



Planning Committee

Wednesday 17 April 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		
NORTHERN AREA		
3. Asquith Court Schools, 9 The Ridgeway, Harrow, HA3 0LJ (Ref. 12/3238)	Kenton	11 - 20
4. All Flats, Jubilee Heights, Shoot-up-Hill, London NW2 (Ref. 13/0377)	Mapesbury	21 - 34
SOUTHERN AREA		
5. Former Willesden New Social Club, Rucklidge Avenue, London NW10 4PX (Ref. 13/0507)	Kensal Green	35 - 52
6. 11A and 11B Harlesden Gardens, London NW10 4EY (Ref. 12/3380)	Kensal Green	53 - 58
7. Jubilee Clock, High Street, Harlesden, NW10 (Ref. 13/0500)	Harlesden	59 - 64
8. 300 High Road, London NW10 2EN (Ref. 13/0178)	Willesden Green	65 - 78
9. 904 Harrow Road, London NW10 5JU (Ref. 13/0224)	Queens Park	79 - 88
WESTERN AREA		
10. 61A Station Grove, Wembley, HA0 4AR (Ref. 13/0110)	Wembley Central	89 - 98
11. Wembley High Technology College, East Lane, Wembley HA0 3NT (Ref. 13/0230)	Northwick Park	99 - 106
12. 15 Steele Road, London NW10 7AS (Ref. 13/0236)	Stonebridge	107 - 112
13. Car Park, Brook Road, Wembley, HA9 (Ref. 12/3499)	Preston	113 - 136
SPECIAL ITEMS		
14. Barnhill and Queens Park Conservation Design Guide - response to consultation	Barnhill	137 - 152
PLANNING APPEALS		
15. Planning Appeals 1 Feb - 31 March 2013	All Wards	153 - 192

16. Any Other Urgent Business

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

SITE VISITS – SATURDAY 13 APRIL 2013

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
13/0230	13/0230 Wembley High Technology College, East Lane, Wembley, HA0 3NT	12	Northwick Park	9:40	107 - 112
13/0507	Former Willesden New Social Club, Rucklidge Avenue, London, NW10 4PX	5	Stonebridge	10.30	35 - 52
13/0224	904 Harrow Road, London, NW10 5JU	9	Queen's Park	11:00	79 - 88

Date of the next meeting: Wednesday 22 May 2013 (provisional)

The date of next meeting will be confirmed after the Annual meeting of the Council on 15 May 2013.

The site visits for that meeting will provisionally take place on the preceding Saturday 18 May 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 March 2013 at 7.00 pm

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

Also present: Councillor HB Patel and Councillor Shaw

Apologies for absence were received from Councillor Singh

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

None declared.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 13 February 2013 be approved as an accurate record of the meeting.

3. **Lawnfield House, Coverdale Road, London, NW2 4DJ (Ref. 12/3349)**

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.

RECOMMENDATION: Grant advertisement consent subject to conditions.

With reference to the tabled supplementary report, Steve Weeks, Head of Area Planning updated members about an objection to the proposal on the grounds that the signage would devalue the properties in the area. He also drew members' attention to additional objections received from Councillor Shaw which he stated had been addressed in the report and added that the objection on property devaluation was not a planning issue.

In accordance with the Planning Code of Practice, Councillor Shaw, ward member stated that she had been approached by residents. Councillor Shaw reiterated her initial concerns about the size, location and colours of the signage which she added would be a major distraction to traffic and out of character with the area. She also alleged that there had been a lack of consultation with the residents. Councillor Shaw continued that following discussions, the management

of the care home (the applicant) had agreed to a reduction of the size and to have it affixed to the building. Councillor Shaw welcomed the outcomes.

Councillor Cummins noted the progress made but suggested an additional condition restricting the use of the advertising boards to non-commercial purposes only. Steve Weeks, Head of Area Planning responded that there had been no errors made in consulting residents about the application. Members heard and understood the alternatives suggested by the applicant to Councillor Shaw and in granting approval in principle delegated authority to the Head of Area Planning to grant final approval.

DECISION: Granted advertisement consent as recommended in principle, subject to additional condition requiring the signage to be related to the building and its use only and delegated authority to the Head of Area Planning to grant final approval.

4. Former Palace of Arts & Palace of Industry Site, Engineers Way, Wembley (Ref. 12/3361)

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.

RECOMMENDATION: Grant planning permission 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.

With reference to the tabled supplementary report, Neil McClellan, Area Planning Manager clarified the prospective tenants within the outlet as requested at the site visit. In relation to the length of time that the land would be used as a car park, he drew members' attention to comments from Transportation Officers as set out in the supplementary report and in respect of which a number of amendments were recommended. He recommended that condition 1 be changed to 5 years and that condition 7 be changed to refer to a maximum of 1,350 spaces for the first three years from first use and 510 spaces for the following two years unless otherwise agreed by the Council. The Area Planning Manager also drew members' attention to minor amendments to conditions 3 and 6, an addition of a standard condition regarding the reinstatement of redundant crossovers at the applicant's own expense and an additional informative 3 as set out in the tabled supplementary report.

Mr Phillip Grant, member of Wembley History Society and a volunteer of Brent Museum and Archives circulated photographs for members' information. He stated that he had requested the applicant (Quintains) to retain the external walls of the buildings to enable Wembley History Society to stage exhibitions during the

ninetieth anniversary of the British Empire in 2014. He informed members that Quintains had refused his request citing safety reasons. Mr Grant, however, requested the Committee to add a further condition requiring the applicant to retain the external walls, marked on his photographs, for their architectural and historical merits.

Ann Clemence, on behalf of the applicant submitted that the application was essential to enable Quintains to carry out the developments around the Stadium area as without the car park facility, the construction of the design outlet would be delayed. She regretted that for commercial reasons the request made by Mr Grant could not be granted. In response to a member's question, Ann Clemence stated that the contractors currently carrying out the demolition had advised that the retention would involve significant risks and compromise the commercial obligation of the applicant.

In the ensuing discussion, Councillor John expressed a view that the application would give a degree of flexibility on parking issues around Wembley Stadium area which she welcomed. Councillor Cummins however was of the view that the applicant could grant Mr Grant's request for at least part of the wall as indicated in the photograph circulated at the meeting. This view was also shared by Councillors Daly and Hashmi.

In responding to the issues raised, the Area Planning Manager stated that as the building had been de-listed some nine years ago, the applicant could not be asked by way of condition to retain the walls for historical reasons. The Head of Area Planning also advised against the request and went on to request delegated authority on the amended condition 1.

DECISION: Agreed the amended recommendation and conditions as set out in the supplementary report with further amendments to condition 1 delegated to officers.

5. Land south of Coronation Road / west of Rainsford Road, Coronation Road, London, NW10 (Ref. 12/2861)

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.

RECOMMENDATION: Grant planning permission subject to conditions and;

- (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 and Procurement, having referred the application to the Mayor of London

With reference to the tabled supplementary report, Neil McClellan, Area Planning Manager drew members' attention to amendments to conditions 2, 3, 8 and the Heads of Terms of the Section 106 legal agreement. He continued that the applicants had undertaken to respond to the points raised on energy issues before referral of the scheme to the Mayor of London for his Stage 2 consideration. He requested members to agree the recommendation to grant consent in principle and to delegate authority to Head of Area Planning to agree the exact terms of the Section 106 legal agreement on advice from the Director of Legal and Procurement. The Area Planning Manager updated members that representatives of High Speed 2 (HS2) had concluded, following a meeting, that they no longer anticipated any conflict between the HS2 construction activities and the hotel site.

DECISION: Granted planning permission as recommended.

6. 1-12 Inc & Garages, Tregenna Court, Harrow Road, Wembley, HA0 (Ref. 12/2449)

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")."

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 and Procurement.

Councillor Cummins suggested a further condition to ensure appropriate screening of the existing communal garden which was agreed by the Committee.

DECISION: Granted a 3-year extension as recommended with amendments to landscaping condition to ensure appropriate screening of the existing communal garden.

7. Car park, Brook Avenue, Wembley (Ref. 12/3499)

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)

RECOMMENDATION: Defer to the next meeting for a wider consultation and to enable residents to attend the meeting.

Neil McClellan, Area Planning Manager informed members that it had come to light that not all those who had commented on the application had been invited to attend the meeting. In view of that he recommended a deferral of the application.

DECISION: Deferred to the next meeting to ensure all interested parties are invited to attend.

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: Defer from consideration.

This application was deferred from Committee on 13 February 2013 for a site visit at members' request. The Area Planning Manager informed members that since the deferral, it had come to light that a significant piece of plant had been installed at the rear of the premises for which planning permission was required. As the plant was not applied for as part of the original application, the applicant's agent had indicated that he would submit a revised application to include the plant as part of the application to extend the building. Whilst awaiting the revised application for re-consultation and assessment, the Area Planning Manager recommended a deferral.

DECISION: Deferred to the next meeting for re-consultation.

9. Any Other Urgent Business

None.

The meeting ended at 7:50pm

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: Asquith Court Schools, 9 The Ridgeway, Harrow, HA3 0LJ

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This map is indicative only.

RECEIVED: 21 December, 2012

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Asquith Court Schools, 9 The Ridgeway, Harrow, HA3 0LJ

PROPOSAL: Construction of 2 x vehicular accesses onto Draycott Avenue to provide 'entrance' and 'exit' to serve new hardstanding for six on-site parking spaces and parent drop-off zone, pergola, re-location of lamp post, alterations to landscaping and play areas and other associated alterations.

APPLICANT: Asquith Nurseries Ltd

CONTACT: CMC Projects LLP

PLAN NO'S:
See Condition 2.

RECOMMENDATION

To:

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

SECTION 106 DETAILS

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

- (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) Travel Plan to encourage an increase in sustainable modes of travel, to be reviewed annually and re-written every three years to ensure that it continues to reflect the travel and transport issues.
- (c) Section 278 works to comprise:
 - relocation of lamppost;
 - provision of dropped kerb in accordance with approved details;
 - signage as required.

EXISTING

The application site relates to No. 9 The Ridgeway; it is located on the corner of Draycott Avenue and the Ridgeway, and is in use as a childrens Day Nursery. There are currently 14 full time and 47 part time pupils, alongside 19 full and part time staff.

To the western elevation fronting Draycott Avenue there is an existing raised pedestrian crossover just under 10m from the junction with The Ridgeway, directly adjoining a pedestrian access to the Day Nursery. The site frontage adjoining Draycott Avenue is landscaped with shrubs, a low boundary wall and two significant mature trees. Beyond the pedestrian entrance to the north of the site at a width of just under 20m there is a close boarded fence approximately 1.8m in height, and beyond this a playground with a chain link fence 3m in height.

The frontage of the site adjoining The Ridgeway has a landscaped front boundary approximately 7m deep

with a pedestrian access located just under 8m from the junction with Draycott Avenue. There are no parking controls within the locality although there are double yellow lines on Draycott Avenue and "School - Keep Clear" markings to The Ridgeway.

The surrounding uses are predominantly residential. The subject property is not listed, nor is it in a Conservation Area.

PROPOSAL

This application seeks to construct two 3.6m wide vehicular accesses from Draycott Avenue to the Asquith Day Nursery to provide an 'entrance' and 'exit' parent drop-off point. The drop off point would facilitate four parking spaces to the existing nursery alongside the provision of two staff parking spaces. The 'entrance' would be via the northernmost crossover located approximately 45m from the junction of Draycott Avenue and The Ridgeway, and the 'exit' would be located further south approximately 25m from the junction.

Other alterations include a new pergola, the re-location of the lamp post and alterations to the hard and soft landscaping and play areas.

HISTORY

The most recent related site history (not exhaustive) is as follows:

12/2218: Construction of 2 x vehicular access onto Draycott Avenue to provide 'entrance' and 'exit' to serve new hardstanding for on-site parking (6 designated parking spaces) and parent drop-off zone, alterations to play areas including provision of timber pergola and other associated alterations - Withdrawn

08/0504: Details pursuant to conditions 5 (cycle store) and 6 (materials) of full planning permission reference 07/0059, dated 14 January 2008, for erection of single-storey rear extension, formation of parent drop-off area, erection of pagoda and toy store in side/rear gardens, cycle/buggy store in front garden of nursery, and installation of new, close-boarded fence, subject to a Deed of Agreement dated 10th January 2008 under Section 106 of the Town and Country Planning Act 1990, as amended (as accompanied by sample board '08103' and details of bike racks) – Granted, 08/10/2008

08/0134: Details pursuant to condition nos. 3 (landscaping) and 4 (tree-protection method statement) of Full Planning Permission reference 07/0059, dated 14 January 2008, for erection of single-storey rear extension, formation of parent drop-off area, erection of pagoda and toy store in side/rear gardens, cycle/buggy store in front garden of nursery, and installation of new, close-boarded fence, subject to a Deed of Agreement dated 10th January 2008 under Section 106 of the Town and Country Planning Act 1990, as amended – Granted, 08/10/2008

E/07/0417: Without advertisement consent, the display of advertisements – Take no further action, 28/08/2008

07/0059: Erection of single-storey rear extension, formation of parent drop-off area, erection of pagoda and toy store in side/rear gardens, cycle/buggy store in front garden of nursery, and installation of new, close-boarded fence and subject to a Deed of Agreement dated 8/01/2008 under Section 106 of the Town and Country Planning Act 1990 (as amended) and subject to a Deed of Agreement dated 10th January 2008 under Section 106 of the Town and Country Planning Act 1990, as amended – Granted, 14/01/2008

06/1566: Erection of first floor side and rear extension – Refused, 01/08/2006

06/1402: Outline application for erection of a new dwellinghouse (matters determined: siting and access) – Refused, 17/07/2006

04/2674: Construction of a single-storey detached nursery block with a hipped, tiled roof and brick-clad external walls and access paths - Application withdrawn, 16/12/2004

E/98/0536: Erection of temporary classroom – enforcement case closed, classroom retained

97/1027: Retention of detached outbuildings – Dismissed, 19/05/1998

95/1530: Erection of first floor extension and alterations to existing school (as revised by plans dated 27/11/95) – Granted, 09/01/1996

94/2017: Renewal of temporary planning permission Ref: 91/0358 dated 1/7/91 for the retention of a single storey temporary classroom – Granted, 08/03/1995

POLICY CONSIDERATIONS
Brent Core Strategy 2010

CP17 *Protecting and enhancing the suburban character of Brent*

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

Brent Unitary Development Plan 2004

BE2 *Townscape: Local Context & Character*

BE7 *Public Realm: Streetscape*

BE9 *Architectural Quality*

H22 *Protection of Residential Amenity*

TRN3 *Environmental Impact of Traffic*

TRN12 *Road Safety and Traffic Management*

TRN14 *Highway Design*

TRN22 *Parking Standards in Non Residential Development*

TRN34 *Servicing in New Development*

PS12 *Standard for D1 uses*

PS15 *Standard for wide bay Parking*

PS16 *Cycle Parking Standards*

CF2 *Location of small scale community facilities*

CF3 *Protection of community facilities*

Brent Supplementary Planning Guidance

SPG17 - Design Guide for new development

CONSULTATION

A total of 22 neighbours and the Kenton Ward Councillors were consulted on the proposal. One objection was received from a member of the public and another from Councillor Colwill (Ward Councillor).

The two objections to the proposals are on the following grounds:

- The proposal would lead to an increase in traffic generation, thus exacerbating noise and congestion to Draycott Avenue and The Ridgeway;
- The proposal would lead to dangerous on-street parking, obstructing entrances and exits during peak traffic hours;
- Draycott Avenue and The Ridgeway already suffer from heavy commuter parking. The proposal would exacerbate this situation;
- The proposed drop off point would increase in traffic generation for parents seeking to use the drop off point, resulting in queuing vehicles on Draycott Avenue
- There are two old people's homes at 57, 59 and 70 Draycott Avenue whose staff also use the surrounding roads for on-street parking
- The proposed "entry" and "exit" points are too close to the pedestrian crossing and cross roads and would compound the problem of pedestrian and highway safety in an already busy location, particularly for small children using the crossing.

Transportation - The application can be supported on transportation grounds as the proposed development for the setting down area forms part of the wider Travel Plan policy, the location of the vehicular crossing and the parking and access is acceptable.

REMARKS

Key considerations

The main planning issues are considered to be:

- 1) Site history
- 2) Impact on traffic generation and on-street parking;
- 3) Impact on highway safety;
- 4) Trees and landscaping
- 5) Visual impact and impact on amenity;
- 6) Loss of play space;
- 7) Response to objections.

1) Site history

This application relates to Asquith Day Nursery located on the north-eastern corner of the junction of The Ridgeway and Draycott Avenue. As set out in the *Planning History*, planning permission was granted in 2007 (LPA Ref: 07/0059) for a single storey extension to the nursery. Whilst the "drop off zone" is included in the description of development, it is noted that this element of the scheme was omitted from the proposal as required by the Planning Committee before resolving to grant planning permission. This element of the scheme is not shown on the approved plans.

Members did not support the drop-off zone as they did not consider that the off-street parking and the drop off facilities would address the current traffic problems at the nursery.

A further planning application was submitted in 2011 to implement a parent drop-off area as outlined above, however the application was later withdrawn as the Council's Highways department objected to the application on the grounds that no Travel Plan had been provided, as required within the Legal Agreement relating to application reference 07/0059. Furthermore, no Safety Audit or Speed Check had been provided to sufficiently demonstrate that Members original concerns about traffic generation and highway safety had been addressed. An updated Travel Plan, Safety Audit and Speed Check have now been provided and the application for the proposed "drop off" point re-submitted.

2) Impact on traffic generation and on-street parking

The Asquith Day Nursery has 19 staff with 14 full time children and 47 part time children in attendance. The nursery hours are 07:00 to 18:00.

At present, the nursery has no off-street parking spaces for its staff or visitors which results in staff parking on street and parents, when dropping their children off by car, parking on the street or on the existing double yellow lines.

The area of Draycott Avenue, The Ridgeway and the surrounding streets has no Controlled Parking Zone (CPZ) despite the area being in a Public Transport Accessibility Level of 4 ("Moderate") and is noted the site is located just over 450 metres from Draycott Avenue Underground Station and just under 500m from Northwick Park Overground and Underground Stations. The area of Draycott Avenue, The Ridgeway and the surrounding streets therefore suffer from commuter parking during the daytime given that there are no parking restrictions.

The Council's parking standards allow for a maximum of six staff parking spaces; the proposed car parking on site is therefore considered acceptable in principle providing 2 staff parking spaces and 4 spaces for parents dropping off and picking up children. Whilst it is noted that the provision of 'drop-off zones' are not generally supported because they do not assist in encouraging the use of alternative modes of transport to the car, the Council's Highways Department provide strong support for the drop-off bay in this instance for the

following reasons:

- Changes are required to alleviate traffic congestion within the area;
- The area is heavily parked during the day and the proposal will help reduce on-street parking;
- The 'drop-off zone' will mean there is no need for cars to reverse along Draycott Avenue as they will be able to enter and leave the site in forward gear;
- Detailed Travel Plan required to assist in minimising car use.

Although there is the potential for the drop off point to encourage additional car trips by parents and staff, a Travel Plan has been submitted which includes a baseline survey of travel patterns since the expansion of the nursery after 2007. Surveys have been carried out to establish the existing modes of transport used by both staff and parents. Safety was identified as one of the reasons why parents would not walk to the nursery; the proposal will formalise the drop-off arrangements which it is hoped will alleviate parking problems close to the nursery and help address safety concerns. The Travel Plan have been provided with a commitment to on-going development and implementation of initiatives to restrict vehicular travel, and the targets include reduction of staff travel by car by 5% and parent travel by car by 5% September 2014.

It is also noted that eight cycle parking spaces for the nursery will be provided which exceeds the requirement of 3 spaces. An additional buggy store close to the tarmac area will also encourage walking. Concerns have been raised regarding the potential for cars to queue to enter the site however it is considered the new arrangement will enable the drop-off to be more 'time efficient' within children dropped off within the site. As a result, parents will be stopping for a shorter period which will be an improvement on the existing situation.

3) Provision of additional vehicular accesses and impact on highway safety

The case officer requested that a Safety Audit and Speed Check be provided as part of the application to highlight whether the Planning Committee's safety concerns with regard to the previous application could be appropriately addressed.

A Speed Survey has been undertaken which showed that the northbound and southbound average speeds (i.e. 24.7mph) require visibility splays of 33m; as such it has been evidenced that these splays can be achieved thus addressing any issue that the crossovers could cause any highway safety impacts.

It is also noted that that the safety audit highlighted a number of safety issues in relation to the proposal including kerb sizes, traffic signs etc. and all of these recommendations have been accepted and the plans amended.

There are two existing BT Telecommunications boxes to the north of the proposed 'exit' from the nursery; it is noted they will not cause any visibility or safety issues as stated in the Safety Audit and will be retained.

4) Trees and landscaping

There are two mature trees, some shrubs, significant soft landscaping and a low boundary wall fronting Draycott Avenue forming an attractive front boundary to the site and are to be retained. Although permeable paving is encouraged to the front boundary, it is noted that the removal and replacement of hard surfacing could potentially damage the existing tree roots therefore full details of the proposed hard landscaping materials would need to be considered as set out within the Tree Protection Method Statement. A condition will be included to this effect. In consideration that the proposal will include some loss of soft landscaping, this should be appropriately replaced with enhancements to the front boundary.

A condition will therefore be included to ensure that further details of the hard and soft landscaping materials to Draycott Avenue are provided.

5) Visual impact and impact on amenity

The proposal is not considered to have a significant impact on amenity in relation to the adjoining residential

uses given that the drop off point and proposed parking spaces will be used only within the daytime, and it is not considered that the crossover will have an unacceptable highways impact on adjoining residents.

It is noted that whilst the application proposes to provide two additional accesses points in Draycott Avenue, the application will not increase the level of hardstanding at the site in consideration that the crossovers will be provided to the existing playground. A condition will be included to secure the retention of the two existing mature trees alongside enhanced landscaping.

The pergola is considered visually acceptable and full details of the materials will be required to be submitted.

6) Loss of playspace

Whilst it is noted that the proposal will result in some loss of some playspace, given that the application relates to a private nursery and not a school this cannot be controlled by this planning application.

It is noted enhanced play facilities will be provided; a condition will be included to ensure that details of the play equipment is agreed in writing by the council prior to the implementation of the permission

7) Response to objections

Two objections have been received in relation to the proposal; the case officer has responded to each of these outlined below:

Objection	Officer response
The proposal would lead to an increase in traffic generation, thus exacerbating noise and and congestion to Draycott Avenue and The Ridgeway	The proposal will help to remove some of the vehicles that currently use the street for uncontrolled parking and the Travel Plan will reduce vehicle use. For more information see Section 2.
The proposal would lead to dangerous on-street parking, obstructing entrances and exits during peak traffic hours	See Sections 2 and 3 above
Draycott Avnue and The Ridgeway already suffer from heavy commuter parking. The proposal would exacerbate this situation;	See Sections 2 and 3 above
The proposed drop off point would increase in traffic generation for parents seeking to use the drop off point, resulting in queuing vehicles on Draycott Avenue	See Sections 2 and 3 above.
There are two old people's homes at 57, 59 and 70 Draycott Avenue whose staff also use the surrounding roads for on-street parking	It is acknowledged there is heavy daytime on-street parking on Draycott Avenue. The proposal will help to alleviate the on-street parking problem through the increase in off street parking provision and through the implementation of the Travel Plan.
The proposed "entry" and "exit" points are too close to the pedestrian crossing and cross roads and would compound the problem of pedestrian and highway safety in an already busy location, particularly for small children using the crossing.	The Speed Check and the Safety Audt have calculated the recommended visibility distances along the street and the recommendations of the Safety Audit have been followed. See section 3 above for more information.

Conclusion

On balance, the proposal is considered to comply with policies BE2, BE7, BE9, TRN3, TRN12, TRN14, TRN22 and PS12. Approval is recommended, subject to a Legal Agreement and Conditions.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

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

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

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

432:02:01
432:01:00
432:04:00
"Transport Assessment" November 2012
"2012 Travel Plan"

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

- (3) Prior to commencement of development, details of signage to be provided on site shall be submitted to and approved in writing by the local planning authority. The signs shall be installed prior to use of the access in accordance with the approved details and thereafter retained.

Reason: To ensure appropriate signage is provided on site.

- (4) No development shall commence unless all areas shown on the plan(s) and such other areas as may be shown on the approved plan(s) shall be suitably hard and soft landscaped and a scheme is to be submitted to and approved in writing by the Local Planning Authority. prior to commencement of development on site.

Such landscape works shall be completed prior to first use of the parking area. Such details shall include:-

- (i) Hard landscaping and boundary treatments to the proposed drop-off point at Draycott Avenue including details of materials, finishes, drawings and sections;
(ii) Proposed boundary treatments including the pergola/ walls/ fencing, indicating materials and heights;
(iii) Enhanced screen planting along the site boundary of Draycott Avenue including location,

- species, density, pot size and numbers;
- (iv) Any sustainable construction methods which are to be used;
- (v) The retention of all existing soft landscaping to The Ridgeway;
- (vi) Trees to be retained within the site;
- (vii) Details of all structures, street furniture and play equipment;

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

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development.

- (5) Prior to the commencement of any works on site, a Tree Survey and Arboricultural Method Statement, to include the protection of existing trees, hedges and shrubs, shall be submitted to and approved in writing by the Local Planning Authority. These shall adhere to the principles embodied in BS5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement.

The development shall be carried out strictly in accordance with the approved Tree Survey and Arboricultural Method Statement.

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

INFORMATIVES:

- (1) If the development is carried out it will be necessary for the lamp post to be relocated and two crossings to be formed 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. Application for such works should be made to the Council's Streetcare Section, Brent House, 349 High Road Wembley Middx. HA9 6BZ Tel 0181 937 5050.

REFERENCE DOCUMENTS:


Any person wishing to inspect the above papers should contact Laura Jenkinson, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5276

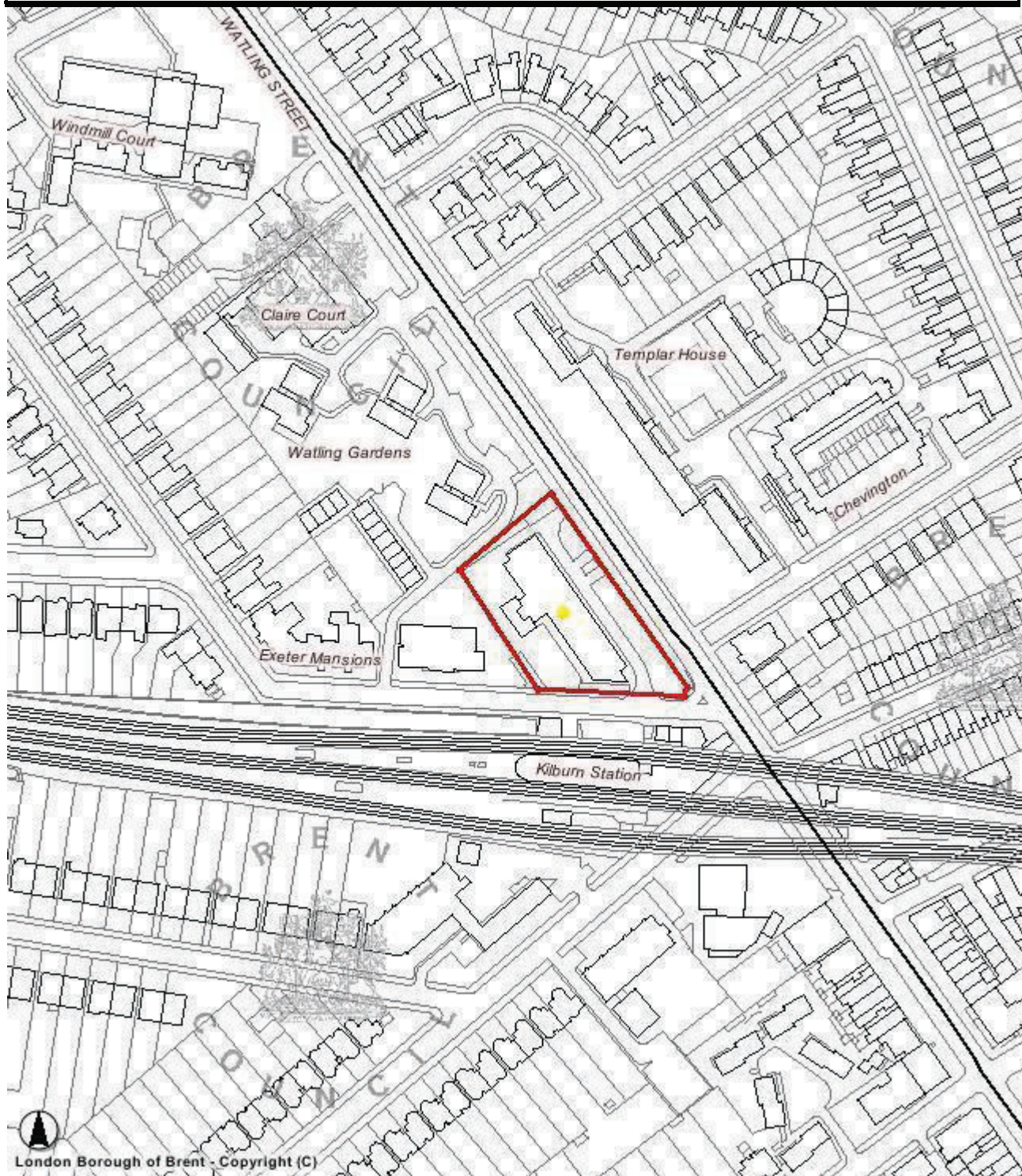
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Agenda Item 4

Committee Report Planning Committee on 17 April, 2013

Item No. 04
Case No. 13/0377

 **Planning Committee Map**
Site address: All Flats at Jubilee Heights, Shoot Up Hill, London, NW2
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This map is indicative only.

RECEIVED: 8 February, 2013

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: All Flats at Jubilee Heights, Shoot Up Hill, London, NW2

PROPOSAL: Variation of condition 2 (development to be carried out in accordance with approved plans) to allow minor-material amendment comprising:

- provision of 1 x 2 bedroom and 4 x 3 bedroom flats (instead of 5 x 2 bedroom flats)

of full planning permission 11/1307 approved under appeal dated 27/02/12 for erection of a 5-storey building, comprising 5 self-contained flats with roof garden, attached to southern elevation of Jubilee Heights.

APPLICANT: Redab Midtown Ltd

CONTACT: Mr David Alton

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

To:

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

SECTION 106 DETAILS

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

- (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 £100,000 toward Affordable Housing in the borough, due on material start and index-linked from the date of the previous decision.
- (c) A contribution £42,000 (£3,000 per additional private bedroom), due on material start and index-linked from the date of the previous decision for Education, Sustainable Transportation, Open Space and Sports in the local area
- (d) Join and adhere to the Considerate Contractors Scheme.

EXISTING

The subject site is an eight-storey residential block which has been converted and extended over the past 15 years from its original function as offices. It is located on the corner of Shoot Up Hill and Exeter Road adjacent to the Kilburn Underground Railway Station. Shoot Up Hill forms the borough boundary with London Borough of Camden to the east.

The building contains 91 residential units (including the conversion of the ground floor from offices to residential flats and the erection of a 6 storey extension), divided as follows: 15 x 1-bed, 71 x 2-bed, 5 x 3-bed. The surrounding uses are predominantly residential although to the south there is a short section of

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Ref: 13/0377 Page 2 of 13

Secondary Shopping Frontage.

The property is not a listed building, although its curtilage abuts the Mapesbury Conservation Area (to the rear of Cedar Lodge).

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 - private

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1				507	507

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
				507	507

PROPOSAL

Variation of condition 2 (development to be carried out in accordance with approved plans) to allow minor-material amendment comprising:

- provision of 1 x 2 bedroom and 4 x 3 bedroom flats (instead of 5 x 2 bedroom flats)

of full planning permission 11/1307 approved under appeal dated 27/02/12 for erection of a 5-storey building, comprising 5 self-contained flats with roof garden, attached to southern elevation of Jubilee Heights.

HISTORY

There is a detailed planning history relating to this site. The most relevant application is that below:

12/2067: Details pursuant to condition numbers 6 (details of rooftop garden and plant species) and 7 (Landscaping), of full planning application reference 11/1307 allowed on appeal dated 27th February 2012 - Granted, 01/10/2013.

12/2098: Details pursuant to condition 3 (materials), condition 8 (refuse storage), condition 9 (cycle storage) condition 10 (car parking) of planning application ref: 12/0817 for variation of condition 2 (development to be carried out in accordance with approved plans) to allow minor-material amendment comprising:

- provision of 1 x 2 bedroom and 4 x 3 bedroom flats (instead of 5 x 2 bedroom flats)

of full planning permission 11/1307 approved under appeal dated 27/02/12 - Granted, 18/10/2012.

12/0817: Variation of condition 2 (development to be carried out in accordance with approved plans) to allow minor-material amendment comprising provision of 1 x 2 bedroom and 4 x 3 bedroom flats (instead of 5 x 2 bedroom flats) of full planning permission 11/1307 approved under appeal dated 27/02/12 and subject to a Deed of Variation dated 26 September 2012 under Section 106 of the Town and Country Planning Act 1990, as amended - Granted, 09/10/2012.

11/1307 - Erection of a 5-storey building, comprising 5 self-contained flats (5 x 2 bedroom flats) with roof garden, attached to southern elevation of Jubilee Heights- planning permission was refused on 15 July 2011 for the following reasons:

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1. *The introduction of a five storey extension sited within the southern end of the existing communal amenity space fronting Shoot Up Hill is considered to significantly impact upon this existing amenity space, as it results in the loss of an area of external space which has high amenity value evident through its orientation currently receiving good daylight and sunlight throughout most of the day; and in addition adversely impacts upon the remaining external space through the removal and screening of sunlight for the majority of the day to this space. The harmful impact is not considered to be sufficiently offset by the provision of a roof garden, particularly as the site is located within an Area of Open Space Deficiency. The proposal is contrary to policies BE9, H12 and H13 of Brent's adopted Unitary Development Plan 2004 and the guidance as outlined in the adopted Supplementary Planning Guidance No. 17 "Design Guide for New Development".*
2. *The introduction of a five storey extension on the southern end of Jubilee Heights, by reason of its close proximity and excessive depth in relation to the kitchen windows of existing flats at first to third floor levels, is considered to restrict outlook from these windows and have a general overbearing appearance and undue sense of enclosure, to the detriment of the amenities of the occupiers of the existing flats. The impact is exacerbated by the proposed extension resulting in a loss of morning sunlight to these important habitable rooms. This would be contrary to policy BE9 of Brent's adopted Unitary Development Plan 2004 and the guidance as outlined in Supplementary Planning Guidance No. 5 "Altering and Extending Your Home".*
3. *In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places, and increased pressure for the use of existing open space, without contributions to enhance open space, sports or make other contributions to improve the environment and air quality. As a result, the proposal is contrary to policy CP18 of Brent's adopted Core Strategy 2010 and policies CF6, TRN2, TRN3 and TRN11 and the adopted S106 Planning Obligations Supplementary Planning Document.*
4. *In the absence of a legal agreement to control the matter, the proposed development does not provide sufficient affordable housing on site or make satisfactory provision to compensate off site, contrary to Policies 3A.9, 3A.10, 3A.11 of the London Plan 2008, policies CP2 and CP21 of Brent's adopted Core Strategy 2010*

An appeal was lodged to the Planning Inspectorate. The proposal was allowed under appeal on 27 February 2012.

POLICY CONSIDERATIONS

National

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

National Planning Policy Framework

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

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

LDF Core Strategy and UDP saved policies referred to in the report below have been considered in the assessment of the application and the recommendation is considered to comply with the NPPF.

The London Plan

3.11: Affordable housing targets - In setting targets boroughs should take account of local assessment of need, the Mayor's strategic target for affordable housing provision that 50% of provision be affordable, and the promotion of mixed and balanced communities.

3.12: Negotiating affordable housing on individual private residential and mixed-use schemes -
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Boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private residential schemes, having regard to their affordable housing targets.

3.13: Affordable housing thresholds - Boroughs should normally require affordable housing provision on a site which has capacity to provide 10 or more homes.

Policy 8.3 - Community Infrastructure Levy - relates to Mayoral CIL charges.

Core Strategy

The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight. The relevant policies for this application include:

CP2: Population and Housing Growth - The borough will aim to achieve the London Plan target that 50% of new homes should be affordable.

CP18: Protection and Enhancement of Open Space, Sports and Biodiversity: Support will be given to the enhancement and management of open space for recreational, sporting and amenity use and the improvement of both open space and the built environment for biodiversity and nature conservation. New or improved provision (including improved access) will be sought in areas of deficiency and where additional pressure on open space and outdoor play facilities would be created.

CP21: A Balanced Housing Stock - A balanced housing stock should be provided to meet known needs and to ensure that new housing appropriate contributes towards the wide range of borough household needs including an appropriate range and mix of self contained accommodation types and sizes.

Brent's UDP 2004

In addition to the Core Strategy, there are a number of policies which have been saved within the Unitary Development Plan (UDP), which was formally adopted on 15 January 2004. The saved policies will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:

BE2: Townscape: Local Context & Character - Proposals shall be designed with regard to their local context, making a positive contribution to the character of the area.

BE3: Urban Structure: Space & Movement - Proposals should have regard to the existing urban grain, development patterns and density in the layout of development sites, and should be designed to ensure that particular emphasis is placed on prominent corner sites, entrance points, and creating vistas and public areas; and respecting the form of the street by responding to established lines of frontage, unless there is a clear urban design or planning justification.

BE6: Public Realm: Landscape Design - A high standard of landscape design is required as an integral element to development schemes including an adequately landscaped frontage and boundary treatments which complement the development and enhance the streetscene.

BE9: Architectural Quality - Extensions and alterations to existing buildings shall be designed to:- (a) be of a scale, massing and height that is appropriate to their setting, civic function and/or townscape location; (b) have attractive front elevations which have a direct relationship with the street at ground level, with well proportioned windows, and habitable rooms and entrances on the frontage, wherever possible; (c) be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other, which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents; and (d) employ materials of high quality and durability, that are compatible or complementary colour and texture, to the surrounding area.

EP2: Noise & Vibration - Noise sensitive development will not be permitted where users would suffer noise levels above acceptable levels, and if this cannot be acceptably attenuated.

H12: Residential Quality - Layout Considerations - Residential developments should have a site layout which reinforces or creates an attractive and distinctive identity, appropriate to its locality creating a clear sense of place, have housing facing on to streets; have an appropriate level of car parking and cycle parking; and avoid an excessive coverage or hard landscaping and have an amount and quality of open landscaped

area appropriate to the character of the area, and local availability of open space, and needs of prospective residents.

H13: Residential Density - New residential development shall make an efficient use of land and meet the amenity needs of potential residents. Higher densities are supported in areas of good or very good public transport accessibility. The density of a site shall also have regard to the context and nature of the proposal, constraints and opportunities of the site and the type of housing proposed.

CF6: School Places - Contributions to build new school classrooms and associated facilities will be required where new housing development would worsen or create a shortage of school places.

TRN2: Public Transport Integration - Development proposal should benefit and not harm the operation of the public transport network.

TRN3: Environmental Impact of Traffic- Proposals should not cause or worsen an unacceptable environmental impact from traffic.

TRN11: The London Cycle Network - Developments should comply with the plan's minimum cycle parking standards (PS16), with cycle parking situated in a convenient, secure and, where appropriate, sheltered location.

TRN23: Parking Standards - Residential Developments - "Car free" housing developments may be permitted in areas with good or very good public transport accessibility.

Supplementary Planning Guidance

SPG5 "Altering and Extending Your Home"
SPG17 "Design Guide for New Development"

Supplementary Planning Document

S106: Planning Obligations

CONSULTATION

Consultation Period: 26/02/2013 - 19/03/2013

Public Consultation

192 neighbours consulted - Four neighbours objected on the following grounds:

- Redab Midtown Ltd is not the freeholder but Redbad Kilburn Ltd is the freeholder. Freeholder overcharged on service charges
- Neighbours not consulted on planning application ref: 11/1307
- Extension will block homes, car park and garden areas.
- Dust from development.
- Further congestion on Exeter Road.
- Roof garden to compensate for the loss of the external amenity space is not sufficient.
- Concerns with fire escapes.
- Additional pressure on existing facilities within Jubilee Heights.
- Roof garden will be used as a private garden rather than a communal garden.

REMARKS

Background

As Members may be aware an identical minor material amendment application for 4 x three bedroom units and 1 x two bedroom units instead of 5 x two bedroom units within the five storey extension was presented to the Planning Committee on 25 July 2012, where Members resolved to grant planning permission subject to the completion of a satisfactory legal agreement. The legal agreement was completed on 26 September 2012 and the application was granted planning permission on 9 October 2012.

The previous application was liable to the Mayoral Community Infrastructure Levy (CIL) which came into effect on 1 April 2012. The regulations on the CIL has since been amended on 29 November 2012. In the case of Section 73 applications (minor material amendments), the CIL Levy is now only payable on applications where there is an additional increase in floorspace compared to the original planning application. In this case, as this application is not increasing the floorspace of the five storey extension, and the previous minor material amendment has not been implemented, it is no longer liable to the CIL Levy under the revised regulations.

Current application

As discussed above, this application is identical to the previous minor material amendments application for 4 x three bedroom unit and 1 x two bedroom units instead of 5 x two bedroom units within the five storey extension. The key considerations of the application have already been considered and are reiterated below:

Key considerations

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

- (a) whether the revised mix and quality of accommodation is acceptable;
- (b) whether the proposed alterations would have an adverse impact on neighbouring amenity;
- (c) whether following the proposal would give rise to any highways issues;
- (d) whether there are changes required to the legal agreement to mitigate the impacts of the development.

(a) Mix and Quality of Accommodation

This application proposes 4 x three-bedroom self contained flats and 1 x two-bedroom self contained flat. The mix of units is considered acceptable for the site; the provision of family sized units is supported by policy CP21 in the Core Strategy 2010.

- Affordable Housing provision

The previous appeal decision indicated that the flats will be market housing; this application did not in itself require the provision of affordable housing as it provides 5 units (below the 10 unit threshold). However, due to the incremental increase of units on the site since 2007 totalling 19 (including this proposal), overall the additional units exceeded the threshold for the provision of affordable housing as set out in the London Plan and policy CP2 of Brent's Core Strategy 2010 and it was considered that mitigation was required.

The legal agreement which was signed as part of the previous application (LPA Ref: 11/1307) to secure a contribution of £100,000 towards affordable housing in the Borough. The policy position for the current application has not altered since the previous decision (the updated London Plan 2011 reiterates its previous stance on affordable housing provision) therefore such a contribution would still be required.

- Unit sizes

Supplementary Planning Guidance 17 indicates minimum unit sizes for flats and seek the following flat sizes as a minimum:

- 2-bedroom (4-person) flat – 65 square metres.
- 3-bedroom (5-person) flat – 80 square metres.

However the London Plan 2011 revised space standards are larger and seek the following flat sizes as a minimum:

- 2-bedroom (4-person) flat – 70 square metres.
- 3-bedroom (5-person) flat – 86 square metres.

An assessment of the current scheme indicates that all flats shown on the plans are in excess of the Council's guidelines and those set out in the London Plan. As such, the internal space is considered acceptable.

All of the units are dual aspect; outlook is considered acceptable for the habitable windows of the all five flats.

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Ref: 13/0377 Page 7 of 13*

- External amenity space

All proposed flats are provided with a balcony of 6sqm. Each flat also has access to the communal roof garden which is measures 104sqm. In terms of the amenity space requirements set out in SPG17, this does not change as a result of the proposal; the three bedroom units are not located on the ground floor therefore the guidance would not trigger the requirement for 50 sq m of amenity space per unit.

(b) Neighbouring Amenity

The footprint and relationship of the proposed extension remains unchanged to the previously approved proposal. The Planning Inspectorate considered the impact on outlook, privacy and daylight to the adjoining occupiers and considered that this was within acceptable limits.

Concern has been raised regarding the increase in use of the communal corridors from residents within Jubilee Heights and those in Cedar Lodge to access the communal roof terrace. Whilst it is acknowledged that the provision of a roof terrace may increase the footfall of residents using the internal corridors, given the provision of other areas of external amenity space within the site and it being unlikely that the use of this terrace by a large numbers of residents would occur at any one time, the proposal would not give rise to any significant amenity concerns. Notwithstanding this, it is a matter that would fall within the remit of management of the building as a whole.

(c) Highway Considerations

This proposal will increase the total number of flats on the site to 126 flats (including the existing flats within Cedar Lodge), meaning that there is scope to provide an on site parking for each unit including those proposed as part of this application. It is therefore recommended, as per the previous approval, that a management plan to be conditioned providing details of how each space will be allocated for existing and proposed units.

No details of refuse or recycling storage for the new units have been provided. Cycle parking has been indicated on the plans, but full details of the design and siting have not been submitted. It is recommend such details be secured by condition as with the previous consent.

(d) Section 106 Contributions

On this particular application, the proposed Heads of Terms, including the total financial contribution required to comply with the Council's adopted SPD on the subject has been agreed within the previous legal agreement. However, as the size of the units have increased, providing an additional 4 bedrooms, an increase in contribution is necessary. The Council charge per additional bedroom is £3,000 and therefore an increase of £12,000 is also required. The applicant has also agreed in principle to affordable housing contributions. The Heads of Terms that are sought are as follows:

- (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 £42,000 (£3,000 per additional private bedroom), due on material start and index-linked from the date of the previous decision for Education, Sustainable Transportation, Open Space and Sports in the local area
- (c) A contribution of £100,000 toward affordable Housing in the borough, due on material start and index-linked from the date of the previous decision
- (d) Join and adhere to the Considerate Contractors scheme.

Other matters

Conditions

The previous minor material amendment application (LPA Ref:12/0817) was subject to a number of conditions including details of external materials, refuse storage, bike storage and car park management plan. Details of these conditions have been submitted and approved by the Council (LPA Ref: 12/2098 granted on 18/10/2012), and the approved details will be secured as part of this application.

Details of landscaping both within the communal garden at ground level and within the roof garden on top of the five storey extension were also conditioned as part of the previous minor material amendment application.

These details have not yet been discharged, and such details will be conditioned as part of this application.

Response to objections raised

Point of Objection	Comment
Redab Midtown Ltd is not the freeholder but Redab Kilburn Ltd is the freeholder. Freeholder overcharged on service charges	The planning application form states that Redab Midtown Ltd are the freeholder. Redab Midtown Ltd are also referred to as the freeholder for the original application ref: 11/1307 in addition to Redab Kilburn Ltd. Matters on overcharging on service charges is not a planning consideration. The objector will need to raise this with the freeholder.
Neighbours not consulted on planning application ref: 11/1307	191 neighbours were consulted on planning application ref: 11/1307. In response to this objection, a petition with 65 signatures were received together with 17 letters of objection.
Extension will block homes, car park and garden areas.	The siting of the five storey extension in terms of the impact upon the amenities of neighbouring occupiers, existing amenity area and car parking have been considered by the Planning Inspector as part of the appeal for application ref: 11/1307 where the Inspector considered that the extension would not adversely impact upon the amenities of neighbouring occupiers or the wider locality.
Dust from development.	This is a matter that is covered by Environmental Health Legislation rather than planning legislation. The Section 106 Agreement requires the applicant to enter into the Considerate Contractors Scheme throughout the construction works.
Further congestion on Exeter Road.	A car park management plan has been secured to minimise overspill parking onto surrounding roads. The development is not considered to adversely impact on parking within the surrounding road network.
Roof garden to compensate for the loss of the external amenity space is not sufficient.	The Planning Inspector for the original application ref: 11/1307 concluded that the roof garden was sufficient to compensate for the loss of the external amenity space. This application does not increase the footprint of the five storey extension and as such no additional external amenity space is to be loss as a result of this application.
Roof garden will be used as a private garden rather than a communal garden.	Access is provided from the fourth floor of Jubilee Heights to the roof garden. It will be accessible to all residents within Jubilee Heights.
Additional pressure on existing facilities within Jubilee Heights.	The Planning Inspector for the original application ref: 11/1307 concluded that sufficient communal amenity space will be provided for both existing and proposed residents.
Concerns with fire escapes.	The location of entrance doors in relation to fire escapes is a matter that is considered under Building Regulations.

Conclusions

The proposal involves a minor material amendments to a previously approved scheme allowed under appeal. The proposed change to the mix of the units within the five storey extension to include 4 x three-bedroom self contained flats and 1 x two-bedroom instead of 5 x 2 bedroom flats is considered acceptable in terms of the impact upon the amenities of existing occupiers and car parking provision. The proposal will bring a number of benefits to the area including a financial contribution of £42,000 secured as part of the Section 106 Agreement for education, sustainable transportation, open space and sports in the local area, and a contribution of £100,000 for affordable housing provision in the borough.

Approval is accordingly recommended subject to the completion of a satisfactory Section 106 Agreement.

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, 17 and 19 and Supplementary Planning Document *s.106 obligations*

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

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

CONDITIONS/REASONS:

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning on 27 February 2012.

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

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

Plan numbers

PL/266/01-001 Rev B
PL/266/01-002 Rev B
PL/266/01-003 Rev C
PL/266/01-004 Rev C
PL/266/01-005 Rev C
PL/266/1005 Rev C
PL/266/1006 Rev D
PL/266/1008 Rev B

The following plans and documents are part of the previous consent and still apply:
PL/266/1000; PL/266/1001; PL/266/1009; PL/266/1010; PL/266/1011; PL/266/1012;
PL/266/1013; and PL/266/1014

A266 Design & Access Statement prepared by Alton Design Associated dated 20 May 2011
ADA Jubilee Heights Amenity Study 12.05.2011
Amenity Space/Landscaping by Alton Design Associates dated 20 June 2011
Transport Statement prepared by Icen Projects Limited dated April 2011
Architectural and urban design appraisal prepared by KM Heritage dated April 2011
Noise and Vibration Assessment Revision – 2 prepared by Acoustic Logic
Daylight and Sunlight Report prepared by Drivers Jonas Deloitte dated 21 April 2011

Reason: For the avoidance of doubt and in the interests of proper planning. The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

- (3) The window to bedroom 2 of the ground floor of the ground floor flat hereby approved shall be constructed with obscure glazing upto 1.8m above internal floor level and shall be so maintained thereafter unless the prior written consent of the Local Planning Authority is obtained to any variation.

Reason: To minimise interference with the privacy of the occupier(s).

- (4) The roof-lights within the communal roof top garden hereby approved shall be constructed to be obscure glazed and non-opening and shall be so maintained thereafter unless the prior written consent of the Local Planning Authority is obtained to any variation.

Reason: To minimise interference with the privacy of the occupier(s) and in the interest of visual amenity of the locality.

- (5) The refuse and recycling facilities for existing and proposed units within Jubilee Heights, shall be carried out in full accordance with the details approved as part of application ref: 12/2098 dated 18 October 2012, prior to the first occupation of any of the flats hereby permitted and these facilities shall thereafter be permanently retained in full accordance with the approved details. A list of the approved documents is listed below:

LO/230/32
PL/266/1015
Extract from ADA Architects Dated 3rd August 2012
Refuse & Recycling Calculations for A266 Jubilee Heights 5 (South Block)

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.

- (6) All external work, shall be carried out in accordance with the details approved as part of application ref: 12/2098 dated 18 October 2012. A list of the approved materials is listed below:

- Brochure and Sample of Optima FC cladding system by Sotech with pressed metal panels in copper green tint
- Brochure of Aluminium wood fusion line 108 triple glazed performance windows by Gaulhofer in colour RAL 1001
- Sample of Brick - Class 3 engineering brick by Wienerberger
- Sample of Webber M210 Granite Grey Roughcast with cut ashlar joints

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 cycle parking facilities shall be carried out in full accordance with the details approved as part of application ref: 12/2098 dated 18 October 2012 prior to the first occupation of any of

the flats hereby permitted and these facilities shall thereafter be permanently retained in full accordance with the approved details . A list of the approved documents is listed below:

LO/246/20 Rev J
Extract from ADA Architects Dated 3rd August 2012

Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory facilities for cyclists.

- (8) The management arrangements of the car parking spaces within Jubilee Heights and Cedar Lodge shall be carried out in full accordance with the details approved as part of application ref: 12/2098 dated 18 October 2012 prior to the first occupation of any of the flats hereby permitted and thereafter retained.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to ensure a satisfactory standard of amenity by providing and retaining adequate on site car parking.

- (9) Notwithstanding the submitted plans otherwise approved, further details of the communal roof top garden shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The proposed garden shall thereafter be constructed in full accordance with the approved details prior to the first occupation of any of the flats hereby permitted. Such details shall include:

- a) Details of the roof construction including drainage and hard landscaping; and
- b) Details of proposed plant species and substrate.

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

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

- (10) Full details of the landscaping works and treatment of the remaining communal amenity spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any demolition/ construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. Such a scheme shall include:

- a) The identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- b) details of proposed planting including species, plant sizes and planting densities;
- c) areas of hard landscape works and proposed materials;
- d) a buffer between the remaining communal amenity space and the ground floor flat within the proposed development;
- e) details of the proposed arrangements for the maintenance of the landscape works;
- f) details of any exterior lighting to be provided on the site.

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

Reason: To ensure a satisfactory standard of appearance and setting for the development

and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

INFORMATIVES:

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

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

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Planning Committee Map

Site address: Former Willesden New Social Club, Rucklidge Avenue, London, NW10 4PX

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This map is indicative only.

RECEIVED: 25 February, 2013

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Former Willesden New Social Club, Rucklidge Avenue, London, NW10 4PX

PROPOSAL: Erection of a four and five storey building accommodating 22 flats, ground floor A1 and/or D1 floorspace and retention of electricity sub station.

APPLICANT: MA Estates & Development and Radha Investments Limited

CONTACT: PPM Planning Limited

PLAN NO'S:
See condition 2.

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning 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 Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Provision of affordable housing: two bed flats will be provided as intermediate affordable units (units 3 and 4 as shown on drawing 287 AP/101 REV04) plus a financial contribution of £190,000.
- (c) A contribution of £3,000 per bedroom/£2,400 per affordable housing bedroom, index-linked from the date of committee, for Education, Sustainable Transportation, Open Space and Sports in the local area.
- (d) A contribution of £13,677.56 to offset the developments short fall of external amenity space.
- (d) Sustainability – Code for Sustainable Homes Level 4 and Breeams 'Excellent' rating Post Construction Assessment and Certificate shall be submitted prior to occupation; achieve 50% on the Brent Sustainable Development Checklist, demonstrated through submission of a Detailed Sustainability Implementation Strategy prior to construction; compliance with the ICE Demolition protocol, demonstrated by submission of an independent report detailing demolition and new build material use and recycling; and details of any renewable technologies required to supplement any passive measures in order to achieve a minimum 25% reduction above the CO2 target emission rate required by the Building Regulations Part L 2010, to be submitted, approved and maintained throughout the lifetime of the development.
- (e) Prior to Practical Completion enter into a s278/s35 for any required highways works.
- (f) Join and adhere to the Considerate Constructors scheme
- (f) The development shall be entirely "car-free".

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

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £62,370.00.

EXISTING

This application relates to the Former Willesden New Social Club at the junction of Rucklidge Avenue and Park. The site is roughly rectangular in shape and has an area of just over 0.1 hectares. The former Club has now been demolished leaving the site vacant apart from a small functioning electricity sub station in the north east corner.

The south west and north west boundaries of the site front Rucklidge Avenue and Park Parade. The north east boundary abuts 1-12 St Josephs Court, a relatively modern three storey residential development fronting Park Parade and Leghorn Road. The south east boundary abuts Willows Terrace, a two storey terrace of Victorian properties fronting Rucklidge Avenue.

The site is within the Harlesden District Centre boundary and is therefore ideally located to take advantage of all the Centre's facilities. Park Parade is characterised by commercial development whereas Rucklidge Avenue is largely residential. Opposite the site on Park Parade are three storey properties with ground floor retail. At the junction of Park Parade and Rucklidge Avenue, opposite the site, is a three and four storey commercial building which fronts both Rucklidge Avenue and Park Parade.

The site has very good access to public transport (bus, rail and tube) with a PTAL of 5. The area is within the HW Controlled Parking Zone (CPZ) with restrictions in place between 8am and 6pm. The site is not located in a Conservation Area nor does it contain any listed features.

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	financial and professional services	
3	restaurants and cafes	
4	drinking establishments (2004)	
5	hot food take away (2004)	
6	businesses and offices	
7	businesses / research and development	
8	businesses and light industry	
9	general industrial	
10	storage and distribution	
11	hotels	
12	dwelling houses	
13	non-residential institutions	
14	Shops	

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	0		0	82	
2	0		0	0	
3	0		0	0	
4	0		0	0	
5	0		0	0	
6	0		0	0	
7	0		0	0	
8	0		0	0	
9	0		0	0	
10	0		0	0	
11	0		0	0	

12	0		0	1593	
13	0		0	83	
14	0		0	0	

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0		0	1758	

PROPOSAL

See above.

HISTORY

12/0915 Permission granted at the Council's Planning Committee of 20 June 2012- Erection of a four and five storey building accommodating 22 flats, ground floor A1 and/or D1 floorspace and retention of electricity sub station and subject to a Deed of Agreement dated 24 July 2012 under Section 106 of the Town and Country Planning Act 1990, as amended.

POLICY CONSIDERATIONS

National Planning Policy

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It includes a presumption in favour of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant. The NPPF states that good quality design and a good standard of amenity for existing and future occupants of land and buildings are required. Of particular reference to this CAC application, the NPPF outlines policies for the historic environment and heritage assets. It emphasises the importance of being able to assess the significance of heritage assets that may be affected by a development.

Accordingly, the policies contained within the adopted SPG's, London Borough of Brent Unitary Development Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

LDF Core Strategy 2010

CP1 - Spatial Development Strategy

CP2 - Population and Housing Growth

CP17 - Protecting and Enhancing the Suburban Character of Brent

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

CP19 - Brent Strategic Climate Change Mitigation and Adaptation Measures

CP21 - A Balanced Housing Stock

Brent Saved policies Unitary Development Plan 2004

STR3 - In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).

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

STR9 - The Council will ensure that development proposals do not conflict with the role of GLA Roads and London Distributor Road whilst discouraging through traffic on local roads.

STR12 - Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.

STR13 - Environmentally sensitive forms of development will be sought.

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

STR15 - Major development should enhance the public realm.

BE2 - Townscape: Local Context & Character

BE3 - Urban Structure: Space & Movement

BE4 - Access for disabled people

BE5 - Urban clarity and safety

BE6 - Public Realm: Landscape design

BE7 - Public Realm: Streetscene

BE9 - Architectural Quality

BE12 - Sustainable design principles

EP3 - Local Air Quality Management

EP6 - Contaminated land

EP10 - Protection of Surface Water

H4 - Off-Site Affordable Housing

H11 - Housing On Brownfield Sites

H12 - Residential Quality; Layout Considerations

H13 - Residential Density

TRN1 - Transport assessment

TRN3 - Environmental Impact of Traffic

TRN4 - Measures to make transport impact acceptable

TRN10 - Walkable environments

TRN11 - The London Cycle Network

TRN14 - Highway design

TRN23 - Parking Standards – residential developments

TRN24 - On-Street Parking

TRN34 - Serving for New Development

TRN35 - Transport access for disabled people & others with mobility difficulties

PS14 - Residential Parking Standards

PS15 - Parking for disabled people

PS16 - Cycle parking standards

Brent Council Supplementary Planning Guidance and Documents

SPG12 - Access for disabled people □

SPG17 - Design Guide for New Development □

SPG19 - Sustainable design, construction and pollution control

SPD - Section 106 Planning Obligations

Mayor of London

The London Plan 2011 Mayor of London Supplementary Planning Guidance

(a) Sustainable Design and Construction (May 2006), (b) Planning for Equality and Diversity in London (October 2007), (c) Accessible London: Achieving an Inclusive Environment (April 2004), (d) Providing for Children and Young People's Play and Informal Recreation (March 2008)

SUSTAINABILITY ASSESSMENT

Energy

Policy CP19 of Brent's Core Strategy requires developments to contribute towards climate change mitigation and adaptation, whilst the 2011 London Plan requires major schemes to achieve a 25% improvement in carbon reduction upon building regulations for both residential and domestic buildings. Additionally, London Plan policy 5.7 'Renewable Energy' requires a reduction in Carbon dioxide emissions of 20% from on site renewables unless such a provision is demonstrated as not feasible.

The proposed development addresses local and regional planning policies on energy; in particular, mitigation of climate change and energy security through energy efficiency enhancements and use of renewables.

An assessment following the energy hierarchy has been submitted and demonstrates that through a combination of efficiency measures and installation of appropriate renewable technologies, a 29.26% improvement above the requirements for the Building Regulations Part L 2010 will be achieved. 8.75% of this improvement will be attributed to a photovoltaic system on the roof. It has been demonstrated that a further reduction through renewables is not feasible within the scope of the works - an importantly the scheme exceeds the statutory overall reduction on baseline levels by 4.26%.

These measures will be secured through a section 106 legal agreement.

Code for Sustainable Homes

Policy CP19 of Brent's Core Strategy requires the development to achieve a minimum Level 3 in relation to the Code for Sustainable Homes (CSH). The submitted pre-assessment predicts that this will be exceeded with Code 4 being achieved. It is recommended that a CSH Level 4 Post Construction Assessment and Certificate be submitted prior to occupation. This should be secured as part of the Section 106 Heads of Terms.

BREEAM

Policy CP19 of the Core Strategy also requires the development to achieve a rating of BREEAM 'Excellent for non residential development. The submitted pre-assessment predicts this will be achieved. This should be secured as part of the Section 106 Heads of Terms.

CONSULTATION

Neighbours/Representees

letters sent to 154 neighbouring Owner/Occupiers, advert placed in local paper 21/03/2013 and site notices put up 18/03/2013. To date the Council have received 7 letters objecting to the development

Main points are as follows;

- Increased demand on parking in the area and cause traffic congestion
- Lack of infrastructure to support development
- traffic congestion associated with the ground floor use.
- Overly dense scheme, building line forward of properties on Willows Terrace is overbearing and over dominant

Statutory Consults

Environmental Health have no objection to proposals, subject to addition of conditions that address the following;

- contaminated land
- Air Quality
- Noise
- Effects of Construction and Development .

Highways have no objection to proposals subject to addition of condition to limit D1 uses to health care or community facilities only.

Landscape have no objection subject to a landscape contribution for open space improvements in the Harlesden or Kensal Green area to compensate for lack of provision within the site and further submission of full planting details of ground floor gardens, materials, planting and irrigation details of fourth floor roof terraces and details of green roof construction, supplier and plant species.

Design and Regeneration have no objection subject to revisions to make the upper storeys more lightweight in appearance.

REMARKS

Background

A resolution to grant Planning Permission was reached at Planning Committee on 20 June 2012 under reference 12/0915, and permission subsequently issued on 27th July 2012 following the completion of the Section 106 Agreement for the *'Erection of a four and five storey building accommodating 22 flats, ground floor A1 and/or D1 floorspace and retention of electricity sub station and subject to a Deed of Agreement dated 24 July 2012 under Section 106 of the Town and Country Planning Act 1990, as amended.*

Since then, Rada Investments has been unable to negotiate an agreement to the air rights above the substation on site with Npower necessary to realise the approved scheme. As a result they are obliged to revise the proposals removing the overall mass over the sub station and make some additions to the massing on upper levels. This will be set out in more detail in the design section.

In summary the changes are as follows;

- Removing the accommodation over the substation
- Sliding the Park Parade part of the building 1.3m toward Rucklidge Avenue on the 1st, 2nd and 3rd floor only.
- 18 x 2bed 4 x 3bed becomes 2 x 1 bed, 17 x 2bed and 3 x 3bed flats
- A total of 48 bedrooms become 45
- A total of 89 persons become 80
- A total of 70 habitable rooms become 67
- The number of flats remains the same.

As such the proposal subject to this assessment comprises the erection of a four and five storey building accommodating 22 apartments, ground floor A1/D1 and the retention of the electricity sub station.

Consideration of this application should, therefore, only relate to the changes set out above, rather than an opportunity to re-visit the principle of development that was formally considered at the Planning Committee on 20 June 2012. In spite of this, for the information of Members the key issues that relate to the development of the site are set out further below.

Principle of Development

The site previously accommodated a social club (sui generis). This building has been demolished. In this respect, the applicants have referred to Iddenden v Hampshire County Council (1972) case law. In this decision, it was concluded that when a building is demolished there is no obligation for it to be reinstated when a new application is submitted.

As such the Council accept that the site is a vacant brown field site, particularly in terms of the passage of time. In terms of national policy, The NPPF supports the redevelopment of vacant brownfield sites particularly those in urban areas. In this case the site is an eyesore, has been vacant from some time and is subject to ongoing Environmental Health complaints relating to dumping and pests.

The proposal envisages a mix of residential on the upper floors with a flexible commercial/non residential use on the ground floor. The ground floor uses will be restricted to those that are orientated toward visiting members of the public to satisfy town centre policy requirements. In addition the D1 use will be restricted to community or healthcare facilities only, with any other D1 uses subject to normal planning controls; so that the transport implications can be managed. This residential mix is considered to reflect the corner location and is sympathetic toward the residential area of Willows Terrace/Rucklidge Avenue, whilst the non residential ground floor use ties in with the Harlesden District Centre Location, specifically the town centre uses along its Park Parade boundary.

In more precise policy terms, the application is considered to maximise the potential use of a brownfield site with an appropriate Residential Density (636 habitable rooms per hectare) in accordance with the Council's strategic aims of increasing the supply of housing within the Borough. As such, there is no objection to a mixed use development on the site.

Density and Mix

The residential aspect of the scheme offers the following density and mix.

- 2 x 1 bed flats
- 17x2-bed flats
- 3x3-bed flats

This equates to a density of 670 habitable rooms per hectare (hr/ha) or 200 units per hectare (u/ha). This density falls within the relevant density range set out in the Mayors London Plan, which for urban areas with a good PTAL (4-6) is 200-700 hr/ha or 45-260 u/ha. This is a reduction in the density to the previously approved scheme which was 700hr/ha, or another words a reduction of 9 persons.

In terms of the mix, London Plan policy 3.8 Housing Choice, sets out that new developments should offer a range of housing types across the private, social and intermediate sector whilst the Councils Core Strategy, objective 7 sets out that 25% units in schemes capable of providing 10 or more units, should be family sized (3 bedroom) units. In pursuit of this, the housing mix does offer a range of unit types, with 14% 3 beds.

In terms of tenure, two first floor units, units 3 (2 bed 3 person) and unit 4 (1 bed 2 person) are proposed as shared ownership which equates to 9% of the entire scheme. This represents a loss of 1 affordable bedroom from the previously approved scheme. The Local Development Framework Core Strategy policy CP2 sets a target of 50% affordable housing on sites with the capacity to delivery ten or more homes subject to viability. The applicant submitted a GLA Three Dragons Toolkit in order to demonstrate that the level proposed represented the maximum reasonable amount of affordable housing that could viably be delivered by the scheme.

Officers have examined the submitted Toolkit, together with detailed supporting evidence on build cost and sales values assumptions, and have identified only limited scope for the scheme to viably deliver additional affordable housing beyond the proposed two affordable units. Given the relatively modest size of the scheme and only marginal identified capacity to viably delivery additional affordable housing, agreement has been reached with the applicant that a commuted sum of £190,000 will be paid to deliver affordable housing off-site in addition to the two affordable units to be delivered on-site, which is considered reasonable in this particular case only. This is a £40,000 increase from the last permission to accommodate for the loss of the affordable bedroom from the mix.

Design, Appearance and Character of the Area

The scheme adopts a perimeter L shape approach, with principle elevations on Rucklidge Avenue and Park Parade and amenity space for the ground floor units located at the rear. The scale is four storeys at either end, with an additional "penthouse" floor located at the corner junction.

On the Park Parade elevation, the proposal follows the recognised building line of the road thus providing a wide footpath (approximately 4 metres), which continues around the corner onto Rucklidge Avenue. For approximately half the buildings length on Rucklidge Avenue, the façade is set 4 metres back from the road. It is then set back a further 2 metres for a length of 11 metres and then set back an additional 2 metres for the final 5 metres of the building. At this point, the building follows the same line as the adjoining Willows Terrace. At the corner of Rucklidge Avenue and Park Parade, at 1st, 2nd and 3rd floor level, the buildings mass cantilevers over the commercial/community ground floor space by 1.3m for a length of 11.6m.

In terms of the buildings overall massing and form, the previously approved scheme was considered to be in keeping with its surroundings which are a combination of two storeys on Willows Terrace, three storeys across the road on Rucklidge Avenue and four storeys at the Park Parade end. Through stepping back the third floor (unit 19) where it adjoins the neighboring property at Willows Terrace, and ensuring a gradual increase in scale both upwards and outwards as you move toward Park Parade, with the fourth floor flat set back 14m from no 1 Willows yard and a minimum of 1.9m on its other boundaries, the development achieves a reasonably comfortable transition between the residential buildings on Willows Terrace and the more built up Park Parade end. The introduction of the cantilevered mass at the corner of Rucklidge Avenue and Park Parade, owing to the retention of the ground and fourth floor as per the previous approval which are consequently set back by 1.3m on the ground floor and by 3.3m on the top floor, is not considered to compromise the transition in scale which was acceptable previously.

It is inevitable that by bringing the upper floors further out, as described above, that the new building would be more visible in the established streetscene when compared to what was approved in mid-2012. However, Officers consider that the increase in the overall size of the building would not make an acceptable building an unacceptable development and that, on balance, the scheme can still be supported.

In terms of elevation design treatment, on Willows Terrace the scheme uses simple vertical emphasis in response to the neighbouring residential scale. A respective compartmentalisation of the facade with dedicated large glazing panels and balconies set in deep brickwork window reveals reduces the scale and adds a visual quality to the building. The ground floor is treated slightly differently with elements of timber panelling and render. Also dedicated front gardens, with a dwarf wall to line up with the properties on Willows Terrace. The Park Parade end ground floor treatment ties in more with the non/residential use which continues around the corner. The Park Parade elevation adopts a similar approach to that used on Willows Terrace which is appropriate. In terms of the third floor, plans indicate a metallic finish with a very lightweight approach being taken for the set back top floor. This treatment works as means of breaking down overall scale adding to the visual interest of the building. Due to the simplicity of the overall design, the scheme relies on high quality materials being used throughout. This will be secured through condition.

Electricity Sub Station

It is obviously unfortunate that the negotiations about the electricity sub-station have not been able to be successfully concluded as Officers had originally led to believe they would be. It is as a result of this that this latest submission has been required and the changes between the schemes has been described above. The residential accommodation is now no longer proposed directly above the sub-station as was the case in 12/0915.

The Electricity substation was considered in terms of Electro Magnetic Field exposure (EMF) during the previous application as the proposed building was sited directly above it. Environmental Health Officers confirmed at the time that they had correctly interpreted the ICNIRP guidelines (adopted by both the UK and the EU) on exposure to non-ionising radiation, confirming the substation would not expose adjoining residents to EMFs in excess of these guideline values. Since this application does not build over the substation and does not have any greater implications with regard to proximity, the conclusions that were reached previously satisfy Officers for this application.

In terms of the design implications, its operation will continue and the off street servicing parking space will be used for the ground floor use also (see servicing discussion below). It is not envisaged that the operational requirements of the substation will be hindered due to the infrequency of maintenance visits. Additionally, the applicant has consulted with UK Power Networks and confirmed that they do not object to the sharing of facilities.

Quality of Residential Accommodation

Where there have been reductions in the massing, the mix has altered so that all of the units remain designed to the London Plan minimum space standards and are Lifetime Homes compliant. Daylight and sunlight considerations meet the appropriate BRE guidance. The London Plan requires 10% of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair adaptable. It also requires all new homes to be built to 'Lifetime Home' standards. Policy H26 of Brent's Unitary Development Plan advocates a similar approach. The drawings confirm that the two ground floor flats are adaptable for wheelchair users built to Part M standards and that all of the units will be built to 'Lifetime Home' standards. Additionally the units have taken account of stacking considerations.

Whilst the changes to the external built form have resulted in changes to the way that the internal space works at the northern end of the building that are perhaps not as good as the 2012 approved proposal, in terms of shapes of rooms, as explained above the development would still meet both Brent and Mayoral guidance on residential accommodation and on that basis continues to be supported by Officers.

External amenity Space

SPG17 advises that amenity space should usually be provided at a rate of 50m² per family unit, and 20m² for others. Where there is a short fall, the guidance allows some flexibility providing units are over sized, development is in town centre location and/or a contribution can be secured for additional landscaping in the locality. In this instance, every flat has access to its own private balcony, garden or terrace, with the two three bed ground floor flats each with a private garden in excess of 50m². In addition, most flats have generous internal floor areas. Given the District Centre location, balconies/terraces which may fall short of SPG17 expectations but satisfy newly adopted amenity space standards as per the London Design Guide, it is considered on balance that the current external amenity offer is acceptable in this instance, subject to additional contribution to offset this shortfall toward landscape improvements in the area. The standard charge of £3000 per bedroom includes a provision of £907 towards open space, based on this amount, the under provision of amenity space relative to SPG17 and the proportion of different unit sizes in the development, a contribution of £13,677.56 will be secured through the Section 106 Agreement to mitigate the impact of the development.

For the information of Members, this was also the judgement that was reached when application 12/0915 came before them in June 2012.

Impact upon neighbouring properties

The previously approved scheme satisfied the Councils standards with regard to protecting neighbouring amenity. The majority of the building remains as per the approved scheme in that habitable room windows remain a minimum of 20 metres to nearest habitable room window on adjoining buildings and a minimum of 10 metres from the rear boundaries. This application involves some changes to the massing which needs to be assessed. The building mass has enlarged marginally eastwards on the 1st, 2nd and 3rd floor to accommodate reconfigured units following the omission of massing above the substation. This is highlighted in the design and access statement. The result is that a new window serving units 3, 9 and 15 are located

19m to the nearest habitable room window and 7m from the rear boundaries respectively. In addition a new window serving units 8, 14 and 20 orientated eastwards has been introduced although a screen to prevent overlooking has been submitted and is shown in a revised plan to prevent overlooking. Officers have also sought, and received, a revised plan removing the balconies on the north elevation on the first second and third floor where previously there were none. In addition, a new eastward orientated balcony serving unit 21 is proposed although a screen at its extent where it is beyond the roof below has been included at the request of Officers.

In assessing the scheme in respect to impact to neighbouring amenity, the proposal complies with the 45 degree rule in respect to the relationship between the building height and the rear garden boundary of no 1 Willows Terrace. The 30 degree guidance does not apply in this instance. The proposed form and scale is compliant, and fenestration with regard to proximities to boundaries and windows is predominantly compliant with only three windows being marginally closer than the recommendation whilst revised plans mitigate overlooking from balconies and terraces, the scheme is considered to make satisfactory provisions overall toward its regard for neighboring amenity and is on balance acceptable in this respect.

Daylight and sunlight has been assessed which confirm that the proposal will not have a detrimental impact on adjoining properties. In summary, it is considered that the amenities of adjoining residential properties will not be detrimentally impacted upon. Adequate levels of privacy will be maintained and the building will not appear overbearing when viewed from neighboring gardens. As such the proposal meets the requirements of policy BE9 of the UDP and SPG17.

Commercial Unit

The ground floor unit provides approximately 160m² of floorspace. It is proposed that this could accommodate any use within classes A1 (retail), and/or D1 (non-residential institutions) restricted to community uses and healthcare facilities. As the site is within the Harlesden District Centre, such uses are acceptable as they will contribute to the vitality and viability of the Centre. At the Members visit during the previous application, where initially a flexible A1/A2 use was proposed, It became evident that certain uses within use class A2, specifically bookmakers, would not be welcomed by residents, due to their proliferation within Harlesden. Acknowledging the points raised, A2 use class were removed from the mix in this submission.

Highways

In summary, the revised proposal bears significant similarities to the previously approved scheme, and in several key Transportation matters is an improvement on the previously approved scheme. The application site is located on the north-eastern side of RA, a local access road which is defined as being heavily parked, and on the south-eastern side of Park Parade, a local Distributor road. The site lies within CPZ "HW" which operates 08:00 – 18:30 Monday to Saturday, and has excellent accessibility with a PTAL rating of level 6. Willesden Junction Station (Bakerloo tube & 2 Overground rail routes) is within walking distance of the site, and ten bus routes are locally available.

The proposed dwellings are predominantly 1-and-2-bed flats which can be permitted a maximum of 0.7 car parking spaces each, while the 3-bed flats can be allowed a maximum of 1.2 car spaces each. These are the stricter standards set out in PS14 of the UDP-2004, which can be applied when a site lies within an area with good PTAL ratings and a CPZ.

Two of the proposed flats are intended for shared-ownership. These do not trigger the 50% reduction in the parking standard mentioned in PS14 for socially rented housing only.

In total, the proposed 22 no. flats can be permitted a maximum of 16.9 car spaces. This is a reduction in comparison to the previously approved scheme (12/0915) which attracted a maximum standard of 17.4 car spaces.

The site cannot provide off-street car parking for the proposed flats, and the street is already defined as being heavily parked and cannot therefore provide on-street parking in fulfilment of the maximum standard. Transportation will welcome a "car-free" agreement for the proposed dwellings, provided it is secured via S106 Agreement.

Furthermore there will be 165sqm of A1/D1 commercial floor area on the ground floor frontage. Some of

these uses are more acceptable than others to Transportation, given the location of the site. The potential impact of the proposed uses can be laid out as follows:

A1 Retail: One car space per up to 400sqm (PS7) and requires servicing by at the very least a "Transit" sized vehicle (PS17).

D1 (Education): One car space per 5 staff. Depending on the precise type of use there would be questions regarding pick up/drop off facilities, and the possible need for a School/College Travel Plan.

D1 (Healthcare): One space per 5 staff plus visitor parking (minimum one space).

D1 (Place of Worship): Two car spaces per 5 visitors based on average attendance figures, possible need for Faith Travel Plan.

D1 (Community Centre): Need to pin down more precisely this use, given that some are de facto places of worship, others provide advisory services, some provide cafes etc.

It can be seen that the various possible uses under the classes sought in this application present a variety of different challenges. In order to safeguard highway safety it seems reasonable to restrict the use granted for this space, and Transportation will advise only the types of D1 use such as healthcare or community facilities are permitted. Of the uses proposed, the A1 retail option corresponds most closely to the provisions made within the proposed layout design.

The amount and location of cycle parking is acceptable for both the residential and commercial elements of the scheme – 26 no. residential cycle spaces exceeds 1 per dwelling, and these are secure and covered, while 2 no. cycle spaces for the commercial premises exceeds the PS16 guidelines for either A1 or A2 uses.

The refuse and recycling stores for both the commercial and residential elements of the development are well placed to ensure ease of waste collection, which is also acceptable.

The existing 5m wide crossover is of more than suitable width for the servicing usage proposed. This will mean no need to reinstate the footway in this location. In contrast to previous versions of the scheme there is an internal access between the proposed loading bay and the commercial unit, which is welcomed.

Air Quality

The Air Quality Assessment identifies the area as exceeding the National Air Quality standards for Nitrogen Dioxide however the excess is small and likely to decrease over time due to general improvements in vehicle emissions. Environmental Health Officers therefore agree with the assessment that mitigation measures are not required.

In terms of the effect of the development on the surrounding environment there would appear to be no effect from additional traffic as the development is proposed to be car free. However Environmental Health Officers are concerned by the effect of the additional domestic boilers on NO2. In order to ensure that the effect is minimised, a restrictive condition will be placed on this permission.

Developer Contributions

The following contributions will be secured through the Section 106 Legal Agreement. Provision of affordable housing: two flats will be provided as intermediate affordable units (units 3 and 4) plus a financial contribution of £190,000 and a contribution of £3,000 per bedroom/£2,400 per affordable housing bedroom, index-linked from the date of committee, for Education, Sustainable Transportation, Open Space and Sports in the local area. In addition a landscape contribution will be sought for works in the surrounding area. In addition the Council are now collecting on behalf of the Mayor of London Community Infrastructure Levy (CIL) contributions at a rate of £35 per metre (GIF).

Consideration of objections

Concerns of neighbouring residents have been acknowledged and taken into account when determining this application. This report has demonstrated that measures have been taken to ensure a high standard of development which will enhance the locality. In terms of design, the stepping back of the building, providing the additional scale further away from the more sensitive residential boundaries, with the additional cantilevered element on the corner, maintains the comfortable transition in scale and setting that was

achieved in the previous application. Materials and landscaping will be conditioned and an additional financial contribution toward landscaping in the immediate vicinity of the site will be secured, to ensure the scheme has a high quality appearance and setting. Each unit has external amenity whilst a financial contribution is secured to offset any shortfall. The entire scheme will be subject to a car free agreement which prevents residents from applying for parking permits whilst the existing parking controls will safeguard existing parking provision during peak hours. Additionally a financial contribution to support infrastructure affected by the development will be secured through a Section 106 Agreement.

Conclusion

This report has demonstrated that the revised proposal is the response to a specific site constraint which the developer has encountered. It is a reduction in terms of total floor area and persons which the site can accommodate. The aesthetic of the building Officers considered has been improved with the omission of the 3rd floor metallic cladding and brick throughout, whilst the alterations to the massing do not undermine the careful consideration through which an appropriate scale was reached previously. The result is a high quality mixed use scheme and its delivery will provide a much needed redevelopment of a site which has numerous environmental problems associated with it in its current form. A consideration of all the relevant planning policies has been demonstrated and as such the scheme is in general conformity with relevant chapters of the Councils 2004 Unitary Development Plan and supplementary Guidance, the Councils 2010 Adopted Core Strategy and in broader policy terms, the 2011 London Plan and the National Planning Policy Framework. As such the application is recommended for approval subject to legal agreement.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 17 Design Guide for New Development

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

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

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

Housing: in terms of protecting residential amenities and guiding new development

Employment: in terms of maintaining and sustaining a range of employment opportunities

Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

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

Transport: in terms of sustainability, safety and servicing needs

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

CONDITIONS/REASONS:

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

0069-P-LP-01 LOCATION PLAN

0069-P-GA-00 PROPOSED GROUND LEVEL PLAN rev D
0069-P-GA-01 PROPOSED FIRST LEVEL PLAN rev E
0069-P-GA-02 PROPOSED SECOND LEVEL PLAN rev E
0069-P-GA-03 PROPOSED THIRD LEVEL PLAN rev E
0069-P-GA-04 PROPOSED FOURTH LEVEL PLAN rev E
0069-P-GA-05 PROPOSED ROOF LEVEL PLAN rev E
0069-P-EL-01 PROPOSED WEST ELEVATION rev C
0069-P-EL-02 PROPOSED NORTH ELEVATION rev C
0069-P-EL-03 PROPOSED SOUTH ELEVATION rev A
0069-P-EL-02 PROPOSED EAST ELEVATION rev B

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

- (3) The servicing space proposed shall be constructed and permanently marked out prior to first occupation of the commercial unit approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure a satisfactory development which contributes to the visual amenity of the locality and which allows the free and safe movement of traffic throughout the site and to provide and retain car parking and access in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (4) No works shall commence on site before tree-protection details in accordance with BS5837:2005 have been submitted to and approved in writing by the Local Planning Authority. Such measures shall include details on how these landscape features will be protected during the construction phase and details of root-protection zones provided. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure retention and protection of trees and other landscape features on the site in the interests of amenity

- (5) Domestic boilers installed in the residential units shall be rated for NOx emissions not exceeding 40 mg/kWh (equivalent to 3 'Pol2 ' credits on the Code for Sustainable Homes assessment)

Reason: To protect local Air Quality in accordance with saved UDP policy EP3

- (6) The development falls within an Air Quality Management Area that has been declared due to levels of particulate matter. The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by demolition and construction operations. This must include as a minimum:

- Damping down during demolition and construction, particularly in dry weather conditions.
- Minimising the drop height of materials by using chutes to discharge material damping down the skips/ spoil tips as material is discharged.
- Sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation.
- Utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area.
- The use of demolition equipment that minimises the creation of dust.
- A suitable and sufficient means of suppressing fugitive emissions of dust must be provided and maintained.

Reason: To minimise dust arising from the construction and demolition works

- (7) During demolition and construction works on site:

- The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site.

- The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 0800 – 1800 Mondays-Fridays, 0800 -1300 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- Vehicular access to adjoining and opposite premises shall not be impeded.
- All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only. A barrier shall be constructed around the site, to be erected prior to demolition.

Reason

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of nuisance caused by construction and demolition works

- (8) The proposed commercial unit will be restricted to uses under Classes A1 and A2 (with the exception of betting shops/bookmakers) of the Use Classes Order, and D1 (healthcare or community facilities) unless agreed otherwise in writing by the Local Planning Authority.

Reason: In order to ensure that the parking and servicing available at the site match the impact of the proposed development, in the interests of safeguarding highway and pedestrian safety, that the use does not result in an over-concentration of similar uses with the Centre and that the use does not impact on residential amenity in compliance with Policies SH3, TRN22, TRN24 and TRN34 of the UDP-2004

- (9) The proposed commercial unit shall not be used as a D1 place of worship or nursery or educational facility without the further express written consent of the Local Planning Authority.

Reason: In order to ensure that the parking and servicing available at the site match the impact of the proposed development, in the interests of safeguarding highway and pedestrian safety and in compliance with Policies TRN22, TRN24 and TRN34 of the UDP-2004.

- (10) The Electricity Sub Station should be separated from the new Commercial and Residential development by a 2 hour fire resisting enclosure under The Building Regulations. The applicant should also consult when design stage drawings are being prepared with the Statutory Undertakers re their specific requirements.

Reason: To provide sufficient protection for residents and occupants of the building in the event of a fire

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

Criterion LAeq, T	Typical situations	Design range
Good resting conditions =16 hours 07:00 –23:00)	Living rooms	30 dB (day: T
Good sleeping conditions 8 hours 23:00 –07:00) (night 23:00 – 07:00)	Bedrooms	30 dB (night: T = LAmax 45 dB

A test shall be carried out prior to the discharge of this condition to show the required internal noise levels have been met and the results submitted to the Local Planning Authority for approval.

Reason: To obtain required sound insulation and prevent noise nuisance

- (12) Further details of the proposed development shall be submitted to and approved in writing by

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

(a) materials (samples of which shall be submitted for approval by the Local Planning Authority) to be used on all external surfaces of the building(s);

(b) the proposed boundary treatment including all fences, walls and gateways;

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

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

(a) during the first available planting season following completion of the development hereby approved.

Such scheme shall also indicate:-

(i) Walls and fences

Proposed walls and fencing, indicating materials and heights.

(ii) Screen planting on boundary

Screen planting along the Willows Terrace boundary.

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

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

(14) Prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority that includes the results of any research and analysis undertaken. A remediation strategy shall be submitted to the local planning authority for approval, which specifies measures to contain, treat or remove any contamination found (unless the Planning Authority has previously confirmed that no remediation measures are required). The report shall include measures for the removal of the underground fuel tanks and associated fuel infrastructure.

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

(15) Any remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority for approval, stating that remediation has been carried out in accordance with the approved remediation strategy and the site is permitted for end use, before any part of the development is occupied.

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) Details of adequate arrangements for an additional two bicycle parking to serve the ground floor unit shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.

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

- (17) Details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material (including litter bins inside and outside the premises) shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.

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

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (2) Whoever carries out the works is reminded of their obligation to comply in full with s60 of the Control of Pollution Act 1974 and the British Standard Codes of practice 5228:1997 Parts 1 to 4 which states that Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of: Monday to Friday 08:00 to 18:00, Saturday 08:00 to 13:00 and at no time on Sundays or Bank Holidays.

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

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 **Planning Committee Map**
Site address: 11A & 11B Harlesden Gardens, London, NW10 4EY
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This map is indicative only.

RECEIVED: 2 January, 2013

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: 11A & 11B Harlesden Gardens, London, NW10 4EY

PROPOSAL: Conversion of a ground floor 2-bedroom unit into a three bedroom unit and the conversion of first floor flat 3-bedroom unit into two 1-bed units ("CAR-FREE" DEVELOPMENT).

APPLICANT: Mr Paul Giggin

CONTACT: Homes Design Ltd

PLAN NO'S:
Please see condition 2

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning 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:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Car Free Development for all three flats

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

EXISTING

The site located on Harlesden Road is occupied by a semi-detached property. The property is in use as two self contained flats. The site is not located within a Conservation Area, nor is any part of the property a listed feature.

PROPOSAL

Please see above

HISTORY

Full Planning application (04/0419) for the Conversion of existing house into one two-bedroom flat and one three-bedroom flat was granted permission on 11 February 2005.

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. It seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. It includes a presumption in favour of sustainable development in both plan making and decision making. The NPPF is intended to provide a framework within which local people and Councils can produce their own distinctive Local and Neighbourhood Plans. It aims to strengthen local decision making and reinforce the importance of keeping plans up to date.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. The Core Strategy will also need to be in conformity with both the London Plan and the NPPF. In doing so it has significant weight attached to it.

Unitary Development Plan 2004

- BE2** Townscape: Local Context & Character
- BE9** Architectural Quality
- H17** Flat Conversions
- H18** The Quality of Flat Conversions
- H19** Flat Conversions – Access & Parking

Supplementary Planning Guidance Note 5: Altering and Extending your Home
Supplementary Planning Guidance Note 17: Design Guide for New Development
Supplementary Planning Document: S106 Planning Obligations

CONSULTATION

External

34 Neighbouring properties were consulted on 3 January 2013. An additional 14 day consultation period was carried out on 28 February 2013. Whilst the description clearly states changes to the ground and upper floors, the re-consultation was required to ensure the neighbouring properties were clear the development related to the entire property at No 18 ('A' and 'B') and not just No. 18b

The Council has received 6 objections. These are outlined as:

- The intensification of the property will lead to further social problems such as drugs and fly tipping
- The street contains too many HMO's
- The property will not be adequately serviced (Refuse and recycling)
- Strain on Parking
- Strain on public facilities (Schools)

Response

- The proposed development does not increase the number of bedrooms in the property and therefore does not attract a financial contribution toward schools as required by the Supplementary Planning Guidance of S106.
- The proposed development will be a 'permit free development' and therefore impact on parking is not considered to be a reason for refusal.
- A HMO is not proposed.

All other objections are addressed in the 'Remarks' section of this report

Internal

Highways:

Transportation no objections subject to a Section 106 Legal Agreement confirming that all three flats shall be car-free, in order to comply with Policy TRN23 of the UDP-2004. A condition would also be sought requesting details of secure and covered cycle parking for all three flats, preferably in the form of a shed within the communal rear garden, in order to comply with Policy TRN11 and Parking Standard PS16 of the UDP-2004.

Environmental Health:

Further details of Insulation to limit noise transmission to be secured by condition.

REMARKS

Principle of Conversion

The proposed development will result in the existing 3- bedroom unit being converted into 2 x 1 bedroom units and the existing 2- bed being converted into a three bedroom unit. Policy CP21 of the Council's Core Strategy seeks to redefine the UDP definition of family sized accommodation to units containing 3-bedrooms or more. The UDP definition considered units with two or more bedroom to be suitable for family occupation. This change in definition is intended to assist the Council in addressing the identified shortage of housing for

the unusually high number of larger households within the Borough. The loss of a family sized unit (first floor) has been mitigated by the new groundfloor three bed unit that will have sole access to the rear garden. The new arrangement is considered to produce a better quality development than that of the existing situation and is therefore considered to comply with the aspirations of policy CP21 which seeks to achieve a balanced housing stock for the Borough.

Quality of Accommodation

The Mayors London Plan 2011 details internal floor area requirements for proposed self contained units. The current standards require 1-bedroom (2-person) flat to be a minimum of 50 square metres and 3-bedroom (5 person) flats to be a minimum of 86 square meters. All proposed units exceed floor areas for their intended occupancies.

Flat No	No of Rooms	No of Occupants	Flat size
Flat 1	3 Bed	5 Person	87sqm
Flat 2	1 Bed	3 Person	60sqm
Flat 3	1 Bed	3 Person	55sqm

External amenity space in the form of the rear garden (In excess of 100 square meters) is only provided to the groundfloor family unit. This is considered to be an acceptable approach, given the remaining units are located on the upper floors only.

All units are at the very least dual aspect which helps to maximise the amount of light and outlook available to them so that the internal space is considered acceptable. No external alterations are proposed to fenestration. Whilst the headroom space of the upper floor could be better, owing to the existing angle of the roof this space accommodated two bedrooms, whereas now there is only one.

There is an issue about the stack between units, (i.e. Living space of Flat C located directly above Bedroom 3 of Flat A and Bedroom 1 of Flat C located above kitchen of Flat B). SPG17 does permit some flexibility in this respect by way of requiring adequate enhanced insulation (In addition to Part E of Building Regulations). As such detail could be secured by condition, and officers are not of the view the inappropriate stacking of rooms could form a reason in itself to refuse the application.

(Note: Insulation details to limit noise transmission, provided as a part of this submission are not considered to be sufficient in itself)

Highways

The existing properties at the site can be permitted up to 0.7 car spaces (2-bed) and up to 1.2 car spaces (3-bed). These are the stricter car parking standards set out in PS14 of the UDP-2004, which can be applied when sites lie within a CPZ and have good PTAL ratings. The proposal will retain a 3-bed dwelling and provide 2 x 1-bed dwellings. These 1-bed flats will also be permitted up to 0.7 car spaces each. The overall standard for the site will rise from 1.9 to 2.6 car spaces which is deemed a significant increase. The site cannot provide off-street car parking, whilst an increase in on-street car parking cannot be provided on an already heavily-parked street.

According to the information submitted with the application on drawing number HD623/5005 neither of the existing flats have parking permits, however having contacted the APCOA Parking Shop to check, 11b currently has a resident permit and 11a currently has a permit for visitor parking. As such the applicant has subsequently confirmed that whilst this may be the case, the tenants of the units are on a short term lease and have not actually applied for the permits. That said the applicant is happy to sign up to a Car-Free scheme to cover all three flats. Owing to the short term lease of the tenants (Both of which expire within the next 12 months), it is considered that the existing tenants are unlikely to be significantly prejudiced. As explained, up to now they have not applied for permits. On balance this arrangement is considered to be acceptable.

Refuse and recycling storage will be placed within the front yard according to the submitted site layout plan (HD623/5005) which is acceptable. No acceptable secure and covered cycle parking details have been provided. Details of which will be secured by condition.

Conclusion

The proposal is considered to comply policies set out in Brent's Core Strategy 2010 and UDP Supplementary Guidance 17 as such a recommendation to approve subject to a Legal Agreement is set forward

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

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

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

CONDITIONS/REASONS:

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

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

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

HD623/5000
HD623/5001
HD623/5002
HD623/5003
HD623/5004
HD623/5005 REV a
HD623/5006
Email from applicant dated 27 February 2013

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

- (3) Further details of Refuse and Recycling enclosure, shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the premises and shall be permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

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

- (4) Further details of cycle storage enclosure, shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the premises and shall be permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

Reason: To ensure a satisfactory development for future occupiers

- (5) Prior to occupation of the dwellings results of the post-completion testing undertaken in the noise affected dwellings closest to the road to demonstrate that reasonable resting conditions (Living rooms) LAeq, T 30 – 40 dB (day: T =16 hours 07:00 –23:00), reasonable sleeping conditions (Bedrooms) LAeq, T 30 – 35 dB (night: T = 8 hours 23:00 – 07:00) LAmx 45 dB (night 23:00 – 07:00) have been met should be submitted and approved in writing by the Local Planning Authority and thereafter the development shall not be occupied until the approved scheme has been fully implemented.

Reason: To ensure that the occupiers are not subjected to excessively high noise levels and

to ensure an adequate standard of amenity.

INFORMATIVES:

(1)

In light of the proposed stacking arrangement (and the potential for noise nuisance from transmission between dwellings) the applicant will be required to submit an insulation scheme which exceeds Part E of the Building Regulations. It is likely that a successful Scheme/mitigation plan will be compliant with Robust Details or similar. Where the applicant proposes a different approach they must verify that this will achieve a standard of sound insulation similar to that of Robust Details. The applicant should be advised that they will be required to undertake all of the above BEFORE the dwellings can be occupied.

(2)

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

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



Planning Committee Map

Site address: JUBILEE CLOCK, High Street, London

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This map is indicative only.

RECEIVED: 27 February, 2013

WARD: Harlesden

PLANNING AREA: Harlesden Consultative Forum

LOCATION: JUBILEE CLOCK, High Street, London

PROPOSAL: Listed building consent for relocation of Jubilee Clock onto footpath outside no's 53 & 55 High Street, NW10.

APPLICANT: Brent Council

CONTACT:

PLAN NO'S:
Please see condition 2

RECOMMENDATION

Grant Consent

EXISTING

The application site occupied by a Grade II listed clock tower is located within the existing traffic island at the junction between High Street and Station Road. The site is located within the Harlesden Conservation Area.

PROPOSAL

This application relates solely to the listed building consent for relocation of Jubilee Clock onto footpath outside no's 53 & 55 High Street, NW10. This will require its transportation to a safe place of storage whilst highway works are undertaken within Harlesden High Street and the subsequent reinstatement of the Clock Tower in its new location. However for Members information the proposal forms a part of a Regeneration Programme for Harlesden Town Centre, which is discussed later in this report.

HISTORY

The Jubilee Clock was originally erected in 1887, although it was then moved to its current location in 1938. The Clock Tower has also been the subject of two refurbishments in 1992 and in 1997.

Listed Building Consent (Ref No: 96/1910) for the renovation of existing Jubilee Clock to include repainting, renewal of clock faces and mechanism, repaving of island surrounding clock, removal of existing planters and replacement with 2 no. trees, installation of 2 no. benches on either side of clock tower and renewal of sockets and electrical supply was granted on 26 August 1997.

POLICY CONSIDERATIONS

National Planning Policy

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It includes a presumption in favour of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant. The NPPF states that good quality design and a good standard of amenity for existing and future occupants of land and buildings are required. Of particular reference to this CAC application, the NPPF outlines policies for the historic environment and heritage assets. It emphasises the importance of being able to assess the significance of heritage assets that may be affected by a development.

Accordingly, the policies contained within the adopted SPG's, London Borough of Brent Unitary Development Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

Adopted Brent UDP

- BE2 Townscape: Local Context & Character
BE22 Protection of Statutory Listed Building. The special character of buildings on the statutory list will be protected and enhanced.
BE26 Alterations & Extensions to Buildings in Conservation Areas. They should retain the original design and materials or where not practicable be sympathetic to the original design.

CONSULTATION

On 28 February 2013, 94 neighbouring residents and Ward Councillors were consulted on the application. A site notice was placed on Harlesden High Street on 11 March 2013, with a Press Notice being issued on 11 March 2013. In response the Council has received 1 comment, 3 letters in favour, 10 objections and a petition (375 signatures) against the development. These are outlined as:

External

Objections, including petition:

- There is ample space in the clock's current location and there is therefore no need to relocate the Jubilee Clock
- The new position is not an appropriate setting for the listed structure
- Fails to preserve tradition
- Lack of effective consultation on regeneration options A and B
- Practical - The Regeneration plans can go ahead without having to relocate the Tower Clock
- Safety - Redesigning the road at this junction will make the turn more difficult for buses and delivery vehicles from either direction. The new road design will increase the number of accidents (Including accidents with the Tower Clock)
- Seating proposed is not considered to be a benefit
- Money could be better spent, than having to relocate the clock

Comments

- The Clock should be relocated in line with Option B of the Regeneration proposals

Support

- The relocation of the clock is welcomed

Internal

The Head of Design, in his role as English Heritage liaison and having considered the proposed relocation and accompanying method statement in light of the above, is satisfied that the new location is an acceptable alternative and would preserve the integrity of the listed building.

The Transport Engineer raises no objection to the relocation of the Clock Tower.

REMARKS

Context

The relocation of the Jubilee Clock Tower is proposed as a part of the Harlesden Town Centre Regeneration Project. This extensive programme of highway works have been proposed to cover parts of Craven Park Road, Manor Park Road, Crownhill Road, Tavistock Road, High Street, Park Parade, Acton Lane and Station Road. Members may be aware two options (Option A and Option B) were proposed.

'Option A' sought to retain the existing gyratory system for traffic movements around the town centre and accommodating wider footpaths, reduced clutter, improved pedestrian crossings, reduced residents permit parking, amendments to the controlled parking zones with the provision of new cycle parking, bins and paving.

As well as all the improvements proposed in Option A, Option B consists of a shared space/pedestrian priority area in High Street Harlesden between Jubilee Clock and Tavistock Road. While buses and cyclists will be allowed to pass through the shared space, all other motor vehicles will be prohibited with the exception of deliveries which will be permitted before 10am and after 4pm. In order to create the new junction as set out in the accompanying plans, the Jubilee Clock will need to be moved from its current location, to approximately 5m to the east. This will assist in improving highway and pedestrian safety, in preference to the

current "island" which means pedestrians have to cross in two separate phases.

These options were consulted upon in January and February 2012, with "Option B" being the preferred public choice. In March 2012, the Council's Executive Committee agreed to support the public choice. The option to "do nothing" was also offered but was not favoured by the public.

Whilst 'Option B' has been agreed in Highway terms, it still falls for the planning assessment of the listed building relocation to be considered in terms of the requirements set out in (sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990). These are discussed below:

Principle of Development

The LPA is required, in considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which the building possess (sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990). The Jubilee Clock Tower is a Grade II listed building, first listed on 23 Jan 1974 The English Heritage listing notes that:

'Erected by Public subscription 1887. Cast iron. Square base with inscription panel. Tapering decorative square feature above it decorated with dolphins, armorial bearings, supporting fluted circular column with spiral ornament, shields of arms and swags and square topped. Florentine capital. Above capital is a cube with a round clock face on each side crowned by pediments; central urn and spike. Lanterns removed'

Assessment

Although the clock is statutorily listed feature it is not in its original location which by definition makes the specific location less important as a criteria for listing. At the time of the clock's origin (1887) there was far less traffic than there would be a few decades later. At least two trams derailed and collided with the clock in the first half of the twentieth century, one of them tearing off one of its four decorative arms. In 1938 the Clock Tower was relocated to a location 3m from its original position. It was hoped that in relocating the Clock Tower, motorists would find it easier to navigate the area. As explained above, the relocation of the Clock is required to bring about a better traffic management scheme here also.

The proposals do not call for any alteration or changes to the clock itself which therefore means it will retain the architectural quality and character that instigated its listing. The Clock is to be moved (5m) from its present location which by definition would mean that the setting of the Clock would not change significantly. The clock will not be quite as prominent in the streetscape given that it is currently located in a traffic island in the centre of a road junction as before but will however still be visible along the High Street. The new location will make the clock less susceptible to damage from passing vehicles, thereby protecting the listed feature.

The Planning Service is not committed to this new location ahead of any others and whilst there may be a range of locations that might be acceptable, particularly given that the current location is not original as mentioned above, no objection is raised in principle to the new location in listed building terms.

As part of the proposals the clock will be repaired and will tell the time, which is a welcomed addition to listed feature. The Council has received a very detailed method statement that encapsulates the approach to the protection of the clock during the works, the process for its lifting and relocation and its re-fixing in the new location. The Method statement has been scrutinized at length and is considered to be acceptable.

The Head of Design, in his role as English Heritage liaison, and having considered the proposed relocation and accompanying method statement in light of the above, is satisfied that the new location is an acceptable alternative and would preserve the building.

Highways

It is clear that the narrowing of the carriageway on High Street adjacent to 53 High Street and 50 High Street will allow a significantly wider footway in these locations, which will have a positive impact on pedestrian flow and pedestrian safety. For comparison, it can be estimated that the width of the footway on each side will increase from a maximum of about 4.5m currently to a maximum of about 10m following the works. In terms of junction visibility splays, from the westbound carriageway of High Street looking towards the proposed pedestrian crossing at the south end of the proposed bus lane and vice versa, the sight-lines will not be restricted by the proposed new location for the Jubilee Clock. Sight-lines for vehicles and pedestrians in all other directions will not be affected by the proposed relocation of the Clock.

The Highway Engineer raises no objection to the relocation of the Clock Tower.

Conclusion

The new location of the Clock Tower is considered to be acceptable in listed building integrity terms, for reasons detailed above and your officers duly recommend the scheme for approval.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Central Government Guidance NPPF

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

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

CONDITIONS/REASONS:

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

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

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

HD37a/loc2 Revision A
Method Statement dated 18 January 2013 - Author: Matt Smith

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

INFORMATIVES:

- (1) The applicant is advised the relocation of the Clock Tower, hereby approved must be implemented in full compliance with the method statement and its contents

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

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Planning Committee Map

Site address: 300 High Road, London, NW10 2EN

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This map is indicative only.

RECEIVED: 23 January, 2013

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: 300 High Road, London, NW10 2EN

PROPOSAL: Demolition of existing building and the construction of a part 2, 3 and 4 storey building accommodating 6 residential units (2 x three-bed, 2 x two-bed, 2 x one-bed). 96m² A1 space and associated communal and private amenity space, cycle, refuse and recycling bin storage

APPLICANT: Mr James Kara

CONTACT: Mrs Mumtaz Patel

PLAN NO'S:
Please see condition 2

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning 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 Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance.
- (b) Contribution of £3000 per habitable room, to be used for improvements to the education, sustainable transports, sports and open space in the local area (£36000).
- (c) Join and adhere to the Considerate Contractors scheme.
- (d) Car-Free Scheme - the residents will not be allowed to apply for Parking Permits.

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.

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £0.00.

EXISTING

The application relates to a site on the north side of Willesden High Road at its intersection with Dudden Hill Lane. The site is occupied by a two-/three-storey building originally used as a cinema but now vacant, having been used as a retail premises with ancillary storage to the rear.

The site has vehicular access via a crossover to the west of the site and adjoins a small, Council-owned, open space to the east at the intersection with Dudden Hill Lane.

To the rear (north) the site is bounded by two-storey residential terraces on Meyrick Road which have short gardens (between 9m and 13m from the rear of site). There are two-storey, mixed-use terraces (flats above shops) to the west.

The site is not within any conservation area or designated centre, although there is a local centre within 50m

and the Willesden Green District Centre is 470m away. The site has good public transport accessibility.

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	general business use	wholesale warehouse
3	dwelling houses	housing - private

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	0	0	0	96	96
2	250	0	250	0	-250
3	0	0	0	474	474

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	250	0	250	570	320

PROPOSAL

Please see above.

HISTORY

03/2964 - Demolition of existing building and erection of 1 part three-storey, part four-storey building comprising 8 two-bedroom and 3 one-bedroom flats, one retail unit and ancillary cycle park and refuse stores – **REFUSED** on 15/01/2004 for the following reasons:

The proposed development due to its excessive bulk, and scale would be detrimental to the amenities of the area and the adjoining residents by reason of loss of light, obtrusive appearance, overshadowing, loss of privacy and loss of outlook and would be contrary to policy E1 of the Adopted Unitary Development Plan 1996, policies BE9 and H13 of the Revised Replacement Unitary Development Plan 2000-2010 and Supplementary Planning Guidance note 17 'Design Guide for New Development'.

The lack of any on-site servicing would give rise to conditions prejudicial to the free and safe flow of traffic in the area, contrary to policy SH19 and TRN14 of the Revised Replacement Unitary Development Plan 2000-2010.

The proposed residential accommodation would result in a sub-standard form of accommodation, by reason of the poor outlook of flats from habitable rooms due to the proximity to a site boundary for future occupiers. The proposal is therefore contrary to policies E1, H16 and H17 of the Adopted Unitary Development Plan 1996 and BE9 and H21 of the Revised Replacement Unitary Development Plan 2000-2010 and Supplementary Planning Guidance 17 'Design Guide for New Development'

06/3253 - Demolition of existing building and erection of a 5-storey building comprising 14 flats (8 x 2-bed and 6 x 1-bed), one retail unit on the ground floor and ancillary service and bin-storage area – **WITHDRAWN** on 24/01/2007 before it was considered at Planning Committee with a recommendation for refusal. Draft reasons for refusal were:

The proposal fails to demonstrate the principles of sustainable development and would therefore be harmful to the aims and objectives of the Council, which seek to ensure that new development and land uses achieve sustainable development, contrary to Policies STR14 and BE12 of the Brent Unitary Development Plan 2004

and the guidance contained within Supplementary Planning Guidance 19: "Sustainable Design, Construction and Pollution Control".

The overall scale, design and appearance of the new building is not considered to be in keeping with the existing character of the area, providing neither a high-quality contemporary nor a coherent traditional solution, and does not make a positive contribution to the streetscene, contrary to policies BE2, BE9 and H16 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development".

The development fails to provide adequate car parking in accordance with standards set out in the adopted policies of the Council. No Section 106 Agreement to make the development "car-free" has been offered in order to resolve this issue. As a result, the proposal would add to the already high demand for on-street parking in the area, to the detriment of the free and safe flow of traffic and pedestrian safety, contrary to policies TRN3, TRN23 and PS14 of the Brent Unitary Development Plan 2004.

The proposed development fails to provide any Section 106 benefits, in terms of education and non-car access financial contributions which would be required to meet the needs of the community and to provide the necessary mitigation measures as a result of the proposed development, contrary to policies STR10 and CF6 of the Brent Unitary Development Plan 2004.

The proposed development, by reason of the size, siting and bulk of the building would adversely affect the amenities of adjacent residential properties at Meyrick Road due to the resulting loss of light, outlook and obtrusive appearance. The development is therefore contrary to policy BE9 and advice contained within the Council's Supplementary Planning Guidance No. 17 "Design Guide For New Development".

The proposal lies within an Open Space Deficiency Area as defined within the Brent Unitary Development Plan 2004 and fails to provide adequate useable external amenity space for the proposed units or to off-set any shortfall of amenity provision by increased unit floor sizes, balconies or financial contribution towards improvements to the local public realm and open space and is therefore detrimental to the amenities of future occupiers, contrary to policies STR35, H12 and OS7 of the Unitary Development Plan 2004, and advice contained within the Council's Supplementary Planning Guidance Note 17: "Design Guide for New Development".

The lack of an automated door on the retail servicing bay would give rise to the obstruction of the public highway by vehicles accessing the servicing facility which would be prejudicial pedestrian and highway safety. The proposal is therefore contrary to policies TRN3 of the Brent Unitary Development Plan 2004.

The applicant has failed to demonstrate that adequate refuse & recycling storage can be provided on the site in order to meet the likely demands of future residents of the development contrary to policy BE12 and the Brent Unitary Development Plan 2004 and Supplementary Planning Guidance SPG17 "Design Guide for New Development".

07/2077 - Demolition of existing buildings, erection of a 4-, 5- & 6-storey building comprising 104m² non-residential commercial floor space, including a service area at ground-floor level for use as a mini-cab office (Use Class Sui Generis) and retail (Use Class A1); 11 self-contained flats consisting of 2 x one-bedroom flats, 6 x two-bedroom flats and 3 x three-bedroom flats; provision of cycle store, bin store, metal railing (1m high) to boundary, private and communal amenity space to rear and landscaping to site (as accompanied by "Planning Presentation" dated June 2007) – **DISMISSED** at appeal on 15/10/2008. In summary, the Inspector came to the following conclusions:

- The development as a whole would appear unduly bulky
- The development will have a detrimental impact on neighbouring amenity
- Matters relating to the recessed access could be addressed by way of condition
- In the absence of a legal agreement fails to provide adequate useable external amenity space for the proposed units or to off-set any shortfall of amenity provision by increased unit floor sizes, balconies or financial contribution towards improvements to the local public realm and open space and is therefore detrimental to the amenities of future occupiers

08/2923 - Extension to existing building at roof level and demolition of flat-roofed front extension, conversion of extended building to 7 two-bedroom flats, with provision of 2 retail units at ground-floor level and insertion of windows to front and both side elevations at ground-floor, first-floor and second-floor level - **REFUSED** 12/01/2009 for the following reasons

The proposed development would not provide an adequate overall standard of accommodation for future occupiers, by virtue of its unacceptable aspect and limited natural lighting, outlook, floorspace and amenity space, particularly given the provision of family-sized units, which would be contrary to the provisions of policies BE9 and H12 of the London Borough of Brent Unitary Development Plan 2004, and Supplementary Planning Guidance 17: "Design Guide For New Development".

The proposed development, by reason of the fact that pedestrian-access points to the frontage block are recessed (and do not adequately address the street frontage) with limited natural surveillance, would fail to incorporate the aims and objectives of "Secured by Design" and "Designing-Out Crime". As a result, the proposal is contrary to policies BE5, BE9 and H12 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide For New Development".

The proposed development would cause unacceptable levels of overlooking to existing neighbouring residential occupiers, contrary to policy BE9 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide For New Development".

The lack of a retail servicing bay would give rise to obstruction of the public highway by vehicles accessing the servicing facility, which would be prejudicial to pedestrian and highway safety. The proposal is therefore contrary to policies TRN3 and TRN34 of the Brent Unitary Development Plan 2004.

The development fails to provide adequate car-parking in accordance with standards set out in the adopted policies of the Council. No Section 106 Agreement to make the development "car-free" has been offered in order to resolve this issue. As a result, the proposal would add to the already high demand for on-street parking in the area, to the detriment of the free and safe flow of traffic and pedestrian safety, contrary to policies TRN3, TRN23 and PS14 of the Brent Unitary Development Plan 2004.

In the absence of a legal agreement to control the matter, the development would result in an increased demand for school places within the Borough, without providing any contribution to building new school classrooms or associated facilities; pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area; and increased pressure for the use of existing open space, without contributions to enhance that open space or make other contributions to improve the environment. As a result, the proposal is contrary to policies CF6, TRN10, TRN11, OS18 and H7 of Brent's adopted Unitary Development Plan 2004.

The proposed development fails to make adequate provision of secure, covered bicycle storage for residential occupiers and the retail units, contrary to the provisions of policy TRN11 and policy PS16 of the Brent Unitary Development Plan 2004.

Full planning application (Ref No: 10/0049) for the Demolition of flat-roofed, first-floor front extension and conversion of building into 6 one-bedroom flats, with provision of 2 retail units at ground-floor level, 2 side rooflights to each roof slope and insertion of windows and alterations to existing windows to front and both side elevations at ground-floor, first-floor and second-floor level was dismissed at appeal. The Inspector came to the following conclusions:

'...Whilst the proposal would not result in harm to the living conditions of the occupiers of nearby dwellings and that it would provide a safe environment, the proposal would result in significant harm to the living conditions of the occupiers of the proposed flats due to poor outlook, natural light levels and the provision of amenity space. In addition, in the absence of a legal agreement regarding financial contributions, the development would result in unreasonable pressure on existing services and infrastructure, and would be harmful to highway safety as there is no mechanism to ensure that the development would be car free.'

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. It seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. It includes a presumption in favour of sustainable development in both plan making and decision making. The NPPF is intended to provide a framework within which local people and Councils can produce their own distinctive Local and Neighbourhood Plans. It aims to strengthen local decision making and reinforce the importance of keeping plans up to date.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. The Core Strategy will also need to be in conformity with both the London Plan and the NPPF. In doing so it has significant weight attached to it.

Unitary Development Plan 2004

Built Form

- BE2 On townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE3 Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.
- BE5 On urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 Landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings.
- BE7 Public Realm: Streetscene
- BE9 Seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 States that proposals should embody sustainable design principles commensurate with the scale and type of development.

Housing

- H11 Housing on brownfield sites
- H12 States that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective residents.
- H13 Notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 The appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN4 Measures to make transport impact acceptable
- TRN11 The London cycle network, schemes should comply with PS16
- TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS12 Car parking standards –
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards
- PS19 Servicing standards

Brent Council Supplementary Planning Guidance and Documents

SPG 17 "Design Guide for New Development"

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

CONSULTATION

59 Neighbouring properties and relevant Ward Councillors were consulted on 4 February 2013. A site notice was placed outside the property on 14 March 2013, with a Press Notice being issued on 18 March 2013. The Local Authority has received 3 objections and 1 comment to date. These are outlined as:

Objections

- The introduction of additional flats will reduce profitability of local businesses
- The new development will reduce the amount of natural light allowed onto the street.
- The development continues to propose an over-development of the site.
- The proposal is considered to result in a loss of privacy and have an overbearing impact on residents at Meyrick Road
- If the development replicates the design at Angel Court, the resulting development will have little architectural merit.
- The development appears to include land that belongs to Brent and neighbouring residents

Comments

- It is noted the new application seeks to protect neighbouring amenity to the North of the site, by way of 'shielded windows'
- Future residents should not have access to car permits.

Response to objectors Concerns:

- The applicant has provided a copy of the Register of Title proving ownership of the land to be developed
- All remaining concerns are addressed in the 'Remarks' Section of the report

REMARKS

Principle of Development

The site currently comprises a two-storey building with a footprint of approximately 250sqm, which has authorised use as a B1 light industrial facility, but which has been used in recent years as a place of worship, without the benefit of express planning permission. The property has now been vacant for a number of years. Notwithstanding aspirations detailed in Policy EMP9, owing to the vacant nature of the property and the aspirations of the NPPF (2012) which seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations, the Local Authority is able to support the development in principle.

The proposal seeks planning permission for the demolition of all buildings at the site, and the erection of a part 2-storey, 3-storey and 4-storey block, within which 6 no. self-contained dwellings are proposed across these floors, with a single 96m² A1 retail unit to be provided at ground level on the High Road frontage. The dwellings will comprise 2 no. 3-bed flats, 2 no. 2-bed flats, 2 no. and 1-bed flats. An enclosed bay for servicing the retail premises is included in plans, but no residential car parking is proposed.

Main alterations from previous refusals

As detailed in the 'History' section of this report, the site has been the subject of a number of redevelopment schemes, under Refs. 03/2964, 05/0056, 06/3253, 07/2077, 08/2923 and 10/0049. Four of the above applications were refused (two being dismissed at appeal), with the remaining two being withdrawn.

As mentioned above, the 2010 Inspector concluded, '...Whilst the proposal would not result in harm to the living conditions of the occupiers of nearby dwellings and that it would provide a safe environment, the proposal would result in a significant harm to the living conditions of the occupiers of proposed flats due to poor outlook, natural light levels and the provision of amenity space. In addition, in the absence of a legal agreement regarding financial contributions, the development would result in unreasonable pressure on existing services and infrastructure, and would be harmful to highway safety as there is no mechanism to ensure that the development would be car-free'

The 2008 Inspector concluded, the proposal was poorly designed and would cause significant harm to the living conditions of neighbouring residents and future occupiers. Further, in the absence of a legal agreement the proposal would have a detrimental impact on local facilities and would be likely to significantly increase the pressure on the limited amount of on-street parking in the area.

The proposal takes into consideration issues raised at previous appeals, as well as Inspectors judgements on

those issues. These changes result in a good standard of accommodation for future occupiers, will not result in a detrimental impact on neighbouring amenity and will be suitably designed so to respect the character of the area on as discussed in detail below.

Urban design

Size and Scale

The area is characterised by buildings of two storeys adjoining the proposal site and buildings up to four storeys on the opposite side of High Road to the south. Owing to its location on the Junction between Willesden High Road and Dudden Hill Lane your Officers consider the site to represent a visual focal point, a viewed shared by the Planning Inspectorate. The discussion therefore centres on whether this proposal achieves the quality officers seek. At present the site fails to define the entrance/exit from Willesden by reason of the existing development being of little intrinsic value and are further of an awkward massing for an otherwise open corner. The awkward massing on this prominent junction would be improved by a consistent elevation as such a comprehensive scheme has always been encouraged. However it appears the Taxi control office cannot be included as it is in separate ownership. It is however noteworthy that the geometric approach proposed does provide an opportunity for a comprehensive scheme to be realised should the opportunity present itself in the future.

The proposed scale of the development appears to sit comfortably within the streetscape. The elevations benefit from scale reduction through rhythm of the fenestration. The scale of the rear elevation is reduced by the curved attic storey which in turn reduces the impact of the building on properties at Meyrick Road. The front elevation is well proportioned with strong vertical emphasis that sits comfortably with the streetscape and terraced rhythms. The groundfloor is appropriately a retail use. This in turn retains the active frontage of the Town Centre. However, although the basic configuration of the shop front is shown, the shopfront does lack a great deal of detail. As such a condition securing the final design of the shopfront is suggested here.

Furthermore, the building height has been reduced by from 6 floors (2008) to 3 and is further lower in some respects (At points closest to rear gardens at Meyrick Road) than that of the original building (2010 application sought to use the shell of the existing building). This in combination with the fact that the building has moved away from the rear of the site and set back up floors, has significantly reduced impacts upon neighbouring rear gardens at Meyrick Road and is thus deemed acceptable with adopted policy and design guidance SPG17.

Whilst some detail of materials have been submitted, owing to the limited information of specification etc, further detail should be secured by condition.

Impact on Neighbouring amenity

Previous appeal Inspectors noted the rear gardens of Meyrick Road to have relatively short gardens. In the 2010 appeal, the Inspector did however find the proposal albeit located closer than 10m (Approximately 4.5m from the Northern boundary) to the boundary with Meyrick Road to be acceptable. In addition, the Inspector also found there to be no issues of overlooking as there are no windows located in the flank wall of No 304 High Road that faces the subject site. In the current submission the groundfloor is located further away from the rear Northern Boundary than both the existing situation (3m) and the dismissed 2010 appeal (4m) at 6m. The current proposal will not have an over-bearing impact on the rear gardens of Meyrick Road; where the proposed building is significantly clear of the of the existing building which is something the appeal inspector considered to be the right approach.

At ground and first floor the new building will be located 6m away from the Northern boundary. SPG17 requires direct facing windows to have a 20m separation between them. However the 2010 Inspector found a development with obscured views that was located closer than that proposed here to be acceptable. Weighing the current proposal against the Inspectors decision, it must be accepted that the obscure views from windows located 6m away from the Northern boundary to be acceptable on balance.

Whilst views from the lower floors units have been obscured, views from the proposed second floor have not been obscured. Here, the building is set away from the Northern boundary by a minimum of 15m and is located 20m away from directly facing habitable room windows. Here the requirements outlined in SPG17, have been strictly met and no objection is raised. Further previously proposed balconies have been removed from the submission and only two habitable rooms have dual views to the North. The remaining windows are not habitable.

Some concern has been raised with the relationship between the sole habitable room window on the Western first floor flank and rear gardens at Meyrick Road. Whilst direct views into the rear gardens are somewhat visible owing to the short distance and the close proximity of the mentioned flank wall and the Northern site

boundary (6m), your officers suggest a condition requiring measures to mitigate any overlooking and a loss of privacy. This could take the form of an obscure glazed projecting screen. Such detail shall be secured by condition.

Whilst the proposal fails to comply strictly with requirements set out in SPG17, having regard for the Inspectors Decision it is considered on balance that the proposal does not cause detrimental harm to neighbouring amenity.

Quality of accommodation

6 new residential (2 x three-bed, 2 x two-bed, 2 x one-bed) units are proposed, with affordable housing. The new accommodation proposed is summarised below:

Flat no.	Beds	Floor area	Amenity Space
1	3b 5p	112m ²	89m ² - Garden
2	2b 4p	72m ²	9.3m ² - Balcony
3	1b 2p	74m ²	7.5m ² - Balcony
4	2b 3p	67m ²	9.3m ² - Balcony
5	1p	49m ²	0m ²
6	3b 5p	100m ²	9.3m ² - Balcony
Total		474m ²	124m ²

All units meet requirements meet minimum standards for floorspace set out in the Mayors London Plan 2011

All units will benefit from dual aspects, which helps to mitigate the relatively close distances to the boundary and are therefore considered to have an acceptable standard of outlook and privacy. The proposal will be located 8.5m away from the Western boundary. On the groundfloor a dual aspect lounge window will look directly into the communal garden. SPG17 requires a 5m separation from the subject window and the affected boundary. The development is considered to comply with requirements set out in SPG 17, however the relationship between the lounge and the communal garden is tight, so to protect the amenity of future occupiers a condition seeking adequate screening is suggested.

At first floor level, a sole habitable room window is proposed on the Western flank. This flank wall is located 8.5m away from the Western site boundary. SPG17 normally requires a 10m separation from between sole habitable room windows and the affected boundary. However SPG17 does make some allowance for a more flexible view to be taken in more intense inner urban areas. In addition this window will overlook the roof of a neighbouring single storey commercial extension. Therefore the privacy and indeed outlook of this sole habitable room window is not considered to be compromised to a point of detriment. As such on balance the proposal is considered to be acceptable.

The scheme requires 180m² of external amenity space to meet SPG17 guidelines. All units located on the upper floors have access to private balconies (total of 35m²) as well as a communal rear garden of approximately 80m² with a private garden area (89m²) to the groundfloor three bed unit. The total sum of external amenity space proposed is 204m², thereby meeting the Councils requirements. The communal garden would be located immediately adjacent to the private external amenity space. Details of boundary treatments shall be secured by condition and given that screen planting will be provided to the lounge room of unit 1 so to prevent views into living space it is on balance, considered to be acceptable. This will need to be considered through the landscaping condition

Parking and transport

Willesden High Road is a local distributor road as is Dudden Hill Lane. It has a good PTAL rating of 4 and is located within a CPZ. Surrounding residential streets (e.g. Meyrick Road) are designated as heavily parked.

The site's good access to public transport services and presence within a Car Parking Zone (CPZ) means a reduced residential allowance of 0.7 spaces per 1-or-2-bed dwelling applies, while the 3-bed dwellings can be permitted up to 1.2 car spaces. A further 1 parking space will be permitted for the retail unit, at a rate of 1 space per up to 400sqm. The combined maximum allowance for the site will therefore be 6.2 spaces. With no on-site parking proposed, standards would be complied with.

However, consideration needs to be given to the impact of overspill parking from the site on traffic flow and road safety and as before, the heavily parked nature of the surrounding residential streets and the distributor road status of High Road means that overspill parking from the development cannot be safely

accommodated on-street in the area. As such, a Car-free agreement will be required to remove the right of future residents to on-street parking permits, with the location of the site being considered suitable in terms of public transport access and a CPZ for a car-free development. The developer has accepted this need.

Residential refuse and recycling storage facilities are provided on the Dudden Hill Lane frontage, close to the residential access. This is acceptable both in terms of residents carry distances and access for waste collection staff.

Requirements set out in policy PS16 requires the provision of at least one secure bicycle parking space per flat, plus one space per 125m² for the retail unit. Nine secure and covered bicycle parking spaces have been indicated on the northern side of the building, which is more than sufficient to satisfy the residential cycle parking requirement. A cycle space for the commercial unit can be provided within the proposed servicing bay.

In terms of servicing, a bay is shown on the southern side of the building of more than sufficient size to accommodate a "Transit"-sized van for the shop unit, in compliance with standards set out in PS17. A side access will be provided into the retail unit from this area to encourage its use. The provision of refuse and recycling storage to the front of this area allows easy access by waste collection staff, in accordance with Brent Council's guidelines.

Officers have considered the possibility that enclosing the servicing area with a garage door could result in the this area being used for storage of goods, with service vehicles then being forced onto High Road. However an open area would potentially lead to anti-social behaviour or security concerns for future occupiers. Providing an entirely open yard would however necessitate a redesign of the entire scheme, significantly reducing its footprint, which is not considered to be an acceptable approach. Having considered these, your officers on balance consider the scheme (I.e. An enclosed bay) to be acceptable as on-street servicing is likely to result in Parking Enforcement Action.

There will be no need to alter the existing crossover for the vehicular access. Pedestrian access to both the retail and residential units is taken directly from High Street and Dudden Hill Lane, which is identifiable and welcomed.

Legal Agreement

A s.106 agreement with the following heads of terms is required to make it acceptable:

- (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) Contribution of £3000 per habitable room, to be used for improvements to the education, sustainable transports, sports and open space in the local area.
- (c) Join and adhere to the Considerate Contractors scheme.
- (d) Car-Free Scheme - the residents will not be allowed to apply for Parking Permits.

Conclusion

The principle of residential development at the site is acceptable. The negative impacts of the proposal dismissed at appeal have been resolved, in that the size and scale of the building has been reduced and the siting amended. The small nature of rear gardens at Meyrick Road have been fully taken into account and the scale and massing of the proposed building would comply with adopted SPG17 guidance. The proposed development seeks to provide 6 housing units which provide acceptable levels of internal living space. Although the areas of external amenity are limited, as explained above, this is considered acceptable, on balance, taking into account the constraints of the site.

Members are informed that if the S106 contributions and staging of payments were not to be agreed this would make this scheme unacceptable.

RECOMMENDATION: Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-
- Brent Unitary Development Plan 2004
 - Council's Supplementary Planning Guidance 17 - Design Guide for New Development.

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

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

CONDITIONS/REASONS:

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

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

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

WHR-01-001
WHR-01-002
WHR-01-003
WHR-01-004
WHR-02-001
WHR-02-002
WHR-02-003
WHR-03-001
WHR-03-002
WHR-03-003
WHR-03-004
WHR-02-004
WHR-03-005
WHR-04-001
WHR-04-002
WHR-04-003
WHR-04-004
WHR-05-001

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

- (3) No access shall be provided to the external roofs of the building by way of window, door or stairway and the external flat roof areas of the building hereby approved shall not be used as a balcony or sitting out area.

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

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

- Proposed walls and fencing, indicating materials and heights, and areas of hardsurfacing.
- Adequate physical separation, such as protective walls and fencing
- Provisions for the satisfactory screening, in particular between landscaped and window of unit 1

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

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

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

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

- (6) Views from the first floor bedroom window located in the Western flank wall of the building, as shown on the approved plans, shall be obscured by an obscure glazed screen. Details of screening, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement. The work shall be carried out in accordance with the approved details.

Reason: In the interests of the privacy of adjoining occupiers.

- (7) Prior to occupation of the dwellings results of the post-completion testing undertaken in the noise affected dwellings closest to the road to demonstrate that reasonable resting conditions (Living rooms) LAeq, T 30 – 40 dB (day: T = 16 hours 07:00 – 23:00), reasonable sleeping conditions (Bedrooms) LAeq, T 30 – 35 dB (night: T = 8 hours 23:00 – 07:00) L_{Amax} 45 dB (night 23:00 – 07:00) have been met should be submitted and approved in writing by the Local Planning Authority and thereafter the development shall not be occupied until the approved scheme has been fully implemented.

Reason: To ensure that the occupiers are not subjected to excessively high noise levels and to ensure an adequate standard of amenity.

- (8) Proposed refuse, recycling and cycle storage shall be permanently maintained unless the prior written consent of the Local Planning Authority is obtained.

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

- (9) Proposed groundfloor A1 units shall be permanently maintained unless the prior written consent of the Local Planning Authority is obtained.

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

- (10) The servicing bay hereby approved shall be permanently maintained for such a purpose and shall not be used for any other purpose at any time, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- (11) Details of gates/doors (including opening mechanisms) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

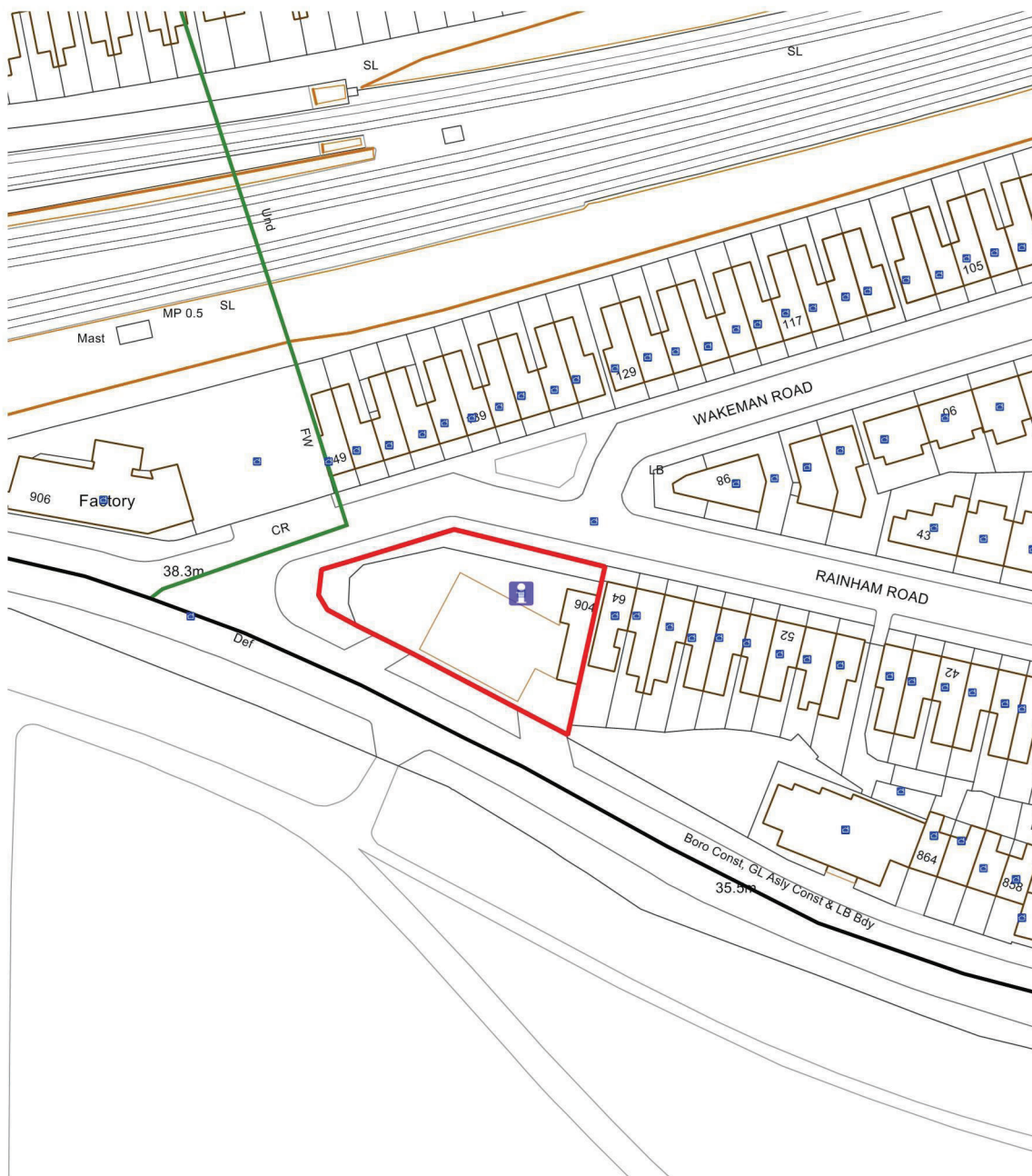
INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (2) The applicant is informed that, for the avoidance of doubt, this permission does not give consent for any shopfront or advertisements on the building which would require formal approval in their own right.

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

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	Planning Committee Map
Site address: 904 Harrow Road, London, NW10 5JU	
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This map is indicative only.

RECEIVED: 15 February, 2013

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 904 Harrow Road, London, NW10 5JU

PROPOSAL: Demolition of existing petrol filling station and construction of part three, part four storey (over undercroft) building comprising 21 residential units, amenity space, undercroft car and cycle parking and associated landscaping and access arrangements

APPLICANT: Rontec Ltd.

CONTACT: Barton Willmore LLP

PLAN NO'S:

862-PL-207
862-PL-206
862-PL-205
862-PL-204
862-PL-203
862-PL-202
862-PL-201
862-PL-200

Air Quality Assessment
Arboricultural Report
Code For sustainable homes pre-assessment
Contamination Desk Top Study
Daylight and Sunlight Report
Design and Access Statement
Energy Strategy
Environmental Noise Survey
Planning Statement
Sustainability Checklist

RECOMMENDATION

Refuse

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £52,325.00.

EXISTING

The site is a corner plot with Wakeman and Rainham Road to the north which is comprised of two storey terraced housing and Harrow Road to the south. It is currently occupied by the Total Garage petrol station. Opposite the site across Harrow Road lies Kensal Rise Cemetery. The site lies in close proximity to the Kensal Green Conservation Area.

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 - private
2	dwelling houses	housing - affordable

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	0	0	0	1092	1092
2	0	0	0	403	403

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0	0	0	1495	1495

PROPOSAL

See above

HISTORY

12/2176 Application withdrawn following advice from Officers that the recommendation would be refusal; Demolition of existing petrol filling station and construction of part three, part four storey (over undercroft) building comprising 21 residential units, amenity space, undercroft car and cycle parking and associated landscaping and access arrangements

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. It seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. It includes a presumption in favour of sustainable development in both plan making and decision making. The NPPF is intended to provide a framework within which local people and Councils can produce their own distinctive Local and Neighbourhood Plans. It aims to strengthen local decision making and reinforce the importance of keeping plans up to date.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. The Core Strategy will also need to be in conformity with both the London Plan and the NPPF. In doing so it has significant weight attached to it.

POLICY CONSIDERATIONS LDF Core Strategy 2010

CP1 - Spatial Development Strategy

CP2 - Population and Housing Growth

CP17 - Protecting and Enhancing the Suburban Character of Brent

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

CP19 - Brent Strategic Climate Change Mitigation and Adaptation Measures

CP21 - A Balanced Housing Stock

Brent Saved policies Unitary Development Plan 2004

STR3 - In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes

of use).

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

STR9 - The Council will ensure that development proposals do not conflict with the role of GLA Roads and London Distributor Road whilst discouraging through traffic on local roads.

STR12 - Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.

STR13 - Environmentally sensitive forms of development will be sought.

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

STR15 - Major development should enhance the public realm.

BE2 - Townscape: Local Context & Character

BE3 - Urban Structure: Space & Movement

BE4 - Access for disabled people

BE5 - Urban clarity and safety

BE6 - Public Realm: Landscape design

BE7 - Public Realm: Streetscene

BE9 - Architectural Quality

BE12 - Sustainable design principles

EP3 - Local Air Quality Management

EP6 - Contaminated land

EP10 - Protection of Surface Water

H4 - Off-Site Affordable Housing

H11 - Housing On Brownfield Sites

H12 - Residential Quality; Layout Considerations

H13 - Residential Density

TRN1 - Transport assessment

TRN3 - Environmental Impact of Traffic

TRN4 - Measures to make transport impact acceptable

TRN10 - Walkable environments

TRN11 - The London Cycle Network

TRN14 - Highway design

TRN23 - Parking Standards – residential developments

TRN24 - On-Street Parking

TRN34 - Serving for New Development

TRN35 - Transport access for disabled people & others with mobility difficulties

PS14 - Residential Parking Standards

PS15 - Parking for disabled people

PS16 - Cycle parking standards

Brent Council Supplementary Planning Guidance and Documents

SPG12 - Access for disabled people □

SPG17 - Design Guide for New Development □

SPG19 - Sustainable design, construction and pollution control

SPD - Section 106 Planning Obligations

Mayor of London

The London Plan 2011 Mayor of London Supplementary Planning Guidance

(a) Sustainable Design and Construction (May 2006), (b) Planning for Equality and Diversity in London (October 2007), (c) Accessible London: Achieving an Inclusive Environment (April 2004), (d) Providing for Children and Young People's Play and Informal Recreation (March 2008)

CONSULTATION

Letters sent to 144 neighbouring owner/occupiers, advert placed in local newspaper 14/03/2013 and site notice put up 18/03/2013. To date eight letters of support have been received as well as the support of the Kensal Triangle Residents Association and a single letter of objection has been received. In addition ward Cllrs have been consulted.

The main points of support from residents are as follows;

Elevation treatment is of a high quality

Petrol station is prone to anti social behaviour and scheme has potential to improve area in this respect.

Scheme provides good quality of accommodation

Consultation with neighbouring residents has been carried out and addresses many concerns of residents.

Main points not in favour are that

Area is a crime hotspot

Development would reduce visibility which currently provides some reassurance to residents regarding crime.

Cllrs Denslowe, Adeyeye and Lorber have expressed support for the scheme setting out that the scheme will improve the area significantly.

REMARKS

Background

For the information of Members this scheme has been the subject of consultation with the Kensal Triangle Residents Association, and which has gathered the local support of the residents association and Cllrs, Denslow, Lorber and Adeyeye. This support has been brought to Officers attention during the application and

has been taken into consideration in this assessment. Whilst the support is acknowledged, there remains fundamental Planning issues with the proposal which Officers have attempted to resolve during the previous application, the pre application process and during the application itself. Unfortunately given that these issues remain unresolved the recommendation is for refusal. The following report sets out the reasons for refusal.

Principle

The council will have to start monitoring the loss of its petrol stations, although at this stage there is no policy safeguard for them. In terms of national policy, The NPPF supports the redevelopment of brownfield sites particularly those in urban areas. The proposed residential use is in accordance with the Council's strategic aims of increasing the supply of housing within the Borough. As such, there is no objection to the residential development on the site.

Density and mix

In more precise policy terms, the total Garage is in a Public Transport Accessibility Level area of '4' placing it in the London Plan recommended density range of 200-700 habitable rooms per hectare. The proposal is circa 539 hr/ha. Whilst this falls within the recommended range, the provision of 21 units on this site which is circa 1000sqm, is a dense scheme.

The residential aspect of the scheme offers the following density and mix.

7 x 1 bed
9 x 2 bed
5 x 3 bed

In terms of the mix, London Plan policy 3.8 Housing Choice, sets out that new developments should offer a range of housing types across the private, social and intermediate sector whilst the Councils Core Strategy, objective 7 sets out that 25% units in schemes capable of providing 10 or more units, should be family sized (3 bedroom) units. In pursuit of this, the housing mix does offer a range of unit types, with 24% 3 beds units.

In terms of tenure, the Local Development Framework Core Strategy policy CP2 sets a target of 50% affordable housing on sites with the capacity to delivery ten or more homes subject to viability. The submitted viability assessment has been prepared in support of this application and includes 6 units as affordable housing, which equates to circa 29%. of these units four are to be social rent whilst 2 are to be intermediate homes. The inclusion of the 3 beds in the social rent tenure meets the boroughs specific needs. Officers have examined the submitted Toolkit, together with detailed supporting evidence on build cost and sales values assumptions, and have identified only limited scope for the scheme to viably deliver additional affordable housing beyond the proposed six units. Whilst the level is on balance considered to be a reasonable contribution, this is based on an assumption of no contribution toward affordable housing from social housing grant, and a developers return of 30% of the existing land use value. As such it would be recommended that any Section 106 heads of terms for the application have a financial viability review, possibly involving a deferred contribution, based on future sales performance, with a reduced assumption of 20% developers return on the existing land value, and a review of the funding streams - on the basis that further capacity for affordable housing may be identified.

Massing

The building occupies a corner plot with Rainham Road to the north and Harrow Road to the South. It has a single mass spanning the width of the plot, increasing in scale from three/four storeys to five as you move westwards up Harrow Road toward the corner junction. The maximum height on Harrow Road side is five storeys including an undercroft car park and two ground floor units, whilst on the Rainham Road side the maximum height is four storeys with residential from the ground floor up. This is due to the gradient on site which drops away from Rainham Road down to Harrow Road.

The scale raises concern with regard to its relationship with the surrounding two storey residential context, particularly as you approach the development from Rainham Road. Whilst the building is set back by 2m from neighbouring front building line, the proposed three storey flank elevation intersects the established pitch roof line, projecting significantly above, as a result having an imposing presence in the street scene. Whilst this raises concern, the gradual increase in scale moving toward the corner junction, and the set back of the fourth floor reduces the impact to an extent. In addition, the massing on the Rainham Road elevation has been developed through consultation with Planning and neighbouring residents to reach a form that whilst being significantly larger than what's around it, has necessary punctuations in the massing and set backs of upper floors to lessen its presence and impact in the street. The proposed drawings illustrate how the massing falls within SPG17 recommended design lines on the Rainham Road side. As such, whilst the scale

on this elevation does raise concern, it does not constitute a reason for refusal.

On the Harrow Road elevation, the scale rises from four storeys to five. The front elevation is for the most part coherent in terms of its massing, starting level with the neighbouring properties rear elevation and gradually stepping out toward Harrow Road as you approach the junction. There is however a ground floor unit, L:02, which projects forward of the main front elevation as a single storey front extension. In terms of its integration within this elevation, it sits in a completely different plane to the storeys above it appearing at odds with the mass of the building. Officers have suggested this unit be removed from the scheme, so that the front elevation exhibits a the kind of quality and coherence pursuant to the Councils expectations for a front elevation on a major scheme in close proximity to the Kensal Green Conservation Area and the high quality built environment which surrounds it. The advice has not been followed. As a result this element is considered to detract from the quality of this elevation, appearing as an incongruous feature which does not read well with the rest of the front elevation.

Elevation Design Treatment

As mentioned above, the Rainham Road elevation has evolved through consultation with Planning and local residents. The massing and variation in brick treatment makes reference to the scale, and width specifically, of the neighbouring terrace on Rainham Road. In the end it was considered that windows could be larger to improve the quality of accommodation and appearance, however owing to other fundamental shortcomings in the scheme as explained above, these concerns were not resolved.

The approach to the Harrow Road elevation in terms of its appearance, unlike the Rainham Road elevation, lacks a clear application of a chosen style. This facade, in particular the coloured elements, contain large expanses brick with no detailing whilst the fenestration and massing is quite piecemeal. Overall the appearance is quite confusing and lacks the coherence and rational which is evident in the Rainham Road elevation. In addition the plinth on the top of the scheme is thick and detracts from the design quality.

Quality of Accommodation

All units have been designed to meet London Plan minimum space standards whilst the units from the ground floor up have sufficient aspect and outlook. The Design access statement sets out that 10% of units will be capable of being wheelchair accessible pursuant to London Plan standards. The plans however do not make clear which units this relates to and in order to satisfy this requirement fully, wheelchair units should be integrated into the scheme as opposed to being deliverable if the need arises. In addition, whilst the scheme provides two wheelchair parking spaces, these are not sited with easy access to the units above given that the route is through the car park, across the entrance, and up the lift.

The two ground floor units, L0:1 and L:02 have deficiencies with regard to quality of accommodation. With regard to unit L:01, the unit is sited in part below pavement level so that only the tops of windows provide aspect onto Harrow Road. It does however provide additional aspect over Rainham Road as the building curves around, however this is the point where the units is at its lowest below street level which is evident when looking at the south elevation drawing. There is some limited external space provided around the unit, facilitated through the buildings set back of 2m from the street. External Space in such close proximity to pavement however that is unlikely to provide an acceptable quality owing to deficiencies in privacy and proximity to a major distributor road. Pursuant to the this the Councils Unitary Development Plan policy discounts areas in such close proximity to the highways from its definition of amenity space for the reasons stated above. In addition its siting directly adjacent to the refuse point for the development is likely to worsen the quality of external space.

With regard to unit L:02, the outlook is also limited, with the windows being sited only 1.5m from back of pavement. Additionally the quality of amenity suffers the same deficiencies with regard to its proximity to the street. As such these units raise significant concern as to the quality of accommodation they will provide for the reasons set out.

External amenity

In terms of the provision of external amenity across the whole scheme, the Councils Supplementary Planning Guidance SPG17 sets out that units should have a minimum of 20sqm or 50sqm for ground floor 3bed + properties.

The Mayor's Housing SPG November 2012 also states that balconies should have a minimum of 5 sqm for 1-2 person homes and an extra 1 sqm for each additional occupant and a width of 1,500 mm should be met. Pursuant to these standards, the outdoor spaces are take the form of gardens, balconies and terraces and generally range between 6-9m² with some exceptions. This complies with the Mayors standards whilst the they fall short of meeting the SPG. In particular the 3 bed units as follows; Unit 1_04 1st Floor 3 bedroom

home = 8 sqm balcony and Unit 2_04 2nd Floor 3 bedroom home = 18 sqm terrace. The SPG makes provision for additional contributions to offset shortfalls in external amenity providing units are generous in size. Officers assessment has revealed that the units do generally exceed minimum space standards with the exception of L:01, G:01 and G:02. There has however been no offer of compensatory payment toward open space provision to make up for this shortfall.

In addition landscape Officers have made the following remarks with regard to the current provision;

Terraces are shown at ground floor, however these appear to be drawn as slab paved, with no landscape details. Hedges are shown to boundary, no details of species proposed. It is questionable how private these terraces will be, spaces are fronting the street, relying on the proposed hedges to give privacy. Access to shared bins and cycle parking is also via some of these terraces, so cannot be called private spaces if other residents will pass through with cycles and their refuse. Also refuse collection staff will have to enter terraces to collect bins for emptying, so again these terraces would not be private space. Elevation drawing shows balconies at upper levels with extensive vegetation, however there is no indication of how this will be achieved, or how such plants would be maintained or watered.

Other than retention of trees, no other landscape details are given, although Design & Access Statement quotes Brent Council 'Design Guide for New Development on quality of landscaping However no landscape details are given and no indication of how a high quality landscape will be achieved. This can only be done by providing fully detailed landscape design drawings at application stage.

No precise details provided for where each area of private amenity space is or how each area relates to and is accessed from individual flats. Some figures are given for total areas of external space and terraces/ balconies. These need to be shown on plan and type of space identified. For example communal footpath to entrance cannot be counted as private amenity space.

No proposals for any green roofs included, this is now normal practice in many new developments and should be considered here.

Contamination/Air quality/Sound insulation

Given the site current use as a petrol station, a desk based contaminated Land study has been submitted with the application. The Councils Environment Health Officers recommendations are as follows. The submitted Desk Study shows the potential for soil contamination on site, which may require remediation prior to construction works. Given the current use as a petrol station, decommissioning of the fuel infrastructure and the potential removal of associated contamination would need to be undertaken prior to building works

In relation to the sites location in a designated air quality management area, measures would be required during construction to control pollution arising from the construction. This would be sought through condition. In relation to noise attenuation, The submitted noise assessment shows the site to be located within noise exposure category C (NEC C). Planning permission should normally not be granted in NEC C situations, unless conditions are applied to mitigate the impact of the noise on future end users. This would not however be a grounds for refusal as it is considered this could be mitigated by conditioning recommend that future residents have sufficient sound insulation within their dwellings in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings-Code of Practice.'

Impact to Neighbouring amenity

The scheme has been assessed in relation to its impact to the amenity of surrounding residential properties particularly those opposite on Wakeman and Rainham Road.. The form has developed over time with an aim to lessening its impact. The main difference between this application and the previously withdrawn application being the setting back of part of the first second and third floors on the eastern portion of the building by a further 1m. The effect of this is that the building line is set below a 30 degree line as per SPG17 standards and the submitted BRE light study sets out the development will not have an unacceptable impact toward the daylight/sunlight of adjoining occupiers. The site layout plan shows its relationship to properties on Wakeman Road, with the nearest property no 149 having a distance of 18.5m from its front bay window to the nearest habitable room window in the scheme. The recommended level is 20m although on balance this shortfall of 1.5m is not considered to constitute a reason for refusal given the remainder of the scheme complies and the fact that it is across a public road.

On the Harrow Road side of the development, there are concerns regarding the relationship between the terrace set on the roof of unit L:02 and rear habitable room windows and garden for the neighbouring Rainham Road property. The front extension containing unit L:02 projects 10.5m from the main body of the building. Its height is 3m with an additional 1.8m opaque screen proposed on the eastern edge to prevent

overlooking into the garden of the neighbouring Rainham Road property. The east elevation - section shows this relationship clearly, demonstrating the combined height of screens and extensions at between 4m and 4.8m. This is considered to be a significant mass in such close proximity to the adjacent habitable rear elevation windows with likely impact toward their current level of amenity. It is considered that this is a further justification for Officers to have consistently sought the removal of this particular element of the development.

Highways

This application proposes a basement car park with access off Harrow Road, taking advantage of the change in levels across the site from south to north. The car park would provide a total of 17 car parking spaces, 2 of which are shown as disabled spaces. In accordance with PS14, the combined parking standard would be 14.6 spaces, but if the reduction for social housing is not taken then the combined standard is 17.2 spaces. On this basis the number of car spaces provided is acceptable. Nevertheless, the issue of safeguarding the existing parking provision along nearby Wakeman and Rainham Road means that the scheme would need to be subject to "permit free", controlled by legal agreement in order to ensure that on-street parking capacity is not used up as a result of this development. In terms of access, the Highway Engineer has confirmed that the it is acceptable in technical terms and that the layout of the car park provides sufficient aisle widths for manoeuvring.

Sustain ability

The scheme has gone through the energy hierarchy in accordance with the London Plan, and demonstrates that through a combination of Lean measures, which relate to the buildings U-values improving insulation, as well as the chosen green measure which is solar panels, the annual Carbon emissions will be 25% less than Building regulations. In addition the submitted Sustainability Checklist shows a score of 51.1.

Developer Contributions

The following contributions would need to be secured through the Section 106 Legal Agreement. Provision of 6 affordable housing units as per the application forms and tenure/bedroom split, and a contribution of £3,000 per bedroom/£2,400 per affordable housing bedroom, index-linked from the date of committee, for Education, Sustainable Transportation, Open Space and Sports in the local area. In addition a landscape contribution will be sought for works in the surrounding area. In addition the Council are now collecting on behalf of the Mayor of London Community Infrastructure Levy (CIL) contributions at a rate of £35 per metre (GIF).

Trees

The condition and health of the trees along the perimeter of the site has been considered in the submitted arboricultural statement. Following advice from Officers during the previous application, this proposal has pulled the building mass away from the tree canopy by 1m, partly to provide greater space for the canopy. The tree report has identified that the trees are likely to grow significantly, and as they are considered to have a high landscape value. The tree report shows the canopy clashing with the envelope of the proposed building, which means that trees are likely to have extensive pruning requirements which would reduce their visual amenity. As such, although the retention of trees is clearly an aspiration, and the building mass threatens their health and contribution to the visual amenity, they are not the subject of a TPO and on this basis Officers consider that, on balance, the impact would not form a further basis for refusal.

Consideration of comments/Conclusions

There has been support expressed by KTRA and adjoining occupiers for the application. Points relate to the improved design following consultation with residents, improved brick materials palette, and the improvement to the quality of environment which the revised scheme has the potential to achieve. Another point related to the ability of the proposal to introduce a new development into a plot which is currently subject to incidence's of anti social behaviour. Officers have consulted with the youth Offending Team and checked the crime mapping data provided by the metropolitan police which has provided some verification for these concerns. These concerns are taken seriously and it is acknowledged that the garage itself and the land surrounding has had a number of crimes reported in 2013.

In response to these concerns and to summarise the main points of this report, it is acknowledged that the scheme has addressed concerns of residents and has made steps to satisfy some of the concerns of Officers. The proposal however still has some fundamental shortcomings relating to design, provision of external amenity, impact to neighbouring amenity, and quality of accommodation, and Planning have to make a recommendation based on these material planning considerations. As such the application is recommended for refusal.

RECOMMENDATION: Refuse Consent


CONDITIONS/REASONS:

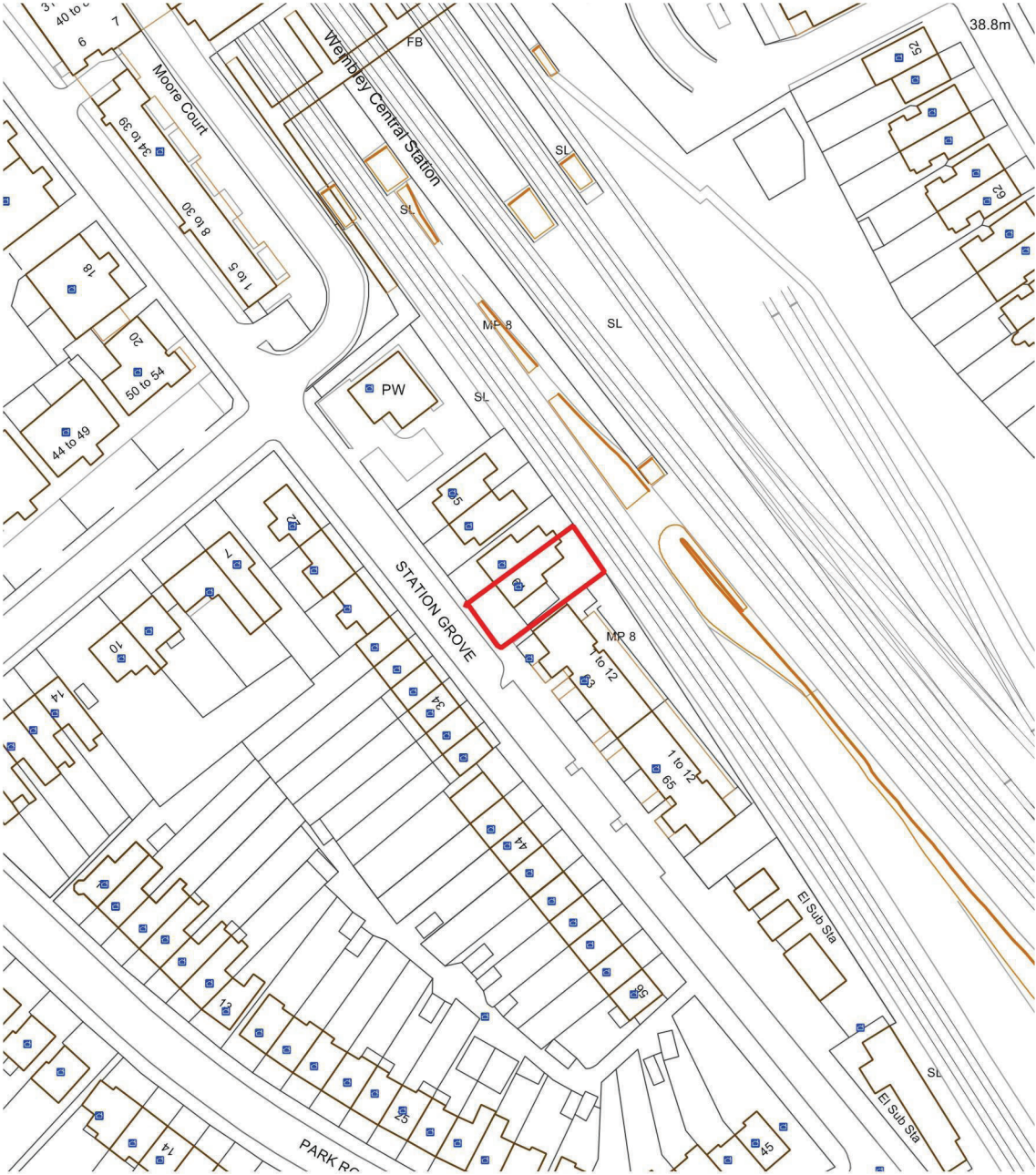
- (1) The design, form and appearance of the proposed development, in particular in terms of the ground floor forward projection and the proximity of the building to the Harrow Road frontage, relates poorly to the massing of the remainder of the building and the Harrow Road street scene, and owing to its height, siting and proximity to the neighbouring boundary, has a detrimental impact toward the amenity of adjoining occupiers on Rainham Road. In addition, there is a lack of detail relating to the treatment of the space around the building and the ability to provide acceptable landscaping in order to improve the setting of the building, contrary to Unitary Development Plan policies BE2, BE7, BE9 and the advice contained within Supplementary Planning guidance 17 Design Guide for New Development.
- (2) The standard of accommodation for the ground floor units facing Harrow Road provides unacceptable living accommodation in terms of their outlook, privacy, relationship to the parking access and to the public footpath on Harrow Road, in addition there are shortfalls in the amount and quality of external amenity across the scheme as a whole, and a lack of clarity over the siting of wheelchair units and their access from designated wheelchair parking bays, contrary to Unitary Development Plan Policies BE9, and the advice contained with SPG17 Design Guide for new Development.
- (3) In the absence of a legal agreement to control the matter, the development would result in additional pressure on parking demand and transport infrastructure, without a "car-free" agreement or any contribution to sustainable transport improvements in the area, an increased pressure for the use of existing open space, public sports facilities and education infrastructure, without any contributions respectively. As a result, the proposal is contrary to policies TRN4 and TRN23 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Document: "S106 Planning Obligations".

INFORMATIVES:

None Specified

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

 **Planning Committee Map**
Site address: 61A Station Grove, Wembley, HA0 4AR
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This map is indicative only.

RECEIVED: 15 January, 2013

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: 61A Station Grove, Wembley, HA0 4AR

PROPOSAL: Demolition of existing garage and erection of a new 2-bedroom single family dwelling house (C3 Use Class), with associated soft landscaping and off-street parking space.

APPLICANT: Mr Bharat Kerai

CONTACT:

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

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 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 £3000, (£3000 per bedroom created,) due on material start and, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.

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

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £1,890.00.

EXISTING

The site is on the north-eastern side of Station Grove and is adjoining flats 61 and 61A Station Grove. There is a single storey garage attached to the property which it is proposed to demolish to make way for the development. South east of the application site is a 4-storey flatted development of 24 units, this was allowed on appeal.

The area is characterised by residential properties, though there is a variety of different housing types and flatted developments. Directly to the rear (north east) of the site is a railway line.

The site is not within a Conservation Area, nor is it within the grounds of a Listed Building.

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	

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	33		33	87	54

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	33		33	87	54

PROPOSAL

Demolition of existing garage and erection of a new 2-bedroom single family dwelling house (C3 Use Class), with associated soft landscaping and off-street parking space.

HISTORY

12/2796 – Refused on 31/12/12

Demolition of garage and erection of a three storey building comprising 1 x 2 bed flat and 1 x 1 bed flat (as amended by revised plans dated 18/12/12).

Reasons for refusal;-

- 1. The proposed single storey part on the boundary in conjunction with the additional projection off the boundary, by virtue of its siting, footprint, proximity to neighbouring boundaries and projection beyond habitable windows in the neighbouring property (61 & 61A), will be detrimental to the residential amenity of neighbouring occupiers due to a resultant loss of light, outlook and overbearing impact. As a result the proposal is contrary to Unitary Development Plan policy BE9 and the guidance contained within SPG5 'Altering & Extending Your Home' as well as the guidance contained in the Council's SPG17 'Design Guide for New Development'.*
- 2. The proposed design, namely the introduction of a projecting front bay feature at ground and first floor will relate poorly to the character and appearance of the existing semi-detached pair of houses, will appear incongruous and out of character with the streetscene. This is contrary to UDP policies BE2 and BE9.*
- 3. In the absence of details the application fails to demonstrate that the proposed new dwellings, by reason of their proximity to the railway line, would result in acceptable internal resting and sleeping conditions in living rooms and bedrooms. This failure to demonstrate that the proposed accommodation will provide a suitable level of residential amenity for the occupiers, is contrary to policy EP2 of Brent's Unitary Development Plan and the guidance contained in the Council's SPG 17 'Design Guide for New Development'.*
- 4. In the absence of a legal agreement to control the matter, this development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places, and increased pressure for the use of existing open space, without contributions to enhance open space, sports or make other contributions to improve the environment and air quality. Nor would it make the necessary contribution to the Mayor's Community Infrastructure Levy. As a result, the proposal is contrary to policies EP3, TRN3, TRN4, TRN10, TRN11, CF6, OS7 and BE7 of Brent's adopted Unitary Development Plan 2004; policy CP15 of Brent's Core Strategy 2010 and the adopted S106 Planning Obligations Supplementary Planning Document.*
- 5. The proposal has not demonstrated the adequate provision of refuse and recycling facilities within the curtilage of the site and is therefore contrary to policy TRN34 of Brent's Unitary Development Plan and the guidance contained in the Council's SPG 17 'Design Guide for New Development'.*

96/1796 – Granted

Erection of 3-storey building to provide 2 self-contained flats

91/0093 – Allowed on appeal

ERECTION OF THREE STOREY BUILDING TO PROVIDE TWO SELF-CONTAINED FLATS

89/1909 – Refused

ERECT.OF 3 STOREY BUILDING TO PROVIDE 2 S/C FLATS(ON 61A)

87/0504 – Granted

CONV TO 2 S/CON FLATS & EREC OF S/S REAR EXTN & BIN ENCLOSURE

POLICY CONSIDERATIONS

National Planning Policy Framework – NPPF 2012

London Plan – Spatial Development Strategy 2011

Brent UDP 2004

- *BE2 Local Context*
- *BE3 Urban Structure: Space & Movement*
- *BE7 Streetscene*
- *BE9 Architectural Quality*
- *EP2 Noise & Vibration*
- *H12 Residential Quality – Layout Considerations*
- *TRN3 Environmental Impact of Traffic*
- *TRN11 The London Cycle Network*
- *TRN23 Parking Standards Residential Developments*
- *TRN24 On-Street Parking*
- *TRN34 Servicing in New Development*

Brent Local Development Framework Core Strategy 2010

- *CP17 Suburban Character*

SPG

SPD- Planning Obligations- s106

Supplementary Planning Guidance No. 17 - “Design Guide for New Development”

Main Considerations

- Quality of accommodation
- Impact on neighbouring properties
- Impact upon the character of surrounding area
- Impact on local infrastructure
- Impact on parking and highway safety

CONSULTATION

Consultation Period: started 22/01/13

A total of 26 properties notified by letter and five objections have been received. The grounds for objecting are summarised below;-

1. Development will result in a loss of light and privacy to properties directly opposite.
2. Development will result in a loss of light and privacy to adjoining flats (61 & 61a)
3. Will result in the loss of this as a semi-detached pair, creating a terrace, which in turn will have a negative effect on property values.
4. Will make it more difficult to park on-street on Station Grove.
5. This will cause disruption for neighbours during construction (problems of noise and dust).
6. Will result in loss of outlook from flank wall windows in neighbouring flatted development (63 Station Grove).
7. Will result in ventilation problems for the attached building (raised by flat 61a Station Grove).
8. This will reduce property values for the attached flats (not a material planning consideration).

Environmental Health- No objection raised but in the event that planning permission be granted conditions are recommended requiring;-

- (i) assessment of the potential noise and vibration associated with the proximity to the railway land shall be undertaken and a report submitted for approval. If necessary mitigation measures should be set out within this report. All residential properties shall be designed in accordance with BS8233:1999 'Sound Insulation and noise reduction for buildings Code of Practice
- (ii) Prior to occupation the applicant should submit in writing the results of post-completion testing to show that acceptable internal noise levels have been achieved.

Transportation –

- At present the site has up to 4 off-street parking spaces when you include the garage and the frontage.
- The application site is on Station Grove, a local access road which is not defined as being heavily parked. This lies within CPZ "C" which operates 08:00-18:30 Mon-Sat, and has very good accessibility with a PTAL rating of Level 5.
- The existing flats (2-bed units) each attract a standard of 0.7 spaces, making the total requirement for the site 1.4 spaces.
- The proposed 3-bed house which can be permitted 1.2 spaces under the same stricter parking standard. (CHECK THIS IS CORRECT)
- This presents a significant increase in parking for the site from 1.4 to 2.6 spaces.
- Following the loss of the garage the site as a whole will still benefit from 3 off-street spaces. The proposed dwelling will be afforded a single off-street space, which accords with parking standards.
- Sufficient levels of frontage landscaping are proposed.
- Some minor remedial works will be sought (at the developer's expense) so that the existing crossover will match the location of the proposed hardstanding.
- Further details of future front boundary treatment should be sought via condition.
- Refuse and recycling provision is now satisfactory.
- Further details of secure and covered cycle parking should be sought via condition.

Subject to the above mentioned details being secured through condition, and subject to a s106 agreement securing a contribution towards improving highway safety, new parking controls and better non-car access there would be no objection raised on transport grounds.

REMARKS

The application proposes to erect a new 2-bed dwelling attached to 61 & 61A Station Grove with associated amenity space and off-street parking.

This application follows the refusal of planning application 12/2796 in December 2012. This proposed a new building attached to 61 & 61A Station Grove to accommodate 2 self-contained flats. The reasons for refusal are set in the above 'History' section.

Main differences between current proposal and refusal application 12/2796;

- This application proposes a single dwelling, whereas the previous application was for 2 flats.
- The building footprint has been reduced, resulting in a shallower ground floor projection beyond the neighbouring building line. The previous application proposed a maximum 5m projection, this has now been reduced to 3m.
- The staggered projection to the rear on the ground floor previously proposed has been replaced.
- Details of refuse and recycling storage have been provided.

Earlier permissions were granted in 1976 and 1991, with the earlier development being allowed on appeal. These were both for a 3-storey building comprising of two self-contained flats. Whilst these have a degree of relevance they were granted quite some time ago now and the current application must be considered on its merit and in the context of current planning policy, and adopted guidance.

Summary of further amendments to the proposal;

The original application was proposing a 3-bed/5-person dwelling with internal floorspace of 87sqm. This fell somewhat short of the London Plan minimum space standard of 96sqm for such a property. The applicant has since revised the proposal to a 2-bed/4-person dwelling, and this meets the relevant London Plan minimum space standard.

The design of the property has been altered resulting in the removal of the projecting front bay feature. It was

considered that such a feature would have been out of character with the neighbouring dwellings on this side of Station Grove. The fenestration that is now proposed to the front elevation will respect neighbouring dwellings.

These amendments are set out in revised drawing phou/342BC.

Principle of Development;

This is an established residential area and the proposal would not result in the development of residential garden. As a principle there is no objection to the demolition of the garage and a replacement dwelling being built. Development on previously developed land in this sustainable location would be consistent with some of the core principles running through the National Planning Policy Framework (NPPF).

Quality of proposed accommodation;

The new building would see a 2-bed/4-person dwelling sufficiently sized in order to meet the minimum London Plan standard of 86sqm.

The layout proposed will ensure all habitable rooms have reasonable daylight, sunlight and outlook.

An area of amenity space is proposed to the rear, this will satisfy SPG17 standards on outdoor space.

Environmental Health has noted the proximity of the railway line to the rear of the site, and its potential to cause noise and vibration for future occupiers. To safeguard future residential amenity an assessment will be required to be carried out, this shall provide an indication of associated noise and vibration levels that may be experienced, and it should set out details of any necessary mitigation measures to reduce impacts. It is requested that submission and consideration of said report should be secured as a planning condition.

Impact on neighbouring amenity;

Consideration of the impact on 61 & 61A Station Grove (the attached flats), as well as the neighbouring more recent flatted development at 63 Station Grove has been given.

There are habitable windows in the flank wall (of the rear outrigger projection) and the rear facing wall of 61 & 61A Station Grove. Officer's previously had a concern with the footprint of the proposed building that was recently refused permission. Due to the extent to which it projected into the site and beyond the neighbouring building line that proposal would have resulted in an unacceptable impact on windows in the neighbouring properties, through loss of light, outlook and privacy.

In response the scheme was amended, proposing a reduced footprint on the first floor which demonstrates compliance with the "2:1" rule. In doing so concerns about the development's impact on neighbouring first floor windows were overcome. However the projection of the building at ground floor remained a concern. The proposed building had been staggered on the ground floor, projecting 2m beyond the neighbouring building along the boundary, and stepping out a further 3m where the building is set off the boundary by 1.7m. This resulted in a maximum projection of 5m beyond neighbouring windows. It was considered that on balance this level of projection would result in the creation of a tunnelling effect for the ground floor windows in the attached property at ground floor, and this level of projection would result in unacceptable loss of light and outlook. This would have created conditions harmful to the amenity of neighbouring occupiers, contrary to UDP policies BE2 and BE9.

The current proposal has been amended in response to the aforementioned concerns. The building footprint has been reduced in order to create a more acceptable relationship between buildings. At ground floor the proposed dwelling would now project 3m beyond the rear of the neighbouring building line. This is an improvement on the previous proposal and is consistent with the principles set out in Supplementary Planning Guidance 5. Under this guidance a 3m deep extension beyond a neighbouring dwelling is generally considered to strike an acceptable balance in terms of protecting neighbouring amenity from habitable windows. On balance it is considered that the footprint of the building will still maintain an acceptable level of amenity for neighbouring occupiers.

On the first floor the projection of 1.405m will comply with the "2:1" rule, set out in SPG5. In doing so this will have an acceptable impact on neighbouring windows.

The neighbouring block of flats has flank wall windows on each floor, facing north west directly towards the application site. The proposed building would see a reduction in light and outlook to these windows. However these windows are secondary only, with the principle outlook to these affected rooms being gained from the front of the building. The principle windows will remain unaffected by the proposal, and as these are only secondary windows then the impacts in terms of loss of light and outlook are not enough to warrant refusal of

planning permission.

Highway issues

The site has very good public transport accessibility with PTAL5.

The existing five flats are each permitted 0.7 parking spaces, the stricter standard applies here as there is a CPZ in operation and the site has a very good PTAL level. The proposed dwelling would attract 0.7 further parking spaces. As a result the site will increase from 1.4 to 2.1 spaces overall. This increase can be met off-street on the frontage via existing crossovers, though transportation would seek further details via condition to confirm front boundary treatment, secure cycle parking and works to reposition the existing crossover (which will need to be carried out at the developer's expense).

In summary the proposal will have an acceptable impact on the local area as sufficient off-street parking can be provided for both the existing flats and the proposed dwelling.

Suburban character

The proposal would see this semi-detached pair become a terrace, which objectors have raised in their grounds for objection, citing that this change in character will have a negative effect on the value of their properties. In terms of the impacts that this would have on the streetscene and the local area Officer's do not consider that this change in character is would be harmful. This is due to the fact that Station Grove has a mixture of building types, consisting of semi-detached housing, terraced housing and more recent flatted developments. Because of this varied character the proposal would not look out of character with the surrounding urban grain.

Materials samples have been submitted which demonstrate that the proposed development will be in keeping with the neighbouring building. A yellow stock brick is proposed, with clay roof tiles to match the neighbouring.

Response to grounds for objection;

Development will result in a loss of light and privacy to properties directly opposite.

Properties directly facing the site on the opposite side of Station Grove are separated by a distance of 18.5m. This level of separation is considered to be enough to ensure that the proposal does not unduly harm these properties through either a loss of light or privacy.

Furthermore this relationship and the level of separation between facing properties on opposite sides of the road is identical to the established street pattern. Therefore it could not reasonably be argued this is any more harmful than the pre-existing relationships along both sides of Station Grove.

Development will result in a loss of light and privacy to adjoining flats (61 & 61a)

There are no habitable room windows located within the main flank wall of the neighbouring building.

Any windows that are in place are situated within the rear elevation, or within the rear outrigger.

Due to the reduced building footprint now proposed then levels of projection beyond the neighbouring building at both ground and first floor are fully compliant with the levels of projection advocated in SPG5. This guidance relates to domestic extensions, but the established principles in terms of the level of projection that can be supported can equally be applied to this proposal as a mechanism to establish what is an acceptable level of projection, whilst at the same time safeguarding neighbouring amenity.

Will result in the loss of this as a semi-detached pair, creating a terrace, which in turn will have a negative effect on property values.

As previously discussed, Station Grove has a mixed character in terms of the built form. This comprises semi-detached pairs, short rows of terraced housing, detached buildings and higher density flatted developments of more than 2-storey's in height. Therefore no objection is raised to this existing semi-detached pair becoming a short terrace of three properties. For the above mentioned reasons this would not appear out of place within the streetscene, nor would it adversely effect the established local character.

Residents concerns that this would have a negative effect on existing property values cannot be taken into consideration. This is not a material planning consideration, and would not be a reason to refuse planning permission.

Will make it more difficult to park on-street on Station Grove.

The parking standard for the existing flats (61 & 61a) as well as the proposed dwelling can be met off-street.

As such it is not anticipated that this would create unacceptable overspill parking on Station Grove.

This will cause disruption for neighbours during construction (problems of noise and dust).

This may well be the case for a temporary period, and in built up urban areas this is an inevitable side effect of construction work. However this is not a reason upon which to refuse planning permission.

Environmental Health has legislative powers to tackle noise disturbance if noise levels constitute a statutory nuisance, as well as having control over the hours during which construction work taking place.

Will result in loss of outlook from flank wall windows in neighbouring flatted development (63 Station Grove).

There would be a degree of lost light and outlook, but as discussed above these windows that face towards the application site are only secondary windows. The principle windows that serve the affected room(s) will remain unaffected by the proposal.

Will result in ventilation problems for the attached building (raised by flat 61a Station Grove).

Where the proposed building will be attached to the existing there are no windows or ventilation bricks within the main flank wall.

S106 –legal agreement

The Council adopted a Supplementary Planning Document on Planning Obligations s106 in October 2007, and this requires obligations/ charges where planning conditions are not sufficient to control the impacts of a development. The proposed scheme will be subject to a section 106 planning obligation agreement in order to secure the following:-

- 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 £3000, (£3000 per bedroom created,) due on material start and, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.

Planning permission cannot be granted without agreement to these heads through an s106 agreement. In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places, and increased pressure for the use of existing open space due to substandard on-site amenity space, without contributions to enhance open space, sports or make other contributions to improve the environment and air quality, and would be refused.

Community Infrastructure Levy (CIL)

The Mayor's Community Infrastructure Levy, otherwise known as CIL became effective from the 1st April 2012 onwards. As this is proposing the creation of a new residential unit it is CIL liable development.

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 new residential units, and this proposal would qualify as chargeable development on this basis.

Conclusion;

The revised proposal is considered to be acceptable in terms of its scale, design and the impact it has on the character of the area and the streetscene. The reduction in footprint is welcomed, this helps the proposed to have an improved relationship to the neighbouring flats. It is considered that on balance this improved relationship will satisfactorily address the failings of application 12/2796 that were raised in terms of harm to neighbouring amenity.

RECOMMENDATION:

That planning permission be **granted** subject to attached conditions and completion of a satisfactory s106 agreement.

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
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
Housing: in terms of protecting residential amenities and guiding new development
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

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

Drg ep/342
Drg phou/342BC
Drg fg/34A

Materials samples;
Yellow stock brick
Redland 49 roof tile
Redland dormer tile

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

- (3) The landscape works and planting shown on the approved plans shall be carried out:-
(a) prior to the occupation of any part of the development;

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 position, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the area.

- (4) No windows or glazed doors shall be constructed in the flank wall(s) of the building without the prior written consent of the Local Planning Authority.

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

- (5) Prior to the commencement of development, an assessment of potential noise and vibration associated with the proximity to railway land shall be undertaken and a report submitted to the Local Planning Authority for approval. The report shall outline the mitigation measures to be implemented to safeguard the amenity of future end users. All residential premises shall be designed in accordance with BS8233:1999 'Sound Insulation and noise reduction for buildings - Code of Practice' to attain reasonable internal resting/sleeping conditions in living rooms and bedrooms, and the development must be designed to ensure that the vibration levels stated in BS6472:2008 'Evaluation of human exposure to vibration in buildings (1Hz to 80Hz) are not exceeded. All approved mitigation measures shall be implemented in full.

Reason; To safeguard the amenity of future occupiers.

- (6) Prior to the occupation of the dwellings, the applicant shall submit in writing to the Local Planning Authority the results of post completion testing undertaken to show that the required internal noise levels have been achieved.

Reason; To obtain required sound insulation and prevent noise nuisance for future occupiers.

- (7) Prior to first occupation of the dwelling further details of (a) a secure cycle locker within the front garden, and (b) details of proposed front garden boundary treatment shall be submitted to and approved in writing by the Local Planning Authority and implemented in full thereafter

Reason; To ensure satisfactory facilities for cyclists and in the interests of pedestrian and highway safety.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (2) The applicant is advised that if the development is carried out it will be necessary for an existing crossing over the public highway to be repositioned by the Council as Highway Authority. This will need to 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: Wembley High Technology College, East Lane, Wembley, HA0 3NT

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This map is indicative only.

RECEIVED: 5 February, 2013

WARD: Northwick Park

PLANNING AREA: Wembley Consultative Forum

LOCATION: Wembley High Technology College, East Lane, Wembley, HA0 3NT

PROPOSAL: Demolition of existing gymnasium and erection of a 3 storey extension with replacement gymnasium on the ground floor and 8 additional classrooms on the first and second floors (Revised description).

APPLICANT: The Governors of Wembley High Technology College

CONTACT: ABA Chartered Surveyors

PLAN NO'S:
See condition 2.

RECOMMENDATION

Grant permission.

EXISTING

Wembley High Technology College is bounded by East Lane to the west and south and Oldborough Road to the north-west. This school for 11-18 year olds has Technology College status. There are currently 1360 pupils, with 97 teaching staff and 37 non-teaching staff.

The original school building has been extended in a piecemeal fashion over time in order to modernise, accommodate growth and to meet changing operational needs.

The site is not within a Conservation Area, nor is it a Listed Building.

PROPOSAL

The proposal is for the demolition of existing gymnasium and erection of a 3 storey extension with replacement gymnasium on the ground floor and to create 8 additional classrooms on the first and second floors. The proposed new extension would be sited on the footprint of the existing gym, and adjacent to the playing fields to the east. It will be approximately 12.5 metres high (maximum) from the ground level. It will have an aluminium fascia, double glazed framed windows and doors to match the other existing school buildings. The main elevations will be clad in alternate brick and rendered vertical bands with the materials and detailing intended to compliment the fabric of the existing school.

HISTORY

12/3134 Provide roof over internal courtyard in the math's block. Granted 29/01/2013.

12/1423 Replacement of existing windows and external doors to parts of west (facing East Lane) and north (facing Oldborough Road) elevations with double glazed aluminium windows and doors. Granted 25/07/2012.

12/0798 Single storey extension to north-western corner of the site to create a library for the lower school and single storey extension to the existing school kitchen. Granted 21/05/2012.

11/0197 Infilling of two courtyards in order to create two single storey extensions to school. Granted 22/03/2011.

10/0436 Three-storey extension to school building to provide sixth-form facility adjacent to East Lane (as amended by revised plans dated 13/05/10 and subject to a Deed of Agreement dated 14th October 2010 under Section 106 of the Town and Country Planning Act 1990, as amended. Granted 10/01/2011.

08/1481 Erection of a single-storey detached building adjacent to East Lane, HA0, comprising a school hall

and 4 classrooms (Revised Scheme) as amended by plans received 23/07/08 and mud mitigation strategy emailed 21/07/08. Granted 23/07/2008.

08/0278 Erection of a single-storey detached building adjacent to East Lane, HA0, comprising a school hall and 4 classrooms. Granted 26/03/2008.

01/2693 Erection of a two-storey extension to the south and west elevations, a single-storey extension to the north elevation and construction of a new main entrance on the west elevation and formation of disabled parking space. Granted 03/02/2003.

POLICY CONSIDERATIONS

Unitary Development Plan [UDP] 2004

BE7- Public Realm: Streetscape

BE9- Architectural quality

OS8- Protection of Sports Ground

CF8- School Extensions

SPG17 - Design Guide for New Development

SPG19 - Sustainable Design & Construction

Considerations;

-Size and scale of proposed building upon surroundings

-Visual impact

-Continuation of sport provision

CONSULTATION

Site notice 22/2/13

Press notice 28/2/13

Ward councillors for Northwick Park and 31 neighbours were consulted on 22/2/13

Representations summary

4 objections received;

Summary of objections and officer comment:

Congestion of highway and traffic.

The school has no intention to increase staff or pupil numbers at the school. A condition is proposed requiring the existing Travel Plan to be updated prior to the commencement of work on site.

Noise, dust and disturbance from works.

This is not a particularly large development and the duration of the works is not expected to be particularly long. Noise and dust and other environmental issues related to construction work are dealt with under environmental health legislation. In addition a condition is proposed requiring the development to be carried out under the 'Considerate Contractors Scheme'. This is a national initiative set up by the construction industry to improve its image. Construction sites and companies that register with the Scheme are monitored against a Code of Considerate Practice, designed to encourage best practice beyond statutory requirements. The Scheme is concerned about any area of construction activity that may have a direct or indirect impact on the image of the industry as a whole. The main areas of concern fall into three categories: the general public, the workforce and the environment.

Unattractive appearance and outlook and loss of privacy

As mentioned in the remarks paragraph below, the extension would be located centrally within the site and

would be at least 65 metres from any residential building, and is therefore not considered to impact on privacy of neighbouring occupiers or on their outlook. The scheme has been designed to compliment the existing school buildings.

1 letter of comment was received requesting that the applicant be notified of their responsibilities in respect of legislation to protect bats and informing officers that contrary to the applicants statement on their application form there are protected species (bats) on the development site, or on land adjacent to it.

It is confirmed by the applicant that there are no bats that exist within the school buildings on the application site, however a detailed informative would be added to the planning permission informing the school of their obligations under the Wildlife and Countryside Act. In addition we are discussing the application with the Council's Environmental Projects and Policy Officer. There comments will be included in a supplementary report before the committee meeting.

Internal and Statutory Consultees:

Landscape & Design Team; No objections received to date.

Sports and Parks officer; No objections received to date.

Sport England; No representations received to date.

Transport Officer; No objections, this proposal can be generally supported on transportation grounds, subject to following conditions:-

The development shall not be occupied until such time as works to amend the vehicular crossover serving the car park from East Lane such that it properly aligns with the access gates have been undertaken at the school's expense.

The development shall not be occupied until such time as two disabled parking spaces have been marked within the curtilage of the site.

REMARKS

Summary:

Wembley High Technology College is a thriving, high achieving secondary school located on East Lane. The school currently has approximately 1360 pupils aged 11-18 years, 97 teaching staff and 37 non-teaching staff. The school struggles to accommodate these numbers with classrooms at over 95% occupancy, and lacks a dedicated sixth form facility of its own. This current application seeks to address the needs of the school's existing sixth form and does not anticipate an increase in student numbers.

A three storey extension is proposed on the school's central area facing the playing fields to the east using the same footprint as the gymnasium, which would be retained. The extension will provide 8 new class rooms each of approximately 58 square metres each with the total; floor space equalling to approximately 950sq.m floor area (Approximately 315 sq.m floor area per floor)with the addition of a stairwell structure to the east side elevation.

The school has confirmed on there Design & Access Statement that there are no plans or intentions to expand pupil nor staff numbers as a result of this extension, and state that there should be no impact on traffic and parking, however an upgrade to an existing Travel Plan is already in place to assist the school in minimising its transportation impacts on its surroundings.

Wembley High Technology College has been identified by the Council as a possible site for a future primary school as part of Brent's school expansion programme. However this would be the subject of a separate application.

Siting, layout, design & appearance;

The proposal would match the height, materials, size and design of the approved 3-storey extension to the south eastern side of the main school building on the East Lane frontage which was an extension to the sixth-form library under planning permission 10/0436.

The design of the proposed building has one distinct mass with a flat roof set at a slight pitch. The sloping roof and the general appearance, and choice of materials of the extension are in keeping with the adjoining single storey extension and other buildings which were approved under planning reference 10/0436 and 08/1481.

The building has also been designed to be fully wheelchair accessible with automatic door access and a platform lift which will provide access to the upper floors.

The proposed extension is to be located within the centre of the site a considerable distance from the sites boundaries and will be partially screened by the existing three storey buildings on the site. The extension will not be any higher than these existing buildings. It is therefore considered that the proposal has no significant impact on the amenities of surrounding residential properties, the closest of which are at least 65m away.

Transportation impacts;

The school has fairly low access to the public transport services with PTAL of 2. The nearest station is North Wembley (London Overground and Bakerloo lines) and bus routes 182 and 245, there are bus stops on East Lane close to the school. The site lies within the Wembley Stadium Event Day Protective Parking Zone, whereby on-street parking is restricted to permit holders only on Stadium event days between 8am and midnight. Oldborough Road, where the main school entrance is located, is a local access road. It is a narrow road so on street parking is restrictive. However the residents do park their cars on one side of the road which restricts the traffic flow with drivers being forced to wait on the access points for the cars to pass through.

There have been significant improvements to the Highways infrastructure, around the school, in the recent years. This includes improved access to the school due to the pedestrian crossings. Signs for the 30mph speed limit, and warning for zebra crossing etc have been provided. Hatch markings have been provided on East Lane (close to the school) to reduced speed on the highway. Parking, waiting and loading restrictions and double yellow line clearways have also been provided.

With 134 staff, up to 26 parking spaces would be permitted, plus five for visitors, giving a total allowance of 32 spaces. Of these, at least two should be widened and marked for disabled persons. A new car park with 16 spaces accessed from East Lane was approved under planning reference 12/0798, which is in line with standards. In addition, two further disabled parking spaces were to be provided with access from Oldborough Road, which has not been done.

With no increase in pupil or staff numbers proposed as a result of this application, the existing parking provision can be retained.

However, concern was previously expressed regarding the crossover to the main car park from East Lane, which is not properly aligned with the entrance gates and would be conditioned for this permission to address this issue.

In view of the above considerations, this application for 8 classrooms can be supported on the transportation grounds, as there will not be any increase in the number of staff or students as a result of the development.

The school currently operates a School Travel Plan and it is confirmed by Brent's School Travel Plan officers that they are proactively keeping the Travel Plan updated. The school has 27 cycle spaces with a direct access from the main entrance from Oldborough Road. As observed at the time of the site visits, there is currently very little uptake of cycle parking by staff or students and this should be further encouraged through the Travel Plan.

The existing Travel Plan includes measures which will encourage staff, parents and other users of the school to use non-car modes of access to the site and other measures to reduce the impact of parking and congestion associated with the use of the school. As the proposed extension will not increase pupil or staff numbers then no changes to the travel plan are required. In summary there is no objection to the proposal on transportation grounds.

However, there are outstanding works required to the car park access on East Lane as a result of changes to the access implemented last year that need to be undertaken at the school's expense and a condition is recommended to this effect and The School Travel Plan is being updated and submitted to Brent and TfL for approval.

Sports space provision;

The amended plans to reinstate the gymnasium which was initially to be demolished ensures that there will be no loss of sports provision as a result of this application. Given the playing fields and sports space provision elsewhere within the site officers consider the proposal meets the requirements of OS8.

Summary:

With reference to Council's Core Strategy and policies BE7, BE9, OS8 and CF8 of Brent Unitary Development Plan 2004, and all of the above points taken into account, the proposed development is considered by officers to be in character with its surroundings, with suitable justification for its need and its siting within the school grounds with adequate sports reprovision. It is accordingly recommended for approval 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
Council's Supplementary Planning Guidance

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

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

CONDITIONS/REASONS:

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

1271-pl-02
Site plan

1271-ex-01A; Received 20 February 2013
1271-pl-01B; Received 21 March 2013

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 surrounding buildings of the school grounds.

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

- (4) The applicant must employ measures to mitigate against the impacts of dust and fine particles

generated by the operation. This must include:

- damping down during demolition and construction, particularly in dry weather conditions,
- minimising the drop height of materials by using chutes to discharge material and
- damping down the skips/ spoil tips as material is discharged,
- sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
- ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation, utilising screening on site to prevent wind entrainment of dust generated and
- minimise dust nuisance to residents in the area,
- the use of demolition equipment that minimises the creation of dust.

Reason: To minimise dust arising from the operation in an Air Quality Management Area.

- (5) The development shall not be occupied until such time as works to amend the vehicular crossover serving the car park from East Lane such that it properly aligns with the access gates have been undertaken at the school's expense.

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

- (6) An upgrade to the existing School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use of the extension hereby approved. The plan shall include measures that will encourage staff, parents and other users of the school, its buildings and its grounds to use non-car modes of access to the site and other measures to reduce the impact of parking and congestion associated with the use of the school. The Travel Plan shall be fully implemented save insofar as varied with the agreement in writing of the Local Planning Authority (in which case the Travel Plan as varied shall be fully implemented).

Reason: To ensure the satisfactory management of the parking and congestion in the locality associated with the school use.

- (7) Any contractors engaged to construct the extension shall join and for the period of construction adhere to the requirements of the Considerate Contractors Scheme and prior to first occupation of any part of the extension a certificate shall be submitted to and agreed in writing by the Council verifying that the requirements of the Scheme have been complied with.

Reason: To protect local amenities.

INFORMATIVES:

- (1) **Bat Legislation:** As population numbers have fallen, all bats and their roosts are protected under The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010. Bats use roosts on a seasonal basis and therefore bat roosts are protected whether the bats are in occupation or not. Under this legislation it is an offence to: a) deliberately capture (or take), injure or kill a bat; b) intentionally, recklessly or deliberately disturb a bat (in relation to the Wildlife and Countryside Act 1981 (as amended) the offence applies whilst the species is occupying a structure or place which it uses for shelter or protection. In relation to the Conservation of Habitats and Species Regulations 2010 it applies anywhere); c) damage or destroy the breeding or resting place (roost) of a bat; d) possess a bat (alive or dead), or any part of a bat; e) intentionally or recklessly obstruct access to a bat roost; f) sell (or offer for sale) or exchange bats (alive or dead), or parts of bats.

REFERENCE DOCUMENTS:


London Plan (consolidated with alterations) 2011
London Borough of Brent Adopted UDP 2004
SPG17 - Design Guide for New Development
SPG19 - Sustainable Design & Construction

Any person wishing to inspect the above papers should contact Raymond Yeung, The Planning Service,
Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5589

Agenda Item 12

Committee Report Planning Committee on 17 April, 2013

Item No. 12
Case No. 13/0236



Planning Committee Map

Site address: 15 Steele Road, London, NW10 7AS

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This map is indicative only.

RECEIVED: 5 February, 2013

WARD: Stonebridge

PLANNING AREA: Harlesden Consultative Forum

LOCATION: 15 Steele Road, London, NW10 7AS

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

APPLICANT: Mr Francis Kearney

CONTACT: Draw-It

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

RECOMMENDATION

Approve, initially for a temporary 1 year period.

EXISTING

The premises, currently used as a vehicle repair workshop (Use Class B2) are situated on the eastern side of Steele Road, within Park Royal Strategic Industrial Land.

Vehicle access to the premises can be gained via Steele Road to the front, and Corby Road at the rear. Potentially up to 5 cars can park within the service areas either side of the building.

The property is not within a Conservation Area, nor is it a Listed Building.

PROPOSAL

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

HISTORY

11/1699 – Granted at Planning Committee on 14/12/11

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

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF) - 2012

Brent Unitary Development Plan 2004

SH14 Mini-Cab Offices

SH19 Rear Servicing

TRN4 Measures to Make Transport Impact Acceptable

TRN22 Parking Standards: Non-residential developments

Brent Core Strategy – July 2010

CP12 Park Royal

CP20 Strategic Industrial Locations

Main Policy Considerations;

Principle of use in Strategic Industrial Location (SIL)
Transportation implications of use
Impact on neighbouring occupiers

CONSULTATION

In total 17 surrounding properties were consulted on 6 February 2013.

Five objections to the proposal have been received. The concerns raised in the objection letters are summarised as follows:-

- Steele Road is already busy and there is no further room for the extra vehicles a mini-cab business would bring into the area.
- The existing use as a repair garage has resulted in vehicles awaiting repair being parked on the surrounding public highway. Allowing a mini-cab use will only exacerbate the problem.
- Proposal will lead to further parking strain on Steele Road.
- There is no dedicated space for mini-cabs to park.

Transportation comments; -

When considering the previous grant of permission (ref; 11/1699) no Transport objection was raised. This was on the basis that the proposal relates to a radio-controlled only operation, with no customers being picked up from base, or drivers visiting base.

The proposed use remains as previously approved.

REMARKS

Members are reminded that an identical proposal was approved at Committee on 14 December 2011 (ref; 11/1699). This consent was subject to conditions that (i) permission initially be granted for a temporary period of 1 year and; (ii) that the mini-cab business shall operate only as a radio-controlled office with no drivers or customers permitted to visit the premises.

The 1 year temporary consent expired on 14 December 2012 and the approved use was never implemented. As this is no longer a valid consent the application once again seeks permission for a radio controlled only mini-cab business within part of the premises (identical to the previous application).

As before this application proposes a change of use to part of the existing B2 premises to accommodate a radio controlled mini-cab office. At the moment the building is a vehicle repair workshop, with small ancillary office areas to the front and the rear. The proposal is to change the use of the existing office area at the front of the building, which is just 6sqm in area into a radio-controlled mini-cab office. No customer or driver waiting areas are proposed.

Policy context and principle of change of use to radio controlled mini-cab office;

The National Planning Policy Framework (NPPF) adopts a presumption in favour of sustainable development. Of the twelve core principles set out in the NPPF it is noted that sustainable economic development should be supported, and the effective use of land by reusing land that has been previously developed should be encouraged.

The site is within designated Strategic Industrial Land (SIL) and under this policy the Council will protect such designated areas for employment uses characterised by use classes B1, B2 and B8, or *Sui Generis* uses that are closely related.

The proposed change of use would see a very minor loss of B2 floorspace (6sqm). The critical point is that the proposal is for a radio controlled only mini-cab office, and given the minor amount of floorspace involved this level of loss would not undermine the role of the Borough's Strategic Industrial Land.

UDP policy SH14 states that mini-cab offices and similar operations will be permitted only if traffic safety problems would not be caused, and where they are located away from pre-dominantly residential areas. Regard must be had to the concentration of such uses at the same time.

The policy also states that where sufficient off-street parking cannot be provided then consent may be granted for a radio controlled operation only, on a temporary basis so the use can be monitored for its impacts.

As the proposal is so minor in floorspace it is not considered that it will undermine the employment land hierarchy, and as it is for a radio controlled business there is no conflict with LDF Core Strategy policy CP20 or UDP policy SH14. However, before the proposed change of use can be considered acceptable, in all respects, the other, more direct, impacts of the proposed development must also be considered.

Impacts of the Proposed Use on Surrounding Area

Surrounding uses are commercial, there are a variety of light industrial and general industrial uses along Steele Road and on surrounding roads. There are no residential units located nearby.

The main area of concern surrounding mini cab uses is often the impact these can have on parking conditions and traffic. As this is proposed as a radio controlled mini cab office only, by its very nature there would be no customer collections from base, nor would drivers be required to drive to base and wait there for jobs. On this basis Officers do not consider that the change of use will give rise to the sorts of parking problems or generate extra traffic on the surrounding roads as one would typically associate with a normal mini-cab office where drivers visit the base office.

As with the 2011 consent any new permission will also be subject to planning conditions restricting its use as a radio-controlled office only, with no customers permitted to be picked up from site and no drivers permitted to visit or collect customers from site. Again it is recommended that the permission be granted on a temporary basis in the first instance so that once operational this use can be monitored, and accordingly a 1 year temporary permission is recommended. This 1 year temporary permission will allow the local planning authority, in conjunction with Highways Officers to review the situation in 12 months time and assess what impacts the use (if any) has had on the surrounding area in terms of noise and parking when operational.

Transportation Implications

As no increase in floor space is proposed, and this is for a radio controlled only operation the change of use does not affect parking or servicing standards, as set out in the 2004, UDP.

The proposed mini-cab office is subject to UDP policy SH14. The policy states that these uses will only be permitted where "traffic safety problems would not be caused" and "away from predominantly residential areas", and Transportation are of the view that both of these points are fulfilled by the proposal site. Furthermore, policy SH14 states that "radio-operation only" is appropriate for sites where the mini-cab business cannot be provided with off-street parking. This is the case with the application site.

Transportation officers have previously noted that there is parking available within the front and back yards of the premises, accessed from both Steele Road and Corby Road. However a condition is recommended restricting use of these spaces for the existing B2 vehicle repair workshop only, these parking spaces are not permitted to be used in association with the proposed mini-cab office as this would be contradictory to it being a radio controlled office only.

On this basis, despite the local objections received on parking and traffic grounds, the impact of the proposed change of use on the free and safe flow of traffic and on existing parking pressures is not considered to be significantly worse to warrant a refusal of this application on these grounds alone.

Conclusion

The proposed change of use is acceptable in policy terms and the proposal is considered to comply with policies SH14, TRN22 of Brent's Unitary Development Plan 2004, and LDF Core Strategy Policy CP02.

Accordingly, it is recommended that planning permission be **granted**, on a temporary 1 year basis to monitor whether mini-cabs are calling at the site to pick up customers.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

Document Imaged

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

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
Employment: in terms of maintaining and sustaining a range of employment opportunities
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

- (1) This permission shall be for a limited period of 1 year only expiring 12 months from the date of the decision notice when (unless a further application has been submitted to and approved in writing by the Local Planning Authority) and the use hereby approved shall be discontinued.

Reason: To enable the Local Planning Authority to review the position in the light of the impact of this use during a limited period on the neighbouring highways and local area.

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

Plan S.1
Plan S.2
Land Registry site plan

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

- (3) The mini-cab business shall operate only as a radio-controlled, mini-cab office from which cars are directed and no drivers or customers are permitted to visit the premises at any time.

Reason: To accord with the terms of the application and ensure that vehicles and customers do not visit or congregate at the premises, in the interests of the free flow of traffic on the neighbouring highway and the amenities of occupiers of neighbouring properties, consistent with policy SH14 of the Brent Unitary Development Plan 2004.

- (4) The existing off-street parking area accessed from Steele Road and the proposed off-street parking area accessed from Corby Road, as indicated on drawing S.2 shall only be used in conjunction with the existing vehicle repair business, and at no time is it permissible for these spaces to be used by mini-cab drivers for collection or waiting purposes.


Reason; In the interests of maintaining the free flow and safe movement of traffic.

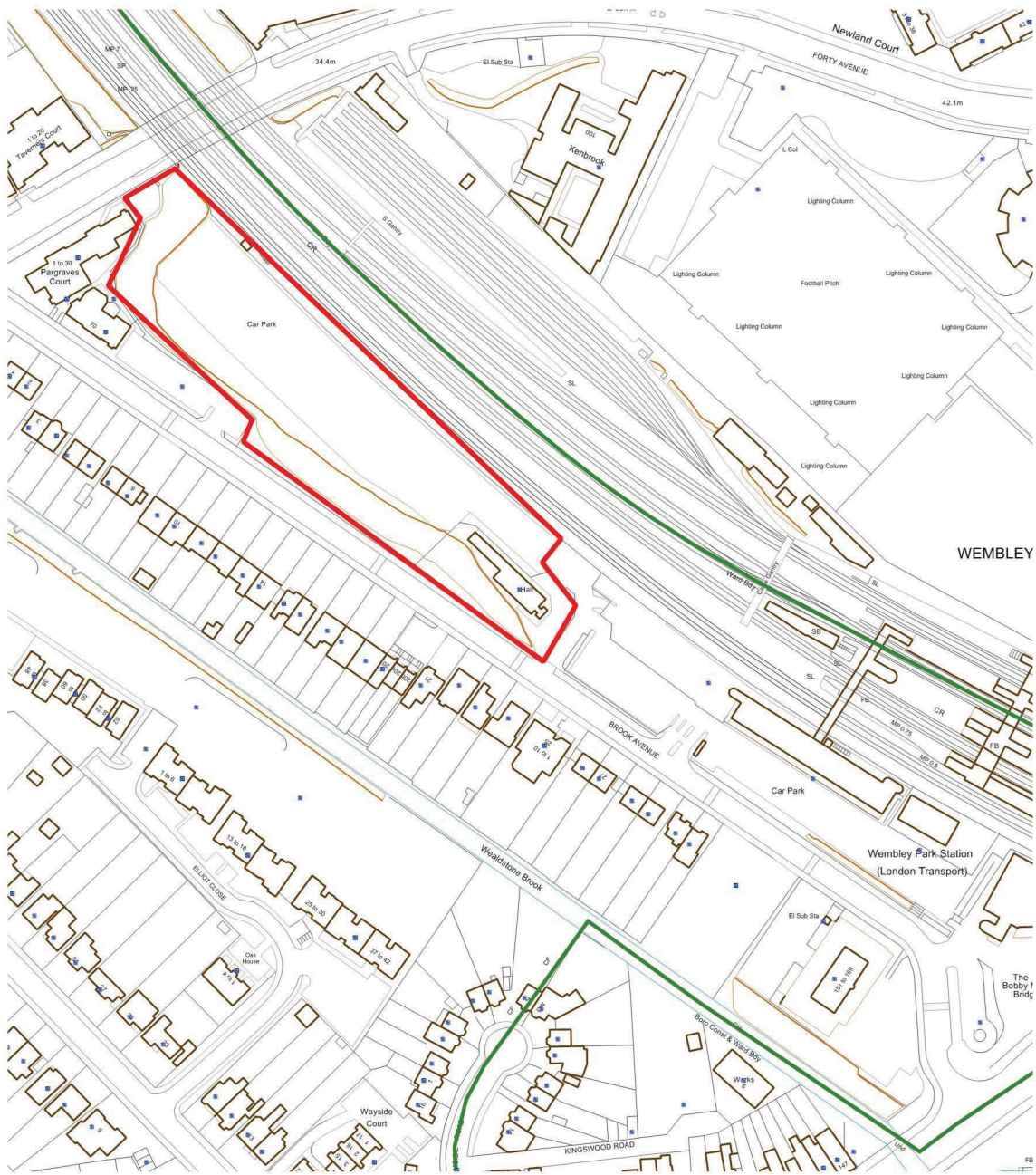
INFORMATIVES:

- (1) 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 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

INTRODUCTION

This application was deferred from the Planning Committee meeting of 13 March 2013 in order to ensure all interested parties receive the proper notification. This has been carried out and all those who have responded to the consultation have been notified that this application will be going to the 17th April Planning Committee.

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 £576,600 (£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 Revised 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
- (n) An additional minimum cost of £5,000 for the processing of a Traffic Regulation Order to secure a marked space on-street reserved for the Car Club Vehicle(s).
- (o) Prior to occupation, the submission of a revised Car Parking Management Plan for the development, setting out how allocation of parking permits will be prioritised.

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.

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £361,705.69.

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	5324	5324
2	0	0	0	5057	5057

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
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PROPOSAL

The application has been revised since the original submission and now proposes 109 new, mixed tenure homes: private sale, social/affordable rented and 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. Three pedestrian accesses are proposed from Brook Avenue, and a pedestrian lift is also 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
WEM29 – Wembley Park Station Site

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 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 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

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.

On receiving revised plans, re-consultation was carried out by letters dated 27th February 2013, giving 14 days notification.

As a result of all consultations, the following responses were received:

Objection from Councillor Harshadbhai Patel on the following grounds:

- The proposals represent 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

Councillor Michael Pavey (Barn Hill Ward), has made the following comments:

- Environmental Impact – in relation to the proposed removal of mature trees and the consequent impact on habitat (bats and nesting birds)
- Has asked for clarification with regard to the protection of habitat, and provision of bat and bird boxes
- Is concerned that the removal of natural woodland habitat to replace it over a 20 year period

- Is concerned about the impact the proposed development would have on parking, and believes that the submitted Green Travel Plan is inadequate, as it does not go far enough to reduce the number of cars likely to be owned by residents of the new development.
- The Green Travel Plan should be rewritten to give much greater emphasis to attracting residents who do not have cars and are drawn to the development by its public transport connections.
- The proposed development would result in the displacement of commuter car parking to streets further away, exacerbating existing parking problems on those streets.
- In conclusion, I am not opposed to this application in principle and warmly welcome the increase in housing units. However, the existing woodlands must be sensitively preserved and provisions made for local wildlife, and much more work is needed to strengthen the Green Travel Plan

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.

Barry Gardiner MP for Brent North

- Has raised a concern about notification letters regarding the previous planning committee meeting and site visit.
- Is concerned about the serious impact on local traffic management. Brook Avenue is already one of the most densely parked roads in the constituency. The proposed development could require, up to 137 car parking spaces but has only proposed 27 spaces, which would lead to overspill and parking and inconvenience to local residents, which is intolerable.

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

21 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 than for low rise development
- A low rise development would be more appropriate.
- The development would have a harmful impact on the visual amenities of the area – including views from the Barn Hill Conservation Area.
- It is not ideal having housing so close to the railway lines

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. A condition requiring sound

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 been recommended, details of which would be requested by condition.

- The Tree Officer has also provided a more detailed response to issues raised by consultation responses, which is related in the 'Remarks' section of this report

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.

The following summarises all other comments from the Highways Engineer:

- The lack of a CPZ on Brook Avenue means that it is difficult to impose a car-free agreement. However, the applicants have agreed to a permit free scheme, so future residents cannot apply for parking permits
- The applicants have agreed to support the provision of a Car Club space, with membership packs for residents of the development
- 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
- The proposed pedestrian lift is welcomed and addresses previous concerns regarding wheelchair access
- The further information provided with revised plans, includes parking surveys undertaken and also a revised Green Travel Plan – this needs further work and revision, and should be required within the S106 Agreement
- The submitted Parking Management Plan also requires further information/clarification with regard to parking allocation priorities, and a revised one should also be secured by the S106
- The proposed vehicular access gates should be set back 10m from the back of the footway, and a revised site plan is required showing this. [This plan has been provided]

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 objections subject to conditions relating to future maintenance, installation of a highways approved barrier, trespass proof fencing and noise and vibration. The applicants are also advised to contact Network Rail for assistance on managing construction.

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

Introduction

This application has been deferred from the previous planning committee, held on 13th March 2013, to allow extra time for consultation responses. Since this previous committee meeting, there have been no further revisions to the development. However, there have been further objections to the scheme, which have been summarised in the 'Consultations' section of this report.

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, trees and biodiversity
- 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 328 habitable rooms, giving a density of 355.75 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. 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.

There are 111 residential units proposed in the revised scheme. The proposed mix was as follows:

- 56 Units for market sale – 10 x 1 bedroom; 43 x 2 bedroom; 3 x 3 bedroom;
- 55 Units for affordable housing, split as follows:
 - 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.

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. However, the application site, due its 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 well designed sustainable development which could create an identity for the area, with an attractive woodland setting.

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 existing height of the embankment from street level (Brook Avenue) to the car park level, varies from 4.5m to 5.0m. The proposed development of the site essentially retains the embankment at this height.

The opportunity to improve the biodiversity conditions of the site within 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 between. 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 been reduced to a height of 8-storeys. The height of this block 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 existing outlook for residents along Brook Avenue is a mainly hard landscaped site, with little visual amenity.

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. A further condition requiring all residential premises to be designed in accordance with BS8233:1999 'Sound Insulation and noise reduction for buildings Code of Practice, requiring details of noise tests to be carried out meeting these standards, will also be attached.

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 PTAL 5 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 Council's Transport Officer has specified in his response that the maximum car parking standards for the development is up to 137 spaces. However, this standard is a maximum, not a minimum standard, and therefore this level of parking is not a requirement. On a site where there is good public transport access, a much lower level of carparking provision is acceptable, and in many cases, on a site such as this, if the area lies within a Controlled Parking Zone (CPZ), an entirely car-free scheme may be expected.

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 has been assessed by the Transport Officer. Further details have been requested, and a revised Travel Plan will be required within the S106 Agreement. A Parking Management Plan is sought within the S106 Agreement.

All other details submitted to address the Transport Officer's initial comments, including tracking for wide vehicles accessing the rear access road, are now considered acceptable.

A passenger lift is proposed, 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. Revisions to the Travel Plan and Parking Management Plan will also be sought.

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. This will be secured by condition. Other relevant transport conditions and informatives will be attached in line with recommendations from consultation responses from the Transport Officer and Network Rail.

Your Officers consider that the application site is ideally located for a scheme with low level parking provision due to its proximity to good transport access. There are currently no parking controls on Brook Avenue, other than on Wembley Stadium Event Days. However, should there be sufficient support from the existing residents of Brook Avenue and the nearby area of Barn Hill for the implementation of a Controlled Parking Zone may be introduced. The Council's Transport Officer has stated that in the past there had been insufficient local support for a CPZ in this area. However, this may be re-considered by the Council's Transport department if there is local support for one to be introduced.

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. A more detailed response to concerns raised from the consultation responses has been provided by the Tree Officer.

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, which will be required by planning condition.

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.

Response to particular issues raised regarding the loss/replacement of the existing vegetation on the site

In response to concerns raised about the Woodland Strategy and the impact on Bat and Bird Habitat on the site, the Tree Officer has made additional comments:

- The mature trees are large previously pollarded short lived species such as poplars and crack willows, most of which have partially collapsed or are coming towards the end of their SULE (safe use and life expectancy). Their removal and replacement with much longer lived specimen trees and woodland is welcomed by the Council's specialists.
- There will be minimal risk to birds, bats and foraging animals as any removal works will take place outside the bird nesting season and trees that could possibly have bat roosts will be dismantled accordingly in line with best practice. This should be overseen by a specialist from Middlemarch Environmental Ltd.
- Recommendations made by specialists from Middlemarch and the Council's own specialist officers have been implemented including the installation of bat and bird boxes and provision of log piles for habitat and specifics such as lying oak logs to encourage the endangered Stag beetle.
- The southern boundary of the site with Brook Avenue could not realistically be described as woodland, more an unmanaged and extremely overcrowded area of scrub that if left will decline still further, with the majority of self set trees collapsing or dying off well before the end of their natural life expectancy.
- The majority of the trees on the north west boundary including the mature Oak trees will not be touched, in fact this area again will be enhanced with new under planting providing habitat for a much richer and more diverse range of wildlife. The removal of the overcrowded stand of young ash may well be inevitable if Chalara Fraxinea (Ash die back disease) takes hold in Brent
- The 20 year period is the typical time allocated to create a new woodland. (once again I must stress this is not currently a woodland).

The Council's Tree Officer, in consultation with the Biodiversity officer, has recommended a number of conditions regarding the Woodland Strategy, and to take into consideration the protection of habitat on the site.

Your Officers consider that, subject to the submission of further details, the proposed Woodland Strategy and landscape scheme, supported by various reports, for this development, would visually enhance the site as well as improve the biodiversity values of the site.

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) 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 J	PL4 101
PL 100 Rev B	PL4 102 Rev A
PL 101 Rev B	PL4 200 Rev C
PL 400	PL5 100 Rev C
PL 401	PL5 101 Rev C
	PL5 200 Rev D
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 (Rev A, dated February 2013)
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 A	Extended Phase 1 Habitat Survey by Middlemarch Environment Ltd
PL1 200 Rev D	Tree Bat Survey by Middlemarch Environmental Ltd
PL1 201 Rev D	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	Pantehnicon Plan C603 Rev P3
PL2 104	Air Quality Assessment by Phlorum Dated December 2012
PL2 200 Rev B	Landscape Strategy by Allen Pyke Associates (Rev G)
PL2 201 Rev B	
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 (Rev A);

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

(2)

- (3) 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

- (4) 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.

- (5) 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.

- (6) All existing vehicular crossovers rendered redundant by the development hereby approved and the construction of the new site access to include a raised entry treatment, shall be made good, and the kerb reinstated, at the expense of the applicants, prior to the first occupation of the development.

Reason: In the interests of highway and pedestrian safety.

- (7) Any site clearance works should take place outside the main breeding period for birds (March to August) unless preceded by a survey, to be submitted to and approved in writing by the Local Planning Authority, to check for the presence of breeding birds. Should nesting birds be identified, all works to the trees shall stop until the young birds have left the nest.

Reason: To ensure that birds and their habitats are not disturbed or destroyed during the nesting period March-August inclusive. Birds and their habitats are protected under the Wildlife and Countryside Act 1981 as amended.

- (8) Nocturnal and dawn bat surveys must be undertaken in accordance with recommendation R1 set out within the Middlemarch Environmental Tree Bat Survey dated September 2012.

Reasons:

Bats and the places they use for shelter or protection receive European protection under The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). They receive further legal protection under the Wildlife and Countryside Act 1981, (as amended).

To ensure that bats and their habitats are not disturbed or destroyed during clearance works of both trees and ground vegetation.

- (9) Two trees have been identified as having limited potential to support bats. Both trees have been given a BCT category 2 rating.

During the course of removal of the two cat 2 listed trees, the trees will be removed in accordance with recommendation R2 set out within the Middlemarch Environmental Tree Bat Survey dated September 2012.

Reasons:

Bats and the places they use for shelter or protection receive European protection under The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). They receive further legal protection under the Wildlife and Countryside Act 198, (as amended).

To ensure that bats and their habitats are not disturbed or destroyed during clearance works.

- (10) Care will be taken throughout the course of all tree and vegetation removal and remedial works. If works are to be carried out to trees during the winter months, these works must be carried out in accordance with recommendation R2 set out within the Middlemarch Environmental Tree Bat Survey dated September 2012.

Trees other than those previously identified within the site may have the potential to support bats. Therefore, all works to trees exhibiting features such as Woodpecker holes, cracks/crevices, loose or flaking bark, deadwood in the canopy or stem, snagged branches, hollow stem or limb, hole in branch or trunk, buttresses or hollow core should be dismantled in accordance with recommendation R2 set out within the Middlemarch Environmental Tree Bat Survey dated September 2012. If bats are found during felling or pruning operations, all works must cease and a Natural England licence obtained.

Reasons:

Bats and the places they use for shelter or protection receive European protection under The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). They receive further legal protection under the Wildlife and Countryside Act 198, (as amended).

To ensure that bats and their habitats are not disturbed or destroyed during clearance works.

- (11) 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.

- (12) 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

- (13) 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, but not limited to:-

- (a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (b) existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling
- (c) Full details of hard-surfacing materials for all areas of hard surface within the site including paths, ramps, steps, parking areas, indications of the surfacing delineation of different users within any shared surface areas, and consideration of sustainable urban drainage systems (SUDs)
- (d) All planting including location, species, size, density and number with a soft landscaping planting schedule and layout plan. This shall include details of proposed trees, their locations and species;
- (e) proposed walls and fences indicating materials and heights;
- (f) screen planting along all the site boundaries;
- (g) adequate physical separation, such as protective walls and fencing between landscaped and paved areas;
- (j) 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, and the interests of the amenities of the occupants of the development.

- (14) 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.

- (15) 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.

- (16) 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.

- (17) 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.

- (18) 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.

- (19) 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.

- (20) 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

- (21) No development shall commence unless details of a Construction Management Plan and Construction Logistics Plan are submitted 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
- d) demonstration that construction activities on site would not cause adverse impact to the safe and smooth operation of London Underground services. Routes, including vehicular and pedestrian access to Wembley Park Station must not be obstructed at any time.
- e) construction and delivery should be carefully planned and co-ordinated to avoid the AM and PM peaks due to congestion at Wembley Park Station at these times

This shall be submitted to and approved in writing by the Local Planning Authority, London Underground and Network Rail, prior to the commencement of works and thereafter the details of the plans approved shall be complied with

Reason: In order to safeguard local residential amenities, sustainability measures and air quality, and the smooth operation, and safe access to, of London Underground and Network Rail services.

- (22) 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 Unitary Development Plan (2004) policies EP3 and EP4.

- (23) Prior to commencement of works, details of six bat and six bird boxes, to be positioned on existing mature trees by an experienced ecologist, 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

- (24) No development shall commence until detailed design and method statements for the foundations, basement and ground floor structures that are below ground level, including piling (temporary and permanent) have been submitted to and approved in writing by the local

planning authority, in consultation with London Underground.

Reason: Due to the proximity of the site to the London Underground Infrastructure and to safeguard the smooth operation of London Underground services

- (25) Notwithstanding the plans hereby approved, further details of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority, prior to first occupation. Such details shall include:
- (i) Provision of electric charging points for at least 6 of the proposed car parking spaces (i.e. active), with a further 5 spaces capable of being provided with electric charging points in the future (i.e. passive).

The works shall be carried out in accordance with the approved plans, prior to first occupation, and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

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

- (26) Notwithstanding the plans hereby approved details of the installation of a vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing, shall be submitted and approved in writing by the Local Planning Authority, in consultation with Network Rail, prior to commencement of any works on site.

The works shall thereafter be carried out in accordance with the approved details, prior to the commencement of any works on site.

Reason: In the interests of health and safety along the adjacent railway, to ensure no damage is caused to the adjacent land owned by Network Rail, to ensure that the ability of any maintenance work required to be carried out by Network Rail within their land is not compromised, and to generally ensure the smooth running of Network Rail services.

- (27) Notwithstanding the details of the location of the proposed vehicular gates shown on approved landscape drawing no. 2383-LA-02-C, further details of the proposed vehicular gates, in the location shown on approved drawing no. PL_0_01 Revision J, shall be submitted and approved in writing by the Local Planning Authority, prior to first occupation.

The gates shall thereafter be carried out in accordance with the approved details, prior to first occupation of the development.

Reason: In the interest of highway and pedestrian safety.

- (28) Prior to the commencement of work, details of a trespass proof fence, to a minimum height of 1.8m, shall be submitted and approved in writing by the Local Planning Authority. The agreed details shall thereafter be provided at the expense of the developer/applicant, and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing/wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way.

Reason: In the interest of health and safety, and ensure the smooth running of Network Rail services.

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

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

A test shall be carried out prior to the discharge of this condition to show the required internal noise levels have been met and the results submitted to the Local Planning Authority for approval.

Reason: To obtain required sound insulation and prevent noise nuisance
(29)

- (30) The creation of the proposed Woodland area shall be carried out in accordance with the approved 'New Management Plan' dated December 2012, Ref: 2383-RE-01A, the Woodland planting plan dated 19/09/12, Ref: 2383-PP-01A, the Woodland planting plan dated 19/09/12, Ref 2383-PP-01 and Planting Schedule, , Ref: 2383-PS-01. Short-long term management of the woodland and its associated areas shall be carried out in accordance with specification set out within the New Woodland Management Plan dated December 2012, Ref: 2383-RE-01A.

In addition to the above, the following will be required, unless otherwise agreed in writing with the Local Planning Authority:

- (i) The wood land shall be subject to regular management /intervention from appropriately trained, accredited and experienced contractors and/or a relevant volunteer organisation such as Groundwork Trust.
- (ii) The woodland shall include Alder Buckthorn within the native woodland mix
- (iii) Subject to the provision an addendum to the planting plan and woodland management plan which shall include the addition of Alder Buckthorn as woodland edge planting and/or under storey planting. To include any revisions based around the addition of the extra entrance.
- (iv) All preliminary tree clearance works shall be carried out by an Arboricultural Association approved contractor in accordance with principles set out in BS 3998:2010 Tree works-Recommendations and BS 5837:2012 Trees in relation to design, demolition and construction-Recommendations.
- (v) Tree removal works are subject to the attendance of a suitably qualified arboriculturalist in conjunction with the Local Planning Authority tree officer during all major tree removal works.
- (vi) The Local Planning Authority will be given 14 days prior notice of any works to trees

Reasons:

- (i) To ensure a satisfactory standard of appearance and setting for the development and to ensure the viability and health of existing and newly planted woodland trees and vegetation, in the interests of the occupants and general public.
- (i) To encourage the presence of local biodiversity through the creation, enhancement and management of appropriate habitats.
- (i) To ensure the retention of suitable mature specimen trees where appropriate (this reason connected to the retention of consultant on site).
- (i) To ensure the presence of the Local Planning Authority Tree Officer or Arboriculturalist Consultant on site during any sensitive operations within 5 metres of the root protection areas of retained trees.


INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (2) Developers should ensure that any proposed piling methods do not pose a pollution risk to controlled waters. Piling to facilitate building foundations or the installation of ground source heat pumps has the potential to create a pathway between contaminated shallow soils and deeper geological formations and aquifers. Deep piling can also result in physical disturbance of aquifers. If piling is proposed, a Piling Risk Assessment will be required to demonstrate that the chosen piling method does not increase the risk of near-surface pollutants migrating into deeper geological formations and aquifers. A Hydrogeological Risk Assessment of physical disturbance to the aquifer should also be undertaken and if unacceptable risks are identified, appropriate mitigation measures must be provided. Environment Agency recommend that developers follow the risk management framework provided in their guidance for 'Piling into Contaminated Sites' and also refer to the document: 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention
- (3) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface water sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water, Developer Services will be required. They can be contacted on 08454 850 2777. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- (4) The applicants / developer are advised to contact Network Rail to ensure any future maintenance work can be conducted solely within the applicant's land. For any construction and maintenance work which is to be carried out within 3m from Network Rail's boundary (including their land and air-space), the applicants/ developer are required to receive approval for works from the Network Rail Asset, Protection Engineer. The applicants are advised that any such request is required to be made at least 20 weeks before any works were due to commence on site and they would be liable for costs
- (5) If the fox earth identified within the woodland on the south western boundary (indicated on Middlemarch Environmental Ltd Drawing C112170-01-01 in Appendix 2) is affected by the proposed works, it should be dealt with in accordance with recognised best practice set out within section 6.3 of the Middlemarch Environmental Extended Phase 1 Habitat survey.

The Fox is not protected by the Wildlife and Countryside Act 1981 (as amended). However, working with the recommendations will ensure ecological best practice is adhered to.

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

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	<p style="text-align: center;">Planning Committee 17 April 2013</p> <p style="text-align: center;">Report from the Director of Regeneration & Major Projects</p>
<p style="text-align: center;">Wards affected: Barn Hill & Queens Park</p>	
<p style="text-align: center;">Barn Hill Conservation Area Design Guide & Queen's Park Conservation Area Design Guide – Response to Public Consultation</p>	

1.0 Summary

- 1.1 A review of Brent's Conservation Area Design Guides is being undertaken with the overall aim of producing up to date documents to give clear guidance primarily to residents on acceptable types of development. These documents have an important role in ensuring the special character of our conservation areas is preserved and where possible enhanced.
- 1.2 New draft versions of Design Guides for Barn Hill Conservation Area (Northern Area) and Queen's Park Conservation Area (Southern Area) have been produced. Following endorsement by Members on 16 January 2013, public consultation commenced on 28 January 2013 for a period of 28 days. The public consultation also included a 'drop-in session' for residents to discuss the proposals with Officers.
- 1.3 This report considers the comments received and set out recommended changes to the Design Guides following public consultation.

2.0 Recommendations

- 2.1 The Planning Committee are invited to consider on the consultation responses and proposed revisions to the Barn Hill Conservation Area Design Guide and Queens Park Conservation Area Design Guide and give their endorsement to present the final documents to the Executive Committee for formal adoption.

3.0 Discussion

Barn Hill Conservation Area Design Guide

- 3.1 The current Barn Hill Conservation Area Design Guide was adopted in September 2002. Whilst the general approach to development remains unchanged, the updated document is intended to be more 'user friendly' and provide clearer advice on interpretation of the guidance.
- 3.2 Letters were sent owner/occupiers in the Barn Hill Conservation Area on 28 January 2013 giving 28 days to comment on the draft Design Guide. A 'drop-in session' for residents was held at Brent Town Hall on 12 February 2013 to give residents an opportunity to discuss the proposals with Officers.
- 3.3 As previously set out, the following are the key changes to the Design Guide:
- More detailed guidance on designing extensions which take into account the changes in ground levels characteristic of the Barn Hill Conservation Area;
 - More detailed guidance on terraces and raised patios to ensure they protect the privacy of neighbouring properties but also provide an acceptable design solution;
 - Guidance on basements which was not covered in the previous Design Guide;
 - Further detail regarding replacement windows including examples of the plans and level of detail required as part of a planning application to assist applicants and ensure acceptable replacement windows are provided.
- 3.4 A total of 7 comments were received from residents in addition to the comments received from the Barn Hill Residents Association. Consideration has been given to the responses, with discussion and recommendations set out in the table below:

Consultation Responses	Discussion	Recommendation
Dormers, roof-lights and alterations to the roof		
<u>Resident's Comments</u> Larger dormer windows should be allowed where not visible from street; (x1) Side roof lights should be allowed where not visible from street. (x1)	Whilst some rear roof slopes are not readily visible from the street, an important feature of the conservation area is the view of the roofscape in its hill-side setting; the roofslopes are visible from more far reaching vantage points and it is not considered appropriate to allow larger roof extensions.	No change

Rear extensions (including conservatories)		
<p><u>Resident's Comments</u> No logic why kinked rear extensions required; (x1)</p> <p>Greater flexibility on depth of rear extensions to take account of building design and individual site characteristics; (x1)</p> <p>Does not mention possibility of two storey rear extension. (x1)</p>	<p>Single storey rear extensions are restricted by the current Design Guide to extend only rearwards of the original house. A staggered rear elevation retains the distinction between the original building and side extension whilst permitting a side/rear extension.</p> <p>The guidelines regarding depth of extensions are in accordance with current permitted development allowances. Two storey rear extensions were not permitted in previous Design Guide and this remains unchanged for the reasons relating to the hill-side setting set out above.</p>	<p>No change</p>
Side extensions		
<p><u>Resident's Comments</u> Properties on corner plots should not need to leave 2m gap; (x1)</p> <p>Set back of 1m will look out of place. Does not take account existing set backs – generally 0.5m; (x1)</p> <p>Set back of 2.5m above garage will make size of room useless; (x1)</p> <p>Width at maximum 3.5m too restrictive. (x1)</p>	<p>Where the side boundary of the application property adjoins the rear boundary of the neighbouring site, the draft guide advises that a 2m set in from the side boundary is still required to ensure a development does not appear cramped in its plot. Having reviewed the current set in of properties from these boundaries, it is recommended that this is changed to 1m to not preclude extensions.</p> <p>The set back of extensions remains unchanged from the current Design Guide. A maximum width of extension has been included to ensure extensions do not dominate the original house; proposals</p>	<p>Revise guidance to change set in 2m where the side boundary adjoins the neighbouring site to 1m.</p> <p>No other changes recommended.</p>

	in conservation areas should preserve and where possible enhance the character.	
Basement extensions		
<p><u>BHRA</u> Should state types of use that are permissible.</p> <p><u>Resident's Comments</u> Not clear why basement should be no wider than original house; (x1)</p> <p>Front lightwell could be larger given depth of front garden. (x1)</p>	<p>The guidance has been developed to ensure the proposals preserve the existing character. The width of the basement is restricted to ensure this character is preserved; a wider basement extension may require further lightwells, prevent vegetation along boundaries etc.</p>	<p>Update to include types of use for basement considered acceptable.</p> <p>No other changes recommended.</p>
Front doors, porches and canopies		
<p><u>Resident's Comments</u> Infilling porches should be permitted where character retained to improve energy conservation and security; (x1)</p> <p>In some areas porches have been infilled – open porch is the exception; (x1)</p> <p>Bungalows in Barn Hill are different – guidance unnecessarily restricted about changing windows and doors. Properties all different (x1)</p>	<p>All properties in the Article 4 are restricted in terms of alterations to the frontage. It is acknowledged that there are different style properties; the aim is to preserve the original character and where possible enhance. The loss of canopies which are a traditional feature would not accord with conservation area guidance. The need for energy conservation and security must be balanced against conservation objectives It is considered that there are alternatives, for example internal alterations, that could improve energy conservation and security.</p>	<p>No change.</p>
Window repair and replacement		
<p><u>BHRA</u> Drawing of door does not reflect original design;</p>	<p>Permitted development rights have been removed to those properties located in the Article 4. As such, the guide seeks to provide clear</p>	<p>Drawing of door updated.</p> <p>No other changes recommended.</p>

<p>Comments regarding wording to improve clarity / correct typographical errors.</p> <p><u>Resident's Comments</u> Replacement windows- should not have to apply for permission (security reason) and concerned new windows don't meet standards; (x1)</p> <p>Should be flexible over provision of UPVC and aluminium that reflects original design; (x1)</p> <p>Not clear on logic having glazing bars and leaded detailing externally mounted – easier to clean if internal. (x1)</p>	<p>guidance to residents on the type of window replacement that would be acceptable. This includes double glazing and UPVC.</p> <p>Externally mounted glazing bars and leaded detailing is required to reflect the design of the original windows.</p>	
Solar panels and environmental installations		
<p><u>Resident's Comments</u> Solar Panels should not be rejected; (x1)</p> <p>The treatment of solar panels should be as per side rooflights. (x1)</p>	<p>The installation of solar panels is permitted development. This is guidance to assist householders when installing such equipment.</p>	<p>No change</p>
Gardens		
<p><u>Resident's Comments</u> Front gardens – big impact and uniformity should be encouraged. Should have more control on type of paving, gates etc. (x1)</p> <p>Should be more flexible with regard to retention of trees. (x1)</p>	<p>The guidance on front gardens is fairly detailed but does give the opportunity for residents to provide a range of hard surface. As planning permission is required, unsuitable materials such in the Article 4 as tarmac can be controlled.</p> <p>With regard to trees, Conservation Area Consent is required for their removal and consideration will be</p>	<p>No change</p>

	given to individual circumstances.	
Roofs & Chimneys		
<p><u>BHRA</u> Suggest that chimneys will only be allowed to be demolished in exceptional circumstances.</p> <p><u>Resident's Comments</u> If extending should insist on whole roof property being replaced with Rosemary Plain Clay Tiles. (x1)</p> <p>Non-decorative chimney on corner properties should be allowed to be demolished (x1)</p>	<p>Chimneys are an important feature and generally their demolition will be resisted. Proposals for the removal of a chimney will be considered on a case-by-case basis.</p> <p>In terms of roof tiles, it would be unreasonable to require replacement of an entire roof when erecting an extension. However, when a roof is being replaced, material should reflect those that were original to the property.</p>	No change
Burglar Alarms		
<p><u>Resident's Comments</u> Burglar alarms should be a contrasting colour. (x1)</p>	<p>Guidance suggested dark colour however it is acknowledged that they also need to be visible to act as a deterrent.</p>	<p>Revise guidance to remove reference to 'dark colour'.</p>
Other Issues		
<p><u>BHRA</u> Street names should be provided on map.</p> <p>General corrections / clarification / typographical errors.</p> <p><u>Resident's Comments</u> Concerned views of residents not being put forward by BHRA; (x1)</p> <p>Planning rules in Brent are stringent enough</p>	<p>Views of all residents in addition to those of the Barn Hill Residents Association (BHRA) have been sought.</p> <p>The Design Guide is intended to provide an acceptable balance between resident's wishes to update and extend their homes against the conservation of the area. The guidance is intended to make it simpler for resident to understand what will be accepted before going to the expense of</p>	<p>General corrections/ clarification/ typographical errors changed where considered appropriate.</p> <p>No other changes recommended.</p>

<p>without special guide; (x1)</p> <p>Expensive to carry out works; (x1)</p> <p>Comments that much of the guide is overly prescriptive; (x1)</p> <p>Don't consider necessary that an architect prepares plans – if unacceptable it can be refused; (x1)</p> <p>General corrections / clarification/ typographical errors. (x1)</p>	<p>submitting a planning application. Whilst some of the detailing required may be more costly, this is important to preserve the special character if the area.</p>	
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3.4 Consideration has been given to the comments made as set out above. It is requested that Members give their endorsement to present a final revised document to the Executive Committee for formal adoption.

Queen's Park Conservation Area Design Guide

3.5 Whilst there is a Queen's Park Conservation Area Design Guide, this has not been updated for many years and does not provide clear guidance for existing residents and those proposing to move into the area about all types of works that are generally accepted.

3.6 Letters were sent owner/occupiers in the Queen's Park Conservation Area on 28 January 2013 giving 28 days to comment on the draft Design Guide. A 'drop-in session' for residents was held at Kilburn Library on 18 February 2013 to give residents an opportunity to discuss the proposals with Officers

3.7 The following are the key elements included in the Design Guide:

- Detailed guidance on extensions, in particular side infill extensions, to provide clarity of the design and scale that will be accepted;
- Guidance on basements which was not covered in the previous Design Guide and is an important issue in the area;
- Detailed guidance on replacement windows including examples of the plans and level of detail required as part of a planning application to assist applicants and ensure acceptable replacement windows are provided

- 3.8 A total of 20 comments were received from residents in addition to the comments received from the Queen’s Park Residents Association (QPARA). Consideration has been given to the responses, with discussion and recommendations set out in the table below:

Consultation Responses	Discussion	Recommendation
Dormers, roof-lights and alterations to the roof		
<p><u>QPARA Comments</u> 2/3 width dormers have been permitted in the past. Text should be changed to reflect the fact that larger dormers could be permitted.</p> <p>The set up/set down distances would unreasonably limit internal space.</p> <p>Rooflights should be able to be made of wood as well as metal.</p> <p><u>Resident’s Comments</u> The size of rear dormers allowed should not be reduced to half-width. (x3)</p> <p>Rooflights should not be prohibited on the front of buildings as is proposed. There are already a lot of them and rooms in roofspace need light. (x3)</p> <p>Rear dormers should be allowed to be the full width of the roof. They can rarely be seen.</p> <p>Rooflights must be Conservation-style flush with the roof.</p>	<p>The character of many roads in Queens Park is now based on wider dormers, given that the original Design Guide allowed them. As a result, these “Queens Park dormers” have become a feature of the area although on the wider, double-fronted properties the dormers are still restricted to half-width.</p> <p>Whilst some rear roof slopes may not be readily visible from the street, an important feature of the conservation area continues to be the character and appearance of the buildings within it and it is not considered appropriate to allow larger roof extensions.</p> <p>Although there are a number of existing front rooflights it is considered that changes to the front of buildings should be minimised.</p>	<p>Revise guidance to allow 2/3 width rear dormer windows, apart from on wider properties where the ½ width guidance would apply.</p> <p>No other changes recommended.</p>

Rear extensions (including conservatories)		
<p><u>QPARA Comments</u> The section on infill extensions between outriggers needs to be clarified. To say have to be built along with neighbours addition not reasonable.</p> <p>Need to clarify what happens where there is a change of levels between properties.</p> <p><u>Resident's Comments</u> In terms of side infills, 2.0 metre height restriction on the boundary produces unsatisfactory internal space.</p> <p>Side infill extensions should not cut across windows on existing back walls on character grounds.</p> <p>Contradiction over in-fill policy. States that you can only build if you do it with your neighbour, but then guidance sets out criteria for applicant if you don't submit a joint application. (x2).</p> <p>Full "wrap-around" extensions should be allowed. (x3)</p> <p>Must not allow roofs of extensions to be used as roof terraces that would have serious impact on privacy.</p>	<p>The guidance on infill extensions does need to be clarified. The Council in the past did seek to restrict them on character grounds, but more recently the established practice has been to allow them subject to certain criteria. One of these relates to the height of the addition on the joint boundary to minimise impact. Obviously, this limitation would not be relevant in the event of a joint application.</p> <p>Single storey extensions should retain the character of the original building and excessively larger combined side and rear extensions would impact on this character.</p> <p>The guidelines regarding depth of extensions are in accordance with current permitted development allowances.</p> <p>Where planning permission is granted for extensions the Council can attach a condition to any consent stating that the roof cannot be used as a terrace or sitting out area if to do so would result in an impact on amenity.</p>	<p>Revise guidance to clarify the position regarding joint side infill extensions. They are acceptable.</p> <p>No other changes recommended.</p>
<p>Side extensions</p>		

<p><u>QPARA comments</u> There are no size limitations mentioned.</p>	<p>There is a distinction here between an infill side extension (see above) and a side extension that might be visible from the street. It would be difficult to specify particular criteria and instead it is considered that a site specific assessment taking into account issues such as existing boundary treatment, set back from boundary and overall height of extension would be more appropriate.</p>	<p>No change.</p>
<p>Basement extensions</p>		
<p><u>QPARA comments</u> The guidance appears to start from the premise that basements are acceptable when they are not.</p> <p>Definition of an “unavoidable” front light well is unclear.</p> <p>No mention of impact statement, geological survey, future damage.</p> <p><u>Residents Comments</u> Lack of restriction without further objective analysis of damage they may cause is wrong. At the moment, the Council do not know what might happen. Precautions must be in place to prevent subsidence. (x7).</p> <p>They are not suitable in Queens Park. There should be a presumption against front lightwells. Changes to the front must be kept to a</p>	<p>The guidance has been developed taking into account the approach adopted on recent planning applications for basements in the area.</p> <p>As far as front light wells are concerned the issue relates to their impact on the character and appearance of the area. Reference to an “unavoidable” light well should be changed to indicate that any changes to the front of the building must be minimised and that they must be in compliance with the guidance.</p>	<p>Revise guidance to include reference to Party Wall Act, as well as the Considerate Contractors Scheme that applicants would need to sign up to, and clarification on the front lightwell.</p> <p>No other changes recommended.</p>

<p>minimum.</p> <p>Ability to have a basement extension is a very important option for people who are running out of space. Very supportive of the proposed approach.</p>		
Window repair and replacement		
<p><u>QPARA comments</u> Too much unnecessary detail included.</p> <p>Crittall windows are still available, contrary to what the guidance suggests.</p>	<p>It is agreed that the examples set down in the draft guidance are not consistent with what can be found in Queens Park.</p>	<p>Delete graphics and make it clear that crittall windows are available.</p> <p>No other changes recommended.</p>
Repainting and other wall coverings		
<p><u>QPARA comments</u> Victorian and Edwardian colours for windows and doors were black.</p> <p><u>Residents comments.</u> Original windows were not white in Queens Park. White is deadening.</p> <p>Must prohibit buildings being painted. This needs to be explicit.</p>	<p>Although it is acknowledged that in the past a range of colours may have been used as far as windows were concerned, in terms of the existing situation white window frames do form a key element of the character and appearance of the Conservation Area. As far as the colour of front doors is concerned, there is more flexibility over what can be used.</p>	<p>No change.</p>
Solar panels and environmental installations		
<p><u>Resident's Comments</u> There is one particular unacceptable example within Queens Park that is completely covered by panels at variance with the guidance.</p> <p>Solar panels are an</p>	<p>It is acknowledged that the installation of solar panels is permitted development. This is guidance to assist householders when installing such equipment and encourage them to think about the importance of the Conservation Area</p>	<p>No change</p>

<p>increasingly important component of modern life. They will become prettier over time. They should not be rejected.</p>	<p>designation.</p>	
Front Gardens, walls and boundaries		
<p><u>QPARA Comments</u> Hedges should be no higher than existing pillars. If they are too high they appear unkempt and provide hiding places.</p> <p>Plants that provide privacy also provide good cover for burglars. Thorny plants should be considered rather than high planting.</p> <p><u>Resident's Comments</u> Guidance on hedges over-prescriptive. Height of a hedge (1.2-1.5m) should not be restricted in this way and difficulty in enforcing something like this.</p>	<p>The responses illustrate the range of views that exist on certain aspects of the guidance. The adopted guidance seeks to encourage residents to think about the way that the space to the front of their houses are treated, but it would unlikely that the Council would wish to become involved in pursuing any party for a hedge that might have grown too high.</p>	<p>Revise text to make it clear that the height is not an absolute restriction. Include reference to defensive planting.</p> <p>No other changes recommended.</p>
Off-street parking		
<p><u>Resident's Comments</u> Must reverse the trend of paving gardens. Design Guide should not allow any paving and definitely not car parking. (x2) Where works have taken place there should be every encouragement to re-instate the garden.</p> <p>Reduced car parking charges should be considered for residents who have kept their garden.</p>	<p>The guidance on front gardens is fairly detailed and planning permission is required, in any event, given the Article 4 Direction in place. Attempts are always made to enhance the character and appearance where possible.</p> <p>A suggestion to charge different fees depending on this sort of issue would go beyond the scope of this planning guidance.</p>	<p>No change.</p>

Front Paths		
<u>Residents Comments</u> Guide should illustrate a far wider range of good examples of front paths than the couple of “classics” in the draft.	The photographs are only examples and do not indicate the only options that would be considered.	No change.
Trees		
<u>Residents comments.</u> Street trees are not mentioned in the Guide. They are an important element of Queens Park. The Council is now better at planting species that are less damaging to roads and pavements. Residents should not damage or seek to remove street trees. This must be made explicit.	This point is accepted.	Revise guidance to include reference to the importance of street trees.
Roofs & Chimneys		
<u>Officer comments.</u> The replacing of a portion of the front gable of a property might be acceptable and the guidance needs to be more specific about this point rather than say that it might be possible.	The approach adopted in the past has been to allow the change to either the top section of the gable, or the bottom section, but not all of it.	Revise guidance to reflect the established approach.
Burglar Alarms		
<u>Officers Comments</u> Burglar alarms are not mentioned in the draft guidance.	It is considered that the issue should be included.	Revise guidance to include reference to alarms.
Other issues		
<u>Residents Comments</u>	It is considered that in order	Revise guidance

<p>The Design Guide should allow anything that is not visible from the street or from the Park itself. No justification for trying to legislate against discrete extensions, basements or other alterations.</p> <p>Rules and regulations are useless without a robust and properly resourced enforcement regime. The specific example of satellite dishes has been mentioned which must be enforced against. (This point also emphasised by QPARA).</p> <p>The consultation period was very short, given that the new Guide has been 10 years coming.</p> <p>Where any kerbs are no longer needed they should be made good and removed.</p> <p><u>Officers Comments.</u> Security grills would not be allowed on the front of any building.</p>	<p>to preserve or enhance the character and appearance of the area consideration must be given to more than just those buildings and spaces that can be seen from public vantage points.</p> <p>The frustration is understood, but the Planning Enforcement Team is very active and they do need to consider all breaches of planning, throughout the Borough, in a measured and balanced way, based on available resources.</p> <p>The consultation process is set down above. Officers consider that it was sufficient to allow due consideration of the draft Guide.</p> <p>This is a point that should be included in the adopted Guidance.</p> <p>This is a point that should be included in the adopted Guidance.</p>	<p>to include reference to kerbs and security grills.</p>
Points of Clarification		
<p><u>QPARA Comments</u> General corrections / clarification / typographical errors/choice of photographs/drawings.</p> <p>The new guidance is considered to be a great improvement on the old guide. The format is liked</p>	<p>The Design Guide is intended to provide a balance between the wishes of residents to update and extend their homes against the conservation of the area. The guidance is intended to make it simpler for residents to understand what will be accepted before going to the expense of submitting a</p>	<p>General corrections/ clarification/ typographical errors changed where considered appropriate.</p> <p>No other changes recommended.</p>

<p>both for graphics and layout.</p> <p><u>Resident's Comments</u> Some of the language is questioned. The desire of many residents is evidently less prescriptive regime than QPARA might like.</p> <p><u>Officer Comments.</u> The Conservation Area map should have street names on it.</p>	<p>planning application.</p>	
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3.4 Consideration has been given to the comments made as set out above. It is requested that Members give their endorsement to present a final revised document to the Executive Committee for formal adoption.

4.0 Financial Implications

4.1 The guides are intended to provide more detailed guidance for residents, giving a greater level of certainty as to whether works are likely to be acceptable. This may help reduce the expense for residents of submitting multiple applications in order to gain an approval.

5.0 Legal Implications

5.1 If formally adopted by the Executive Committee, the documents will replace the existing Design Guides and carry significant weight when determining planning applications.

6.0 Diversity Implications

6.1 It is not the intention to prevent people carrying out improvement works to their homes but to ensure that the works are appropriate in the context of the conservation area designation.

7.0 Staffing/Accommodation Implications

7.1 The updated documents are intended to be more 'user friendly' and may reduce the level of input required from officers both at pre-application stage and during the course of the application though seeking revisions.

8.0 Environmental Implications

8.1 The aim of these documents is to ensure development preserves and where possible enhances the character of the area.

9.0 Draft Design Guide

A link to the draft Barn Hill Design Guide and draft Queen's Park Design Guide can be viewed on the Council's website:

<http://democracy.brent.gov.uk/ieListDocuments.aspx?CId=115&MId=1895&Ver=4>

Contact Officers

Rachel McConnell, North Team Area Manager, Planning & Development 020 8937 5223

Andy Bates, South Team Area Manager, Planning & Development 020 8937 5228

Andy Donald, Director of Regeneration & Major Projects

PLANNING & ENFORCEMENT APPEALS

February and March 2013

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

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Received PLANNING Appeals between 1-Feb-2013 and 31-Mar-2013

Planning Committee: 17 April, 2013

Application Number: 11/2103 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 25/02/2013 **Appeal Against:** Refusal of planning permission
Location: 45 Staverton Road, London, NW2 5HA
Proposal:

Installation of vehicular access and formation of hard and soft landscaping to front of ground floor flat

Application Number: 12/1613 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 13/02/2013 **Appeal Against:** Refusal of planning permission
Location: UNITS 1, 2 & 3, CELLPHONE HOUSE, North Circular Road, Stonebridge, London,
Proposal: NW10 7SH

Change of use from Office (Use Class B1) to Hotel (Use Class C1)

Application Number: 12/1694 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 14/02/2013 **Appeal Against:** Refusal of planning permission
Location: 17 The Paddocks, Wembley, HA9 9HB
Proposal:

Erection of first floor side and rear extension to dwellinghouse (resubmission of application reference 11/0029)

Application Number: 12/2547 **Team:** Northern Team **Application Type** Other CLD
Appeal Received: 12/03/2013 **Appeal Against:** Refusal of planning permission
Location: 104 Sandhurst Road, London, NW9 9LN
Proposal:

Certificate of lawfulness for proposed demolition of existing garage and erection of a single storey outbuilding in the rear garden of dwellinghouse

Application Number: 12/2585 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 14/02/2013 **Appeal Against:** Refusal of planning permission
Location: 48 Donnington Road, London, NW10 3QU
Proposal:

Single storey rear extension to dwellinghouse

Application Number: 12/2665 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 21/03/2013 **Appeal Against:** Refusal of planning permission
Location: 10 Berkhamsted Avenue, Wembley, HA9 6DT
Proposal:

Erection of two storey side extension to existing semi-detached property to create a new self contained one-bedroom dwelling house.

Application Number: 12/2688 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 25/02/2013 **Appeal Against:** Refusal of planning permission
Location: 14 Mowbray Road, London, NW6 7QT
Proposal:

Demolition of attached single storey garage, conservatory and extension to rear and erection of a two storey side extension, single storey rear extension to include roof terrace and formation of new vehicular access

Received PLANNING Appeals between 1-Feb-2013 and 31-Mar-2013

Planning Committee: 17 April, 2013

Application Number: 12/2689 **Team:** Southern Team **Application Type** S78 CAC
Appeal Received: 26/03/2013 **Appeal Against:** Refusal of planning permission
Location: 14 Mowbray Road, London, NW6 7QT
Proposal:

Conservation area consent for demolition of attached single storey garage, conservatory and extension to rear and erection of a two storey side extension, single storey rear extension to include roof terrace and formation of new vehicular access

Application Number: 12/2776 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 06/02/2013 **Appeal Against:** Refusal of planning permission
Location: 11 Bacon Lane, London, NW9 9AY
Proposal:

Retrospective application for front porch to dwellinghouse

Application Number: 12/2780 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 01/02/2013 **Appeal Against:** Refusal of planning permission
Location: 5 Hillcroft Crescent, Wembley, HA9 8EE
Proposal:

Enlargement of existing front dormer window to dwellinghouse

Application Number: 12/3057 **Team:** Northern Team **Application Type** Other CLU
Appeal Received: 21/02/2013 **Appeal Against:** Refusal of planning permission
Location: 239 Kenton Road, Harrow, HA3 0HQ
Proposal:

Certificate of lawfulness for proposed hip to gable end roof extension, rear dormer window with juliet balcony and 3 front rooflights to dwellinghouse

Application Number: 12/3222 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 20/02/2013 **Appeal Against:** Refusal of planning permission
Location: 6 Pebworth Road, Harrow, HA1 3UB
Proposal:

First floor rear extension, side and rear dormer with 1 rooflight on either side of roof and soft and hard landscaping to front of dwellinghouse

Application Number: 12/3350 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 05/02/2013 **Appeal Against:** Refusal of planning permission
Location: 14 Irwin Gardens, London, NW10 3AS
Proposal:

Conversion of garage to habitable space, including removal of garage door and installation of new front window, and new first floor side and rear extension to dwellinghouse

Application Number: 13/0008 **Team:** Northern Team **Application Type** Other CLU
Appeal Received: 10/03/2013 **Appeal Against:** Refusal of planning permission
Location: 37 Fleetwood Road, London, NW10 1NB
Proposal:

Certificate of lawfulness for existing rear dormer window to dwellinghouse

Received PLANNING Appeals between 1-Feb-2013 and 31-Mar-2013

Planning Committee: 17 April, 2013

Application Number: 13/0128 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 28/03/2013 **Appeal Against:** Refusal of planning permission
Location: 18 Crest Road, London, NW2 7LX
Proposal:

Single storey rear extension, front porch extension, front garden alterations to accommodate one off street parking space and conversion of extended dwellinghouse into 1 x 2 bedroom flat on ground floor and 1 x 3 bedroom flat on first and second floors (revised description as per revised plans received on 27/02/2013).

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Received ENFORCEMENT Appeals between 1-Feb-2013 and 31-Mar-2013

Planning Committee: 17 April, 2013

Application Number: E/09/0536 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 28/03/2013

Location: 23B Bryan Avenue, London, NW10 2AH

Description:

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

("The unauthorised development")

Application Number: E/09/0719 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 05/03/2013

Location: Rear of 7 Strode Road, London, NW10 2NN

Description:

The erection of storage containers next to flank wall of 5 Hawthorn Road.

("the unauthorised development")

Application Number: E/10/0473 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 21/02/2013

Location: 30 Chatsworth Road, London, NW2 4BS

Description:

Without planning permission, the change of use of the rear garden of the premises to the storage of building materials, builders equipment and household items associated with the maintenance and repair of residential properties

("the unauthorised change of use")

AND

Without planning permission, the erection of a timber clad building and a metal shed in the rear garden of the premises

("the unauthorised development")

Received ENFORCEMENT Appeals between 1-Feb-2013 and 31-Mar-2013

Planning Committee: 17 April, 2013

Application Number: E/11/0758 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 27/02/2013

Location: 24 Stapenhill Road, Wembley, HA0 3JJ

Description:

The breach of Condition 2 of planning permission reference 07/1895 dated 04/06/08 for "single-storey side and rear extension with 1 rear and 3 side roof lights".

Condition 2 states: "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".

The development has not been carried out in accordance with the approved plans as no grass has been provided between the path and the driveway to the front of the house and a covered walkway has been created between the garage and the main house, thereby providing no separation between the garage and house. Furthermore behind the garage door has been bricked up and windows installed and the garage has been converted into a sperate self-contained flat.

The breach of Condition 4 (hard and soft landscaping details) of planning permission reference 07/1875 dated 04/06/08 for "Single-storey side and rear extension with 1 rear and 3 side roof lights"

Conditions 4 states: ""Notwithstanding the plans hereby submitted and approved, further details of the proposed hard and soft landscaping works (including plant species, size, densities, access gates and hard surfacing) and front boundary wall to the garden shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. Such landscaping works shall then be completed within the first planting season following the completion of the development hereby approved. If, within 5 years of planting, any trees or shrubs die, are removed or become diseased, they shall be replaced with others of the same species and size in the same positions, except with the prior written permission of the Local Planning Authority".

No such details have been submitted and approved in writing by the Council.

(The unauthorised breach of conditions)

AND

The material change of use of the side garage and extension to a separate residential flat.

("The unauthorised change of use")

Received ENFORCEMENT Appeals between 1-Feb-2013 and 31-Mar-2013

Planning Committee: 17 April, 2013

Application Number: E/12/0034 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 26/03/2013

Location: 30 Lancelot Road, Wembley, HA0 2BN

Description:

Without planning permission, the change of use of the premises into three self-contained flats

("the unauthorised change of use")

AND

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

("the unauthorised development")

Application Number: E/12/0320 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 27/03/2013

Location: 650 North Circular Road, Neasden, London, NW2 7QJ

Description:

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

("the unauthorised development")

Application Number: E/12/0390 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 07/03/2013

Location: 49 Paxford Road, Wembley, HA0 3RQ

Description:

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

("the unauthorised development")

Application Number: E/12/0431 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 06/02/2013

Location: 72 Scarle Road, Wembley, HA0 4SW

Description:

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

("The unauthorised development")

Application Number: E/12/0472 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 05/02/2013

Location: 54 and 54 (A-G) Randall Avenue, London, NW2 7ST

Description:

Without planning permission, the change of use of the premises into 7 studio flats

("the unauthorised change of use")

Received ENFORCEMENT Appeals between 1-Feb-2013 and 31-Mar-2013

Planning Committee: 17 April, 2013

Application Number: E/12/0619 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 19/02/2013

Location: 93 Beaumont Avenue, Wembley, HA0 3BY

Description:

Without planning permission, the construction of a single storey rear extension and the erection of a building in the garden.

("The unauthorised development")

Application Number: E/13/0087 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 18/03/2013

Location: 49 Valley Drive, London, NW9 9NJ

Description:

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

("the unauthorised development")

Decisions on PLANNING Appeals between 1-Feb-2013 and 31-Mar-2013

Planning Committee: 17-Apr-2013

Application Number: 12/1073 **PINSRefNo** D/12/2180869 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 04/03/2013

Location: 110 Leighton Gardens, London, NW10 3PR

Proposal:

Demolition of detached rear garage and erection of single and two storey side and rear extension to dwellinghouse

Application Number: 12/1319 **PINSRefNo** A/12/2185018/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 19/03/2013

Location: 227B, 229B, 231B & 233B, All Souls Avenue, London, NW10 3AE

Proposal:

Erection of mansard roof extension and creation of 4 one bed flats, 4 parking spaces and associated landscaping

Application Number: 12/1360 **PINSRefNo** D/12/2186361 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 18/02/2013

Location: 1 Mildrose Court, Malvern Mews, London, NW6 5PT

Proposal:

First floor rear extension and two rear rooflights to dwellinghouse

Application Number: 12/1363 **PINSRefNo** H/12/2184567 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 28/02/2013

Location: Kensal Green Station, College Road, London, NW10 5JT

Proposal:

Erection of 4.9m x 3.9 m single sided internally illuminated advertisement hoarding on land to the east of Kensal Green station fronting Harrow Road

Application Number: 12/1552 **PINSRefNo** A/12/2184413/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 22/03/2013

Location: 291 Kilburn Lane, Maida Hill, London, W9 3EG

Proposal:

Conversion of shop into two-bedroomed flat, including alterations to existing shopfront.

Application Number: 12/1559 **PINSRefNo** D/12/2185409 **Team:** Southern Team

Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 27/02/2013

Location: 91A Torbay Road, London, NW6 7DT

Proposal:

Replacement of existing garden shed in rear garden with new garden room for use by ground floor flat

Application Number: 12/1820 **PINSRefNo** A/12/2184879/NWF **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 12/03/2013

Location: 363 Edgware Road, Kingsbury, London, NW9 6AF

Proposal:

Alterations to hard and soft landscaping along site frontage.

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Decisions on ENFORCEMENT Appeals between 1-Feb-2013 and 31-Mar-2013
 Planning Committee: 17 April, 2013

Application Number: E/10/0953 **PINSRefNo** C/12/2178154

Team: Southern Team

Appeal Decision: Appeal Allowed

Appeal Decision Date: 22/02/2013

Location: 2A Wendover Road, London, NW10 4RW

Proposal:

Without planning permission, the erection of a two-storey building to form six self-contained flats.

("The unauthorised development")

Application Number: E/11/0613 **PINSRefNo** C/12/2177749

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 13/02/2013

Location: Vraj, 8 Beechcroft Gardens, Wembley, HA9 8EP

Proposal:

Without planning permission, the erection of a building ('the building') in the rear garden of the premises and its use as residential accommodation ('the use').

("The unauthorised development")

Application Number: E/11/0801 **PINSRefNo** C/12/2174100

Team: Southern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 12/02/2013

Location: 19 Chadwick Road, London, NW10 4BS

Proposal:

The erection of a single storey rear extension to the premises.

("The unauthorised development")

Application Number: E/12/0109 **PINSRefNo** C/12/2180661, 2180662 & 2180663

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 25/03/2013

Location: 14 Anson Road, London, NW2 3UT

Proposal:

Without planning permission, the formation of a replacement hard surface to the front garden, the installation of replacement timber-framed entrance door to front elevation of the premises and the erection of a single storey outbuilding in rear garden of the premises.

("The unauthorised development")

Application Number: E/12/0244 **PINSRefNo** C/12/2179290

Team: Western Team

Appeal Decision: Appeal Allowed

Appeal Decision Date: 25/02/2013

Location: 240 Carlton Avenue East, Wembley, HA9 8PZ

Proposal:

Without planning permission, the erection of a building ('the building') in the rear garden of the premises and its use as residential accommodation ('the use').

Application Number: E/12/0688 **PINSRefNo** C/12/2182403

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 05/03/2013

Location: 45 Elms Lane, Wembley, HA0 2NX

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-Feb-2013 and 3-Mar-2013
Planning Committee: 17 April, 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: 11/2383 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 21/02/2013
Team: Northern Team
Location: 1 Mentmore Close, Harrow, HA3 0EA
Proposal:
Demolition of existing attached side garage, two storey side and single storey rear extension to dwellinghouse

Our reference: 12/0343 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 11/02/2013
Team: Southern Team
Location: 307-309 Kilburn High Road, London, NW6 7JR
Proposal:
Change of use from use class A4 and D2 to A1, A2 and/or A3 on the ground floor and student accommodation (34 units) on the first floor and a new second floor and set back third floor also accommodating student accommodation.

Our reference: 12/1360 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 18/02/2013
Team: Southern Team
Location: 1 Mildrose Court, Malvern Mews, London, NW6 5PT
Proposal:
First floor rear extension and two rear rooflights to dwellinghouse

Our reference: 12/2200 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 19/02/2013
Team: Northern Team
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

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-Feb-2013 and 31-Mar-2013****Planning Committee: 17 April, 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/10/0953	Appeal Decision Date: 22/02/2013
Team: Southern Team	Appeal Decision: Appeal Allowed

Location: 2A Wendover Road, London, NW10 4RW

Proposal:

Without planning permission, the erection of a two-storey building to form six self-contained flats.

Our reference: E/12/0244	Appeal Decision Date: 25/02/2013
Team: Western Team	Appeal Decision: Appeal Allowed

Location: 240 Carlton Avenue East, Wembley, HA9 8PZ

Proposal:

Without planning permission, the erection of a building ('the building') in the rear garden of the premises and its use as residential accommodation ('the use').

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. Telephone 020 8937 5210 or email: tps@brent.gov.uk.

Chris Walker, Assistant Director - Planning and Development

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Appeal Decision

Site visit made on 8 January 2013

by Mike Robins MSc BSc(Hons) MRTPI

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

Decision date: 11 February 2013

Appeal Ref: APP/T5150/A/12/2180789

The Kilburn, 311 Kilburn High Road, London NW6 7JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Sundial Capital Corporation against the decision of the Council of the London Borough of Brent.
 - The application Ref 12/0343, dated 8 February 2012, was refused by notice dated 19 July 2012.
 - The development proposed is a change of use from use class A4 and D2 to A1, A2 and for A3 on the ground floor and student accommodation on the first floor, with a new second floor and set-back third floor, also accommodating student accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use from use class A4 and D2 to A1, A2 and for A3 on the ground floor and student accommodation on the first floor, with a new second floor and set-back third floor, also accommodating student accommodation, at The Kilburn, 311 Kilburn High Road, London NW6 7JR in accordance with the terms of the application, Ref 12/0343, dated 8 February 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 development hereby permitted shall be carried out in accordance with the following approved plans: 1267-P4-001, 1267-P4-020, 1267-P4-021, 1267-P4-022, 1267-P4-023, 1267-P4-024, 1267-P4-025, 1267-P4-026, 1267-P4-027, 1267-P4-029, 1267-P4-030, 1267-P4-031 and 1267-P4-040.

Application for costs

2. An application for costs was made by Sundial Capital Corporation against the London Borough of Brent. This application is the subject of a separate Decision.

Procedural Matters

3. A Unilateral Undertaking, signed and dated 22 October 2012, was submitted by the appellant under the provisions of the Town and Country Planning Act 1990. This was to address contributions sought by the Council, as well as to set out the requirement for the development to be primarily occupied by students and to be car free, through the removal of entitlement to parking permits.

4. I consider the matter of contributions later in my decision, however, the other matters relate to the Council's third and fourth reasons for refusal. I am satisfied that the undertaking has been properly made and that the provisions would address these concerns.

Main Issues

5. Consequently, I consider that there are two main issues in this case, firstly the effect of the proposed student accommodation on the provision of residential housing in Brent, and secondly, whether the proposal makes reasonable provision to mitigate its impact on infrastructure and services in accordance with adopted policies.

Reasons

6. The appeal site is a large building fronting onto a busy shopping area of Kilburn High Road. Formerly in use as a public house, function room and gym, the site has been cleared and the interior stripped. It forms part of a larger building, of which the neighbouring part has been extended with an additional storey. Surrounding buildings are also generally of a similar scale or higher than the existing appeal site. The site is in a highly sustainable location with shops and services nearby and excellent public transport links.
7. There have been a number of proposals to redevelop the site, including the most recent planning permission¹, which allowed for the change of use to nine flats with retail units at ground floor, albeit subject to a legal agreement. The appeal proposal retains a very similar external form as well as retail provision, but would provide for 34 purpose-built student units in place of the flats.

Housing Provision in the Borough

8. The appellant provided a Socio-economic Impact Assessment, by Quod, which drew on a Student Accommodation Report prepared by Knight Frank. The outcome of these studies suggested that there was a significant unmet demand for purpose-built student housing in Brent, the provision of which would result in positive economic gains for the local area. Although the Knight Frank report acknowledged there were no universities or higher education institutes in Brent itself, it set out the level of demand across London, as well as the proximity of the site to up to 35 institutions within 30 minute travel time.
9. The Council's objections centred on the loss of this site for residential accommodation, noting that while Brent has targets and an acknowledged need for housing, student accommodation would not meet an identified need in the Borough.
10. The development plan for this area includes the Spatial Development Strategy for Greater London, (the London Plan), adopted July 2011, the Brent Core Strategy, (the Core Strategy), adopted July 2010, and saved policies from the Brent Unitary Development Plan, (the UDP), adopted 2004. Central to the Council's case on this matter is Policy CP21 of the Core Strategy. This policy seeks to provide for a balanced housing stock, which should include, among others, an appropriate range and mix of self-contained accommodation, including family sized accommodation. The policy also refers to non-self

¹ 11/1739

contained accommodation that meets identified needs, which accompanying text² indicates includes student accommodation.

11. The London Plan acknowledges the importance of higher and further education to London, and supports coordinated working between Boroughs and other stakeholders to plan for student accommodation in locations with good public transport access³. It sets out in Policy 3.8 the need to plan strategically for student housing, without compromising capacity for conventional homes. The text accompanying this policy does note that there is uncertainty over future growth, but indicates a large potential requirement. Paragraph 3.53 addresses the concerns regarding the need to secure mixed and balanced communities with a focus on affordable family homes and on areas where student accommodation could become concentrated.
12. The Council state that there are no specific targets identified for student housing in the Borough's Core Strategy, and this has not been challenged. The appellant has provided evidence highlighting a need both locally and more strategically across London. I consider it may be overly simplistic to suggest that student numbers, indicated by census returns in Brent, can be set against the current provision of student accommodation to conclude a 'massive under-supply of student accommodation'. Nonetheless, the location is a sustainable one. I noted the presence of the Institute of Contemporary Music nearby and consider the site is strategically well placed to support the local further education establishments, as well as higher education centres outside of the Borough.
13. On the evidence before me I am satisfied that there would be demand for such accommodation. Although the Council have identified sites where they have previously accepted student accommodation, the factual conclusions of the appellant's reports have not, in my view, been countered by evidence indicating that demand for such housing in Brent has been met.
14. The matter therefore centres on whether the provision of student housing here would compromise the delivery of conventional homes, in accordance with the Borough's approach to a balanced housing stock. The appeal site does not appear to have been allocated for housing, and while it may benefit from a permission for change of use, the delivery of that scheme cannot be guaranteed.
15. While the previous planning permission can therefore be considered a material consideration, and I accept that it may have been included within the Annual Monitoring Report, (the AMR), its weight is limited as the Council cannot require delivery of flats here. The appellant suggests that the AMR indicates that Brent has met its own housing targets in any event. I am conscious, however, that this statement is tempered by the acknowledgement that specific needs remain, particularly in relation to affordable and accessible homes and larger family accommodation.
16. The proposal would result in a sustainable reuse of a currently unused site. Although the scheme would remove the option for the site to be developed for flats, it is not in such use presently and such a development cannot be guaranteed. It cannot therefore be concluded that it would compromise the

² Paragraph 5.79 (UDP)

³ Paragraph 3.107 (London Plan)

capacity for conventional homes. As indicated in the London Plan⁴, such schemes also have the potential for freeing up conventional housing that would otherwise be occupied by students. In the absence of material evidence challenging the appellant's assessment of need, I consider the proposal complies with the London Plan Policy 3.8 and Core Strategy Policy CS21.

Infrastructure and Services

17. The Council identified that they considered the development should address impacts on local infrastructure and services through contributions towards sustainable transport improvements, open space and public sports facilities. They confirmed that they were seeking a contribution of £1500 per unit, identified as being a 50% reduction on the standard contribution sought. I have considered this in light of the Framework, paragraph 204, and the statutory tests introduced by Regulation 122 of The Community Infrastructure Levy (CIL) Regulations, 2010.
18. The submitted undertaking identified a contribution of £51,000, but sets out in its Schedule that this would be subject to a finding, in this decision, that the contribution complies with Regulation 122. An executed obligation once submitted has legal effect, which does not cease by including such a clause within the Deed. While the effectiveness of such a clause is therefore questioned, on its own it does not invalidate the obligation.
19. The appellant further questions whether the Council approach set out in their Supplementary Planning Document (SPD) *S106 Planning Obligations, 2007*, applies to this development and whether sufficient justification had been provided for the amount sought.
20. The proposal would introduce additional residents into the area, which would have implications in terms of the pressure on the local transport infrastructure. There would be limited amenity space provided, and it is reasonable to conclude that these new residents would utilise existing open space and sports provision, both of which are shown in the SPD to be under pressure. I note that the Council do not consider that a contribution toward education provision is necessary.
21. On the face of it therefore, the requirements set out in UDP Policy TRN4 regarding transport and Policy OS7 regarding the provision of open space, establish the requirement for contributions to address additional pressures that are directly related to the proposal. The SPD does not appear to exclude student accommodation, indeed it has a section which deals with specific heads of terms relating to it. The contributions are therefore necessary to make the development acceptable in planning terms.
22. The SPD sets out amounts based on a calculation assessing provision and costs against projected development, but revises this to a lower standard charge based on previously agreed contribution rates. Standard charges can be useful to give clarity and certainty to the process, although the document notes that each case will be addressed individually, notably when there are concerns over viability. In this case, although the figures set out in the SPD are due for review, I am satisfied, on the evidence before me, that the standard charge is fairly and reasonably related to the scale of the development.

⁴ 3.52 (London Plan)

23. The Council have not set out specific schemes or areas where the money would be spent, however, the SPD does include reference to the financial demands of the Boroughs parks, gardens and sport pitches as well as transportation improvements, set out in the Local Implementation Plan. It further explains how the contributions will be pooled, but confirms that spend will be on projects within the local area affected by the development. I consider that in this location, this approach acceptably addresses the matter of ensuring the contribution is directly related to the development.
24. Having regard to Regulation 122, I therefore consider that the proposal will adequately address impacts on infrastructure and services in accordance with the development plan, and have taken the provisions of the submitted undertaking into account in considering my decision on this appeal.

Other matters and Conditions

25. The appellant alleged that the Council had been inconsistent in their assessment in light of an earlier decision referred to as Dexion House. Here it appears that a previous permission for conventional homes had existed prior to the grant of permission for student accommodation. While the circumstances appear superficially similar, I am satisfied that the Council viewed the mix of housing and the need for residential development to be different within the Wembley Opportunity area. In any case each application and appeal must be considered on its own merits.
26. Neither the Council nor the appellant have indicated the need for any conditions. For the avoidance of doubt and in the interests of proper planning, it is necessary that the development shall be carried out in accordance with the approved plans, I have therefore included conditions only related to plans and to implementation.

Conclusion

27. The Council have relied on a material consideration, the previous planning permission, to argue that the proposed student accommodation would compromise the delivery of housing. In this case, however, such a consideration does not outweigh the benefits associated with this scheme, both in terms of the provision of student accommodation and economic benefits to the local area. No other harms have been alleged by the Council in relation to this scheme, and I am satisfied that it represents sustainable and deliverable development.
28. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Mike Robins

INSPECTOR



Appeal Decision

Site visit made on 6 February 2013

by D A Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

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

Decision date: 18 February 2013

Appeal Ref: APP/T5150/D/12/2186361

1 Mildrose Court, Malvern Mews, London, NW6 5PT

- 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 N Aitken against the decision of the Council of the London Borough of Brent.
 - The application Ref 12/1360 was refused by notice dated 7 August 2012.
 - The development proposed is an extension at the rear first floor level to house the kitchen.
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Decision

1. The appeal is allowed and planning permission is granted for an extension at the rear first floor level to house the kitchen at 1 Mildrose Court, Malvern Mews, London, NW6 5PT in accordance with the terms of the application, Ref 12/1360, dated 21 May 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 development hereby permitted shall be carried out in accordance with the following approved plans: 534/1, 534/2, 534/3, 534/4, 534/5, 534/6, 534/7, 534/8 & 534/9.
 - 3) Notwithstanding condition 2, the materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main issues

2. The main issues are the effect of the proposal on the living conditions of nearby residents at 33 and 35 Saltram Crescent, with particular reference to visual impact; and on the character and appearance of the host property and the adjacent property, 2 Mildrose Court.

Reasons

Effect on living conditions

3. The appeal relates to an end of terrace mews property on Mildrose Court. It has a small side and rear garden area, backed by a tall wall which forms a common boundary with Nos 33 and 35 Saltram Crescent to the west. A ground floor rear extension already exists at the appeal property, extending right to this boundary wall. The appeal proposal seeks to erect a first floor extension some 1.6m deep and spanning the full width of the property, above the existing ground floor

addition. This would bring the first floor in line with a rear extension which has already been approved at the adjacent dwelling, 2 Mildrose Court.

4. The rear roof slope would be extended over the proposed first floor addition and would contain velux rooflights to light the internal accommodation. A high-level, rear-facing window would also be inserted to replace the existing window in this elevation, which currently provides some views into the rear garden areas of 33 and 35 Saltram Crescent. However, any such views are filtered by the tall trees which exist in the gardens of both of these neighbouring properties.
5. The angled alignment of the boundary between the appeal property and these Saltram Crescent dwellings means that the proposed extension would lie some 0.85m from the boundary with No 33 at its southern end, and about 1.3m from the boundary with No 35 at its northern end. This would bring built form closer to the rear gardens of Nos 33 and 35, but as these gardens are of a reasonable size I am not persuaded that the proposed extension would appear unduly obtrusive or overbearing when viewed either from rear windows of these Saltram Crescent dwellings, or from their gardens.
6. In coming to this view I have noted that properties further to the north in Malvern Mews are built up to the rear boundary of their plots, such that many of these dwellings lie much closer to their Saltram Crescent neighbours than would be the case with the extended appeal property. Moreover, as already noted, tall trees in the rear gardens of Nos 33 and 35 provide some mutual shielding between the appeal property and these dwellings. Although these trees lie outside the appellant's control, he has discussed this matter with these neighbours who have indicated that they have no plans to remove the trees completely. Indeed, the owner of No 35 has specifically carried out only limited pruning of his trees in recent months.
7. In view of the above points I conclude that the proposed rear extension would not have an adverse impact on the living conditions of residents at 33 and 35 Saltram Crescent, through overbearing impact. Accordingly I find no conflict with policy BE9 from the Brent Unitary Development Plan (UDP). Amongst other matters this policy requires new development to be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other which promotes the amenity of users and provides a satisfactory level of outlook for existing and proposed residents. Similarly I find no conflict with the Council's Supplementary Planning Guidance (SPG) "Altering and extending your Home".

Effect on character and appearance

8. I have noted the Council's comment that the eaves height of the proposed rear extension and the new roof itself would be higher than the roof to the differently designed first floor extension at the adjoining property, No 2. However, although there would be a clear difference in design between these two extensions, the rear elevations of these two dwellings are not readily seen from public viewpoints.
9. In these circumstances, and because of the relatively modest size and scale of the development proposed, I conclude that no significant harm would be caused to either the character or appearance of the appeal property, or to that of No 2. As a result I again find no unacceptable conflict with the UDP policy and SPG referred to above.

Conclusion

10. In view of my favourable findings on both main issues, my overall conclusion is that this appeal should be allowed, subject to a number of conditions. For the avoidance of doubt and in the interests of proper planning I have imposed a condition defining the plans upon which this decision has been based. In addition, to ensure that the proposed extension has a satisfactory appearance I have imposed a condition requiring external materials to match those used in the existing dwelling.
11. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion.

David Wildsmith

INSPECTOR



Appeal Decision

Site visit made on 6 February 2013

by **David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI**

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

Decision date: 21 February 2013

Appeal Ref: APP/T5150/D/12/2189298

1 Mentmore Close, Harrow, Middlesex, HA3 0EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by conditions of a planning permission.
 - The appeal is made by Dr S Rahman against the decision of the Council of the London Borough of Brent.
 - The application Ref 12/2009, dated 8 August 2012, sought approval of details pursuant to conditions Nos 4 & 5 of a planning permission Ref 11/2383, granted on 12 December 2011.
 - The application was refused by notice dated 15 November 2012.
 - The development proposed is a 2-storey side extension and ground floor rear extension and internal alterations.
 - The details for which approval is sought are: the materials for all external work; and further details of the windows to the front elevation of the side extension.
-

Decision

1. The appeal is **allowed** insofar as it relates to the materials for all external works; and the details submitted pursuant to condition No 4 attached to planning permission Ref 11/2383, granted on 12 December 2011 in accordance with the application dated 8 August 2012 and the details submitted with it, are approved.
2. The appeal is **dismissed** insofar as it relates to the further details of the windows to the front elevation of the side extension; and the details submitted pursuant to condition No 5 attached to planning permission Ref 11/2383, granted on 12 December 2011 in accordance with the application dated 8 August 2012 and the details submitted with it, are not approved.

Preliminary matters of clarification

3. The application for the approval of details reserved by condition, dated 8 August 2012, indicates that the development approved under Ref 11/2383 had been started but not completed. However, at the time of my site visit the side extension appeared to be substantially complete and windows had been installed. The Council Officer's Delegated Report on this matter notes that works which were not approved as part of application Ref 11/2383 have also taken place, including the replacement of all the windows to the front elevation of the dwelling and the removal and paving over of some of the soft landscaping to the front boundary.
4. The appeal property lies within the Northwick Circle Conservation Area. This area is also covered by a Direction under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995, preventing certain acts of development from being carried out unless specific permission for them is

granted. These include such matters as the alteration of a dwelling house, the provision of a hard-standing and the erection or demolition of walls, gates or fences, if any of the above front onto a "relevant location", such as a highway.

5. For the avoidance of doubt, my role in this appeal is limited to the consideration of those matters for which specific approval was sought, namely the details of the materials for all external work, and details of the windows to the front elevation of the side extension.

Main issue

6. The main issue is whether the external materials and fenestration used in the approved side extension preserve or enhance the character or appearance of the Northwick Circle Conservation Area.

Reasons

External materials

7. As noted in the banner heading at the start of this decision, planning permission was granted for a 2-storey side extension, ground floor rear extension and internal alterations at the appeal property in December 2011, subject to a number of conditions. Condition 4 clearly states that details of materials for all external work, including samples, should have been submitted to and approved in writing by the Council prior to any works commencing on site. The information before me is that this did not happen. Instead I understand that the appellant commenced construction and only submitted an application for the approval of the materials when the development was largely completed.
8. That said, the Council has commented that the roofing materials are considered to be acceptable, with original tiles having been re-used on the front elevation, with plain farmhouse red concrete tiles on the side elevation. Similarly the Council has made it clear that although the Ibstock Ashdown Bexhill Dark bricks used for the extension do not exactly match those of the original dwelling, they are nevertheless considered to be acceptable.
9. I see no reason to take a contrary view on these matters, and accordingly I conclude that these external materials preserve the character and appearance of the Northwick Circle Conservation Area. As such they accord with the requirements of the London Borough of Brent Unitary Development Plan (UDP) set out in policies BE2 (Townscape: Local Context & Character), BE9 (Architectural Quality) and BE25 (Development in Conservation Areas).

Windows in the front elevation of the side extension

10. The Council has indicated that the original windows in the appeal property, which were timber, had a dentil moulded driprail feature with even profiles of the openings, fixed casements, even sightlines, decorative stained glazing within the upper fanlights and square leaded detail across all of the panes. None of these original windows were proposed to be replaced. Indeed the approved plans for planning permission Ref 11/2383 indicate that the proposed windows were to match the existing windows. This is reinforced by the planning application itself which states that the proposed windows would be "leaded lights glazed in HW¹ frames as existing".

¹ Hardwood

11. As a significant number of the dwellings within the Northwick Circle Conservation Area appear to have retained their original windows, displaying a number of the features detailed above, I can understand why the Council sought to control the type and form of windows proposed for the new extension. To this end it imposed Condition 5 on the planning permission granted in December 2011.
12. This condition clearly states that notwithstanding the submitted plans otherwise approved, further details of the windows to be fitted in the front elevation of the side extension needed to be submitted to and approved in writing by the Council, prior to any works commencing on site. The condition explains that such details should include an elevation of the proposed windows at a scale of 1:10; and cross-section detail at a scale of 1:5 through the transom, showing the relationship of opening and fixed lights, with full-sized details of externally mounted glazing bars. However, this condition was not complied with.
13. Furthermore, the appellant replaced the existing windows in the property, without seeking prior approval from the Council, despite the restrictions imposed on such alterations by the Article 4(2) Direction referred to earlier. I have already noted, however, that this is not a matter specifically before me for consideration as part of this appeal. I therefore comment no further in it, except to say that although the windows in the extension now match those in the rest of the dwelling's front elevation, they do not contain the features highlighted by the Council as characteristic of this conservation area, and appearing in the original windows.
14. I have noted the appellant's comment that it became evident during construction that the original windows were severely damaged and that new windows ("Duraflex Diamond Featured Suite"), were therefore installed professionally and were matched, as best as possible, with those of surrounding neighbours. However, the appellant's assertion that the windows exactly match those of the neighbouring property, No 3, did not appear to be borne out by my observations on site, as the windows at No 3 clearly appear to have even sightlines, whereas those at the appeal property do not.
15. That said, I do acknowledge that some of the dwellings in this cul-de-sac have had their original windows replaced, and I saw at my site visit that not all of these replacement windows contain all of the features described and sought by the Council. However, the specific details relating to these other properties are not before me for consideration, and I do not know how comparable their circumstances may be to the current appeal. What was apparent, however, was that a significant number of the dwellings in Mentmore Close, and in the wider area do seem to have retained many of these window features, which are clearly an important characteristic of this conservation area.
16. In contrast, as the Council has pointed out, the installed windows in the appeal property do not provide a dentil moulded driprail feature; do not have even sightlines and window frames; and do not replicate the stained glazing and leaded detailing which was present within the original windows. In my assessment the absence of these features means that these windows have a noticeably different appearance to the predominant window type within this local area. In view of these points I conclude that the windows fail to preserve the character and appearance of the Northwick Circle Conservation Area. As such they are at odds with the requirements of the UDP policies to which I have already referred.
17. I have noted the references within the appellant's Grounds of Appeal to the fact that Council planning staff did not visit the site until after the windows had been

installed; that it was only after this that details of the window requirements were provided by the Council; and that no specific guidance had been given to the appellant on this matter. However, I can give little weight to these claims, as the planning permission granted by the Council in December 2011 states quite clearly that the permission is subject to the conditions set out on an attached Schedule. In turn, Conditions 4 and 5 within this Schedule explicitly indicate that the appellant needed to submit specific details of materials and windows for the written approval of the Council before commencing work.

Other matters

18. The Council's Delegated Report makes reference to Condition 3 of planning permission Ref 11/2383, which required that the front garden of the appeal property, and in particular the proportion of soft landscaping, should be retained as existing following construction works on site. This condition has not been complied with and the Council has indicated that the matter has been reported to its Enforcement Team. I mention this matter for completeness, as the appellant has referred to it in his Grounds of Appeal. However, as has been made clear earlier in this decision, this is not a matter which fell to be considered under application Ref 12/2009, made by the appellant on 8 August 2012. It is not, therefore, something which is before me for consideration as part of this appeal.

Overall conclusion

19. For all the reasons detailed above, my overall conclusion is that the external materials used in the extension are acceptable and can be approved. But the windows used in the front elevation of the side extension are not acceptable and are therefore not approved. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion.

David Wildsmith

INSPECTOR



Appeal Decision

Site visit made on 7 February 2013

by **C J Leigh BSC(HONS) MPHIL MRTPI**

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

Decision date: 19 February 2013

Appeal Ref: APP/T5150/D/12/2190038
27 Wren Avenue, LONDON, NW2 6UG

- 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 Fayeq Salus against the decision of the Council of the London Borough of Brent.
 - The application Ref 12/2200 was refused by notice dated 5 October 2012.
 - The development proposed is described as 'extension and alterations, including retrospective application for single storey rear addition'.
-

Preliminary matters

1. The appeal concerns a single storey rear extension that has been erected and a proposed two storey side and rear extension to the house.

Decision

2. The appeal is allowed and planning permission granted for a single storey rear extension and a two storey side and rear extension at 27 Wren Avenue, LONDON, NW2 6UG in accordance with the terms of the application, 12/2200, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 12006.01 and 12006.02f.

Main issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance

4. The appeal property has been extended in the past through the conversion of the original hipped roof to a gable end and a rear dormer extension. The proposed two storey extension would be situated to the side of the house and attached to the new gable end, then project to the rear of the property and partly 'wrap round' to join part of the rear elevation of the house.

5. The side extension would be set back a considerable amount from the existing front elevation to the house at first floor level and there would be a set-down in the ridge line from the host property of No. 25. These matters would reduce the scale of the proposal and result in the extension appearing subservient to the host property. The adjoining property has been extended to the side close to the site boundary. The proposals at No. 27 would be a different form to the neighbour, but the chosen design would then match more closely the roof form to the main house that has been created from the gable extension. The gap at first floor level would be reduced but I saw at the site visit that extensions at first floor level which reduce the gaps between properties to some degree are seen at other properties, including at No. 25, and so are part of the character to the area.
6. The depth of the house as extended would remain in proportion to the host building, which is of a reasonable size within a large garden. The scale of the extension would be proportionate to the house and also to the adjoining property that has similarly had a large side and rear extension. The extended house would therefore not appear disproportionate or out of scale. The detailed design would also be acceptable, with the new gable form to the rear being acceptable in the context of the wider area, with a Juliette balcony being an appropriate design feature in a house of this character.
7. The extension that has been constructed at the property is a modest addition that does not impose upon the area when considered by itself and in combination with the proposed development.
8. The Council have referred me to their Supplementary Planning Guidance 5: Altering and Extending Your Home (SPG). This was adopted in 2002. I note the appellant's acknowledgement that the proposed development would conflict with the somewhat prescriptive statements in the SPG, including the reference to permission not being granted for a side extension to a house that has had a conversion from a hipped to a gable end. The more recently published National Planning Policy Framework (2012) states at paragraph 59 that local planning authorities' design policies 'should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally'. This statement is a material consideration of significant weight. For the reasons given earlier, it is considered that the proposed development would be appropriate in terms of scale, massing, height, layout and materials in relation to the neighbouring buildings and local area for the reasons given.
9. Furthermore, for similar reasons it is concluded that the proposed development would be consistent with the objectives set out in the relevant saved policies of the Brent Unitary Development Plan 2004 that, amongst other matters, seek a high standard of design, namely Policies BE2, BE7 and BE9. Indeed, the Introduction to the SPG states that its purpose is to help ensure an extension is well designed and complements the house and neighbourhood, and hence it is also concluded this objective would be met.

Other considerations

10. The scale of the proposed side and rear extension, and the existing rear extension, would not be harmful to the outlook of neighbouring properties or

levels of light. The positioning of windows would not lead to any material increase in overlooking to residents.

Conclusions and conditions

11. For the reasons given, and having had regard to all other matters raised, the appeal is allowed. I have attached a condition requiring materials to match the existing property in the interests of a satisfactory appearance to the development. It is also necessary to attach a condition specifying the approved drawings, since it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

C Leigh

INSPECTOR



Appeal Decision

Site visit made on 13 February 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: 22 February 2013

Appeal Ref: APP/T5150/C/12/2178154

Studios 1 to 6, 2A Wendover Road, London NW10 4RW

- The appeal is made by Yoav Tal of Lintonhill Limited under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: E/10/0953) issued by the Council of the London Borough of Brent on 11 May 2012.
- The breach of planning control alleged in the notice is as follows: -
"Without planning permission, the erection of a two-storey building to form six self-contained flats."
- The requirements of the notice are as follows: -
"STEP 1 Demolish the unauthorised two-storey building in the premises, remove all items and debris arising from that demolition and remove all fixtures, fittings and materials associated with the unauthorised development and residential use in that building from the premises.
STEP 2 Cease the use of the premises as residential flats and remove all items, materials and debris, including ALL kitchens and bathrooms, which facilitate the unauthorised change of use, from the premises."
- The period for compliance with these requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g).

Decision

1. The appeal is allowed and the enforcement notice is quashed.

Reasons for the decision

The alleged breach of planning control

2. There has been no appeal on ground (b) (that the breach of planning control alleged in the notice has not occurred as a matter of fact), but the information supplied by the appellant under ground (f) and in his comments on the Council's statement of case show that he disputes that a two-storey building has in fact been erected here to form six self-contained flats. Instead, he asserts that what has occurred is that the original two-storey building has been refurbished and extended to form six self-contained flats.
3. I saw at the visit that building operations have been carried out that could be works of extension and refurbishment and that the six self-contained flats utilise the whole of the two-storey building. I was not able to establish the age and nature of the operations, because the parties' representatives at the visit had insufficient knowledge of the building and because features of original building work that might exist are no longer visible as a result of the rendering and colouring of the whole of the external walls. However, the tiles used on part of the roof look newer than the rest.

4. The 2003 and 2008 aerial photographs supplied by the Council show that the site then contained a two-storey building that had a single-storey extension. This appears to be the building in respect of which, firstly, a certificate of lawfulness was granted in 2000 (ref: 00/1780) and, secondly, plans were approved in 2006 (ref: 06/1543) showing the construction of a first-floor extension over the single-storey extension in connection with the change of use of the building to a single dwelling. The 2010 aerial photograph supplied by the Council appears to show that the first floor of the building had by then been extended as shown on the plans approved in 2006 and that the rest of the building remained in situ. These conclusions are consistent with the appellant's representations and the appearance of the tiles.
5. It is not clear why the notice alleges that a two-storey building has been erected to form six self-contained flats. The reasons for its issue do not give an explanation and the Council's statement of case appears to indicate that most of the building is longstanding. It is also unclear why the notice requires the building to be demolished when the Council have not raised any concerns about its impact as a building, as opposed to its use as flats, and a use as a single dwelling has previously been approved.
6. For the reasons given above I consider that, on the information available to me and on the balance of probabilities, a two-storey building has not as a matter of fact been erected on the site to form six self-contained flats.
7. I am authorised to correct any defect, error or misdescription in the notice, or to vary its terms, if I am satisfied that this will not cause injustice to the appellant or the Council. Both parties would suffer injustice if I attempted to alter the notice in this instance, since the information available to me does not establish in sufficient detail how the notice should be rewritten and, even if it did, the changes would be likely to alter fundamentally the basis on which the notice was issued and the appeal was brought.
8. I have concluded that the notice is defective and incapable of correction. The appeal has succeeded on ground (b) and the notice has been quashed.

Grounds (f) and (g)

9. Grounds (f) and (g) no longer fall to be considered following the success of the appeal on ground (b) and the quashing of the notice.

D.A.Hainsworth

INSPECTOR



Appeals Decisions

Site visit made on 13 February 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: 25 February 2013

Appeals Refs: APP/T5150/C/12/2179290 & APP/T5150/C/12/2179291 240 Carlton Avenue East, Wembley, Middlesex HA9 8PZ

- The appeals are made by Mr Yui-Hong Ho and Mrs Fung-Kay Ho under section 174 of the Town and Country Planning Act 1990 against an enforcement notice issued by the Council of the London Borough of Brent on 2 June 2012 (ref: E/12/0244).
 - The breach of planning control alleged in the notice is the erection of a building in the rear garden and its use as residential accommodation.
 - The requirements of the notice are as follows: -
 - “STEP 1 Cease the use of the building in the rear garden of the premises as residential accommodation and remove all fixtures, fittings and items associated with the use from the building.
 - STEP 2 Demolish the building and remove all debris, fixtures and fittings from the premises.”
 - The period for compliance with these requirements is three months.
 - Mr Ho’s appeal is proceeding on the grounds set out in section 174(2)(a) and (f).
 - Mrs Ho’s appeal is proceeding on the ground set out in section 174(2)(f).
-

Decisions

Appeal Ref: APP/T5150/C/12/2179290

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990 for the erection of an outbuilding in the rear garden of 240 Carlton Avenue East, Wembley, Middlesex HA9 8PZ, subject to the condition that the outbuilding shall only be used for purposes incidental to the enjoyment of the dwellinghouse, 240 Carlton Avenue East, Wembley, Middlesex HA9 8PZ, as such.

Appeal Ref: APP/T5150/C/12/2179291

2. No further action is being taken.

Reasons for the decisions

Ground (a)

3. The main issue is the effect of the building on its surroundings and on the amenities of neighbours.
 4. The building is at the end of the back garden and occupies nearly the full width of the garden. It has replaced a shed that had the same footprint, which was approved more than 20 years ago and was becoming beyond repair.
-

5. The building has a tiled pitched roof and the walls have been covered in white UPVC shiplap cladding. The eaves height is about 2.5m (measured from the ground level of the former shed) and the pitched roof has a low profile rising to about 4m high at its ridge. The building does not reduce neighbours' privacy or significantly overshadow the gardens at each side of it, and there is a park at its rear. It is somewhat prominent because of its height, but in other respects it looks quite attractive. The neighbour who has commented on it is highly complimentary about its appearance and its improvement on the shed.
6. It appears to me that the building would be within the permitted development dimensions for domestic outbuildings if its height were reduced to no more than 2.5m overall. The appellants have offered to do this and it could be required by varying the terms of the notice. The outcome would be the replacement of the pitched roof by a flat roof. The building would then be similar to the one at No 230, which has a certificate of lawfulness, but it would be unlike those outbuildings in nearby gardens that have pitched roofs. It would be less prominent, but its overall appearance would be impaired because the flat roof would be less attractive than the pitched roof.
7. The amount of floor space provided by the building does not indicate that it is too large to be required for purposes incidental to the enjoyment of the house. The appellants state that it has never been used as primary accommodation, but the photographs taken by the Council in May 2012 suggest that this may have been their intention at that time. However, they do not seek permission to use the building as primary accommodation and have removed many of the items present in May 2012, including the kitchenette. The wash hand basin, shower and w.c. remain, but these facilities are not inconsistent with the incidental domestic purposes for which the building could be required.
8. 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.
9. On balance and taking into account the appellants' permitted development rights, the objectives of these policies will be maintained and neighbours' amenities will be protected if the building is allowed to remain as it stands, subject to a planning condition restricting its use to purposes incidental to the enjoyment of the house. The appeal on ground (a) has therefore succeeded and a conditional planning permission has been granted.

Ground (f)

10. In view of the success of the appeal on ground (a), the notice has been quashed. Ground (f) no longer falls to be considered.

D.A.Hainsworth

INSPECTOR

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