Road Wembley Middx. HA9 6BZ Tel 020 8937 5050. The grant of planning permission, whether by the Local Planning Authority or on appeal, does not indicate that consent will be given under the Highways Act.
- (2) Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any
 - (a) illuminated fascia signs
 - (b) projecting box signs
 - (c) advertising signs
 - (d) hoardings

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

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PLANNING & ENFORCEMENT APPEALS

DATE / YEAR January 13

Received	4/01
Decided	4/02
Selected Decisions	4/03
Copies of selected Decisions	4/04

SPECIAL ITEMS

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Received PLANNING Appeals between 1-Jan-2013 and 31-Jan-2013

Planning Committee: 13 March, 2013

Application Number: 11/2807 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 22/01/2013 **Appeal Against:** Refusal of planning permission
Location: 11 Kempe Road, London, NW6 6SP
Proposal:

Retrospective application for rear dormer window and reinstating the front gable of dwellinghouse

Application Number: 12/0990 **Team:** Northern Team **Application Type** S78 OUT
Appeal Received: 11/01/2013 **Appeal Against:** Refusal of planning permission
Location: 15 Old Kenton Lane, London, NW9 9ND
Proposal:

Outline planning permission for the erection of a detached two storey 3 bedroom dwellinghouse on land adjoining 15 Old Kenton Lane with the following reserved matters to be determined: means of access

Application Number: 12/1360 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 11/01/2013 **Appeal Against:** Refusal of planning permission
Location: 1 Mildrose Court, Malvern Mews, London, NW6 5PT
Proposal:

First floor rear extension and two rear rooflights to dwellinghouse

Application Number: 12/1512 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 14/01/2013 **Appeal Against:** Refusal of planning permission
Location: 85 Willesden Lane, Kilburn, London, NW6 7RR
Proposal:

Demolition of existing redundant single storey extension and attached garage and erection of two storey building containing a 2 bedroom/4 person house fronting onto Tennyson Road and the provision of a proposed A2 or B1 office use within the main building also with a frontage onto Tennyson Road.

Application Number: 12/2200 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 10/01/2013 **Appeal Against:** Refusal of planning permission
Location: 27 Wren Avenue, London, NW2 6UG
Proposal:

Full planning permission sought for erection of a part single, part 2-storey side to rear extension and retention of existing single storey rear infill extension to the dwelling house

Application Number: 12/2205 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 28/01/2013 **Appeal Against:** Refusal of planning permission
Location: 116 Park View, Wembley, HA9 6JU
Proposal:

Proposed demolition of existing outbuilding and erection of replacement detached outbuilding in rear garden of dwellinghouse

Application Number: 12/2260 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 28/01/2013 **Appeal Against:** Refusal of planning permission
Location: 1A Streatley Road, London, NW6 7LJ
Proposal:

Erection of four storey building comprising 4 no. one-bedroom flats with associated amenity space to the rear.

Received PLANNING Appeals between 1-Jan-2013 and 31-Jan-2013

Planning Committee: 13 March, 2013

Application Number: 12/2325 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 11/01/2013 **Appeal Against:** Refusal of planning permission
Location: 525 Kenton Road, Harrow, HA3 0UL
Proposal:

Conversion of three bedroom dwellinghouse into 1 x one bedroom flat and 1 x two bedroom flat

Application Number: 12/2416 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 19/01/2013 **Appeal Against:** Refusal of planning permission
Location: 663 Harrow Road, Wembley, HA0 2HD
Proposal:

Retention of existing outbuilding with proposed reduction in height and depth as well as proposed internal alterations in the rear garden of dwellinghouse.

Application Number: 12/2567 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 08/01/2013 **Appeal Against:** Refusal of planning permission
Location: 81 Lyon Park Avenue, Wembley, HA0 4DX
Proposal:

Conversion of dwelling house into 2 x 1 bedroom studio units on the ground floor and 1 x 1 bedroom flat at first floor.

Application Number: 12/2813 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 21/01/2013 **Appeal Against:** Refusal of planning permission
Location: 1-42 (inc) Thanet Lodge, Mapesbury Road, London, NW2 4JA
Proposal:

The erection of a three flats (1x Two Bed and 2 x One Beds) to the North of Thanet Lodge.

Application Number: 12/2892 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 08/01/2013 **Appeal Against:** Refusal of planning permission
Location: 139A Carlton Avenue East, Wembley, HA9 8PU
Proposal:

Erection of two storey side extension to dwellinghouse

Application Number: 12/2903 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 21/01/2013 **Appeal Against:** Refusal of planning permission
Location: 16 Holt Road, Wembley, HA0 3PS
Proposal:

Partly retrospective application for conversion of garage into habitable space, insertion of second front door in place of garage door and proposed erection of first floor side and part single storey, part 2-storey rear extension to dwellinghouse. (revised description)

Application Number: 12/3133 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 31/01/2013 **Appeal Against:** Refusal of planning permission
Location: 13 Dyne Road, London, NW6 7XG
Proposal:

Demolition of existing single storey rear extension, new single storey infill and side and rear extension, rear dormer window and one front and one rear conservation style rooflights to dwellinghouse

Received ENFORCEMENT Appeals between 1-Jan-2013 and 31-Jan-2013

Planning Committee: 13 March, 2013

Application Number: E/09/0108 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 21/01/2013**Location:** 64 and 64 (A-E) Craven Park Road, London, NW10 4AE**Description:**

Without planning permission, the change of use of the premises to a shop and five self-contained flats, (incorporating the creation of a flat at lower ground floor level and timber-framed fence and gated access/enclosure to rear)

Application Number: E/11/0315 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 08/01/2013**Location:** Flats 1-7, Catherine House, 616 High Road, Wembley, HA0 2ED**Description:**

Without planning permission, the change of use of the premises from seven self-contained flats to a mixed use as seven self-contained flats and a vehicle parking/storage area, incorporating the erection of metal fencing.

("The unauthorised change of use")

Application Number: E/11/0603 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 24/01/2013**Location:** 9 COLLEGE MANSIONS, Winchester Avenue, Kilburn, London, NW6 7TY**Description:**

Without planning permission, the change of use of the premises to a mixed use as a House in Multiple Occupation comprising of 28 Non Self Contained dwellings on the upper floors and a workshop on the ground floor.

("the unauthorised change of use")

Application Number: E/12/0235 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 08/01/2013**Location:** 42 Sherrick Green Road, London, NW10 1LD**Description:**

Without planning permission, the change of use of the premises to a mixed use as a House in multiple occupation and meeting place associated with religious activities;

("the unauthorised change of use")

AND

Without planning permission, the erection of an extension to the existing rear garden building to provide additional primary accommodation for the unauthorised use;

("the unauthorised development")

AND

The breach of condition 5 of planning permission 05/3309 dated 02/06/2006

which states: "The extension hereby approved shall be used solely in connection with the existing house as a single family dwelling".

Received ENFORCEMENT Appeals between 1-Jan-2013 and 31-Jan-2013

Planning Committee: 13 March, 2013

Application Number: E/12/0292 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 15/01/2013

Location: 49 Park View Road, London, NW10 1AJ

Description:

Without planning permission the erection of a building for residential purposes in the rear garden of the premises

("The unauthorised development")

Application Number: E/12/0350 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 15/01/2013

Location: 3 The Grove, London, NW9 0TL

Description:

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

("the unauthorised development")

Application Number: E/12/0382 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 15/01/2013

Location: 57 Berkhamsted Avenue, Wembley, HA9 6DU

Description:

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

("the unauthorised development")

Application Number: E/12/0522 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 24/01/2013

Location: 70 Scarle Road, Wembley, HA0 4SW

Description:

The erection of "L" shaped building to the rear of the premises (as shown cross-hatched on the attached plan B to the notice)

("the unauthorised development")

AND

The change of use of the premises from one dwellinghouse to three dwellinghouses.

("the unauthorised change of use")

Application Number: E/12/0717 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 15/01/2013

Location: 23 Rannock Avenue, London, NW9 7JS

Description:

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

("the unauthorised development")

Received ENFORCEMENT Appeals between 1-Jan-2013 and 31-Jan-2013

Planning Committee: 13 March, 2013

Application Number: E/12/0722 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 16/01/2013

Location: 60 Abbey Avenue, Wembley, HA0 1LL

Description:

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

("The unauthorised development")

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Decisions on PLANNING Appeals between 1-Jan-2013 and 31-Jan-2013

Planning Committee: 13-Mar-2013

Application Number: 12/0065 **PINSRefNo** D/12/2181179 **Team:** Southern Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 28/01/2013
Location: 16B & 16C Callcott Road, London, NW6 7EA
Proposal:
 Installation of juliet balcony to first floor rear window and proposed window to replace existing door at the second floor level of terraced property in use as three self-contained flats.

Application Number: 12/0226 **PINSRefNo** A/12/2180505 **Team:** Southern Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 08/01/2013
Location: 6 High Street, London, NW10 4LX
Proposal:
 Change of use of ground floor commercial unit from retail (Use Class A1) to After School Education Centre (Use Class D1)

Application Number: 12/0244 **PINSRefNo** A/12/2177291 **Team:** Southern Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 25/01/2013
Location: 73, 73A, 73B & 73C Salusbury Road, London, NW6 6NJ
Proposal:
 Erection of 2-storey dwellinghouse to rear of 73 Salusbury Road fronting Victoria Road

Application Number: 12/0415 **PINSRefNo** A/12/2182045/NWF **Team:** Northern Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 25/01/2013
Location: Car Park next to 1, Quanton Street, London
Proposal:
 Erection of 3 to 5 storey building to provide 7 residential units (1 x 3 bed house 1 x 2 bed maisonette 1 x 1 bed maisonette 3 x 1 bed units 1 x 2 bed units), provision of 7 car parking spaces, formation of 2 x vehicular access from Quanton Street and associated works

Application Number: 12/0527 **PINSRefNo** A/12/2179357 **Team:** Southern Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 14/01/2013
Location: 25 Tunley Road, London, NW10 9JR
Proposal:
 Conversion of dwellinghouse into two self contained flats

Application Number: 12/0856 **PINSRefNo** A/12/2176812/NWF **Team:** Southern Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 03/01/2013
Location: 1 Lydford Road, London, NW2 5QY
Proposal:
 Retrospective application for existing part single storey/part two storey side and rear extension and hard-surfacing to front forecourt of property in use as a dentist surgery on ground floor and first floor flat, with alterations to include the reduction in height of existing single storey side and rear extension, reduction in width of first floor element to part two storey side extension and erection of pitched roof, removal of open side porch and provision of landscaping in front courtyard.

Application Number: 12/0921 **PINSRefNo** A/12/2183036/NWF **Team:** Western Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 23/01/2013
Location: 832 Harrow Road, Wembley, HA0 3EN
Proposal:
 Change of use of part of the ground floor from retail (Use Class A1) to a mini-cab office (sui-generis)

Decisions on PLANNING Appeals between 1-Jan-2013 and 31-Jan-2013

Planning Committee: 13-Mar-2013

Application Number: 12/1147 **PINSRefNo** A/12/2180334/NWF **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 17/01/2013

Location: 324 Tokyngton Avenue, Wembley, HA9 6HH

Proposal:

Retention of existing outbuilding with a reduced height and depth to the rear of dwellinghouse.

Application Number: 12/1362 **PINSRefNo** A/12/2184696 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 28/01/2013

Location: 8 Station Parade, London, NW2 4NH

Proposal:

Erection of first floor extension to existing take away restaurant (Use Class A5) to provide preparation/wash area with new extract system and flue.

Application Number: 12/1856 **PINSRefNo** A/12/2184411/NWF **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 28/01/2013

Location: 112 Preston Road, Wembley, HA9 8NL

Proposal:

Proposed single storey side and rear extension to dwellinghouse and part demolition and reconstruction of existing outbuilding

Application Number: 12/1864 **PINSRefNo** D/12/2188369 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 10/01/2013

Location: 79 Preston Hill, Harrow, HA3 9SQ

Proposal:

Full planning permission sought for erection of a first floor front extension above front entrance of dwelling house

Application Number: 12/1923 **PINSRefNo** D/12/2185690 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 04/01/2013

Location: 25 Salmon Street, London, NW9 8PP

Proposal:

Erection of a single-storey side extension, to existing side and rear extensions to dwelling house (revised description).

Application Number: 12/2149 **PINSRefNo** A/12/2184879/NWF **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 18/01/2013

Location: 14 Creighton Road, London, NW6 6ED

Proposal:

Painting of front facade to dwellinghouse

Application Number: 12/2229 **PINSRefNo** D/12/2186979 **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 11/01/2013

Location: 159 Elmstead Avenue, Wembley, HA9 8NU

Proposal:

Retrospective application for existing detached outbuilding in rear garden of dwellinghouse

Decisions on PLANNING Appeals between 1-Jan-2013 and 31-Jan-2013

Planning Committee: 13-Mar-2013

Application Number: 12/2239 **PINSRefNo** X/12/2189496 **Team:** Southern Team
Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 17/01/2013
Location: Flat 1, 8 Craven Park, London, NW10 8SY
Proposal:
Certificate of lawfulness for existing use as a self contained flat

Application Number: 12/2240 **PINSRefNo** **Team:** Southern Team
Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 17/01/2013
Location: Flat 2, 8 Craven Park, London, NW10 8SY
Proposal:
Certificate of lawfulness for existing use as a self contained flat

Application Number: 12/2490 **PINSRefNo** D/12/2188946 **Team:** Western Team
Appeal Decision: Appeal Allowed **Appeal Decision Date:** 18/01/2013
Location: 24 The Crescent, Wembley, HA0 3JT
Proposal:
Retention of front double glazed UPVC windows and door and proposed replacement of existing UPVC garage door to dwellinghouse

Application Number: 12/2630 **PINSRefNo** D/12/2188159 **Team:** Northern Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 16/01/2013
Location: 53 Chartley Avenue, London, NW2 7QY
Proposal:
Retrospective application for outbuilding in the rear garden

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Decisions on ENFORCEMENT Appeals between 1-Jan-2013 and 31-Jan-2013

Planning Committee: 13 March, 2013

Application Number: E/08/0491 **PINSRefNo** C/12/2174095 **Team:** Southern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 14/01/2013

Location: 231 Chamberlayne Road, London, NW10 3NX

Proposal:

The erection of a single storey extension to the rear of the premises.

("The unauthorised development")

Application Number: E/08/0818 **PINSRefNo** C/12/2177863

Team: Northern Team

Appeal Decision: Appeal Allowed

Appeal Decision Date: 24/01/2013

Location: 21 Avondale Avenue, London, NW2 7PB

Proposal:

Without planning permission, the material change of use from a house to a mixed use as a house and office/business use.

("The unauthorised change of use")

Application Number: E/11/0103 **PINSRefNo** C/12/2173824

Team: Southern Team

Appeal Decision: Appeal Allowed

Appeal Decision Date: 28/01/2013

Location: Flats 1-7, 237A Kilburn High Road, London, NW6 7JN

Proposal:

Without planning permission, the change of use of the premises from the upper floor maisonette to seven self-contained flats.

("The unauthorised change of use")

Application Number: E/11/0578 **PINSRefNo** C/12/2175397

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 28/01/2013

Location: 43 Clifford Way, London, NW10 1AP

Proposal:

The erection of a rear canopy extension to the house and the erection of a building in the rear garden of the premises.

("The unauthorised development")

Application Number: E/12/0035 **PINSRefNo** C/12/2174860

Team: Southern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 02/01/2013

Location: 74 Hardinge Road, London, NW10 3PP

Proposal:

Change of use from one dwelling to two dwellings, involving the conversion of the single storey side extension to side and rear bordering 76 Hardinge Road into a separate self-contained flat.

("The unauthorised change of use")

Application Number: E/12/0171 **PINSRefNo**

Team: Northern Team

Appeal Decision: Appeal withdrawn

Appeal Decision Date: 21/01/2013

Location: 75 Crummock Gardens, London, NW9 0DH

Proposal:

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

("The unauthorised development")

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**PLANNING SELECTED appeal DECISIONS between
1-Jan-2013 and 31-Jan-2013
Planning Committee: 13 March, 2013**

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: 12/1856	Appeal Decision: Appeal Allowed	Appeal Decision Date: 28/01/2013
Team:	Western Team	
Location:	112 Preston Road, Wembley, HA9 8NL	
Proposal:	Proposed single storey side and rear extension to dwellinghouse and part demolition and reconstruction of existing outbuilding	
Our reference: 12/1923	Appeal Decision: Appeal Allowed	Appeal Decision Date: 04/01/2013
Team:	Northern Team	
Location:	25 Salmon Street, London, NW9 8PP	
Proposal:	Erection of a single-storey side extension, to existing side and rear extensions to dwelling house (revised description).	
Our reference: 12/2149	Appeal Decision: Appeal Allowed	Appeal Decision Date: 18/01/2013
Team:	Southern Team	
Location:	14 Creighton Road, London, NW6 6ED	
Proposal:	Painting of front facade to dwellinghouse	
Our reference: 12/2229	Appeal Decision: Appeal Allowed	Appeal Decision Date: 11/01/2013
Team:	Western Team	
Location:	159 Elmstead Avenue, Wembley, HA9 8NU	
Proposal:	Retrospective application for existing detached outbuilding in rear garden of dwellinghouse	
Our reference: 12/2490	Appeal Decision: Appeal Allowed	Appeal Decision Date: 18/01/2013
Team:	Western Team	
Location:	24 The Crescent, Wembley, HA0 3JT	
Proposal:	Retention of front double glazed UPVC windows and door and proposed replacement of existing UPVC garage door 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 tps@brent.gov.uk

Chris Walker, Assistant Director - Planning and Development

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**ENFORCEMENT SELECTED appeal DECISIONS between
1-Jan-2013 and 31-Jan-2013**

Planning Committee: 13 March, 2013

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/08/0818	Appeal Decision Date: 24/01/2013
Team: Northern Team	Appeal Decision: Appeal Allowed

Location: 21 Avondale Avenue, London, NW2 7PB

Proposal:

Without planning permission, the material change of use from a house to a mixed use as a house and office/business use.

Our reference: E/11/0103	Appeal Decision Date: 28/01/2013
Team: Southern Team	Appeal Decision: Appeal Allowed

Location: Flats 1-7, 237A Kilburn High Road, London, NW6 7JN

Proposal:

Without planning permission, the change of use of the premises from the upper floor maisonette to seven self-contained flats.

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 15 January 2013

by Phillip J G Ware BSc(Hons) DipTP MRTPI

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

Decision date: 28 January 2013

Appeal Ref: APP/T5150/A/12/2184411
112 Preston Road, Wembley HA9 8NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Ms R Raja-Rayan against the decision of the Council of the London Borough of Brent.
- The application Ref 12/1856, dated 5 July 2012, was approved on 30 August 2012 and planning permission was granted subject to conditions.
- The development permitted is a "single storey and rear extension to dwellinghouse and part demolition and reconstruction of existing outbuilding".
- The condition in dispute is No 4 which states that:

"The landscaping to the front of the house shall be carried out and completed in full in accordance with the approved plans within 6 months of the construction works being commenced. The planting shall be permanently maintained. Any planting that is part of the approved scheme that is removed, dies, or becomes seriously damaged or diseased, shall be replaced in the next planting season. All planting shall be replaced with others of a similar size and species and in the same position, unless the Local Planning Authority first gives written consent to any variation."

- The reason given for the condition is:

"To ensure a satisfactory appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the area".

Decision

1. The appeal is allowed and the planning permission Ref 12/1856 for a single storey and rear extension to dwellinghouse and part demolition and reconstruction of existing outbuilding at 112 Preston Road, Wembley HA9 8NL granted on 30 August 2012 by the Council of the London Borough of Brent, is varied by deleting condition 4.

Main issue

2. There is one main issue in this case. That is whether the condition is reasonable and is reasonably related to the development.

Reasons

3. The appeal premises are a two storey semi-detached house fronting a service road which is set back from Preston Road. The area in front of the house is entirely hard surfaced and was in use for car parking at the time of my visit.

- The appellant has stated that this parking area has existed for 8 years, and the Council has not contested that statement.
4. The application for the extension of the house as originally submitted to the Council apparently did not include any landscaping in the front area but, in response to a request from the Council, amended plans were submitted showing slightly less than half the front area planted and grassed. This was the scheme approved by the authority, and which is the subject of the disputed condition.
 5. I am conscious that the appellant voluntarily included the landscaped area. However the fact that she complied with the Council's request to incorporate a landscaped area does not automatically mean that the condition requiring the provision of the area is reasonable in the light of the advice in Circular 11/95 '*The use of conditions in planning permissions*'.
 6. The Council has referred to policies dealing generally with townscape¹, and to policy and guidance relating more specifically to the treatment of front gardens². The Council has stated that UDP policy BE7 and the related SPG require the provision of landscaping. However the policy and guidance deal with a situation where an applicant is seeking to hard surface a front garden and use it for parking. Under these circumstances proposals which would occupy more than half the front garden area will be resisted. In this case, the proposal does not affect the front area, and the policy and guidance do not provide direct support for the disputed condition.
 7. It would be wrong to impose a condition to meet a perceived problem which already exists. Despite the arguable desirability of improving the front area, the need for this would not be created by the new development.
 8. There is a dispute as to whether the approved development will have any effect on the parking available at the premises. The appellant maintains that it will preclude access to existing parking at the rear, whilst the Council notes that the 'existing' plans do not show parking in this area and that the building at the rear is labelled as a store. If the appellant is correct, the approved development increases the demand for parking in the front area. If the Council is correct, the development is essentially neutral in its effect. In neither case does this justify the requirement for the landscaped area.
 9. Overall, I do not consider the condition is reasonably related to the development. It is not justified with reference to the policies and guidance summarised above.
 10. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

P. J. G. Ware

Inspector

¹ Brent Unitary Development Plan (UDP) (2004) policies BE2 and BE9; Core Strategy (2010) policy CP17

² UDP policy BE7; Supplementary Planning Guidance 5 'Altering and Extending Your Home' (2002).



Appeal Decision

Site visit made on 3 December 2012

by A Harwood CMS MSC MRTPI

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

Decision date: 4 January 2013

Appeal Ref: APP/T5150/D/12/2185690
25 Salmon Street, London, NW9 8PP

- 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 A Al Hussaini against the decision of the Council for the London Borough of Brent.
 - The application Ref 12/1923 dated 16 July 2012 was refused by notice dated 1 October 2012.
 - The development proposed is the erection of a single-storey side extension to the existing side and rear extensions to the dwelling house.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey side extension to the existing side and rear extensions to the dwelling house at 25 Salmon Street, London, NW9 8PP in accordance with the terms of the application, Ref 12/1923 dated 16 July 2012, 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 approved plans referenced 'NW9/25/21A' and 'NW9/25/22A', dated August 2012.

Procedural Matter

2. At the time of my site visit, the front elevation of the dwelling did not appear as shown on the existing front elevation drawing. The canopy across the front was not in place although the dwelling otherwise appears as shown. The canopy would not extend as far as the position of the proposed extension.
3. The description of the development proposed on the application form indicates that the dwelling has had a previous extension approved in 2009 although I see it was approved in 2010. The description on the Council's decision accurately explains the proposal and I have used that in this decision.

Main issue

4. The main issue is the impact of the proposals upon the character and

appearance of the dwelling and the street-scene within Salmon Street.

Reasons

5. The proposal would extend the existing lean-to on the northern side of the dwelling. That lean-to is currently set-back from the front of the dwelling by 1.5m. The proposal would bring the front wall further forward and it would be set back from the front of the dwelling by only 0.25m. This extension would be a small addition to the dwelling as it stands now.
6. The Council refers to a previous planning application that was refused as well as the approval in 2010. I have not been provided with copies of the plans from those applications but the Council refers to a resultant overall increase in width of the property of 5.1m. I can therefore understand approximately where the original side of the house would have been.
7. The Council is concerned about the width being greater than allowed for within its 2002 Supplementary Planning Guidance 5 "Altering and Extending Your Home" (SPG 5). However, the width of the extension would not change as a result of this proposal. The depth would be increased and would not be set back by as much as the Council would want although SPG 5 suggests a 0.25m or "one brick length" is sufficient. The advice would be complied with in these respects. Even with this small added feature, the side lean-to extension would be a subservient feature on the side of the dwelling. The appearance when viewed from Salmon Street would not change substantially. If looked at in combination with the extensions that have already been added, this extension would make little difference to the appearance of the dwelling.
8. In relation to the main issue, the proposal would have an acceptable impact upon the character and appearance of the dwelling and the street-scene within Salmon Street. This would comply with policies BE2 and BE9 of the Brent Unitary Development Plan 2004. The proposal would comply with the advice in the National Planning Policy Framework requiring good design and the relevant policies are consistent with this in these respects.
9. The extension would not go beyond the front of the adjoining dwelling at No 27 Salmon Street. I do not consider that this would have an imposing impact upon the residents at that property or that the outlook from the bay window of that dwelling would be significantly affected.
10. In the interests of the appearance of the proposal it is necessary to include conditions to require that the materials match the existing dwelling and that the submitted plans are complied with.

Overall Conclusion

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Harwood

INSPECTOR



Appeal Decision

Site visit made on 15 January 2013

by R Punshon BSC(HONS) MRTPI

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

Decision date: 18 January 2013

Appeal Ref: APP/T5150/D/12/2187661
14 Creighton Road, London, NW6 6ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs R Eker against the decision of the Council of the London Borough of Brent.
 - The application Ref 12/2149 was refused by notice dated 24 October 2012.
 - The development proposed is the painting of front facade.
-

Decision

1. The appeal is allowed and planning permission is granted for painting of front facade at 14 Creighton Road, London, NW6 6ED in accordance with the terms of the application, Ref 12/2149, dated 7 August 2012, and the plans submitted with it.

Main issue

2. I consider that the main issue in this case is whether the appeal works preserve or enhance the character and appearance of the Queens Park Conservation Area.

Reasons

3. The Queen's Park Conservation Area comprises a rectangular grid of Victorian terraced houses surrounding a central public space. Whilst the houses are of varying styles, they commonly display a variety of decorative features. The painting of window frames, sills and existing rendered surfaces remains beyond planning control. However, an Article 4 Direction has brought the rendering or painting of brickwork under planning control. The Council's document entitled 'Queen's Park Conservation Area Design Guide' states that the painting, rendering and cladding of brickwork will not be allowed.
4. Throughout the Conservation Area there are occasional examples where the front elevation of houses have been rendered and/or painted. Whilst I accept that this can cover some of the decorative features of the brickwork, in most cases the affected properties do not appear incongruous in the general street scene. Creighton Road is, however, different. The Council officer's report on the case asserts that '... no property in the street has been painted in this fashion. Indeed all properties are kept in the original state'. However, I noted during my visit that about a quarter of all the houses in this particular street had front elevations which were fully rendered and/or painted. Indeed, it could be argued that the mix of brickwork and rendered/painted elevations is such that it has

now become part and parcel of the character of the street. Many of the rendered/painted properties are in the central part of the street where the appeal property is located. In this context the painting of the front elevation of the appeal property, which has been undertaken in a colour which accords with Council guidance, does not appear in any way out of place and does not, in my opinion, harm the character and appearance of the street or of the of Conservation Area as a whole.

5. From the evidence put before me I am satisfied that, through neglect, the original brickwork on the front elevation of the property had become damaged and needed replacement. I have no way of knowing what visual effect replacement of the brickwork had had. The appellants claim that it left the house with a 'patchwork' effect and this has not been disputed by the Council. The relative effects of these 2 approaches i.e. replacement or painting cannot now be assessed and, therefore, this not a determining matter in my decision. However, the argument does reinforce my opinion that the appellants' treatment of the front elevation is acceptable in all of the circumstances.
6. In these circumstances I conclude on the main issue that the appeal works do not harm the character and appearance of the Queens Park Conservation Area. They would not, therefore, be contrary to Policies BE2, BE9, BE25 and BE26 of the London Borough of Brent Unitary Development Plan 2004 or to the Council's Supplementary Planning Guidance document entitled 'Altering and Extending Your Home'. Whilst the works would be contrary to the advice contained in the 'Queen's Park Conservation Area Design Guide', I am satisfied that, in this case, they are acceptable.

Conditions

7. As the appeal works have already been carried out, I agree with the Council that no planning conditions are necessary.

Conclusion

8. For these reasons I conclude that the appeal should be allowed.

R Punshon

INSPECTOR



Appeal Decision

Site visit made on 4 January 2013

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

Decision date: 11 January 2013

Appeal Ref: APP/T5150/D/12/2186979
159 Elmstead Avenue, Wembley, Middlesex HA9 8NU

- The appeal is made by Mr H Parekh under section 78 of the Town and Country Planning Act 1990 against a refusal by the Council of the London Borough of Brent to grant planning permission.
 - The application Ref 12/2229, dated 16 August 2012, was refused by notice dated 11 October 2012.
 - The development is an outbuilding at the rear of the house.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of an outbuilding at the rear of 159 Elmstead Avenue, Wembley, Middlesex HA9 8NU in accordance with the application Ref 12/2229 dated 16 August 2012 and the plans submitted therewith, subject to the following conditions: -
 1. The outbuilding shall only be used for purposes incidental to the enjoyment of the dwellinghouse, 159 Elmstead Avenue, Wembley, Middlesex HA9 8NU, as such.
 2. Within 3 months of the date of a failure to comply with any of the requirements in (i) to (iii) below and within 3 months of the dismissal of the appeal made pursuant to (ii) below or of it ceasing to be a valid appeal, the height of the outbuilding shall be reduced so that it is no more than 2.5 metres above ground level as defined in Article 1(3) of the Town and Country Planning (General Permitted Development) Order 1995.
 - (i) Within 1 month of the date of this decision, full details of the following measures shall be submitted in writing to the local planning authority for their written approval: -
 - (a) Improvements to the external appearance of the building, including details of the materials and colouring to be applied to its external surfaces, together with a timetable for the implementation of these measures.
 - (b) Soft landscaping to screen the building, including planting plans and schedules of plants, noting species, plant sizes and

proposed numbers and densities, together with a timetable for the implementation of these measures.

- (ii) Within 6 months of the date of this decision a valid appeal shall be made to the Secretary of State if the local planning authority have not given written approval to all the details submitted pursuant to (i) above or have failed to give notice of their decision within the prescribed period.
 - (iii) All measures comprised in the approved details shall be completed and retained as approved and in accordance with the approved timetables.
3. Any plants comprised in the approved details of landscaping which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority give written approval to any variation.

Reasons for the decision

- 2. The main issue concerns the effect of the outbuilding on the appearance of its surroundings and the outlook from neighbouring properties.
- 3. Policy BE2 of the Brent Unitary Development Plan indicates that development should be designed with regard to its local context and should not cause harm to the appearance of an area. Policy BE9 indicates that the size of buildings should be appropriate to their setting and townscape location and should relate satisfactorily to adjoining development. Policy CP 17 of the Brent Core Strategy seeks to protect the character of the Borough's suburban housing.
- 4. The outbuilding is sited towards the end of the back garden and is set in 1m from the boundaries of the adjoining gardens. Its entrance and windows face the house and its rear wall is close to trees and a railway embankment. It has a footprint of 29m² and its roof has an eaves height of 2.3m and a ridge height of 3.8m.
- 5. The building looks somewhat out of keeping with its surroundings because of its bulk. There are other outbuildings in rear gardens in this area, but I saw none at my visit that are as obvious as this one. It is a prominent feature when viewed from the rear windows and gardens of nearby properties.
- 6. However, the only reason the outbuilding is not permitted development is because its pitched roof results in it being classed as a building exceeding 2.5m in height that is within 2m of the boundary. It can be brought within the permitted development limits by replacing the pitched roof by a flat roof not exceeding 2.5m in height. I anticipate that this will be done if permission to retain it with a pitched roof is withheld and enforcement action is taken. In that event, there would be no control over its finished appearance and the appellant could not be held to his offer to undertake landscaping. The footprint and walls of the outbuilding would be unchanged and the flat roof would arguably detract from the outbuilding's appearance compared to the current pitched roof.

7. A more acceptable outcome than the dismissal of the appeal, and one that is more consistent with the policies, is to allow the outbuilding to be retained at its existing height, provided steps are taken to improve its external appearance and to soften its impact on its surroundings. Planning conditions, which could not have been imposed if the appeal had been dismissed, can require these steps to be taken. I have therefore allowed the appeal and granted planning permission subject to such conditions, with the proviso that if they are not complied with the height of the building must be reduced to no more than the permitted limit. I have also imposed a condition restricting the use of the outbuilding, in order to safeguard neighbour's amenities.

D.A.Hainsworth

INSPECTOR



Appeal Decision

Site visit made on 15 January 2013

by R Punshon BSC(HONS) MRTPI

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

Decision date: 18 January 2013

Appeal Ref: APP/T5150/D/12/2188946

24 The Crescent, WEMBLEY, Middlesex, HA0 3JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Mescall against the decision of the Council of the London Borough of Brent.
 - The application Ref 12/2490 was refused by notice dated 8 November 2012.
 - The development proposed is the provision of front UPVC windows/porch and proposed garage door to replace existing.
-

Decision

1. The appeal is allowed and planning permission is granted for the provision of front UPVC windows/porch and proposed garage door to replace existing at 24 The Crescent, WEMBLEY, Middlesex, HA0 3JT in accordance with the terms of the application, Ref12/2490, dated 13 September 2012, and the plans submitted with it.

Main issue

2. I consider that the main issue in this case is the effect of the works on the character and appearance of the Sudbury Court Conservation Area.

Reasons

Character and appearance

3. In the Council's 'Design Guide to Development' document, the Sudbury Court Estate is described as 'an excellent example of a planned 'Mock-Tudor' garden suburb'. Part of the estate forms the Sudbury Court Conservation Area. Within the Conservation Area, the house designs display a degree of quality and detailing which adds the overall character of the Conservation Area. However, as the 'Design Guide to Development' document points out, there is some variety in house styles and in window designs which makes the character of the Conservation Area less cohesive than it may otherwise have been. One of the distinctive features of some houses in the Conservation Area is a decorative design employed in their main windows on the front elevation which employs lead detailing with red insets and a central arched transom. However, these features have been replaced by different designs in some houses and have been replaced by visually similar UPVC variants in others.
4. The appeal property comprises a substantial semi-detached house. The original main windows, porch and garage door have been replaced by UPVC

alternatives. I accept that the replacement doors and windows are different in their detailing when compared to the original designs. However, the format and layout of the replacements is generally in-keeping with the originals. Given the wide variety of window designs in the area, including the designs employed on the adjoining semi-detached house and other houses in the near vicinity, I am not persuaded that the differences are so significant that they cause harm to the overall character of the Conservation Area.

5. I have noted the Council's concern that the design of the windows would prevent the provision of the distinctive dentil drip-rail which was a feature of the original windows. I agree that this may be the case in part. However, even if this detail can only be attached to the arched transoms, I am satisfied that the window designs would be acceptable.
6. In these circumstances I conclude on the main issue that the proposal would not have any harmful effect on the character and appearance of the Sudbury Court Conservation Area. It would therefore comply with Policies BE2, BE9, BE25 and BE26 of Brent's Unitary Development Plan 2004. Whilst the replacement doors and windows do not exactly comply with the requirements of the Council's 'Design Guide to Development' document, I am satisfied that the works are acceptable in all the circumstances.

Conditions

7. As the works have already been implemented, I do not consider that any planning conditions are necessary.

Conclusion

8. For the reasons set out above I conclude that the appeal should be allowed.

R Punshon

INSPECTOR



Appeal Decision

Site visit made on 4 December 2012

by Diane Lewis BA(Hons) MCD MA LLM MRTPI

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

Decision date: 24 January 2013

Appeal Ref: APP/T5150/C/12/2177863

Land at 21 Avondale Avenue, London NW2 7PB

- 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 Costa against an enforcement notice issued by the Council of the London Borough of Brent.
 - The Council's reference is E/08/0818.
 - The notice was issued on 11 May 2012.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use from a house to a mixed use as a house and office/business use.
 - The requirements of the notice are to:
 1. Cease the use of the premises as an office/business use, including the cessation of the use of the garage as office/business accommodation.
 2. Remove all items associated with the unauthorised use from the premises.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a),(b),(c),(f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
-

DECISION

1. It is directed that the enforcement notice be corrected by the substitution of the word 'dwellinghouse' for the word 'house' in the description of the alleged breach of planning control forming Schedule 2.
2. Subject to this correction, the appeal is allowed and the enforcement notice is quashed.

REASONS

The Enforcement Notice

3. Two matters have arisen about the notice. The Council confirmed that the premises outlined in bold on the plan attached to the notice corresponds with the title deed plan. The Appellant has suggested the use of the word 'dwellinghouse' in the allegation instead of 'house' to avoid ambiguity. I consider no correction to the plan is necessary, although a change to the wording is appropriate because the notice is directed at a material change of use. I am satisfied no injustice will be caused by this.

Appeal on ground (b)

4. 21 Avondale Avenue is a two storey terrace house with a rear garden, located in a residential area. At the end of the garden is a building that was formerly a garage. In August 2008 alterations were carried out to convert the building to an office. The office use began in October 2008 and has continued to date. The office is well equipped and fitted and decorated to a good standard. The size of the building has enabled the accommodation of four work stations, shelving, a printer, a plans chest, a cupboard and other equipment. Near to the entrance door from the garden is a separate small cloakroom with a toilet and wash basin.
5. The Appellant does not dispute the existence of the office/business use as a matter of fact. Therefore the appeal on ground (b) does not succeed. Whether the use amounts to a breach of planning control is a matter for consideration under the ground (c) appeal. The onus is on the Appellant to prove his case.

Appeal on ground (c)

Meaning of development

6. The meaning of development includes the making of any material change in the use of any buildings or other land (s55(1) of the 1990 Act as amended). A material change of use is not defined in statute but is a matter of fact and degree in each case. In general terms a material change of use requires some significant change in the character of the activity compared with what went on previously. The premises identified by the notice is the planning unit, the appropriate physical area against which to assess the materiality of change.
7. The use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such shall not be taken to involve development of the land (s55(2)(d)). Having considered the principles that have been established through case law I consider the garage building is within the curtilage of the dwellinghouse. The local planning authority has not attempted to argue otherwise. In general, whether a use is ancillary to a primary use is a matter of functional relationship, scale and subordination. Moreover, a test of an ancillary use is that the functional relationship with the primary use should be one that is normally or ordinarily found.

The office/business use

8. The Appellant has explained that he owns and runs a small building firm from his home. He works full time for the company and procures business by answering enquiries by telephone and email. He communicates with his employees at the building site either by telephone or by visiting the site. He spends much of his time away from home visiting prospective clients and current building projects. He employs his wife to do administrative work on a part time basis and he also employs a part time book keeper who visits no more than twice a week for half a day each time. There are no deliveries and customers do not visit the property. All building materials are delivered direct to the building site.
9. The office use is confined to the former garage building. There is little external indication of its business use. There is no evidence of the use extending into the terrace house, which is the home of Mr and Mrs Costa and their family.

The computers and desks are also said to be used for recreational, banking and communication purposes by all members of the family, although the layout and equipment gave the office the appearance of being primarily a place of work.

10. The Council drew attention to the number of files, the range of office equipment and the display of health and safety information within the office to support its view that the use is not incidental. A newspaper article and a promotional letter, both dating back to 2008, indicated the type and scale of projects undertaken by the firm. The reasons for issuing the notice refer to a significant increase in traffic generation and harm to the residential character of the neighbourhood and to the amenities of neighbours. However, the Council has not produced evidence of its own to contradict or make the Appellant's version of the pattern of use less than probable.

Conclusions

11. The Appellant is conducting his full time occupation and means of making a livelihood from the office. One of the two part-time employees does not live at the property. The office is set out and equipped to facilitate this scale of use.
12. However, the property continues to function as the home of the Appellant, his wife and family. There is no reason to doubt that Mr Costa not only works at home but also spends a considerable amount of time working away. The part-time book-keeping is limited in terms of attendance and time. There is no evidence to demonstrate that clients visit the office or that any significant deliveries associated with the firm or office use take place. Therefore the actual level of activity, in terms of comings and goings and parking, is likely to be little different from the time prior to the establishment of the office. The office is probably used for accessing the internet for purposes associated with the home, as well as being used for administration work related to the building firm. The primary residential character of the property has not significantly changed. Home-working is not unusual as an incidental use to a dwellinghouse.
13. As a matter of fact and degree the office/business use is for a purpose incidental to the enjoyment of the dwellinghouse as such and has not involved development of the land. A material change of use has not occurred. There has not been a breach of planning control and the appeal on ground (c) succeeds. This conclusion has been based on the available evidence, which is sufficient to demonstrate that the business use has been of an ancillary nature, rather than a primary use. Success in this appeal would not preclude the Council from serving another enforcement notice should circumstances change in the future.
14. The enforcement notice will be quashed. The appeal under the grounds (a), (f) and (g) and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended do not need to be considered.

Diane Lewis

Inspector



Appeal Decision

Site visit made on 26 November 2012

by Keith Turner LLB(Hons) DipArch(Dist) RIBA MRTPI

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

Decision date: 3 December 2012

Appeal Ref: APP/T5150/C/12/2173824

Flats 1-7, 237A Kilburn High Road, London NW6 7JN

- 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 the Company Secretary of H W B Estates against an enforcement notice issued by the Council of the London Borough of Brent.
 - The Council's reference is E/11/0103.
 - The notice was issued on 29 February 2012.
 - The breach of planning control as alleged in the notice is the change of use of the premises from the upper floor maisonette to seven self-contained flats.
 - The requirements of the notice are to cease the use of the premises as seven self-contained flats and its occupation by more than ONE household, remove all items, materials and debris associated with the unauthorised change of use, including ALL kitchens, except ONE, and ALL bathrooms, except TWO from the premises.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed and the enforcement notice is quashed.

Ground (b)

2. The Appellant contends that the allegation in the notice is incorrect in describing the former use of the appeal premises as a maisonette in single family occupation prior to the alleged unauthorised change to seven flats. A considerable number of documents have been submitted which support the Appellant's version of the previous planning history of the property.
3. It is claimed that even when acquired by the present owner in 1972 the premises were occupied by three separate tenants each on occupying a separate floor. In 1993 they were let on a three year lease¹ to J Lyons. A survey dated 5 October 1993 describes some fixtures and contents which do not indicate that the premises were, at that time used as flats. Only one set of kitchen fittings is referred to and one bathroom. The remaining rooms appear to have been furnished as bedrooms or living spaces. It could have been in use as an HMO at that time. Further leases confirm the Appellant's statement that it was let to the same person between 1993 and 2001.

¹ Copy of lease at Appendix N(2) of the Appellant's statement

4. From at least 2002 it is claimed that the premises were used as an HMO. This is confirmed by a telephone log², which refers to the premises being described as vacant Class C3 use – 3 self-contained en-suite bedsits and 4 en-suite bedsits without cooking facilities. Plans³ of proposed works to the premises, dated October 2003, show a layout comprising three self contained flats and four bedsits with en-suite facilities but with a shared kitchen in the mezzanine half landing beyond the first floor. It appears from a letter⁴ that these works were to be imminently carried out. Whilst a letter⁵, dated 6 February 2004, from surveyors who had inspected the property, refers to kitchen and shower facilities being installed in the first, second and third floors, this does not mean that the layout was materially altered.
5. Case law⁶ indicates that the change in the use of three rooms from use as non-self-contained units within a house in multiple occupation to a use as three self-contained units, by virtue of the installation of integral bathrooms had not brought about a material change of use, because there was no change in the number or type of lettings and certain facilities and services were still shared. Consequently, even if the subdivision into en-suite units occurred after 2002, the use was not materially changed.
6. In the absence of any evidence from the Council to the contrary, I find that, on the balance of probability, the premises were not used as a maisonette for occupation by a single household prior to the Notice being issued. Furthermore, on the balance of probability, the evidence before me, supports the Appellant's contention that, the premises were used either as an HMO for at least ten years prior to the Notice being issued, or as a mixed use of HMO and three self-contained flats. That use is confirmed to have existed by December 2002 based on the telephone log, and there is nothing to indicate that it was not so used before then. Consequently, in the absence of any evidence to the contrary, I find that the mixed use was lawful by virtue of Ss 191(2)(a) and 171B(3) of the Act.
7. For the above reasons I find that the appeal under Ground (b) succeeds to this limited extent. However, it remains necessary to consider the further grounds of appeal.

Ground (c)

8. The next matter to be addressed is whether, in the light of my findings about the former use of the appeal premises, the present use constitutes a material change of use for which planning permission is required. If it does, then a breach of planning control has occurred. However, the Appellant contends that whilst there have been changes to the arrangement of and facilities associated with the residential occupation, they are not material in planning terms.
9. I have found above that the premises were occupied as 3 self-contained flats and 4 en-suite bedsits without cooking facilities. From my inspection⁷ the disposition of the accommodation is similar to that shown on the plan referred to above. However, whereas there was a separate communal kitchen for four

² Appendix N(7) of the Appellant's statement

³ Appendix N(9) of the Appellant's statement

⁴ Appendix N(8) of the Appellant's statement

⁵ Appendix N(12) of the Appellant's statement

⁶ *Gojkovic ex parte Kensington and Chelsea RBC* [1993] JPL 139

⁷ Access to Flat 5 was not possible, but the Appellant's representative confirmed that the layout was the same as Flat 3 immediately beneath it.

bedsits, cooking facilities have now been incorporated into each. The use has, therefore, changed to seven self-contained bedsit flats. Their self containment extends to separate lockable doors on each, separate electricity meters, and a fire alarm system for common areas. However, the number of occupants is, in all probability, the same as it appears to have been for the ten years prior to the notice being issued because the rooms are similar in size.

10. The Appellant contends that the change from bedsits with en-suite facilities but communal cooking facilities to self-contained flats is not a material change of use and cites three appeal decisions⁸ which support of this view. Whilst all of those decisions date back to the early 1990's they were all made during the currency of the present Principal Act.
11. Conversion of an HMO into separate flats is not necessarily a material change of use⁹. If, as in this case, there are only internal works and no increase in the number of units then, provided there is no change in the overall character of the use there is no material change of use. Sub-division of the planning unit may have occurred, but that of itself, is not a material change of use¹⁰. Such a change becomes material only if, as a matter of fact and degree, such a division has planning consequences.
12. In this instance the number of occupants is the same. Consequently, there would be no material change in traffic generation or parking requirements, no increase in general activity, refuse generation or other service requirements. Therefore I find that there would be no planning consequences which would alter the character of the use. Accordingly, I conclude that there has been no material change of use arising from the alterations made in 2009 when the four en-suite bedsits were converted into self-contained bedsits.
13. For the above reasons the appeal under Ground (c) succeeds on the basis that no material change of use has occurred from the previous lawful use and, therefore, no breach of planning control has occurred as alleged in the Notice. The remaining grounds of appeal do not fall to be considered.

Keith Turner

⁸ T/APP/C/93/G2625/630108; T/APP/C/93/T5150/630021; APP/G/91/N1405/2

⁹ Lipton v SSE (1976) P&CR 95

¹⁰ Winton v SSE [1984] JPEL 188

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