



Planning Committee

Wednesday 22 May 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)
John (Vice-Chair)
Aden
Baker
Cummins
Hashmi
Kabir
Kataria
CJ Patel
Powney
Singh

first alternates

Councillors:

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

second alternates

Councillors:

Adeyeye
Ogunro
Moloney
HB Patel
Sneddon
Beck
Powney
Naheerathan
Lorber
Harrison
Mashari

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

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www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

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

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting		1 - 12
Extract of Planning Code of Practice		
APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING		
3. Asquith Court Schools, 9 The Ridgeway, Harrow, HA3 0LJ (12/3238)	Kenton	17 - 26
4. 904 Harrow Road, London, NW10 5JU (13/0224)	Queens Park	27 - 44
NORTHERN AREA		
5. Former Oriental City, 399 Edgware Road, Kingsbury, London, NW9 (12/2166)	Queensbury	45 - 110
SOUTHERN AREA		
6. Church Road Car Park rear of 189-203, Church Road, London, NW10 (11/1458)	Dudden Hill	111 - 118
7. 126 Acton Lane, London, NW10 8TX (12/2636)	Harlesden	119 - 124
8. 249 Kilburn High Road, London, NW6 7JN (12/2394)	Kilburn	125 - 130
9. Flat 2, 2 Buxton Road, London, NW2 5BJ (13/0435)	Willesden Green	131 - 136
WESTERN AREA		
10. GRATTON GUEST HOUSE, 147 Wembley Hill Road, Wembley, HA9 8DU (13/0539)	Tokington	137 - 148
11. First Central, Coronation Road/Lakeside Avenue, Park Royal, NW10 (13/0552)	Stonebridge	149 - 158
12. PORTLAND HOUSE, 69-71 Wembley Hill Road, Wembley, HA9 8BE (13/0559)	Tokington	159 - 170
SPECIAL ITEM		
13. Basement Developments in Brent - Proposed additional planning application validation requirements		171 - 178

This report reviews Brent's approach to basement developments and proposes some measures to assist the assessment of applications as well responding to the concerns that are raised.

PLANNING APPEALS

14. Planning Appeals - April 2013

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Site Visit - 18 May 2013

SITE VISITS – SATURDAY 18 MAY 2013

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
13/0539	GRATTON GUEST HOUSE, Wembley Hill Road, Wembley, HA9 8DU	147 10	Tokyngham	9:40	137 - 148
12/3238	Asquith Court Schools, Ridgeway, Harrow, HA3 0LJ	9 The 3	Kenton	10.15	17 - 26
13/0435	Flat 2, 2 Buxton Road, London, NW2 5BJ	9	Willesden Green	10:50	131 - 136
12/2166	Former Oriental City, 399 Edgware Road, Kingsbury, London, NW9	5	Queensbury	11:20	45 - 110

Date of the next meeting: Wednesday 19 June 2013

The site visits for that meeting will take place the preceding Saturday 15 June 2013 at 9.30am when the coach leaves Brent House.



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

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Wednesday 17 April 2013 at 7.00 pm

PRESENT: Councillor Ketan Sheth (Chair), Councillor Daly (Vice-Chair) and Councillors Aden, Cummins, Hashmi, Kansagra, John, CJ Patel, RS Patel, Krupa Sheth and Singh

Also present: Councillors Gladbaum, Hector, Hossain and HB Patel

Apologies for absence were received from Councillor Baker.

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

Councillor Kansagra declared that as a ward member, he had received correspondence about the application for Asquith Court Schools, 9 The Ridgeway (item 3), which he had passed on to officers.

2. **Minutes of the previous meeting**

RESOLVED:-

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

3. **Asquith Court Schools, 9 The Ridgeway, Harrow, HA3 0LJ (Ref. 12/3238)**

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.

RECOMMENDATION:

- (a) Grant planning permission subject to conditions and 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.

Councillor Kansagra requested a site visit to enable members to assess the impact of the development in particular, potential increase in traffic and congestion in the vicinity.

DECISION: Deferred for a site visit to enable members to assess the impact of the development including potential increased traffic in the area.

4. All Flats, Jubilee Heights, Shoot-up-Hill, London NW2 (Ref. 13/0377)

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.

RECOMMENDATION:

- (a) Grant planning permission subject to conditions, 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

DECISION: Planning permission granted as recommended.

5. Former Willesden New Social Club, Rucklidge Avenue, London NW10 4PX (Ref. 13/0507)

PROPOSAL:

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

RECOMMENDATION:

- (a) Grant planning permission subject to conditions and 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.

With reference to the tabled supplementary report, Andy Bates, Area Planning Manager drew members' attention to the issues raised at the site visit and additional objections raised by Councillors Powney and Hector. He stated that majority of the concerns expressed by residents including issues relating to the cantilevered section and minor alterations to the massing had been dealt with in the main report. Andy Bates continued that Transportation Officers had confirmed that any disabled resident could apply for an on-street parking bay to be provided. In respect of the proposed height of the building, he stated that information submitted with the application confirmed that at its highest point the proposed

development would be no higher than the “Design Works” building on the opposite side of Rucklidge Avenue.

Andy Bates clarified that the top floor of the proposed development would be set away from the edge of the building (by 3.3 metres on Rucklidge Avenue elevation) so that the eaves of the new flatted block would actually be 2.7 metres below the height of Design Works. In terms of congestion, he reiterated that the scheme would be "car free" and coupled with existing parking controls, would safeguard parking amenity of the area during peak hours. In addition, the ground floor commercial unit would have its own dedicated servicing bay.

Rita Taylor in objection to the proposal raised the following concerns:

- Due to its overhang on Park Parade, the scheme would be overbearing and out of character with the streetscene.
- Due to its excessive height, the proposed building would fail to integrate with the properties on Rucklidge Avenue
- With small balconies which would fail to meet standards, the scheme would provide poor levels of amenity to future occupiers.

Rita Taylor urged members to refuse the current application and request the applicant to re-submit a scheme with an amended design.

Ian Britton, Chair of Rucklidge Avenue Residents' Association (RARA), in objecting to the proposed development, raised the following issues:

- The development, which would be forward of the building lines, would be over-intensive and visually overbearing.
- The size, bulk and massing of the proposed development would be out of character with the properties in the area.
- It would represent an intensive development with dense design and poor level of internal amenity.
- The cantilevered design would be out of character with properties in the area and conflict with the guidelines set out in the Mayor of London's London Plan.
- With small balconies and only 2 out of 22 flats having rear gardens, the development would provide inadequate amenity space for the residents.
- Despite being a car free development (with no on-site parking facilities) within a controlled parking zone, the scheme would add to traffic congestion as Rucklidge Avenue was 100% fully parked.
- Residents were not re-consulted about the scheme.

Mr Britton alleged that the previous application for the site was granted planning consent based on inaccurate information. He therefore urged members to refuse the current application to enable the applicant to discuss the issues raised by residents.

In accordance with the Planning Code of Practice, Councillor Hector, ward member, stated that she had been approached by local residents. Councillor Hector raised objections to the application on the following grounds:

- The bulk of the proposed building would be out of proportion with the surrounding area and constitute an over-development of the site.

- The full impact of the development particularly the health and safety aspects of the electricity substation had not been assessed by the applicant.
- The building would constitute a visibility hazard for traffic and pedestrians because of its excessive height.
- Increased scale and massing of the building would adversely impact on neighbouring amenity.
- Poor lighting in the area would encourage anti-social behaviour around the site.

Mark Pender, the applicant's agent, stated that design changes were made to the scheme to enable the development to be built above the electricity sub-station and cantilevered to allow floor space. He added that as the differences between this and the previous application that was granted consent were marginal, it was not considered necessary to re-consult with residents. In addressing concerns about traffic, the agent stated that the development would be "car free" and easily accessible to public transport network with a good PTAL rating of 6.

In addressing the views expressed by the objectors, the agent stated that the scheme was well designed to blend in with the townscape and that its height would be lower than the Design House on the opposite side of the road. He added that the balconies would be identical to the extant scheme that was granted planning consent, drawing attention to the financial contribution for the Section 106 legal agreement.

The Area Planning Manager added that the cantilevered design would not encourage anti-social behaviour and in his view the application, incorporating a balanced building line, represented a quality scheme. He clarified that the scheme was revised in order to remove the overall mass over the electricity sub-station and not for health and safety reasons. He added that the consultation on the application complied with the normal approach to schemes of this nature.

DECISION: Planning permission granted as recommended.

6. 11A and 11B Harlesden Gardens, London NW10 4EY Ref. 12/3380)

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).

RECOMMENDATION:

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

DECISION: Planning permission granted as recommended.

7. Jubilee Clock, High Street Harlesden NW10 (Ref. 13/0500)

PROPOSAL:

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

RECOMMENDATION: Grant listed building consent subject to conditions.

With reference to the tabled supplementary report, Andy Bates, Area Planning Manager informed members about a letter of support received from Harlesden Town Team (HTT). HTT, representing local residents and businesses in the Harlesden area, stated that the repositioning of the clock would benefit the community as a whole.

Ian Britton, Chair of Rucklidge Area Residents' Association (RARA) in objection stated that the regeneration of Harlesden Town Centre could proceed without the need to relocate the jubilee clock as he felt that its current location would not delay the regeneration project. He added that the proposed road layout would slow down local traffic, especially buses which would need to slow down considerably to make safe turns, thus carrying a far greater potential risk of collision with the clock. Ian Britton continued that the relocation of the clock to a slightly smaller island would encourage litter around it as well as lead to loss of landmark status.

Leroy Simpson, Chair of Harlesden Town Centre Team speaking in support of the application stated that the relocation of the clock was part of a major regeneration of Harlesden that had been fully consulted upon with residents and who fully supported the proposals. He added that the proposed location for the clock would assist in speeding the flow of traffic. In response to members' questions, Leroy Simpson stated that the clock had been moved before in the distant past to its present location and that it was unlikely that the new location would attract or encourage litter around the clock.

In accordance with the Planning Code of Practice, Councillor Gladbaum, ward member, stated that she had received a letter from an objector which she had forwarded to Planning Services. Councillor Gladbaum spoke in support of the regeneration project and the need for the relocation of the clock to facilitate a better flow of traffic in the Harlesden area.

In accordance with the Planning Code of Practice, Councillor Hector, ward member, stated that she had been approached by residents. Councillor Hector expressed a view that the proposed relocation would be out of character with the High Street. She added that most residents had expressed a preference for the retention of the clock in its current location as the proposed relocation would only obscure the clock.

Anna Dennemann, the applicant's agent informed the Committee that the relocation of the clock tower was essential to progress the regeneration of the Town Centre, under proposals agreed by the Council's Executive and Highways

Committee. She outlined the benefits of the regeneration project which she added had been widely consulted on with residents. Anna Dennemann urged members to support the recommendation for listed building consent.

DECISION: Listed building consent granted as recommended.

8. 300 High Road, London NW10 2EN (Ref. 13/0178)

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.

RECOMMENDATION:

- (a) Grant planning permission subject to conditions and 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.

DECISION: Planning permission granted as recommended.

9. 904 Harrow Road London NW10 5JU (Ref. 13/0224)

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.

RECOMMENDATION: Refuse planning permission.

With reference to the tabled supplementary report, Andy Bates, Area Planning Manager outlined the points raised by some residents in support of the application. He added that whilst a number of issues raised had been addressed, fundamental aspects of the scheme that had been consistently raised with the applicant relating to the design, quality of accommodation, impact on residential amenity and poor landscaping remained unresolved. Furthermore, the applicants had confirmed that they did not wish to change the proposal further.

Dave Hallberry, representing Kensal Triangle Residents' Association (KTRA) highlighted the following points in support of the application;

- Current usage as a petrol station was causing significant problems including drug dealing, general crime and noise nuisance.
- If the current use became unviable, the land could become derelict with associated social problems.

- Design changes had been made by the applicant to prevent overlooking to nearby residents.
- Concerns about construction management had been addressed by the applicant by signing up to the considerate contractors scheme (CCS).

Stuart Blakely, the applicant's agent stated that the proposed development would offer a high quality living environment within acceptable densities. He added that the scheme complied with Supplementary Planning Guidance 17 (SPG17) and that no material harm including overlooking would result. In response to members' questions, the agent stated that the scheme would provide adequate amenity space and landscaping which would be set back by 1.5metres from the Harrow Road frontage.

In the discussion that followed, members accepted the principle of development on the site and expressed a view that the application be deferred to enable the applicant to re-negotiate further with the officers on those issues which remained unresolved.

Steve Weeks, Head of Area Planning advised members to agree the recommendation for refusal in principle but to delegate authority to officers to withhold the decision for a 2 week period so as to provide the applicant with the opportunity to agree to make revisions to the scheme, in accordance with the recommendations set out in the supplementary report, to address the reasons for refusal.

DECISION: Permission refused as recommended with decision withheld for a 2 week period to provide the applicant with the opportunity to agree to make revisions to the scheme in accordance with the recommendations set out in the supplementary report to address the reasons for refusal.

10. 61A Station Grove, Wembley, HA0 4AR (Ref. 13/0110)

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.

RECOMMENDATION:

- (a) Grant planning permission subject to conditions and 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.

DECISION: Planning permission granted as recommended.

11. Wembley High Technology College, East Lane, Wembley HA0 3NT (Ref. 13/0230)

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).

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted as recommended.

12. 15 Steele Road, London NW10 7AS (Ref. 13/0236)

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).

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

DECISION: Planning permission granted as recommended.

13. Car Park, Brook Road, Wembley, HA9 (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:

- (a) Grant planning permission subject to amendments to conditions 2, 9, 23 and 30 and to the Heads of Terms of the Section 106 obligations or 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.

With reference to the tabled supplementary report, Neil McClellan, Area Planning Manager, informed members that additional representations had been received since the report was circulated but raised no new issues. He also updated members about a tree that he understood from the owners of the site (Transport for London) was leaning precariously over the road and for which reason the owners were intending to remove it. The Area Planning Manager then drew members' attention to amendments to conditions 2, 9, 23 and 30 and to the Heads of Terms of the Section 106 obligations as set out in the supplementary report.

Mr Barry Hargraves, an objector alleged that the proposed scheme would result in a shortfall of eighty car parking spaces and as Brook Avenue was already heavily parked, unbearable traffic congestion would ensue. The resultant pollution would have an adverse impact on residential amenity, giving rise to a significant deterioration in the quality of life of local residents. He also expressed concerns about the height of the proposed blocks and suggested that a 2 or 3-storey block would integrate with the character of houses on Brook Avenue.

Paula Saunders, a local resident objected to the proposed development on the following grounds:

- The proposed 8-storey blocks would be excessive in height and overbearing within a residential area which comprised mainly domestic houses.
- It would thus result in overlooking and loss of privacy to neighbouring residents.
- It would constitute an over-development of the site with high density flats which would be detrimental to the neighbouring houses on Brook Avenue.
- The proposed parking provision would be insufficient and despite being a “car free development”, the scheme would exacerbate the existing traffic situation on Brook Avenue particularly as there would be only one vehicular access into the development.
- As the car park (the site) was already situated in an elevated land above the road, the 8-storey building would be over-imposing when viewed from the other side of the road, despite the proposed woodland buffer.
- The 8-storey block of flats at the end of the road adjacent to the Premier Inn should not be used as a precedent for the rest of the road as that building was situated next to another 8-storey building.
- The proposal would set a dangerous precedent for future undesirable developments in the area.

In response to members’ questions, Paula Saunders stated that the proposal would lead to overshadowing especially to the residents in bungalows on Brook Avenue. She continued that as the site was situated on a bank of about one metre high, the high rise block of flats would lead to loss of privacy and overshadowing. Paula Saunders added that even with careful landscaping, the impact on the surrounding area would be overpowering and would take many years for trees/shrubs to mature enough to mitigate loss of privacy and overlooking that would ensue.

In accordance with the provisions of the Planning Code of Practice, Councillor HB Patel, ward member declared that he had been approached by the residents. Councillor Patel stated that the proposed development, in view of its height on a raised bank, would cause overshadowing, overlooking and loss of privacy. In addition to the above, as the scheme would provide twenty seven (27) instead of one hundred and thirty six (136) car parking spaces, the parking situation and traffic movements would be chaotic on a road that was heavily parked throughout the day. Councillor Patel urged members to defer the application for a site visit to enable members and residents to have a proper

dialogue during the visit or alternatively to refuse the application in its present form.

In accordance with the provisions of the Planning Code of Practice, Councillor Choudhary, ward member stated that he had not been approached in connection with the application. Councillor Choudhary expressed concerns about increased traffic that would ensue and highlighted the need for a traffic analysis report to be considered by members before deciding on the application. He also expressed concerns about the height of the blocks, the increase in population and the potential increase in demand for school places.

Mr Dominic Tombs, the applicant's agent informed the Committee that the land had been declared surplus to requirements by Transport for London (TfL), the owners. The proposed car free development which complied with Supplementary Planning Guidance 17 (SPG17) and the London Plan in terms of its density, would maintain a separation distance of 43 metres. Mr Tombs continued that the scheme would provide a significant contribution to a much-needed family accommodation for social rent whilst providing a good living environment for future occupants as well as making a positive contribution to the visual amenities of the area. He added that the development would not cause material harm to the amenities of neighbouring occupants. The scheme, which was supported by officers, was judged to be a sustainable development that optimised the use of a site. He continued that the site was close to good transport links within the Wembley Growth Area and in accordance with the objectives of the National Planning Policy Framework, the London Plan 2011 and the Brent development plan documents.

In response to members' enquiries the applicant's agent confirmed that a report on acceptable noise levels had been submitted with the application and that a separation distance to the nearest residential property of 43 metres would be maintained. He added that the Heads of Terms of the Section 106 legal agreement required the applicant to make a contribution towards school places as set out in the officers' report. Mr Tombs then invited the applicant's architect to clarify certain aspects of the development.

Steve Wright, the applicant's architect clarified that the closest point to the railway line would be about 7metres and that the total height of the 8 storey block would be about 27 metres, both of which complied with the Design Access Statement submitted with the application. In respect of parking provisions, the architect stated that the parking spaces had been moderated from 63 to 27 as the development would be "car free" and had a good PTAL rating due to its accessibility to public transport network. He also confirmed that in addition to flyers sent to all neighbouring residents inviting them to comment on the scheme, the applicant's project team visited residents and responded to their queries.

In responding to Councillor HB Patel's request for a site visit, the legal representative clarified that in accordance with paragraphs 20 and 23 of the Planning Code of Practice the purpose of the Committee's site visit was to enable members to gain information relating to the land and buildings and that whilst on site, members were not to engage individually in discussion with applicants and objectors. With that in place he advised that exchanges between members and objectors could not take place if the Committee agreed to a site visit.

During members' discussion, issues were raised about the decibel levels from the railways to the site, what mitigating factors had been put in place to minimise resulting vibration, contribution levels towards school places, parking spaces and the impact of the development on neighbouring residents in view of its topography.

Neil McClellan responded that all habitable windows would have double or triple glazing, fitted with sound attenuated air vents and that no primary habitable room windows would face towards the railway. He referred to condition 29 which required the residential units to be designed to meet the 'Sound Insulation and Noise Reduction Code of Practice' (BS8233:1999) and that following completion of the development tests would be carried out to ensure that it had met the Code of Practice. He then clarified that a contribution towards education would be included in the overall financial contribution set out in the Heads of Terms of the Section 106 legal agreement in line with the Council's adopted Supplementary Planning Documents (SPD) on Section 106 Legal Agreements. The Area Planning Manager continued that the loss of car parking was acceptable in view of the site's accessibility to good transport network and good PTAL rating. He added that if parking displacement became a problem then additional measures including controlled parking (CPZ) would be considered. Members heard that the separation distance between the proposed blocks met SPG17 guidelines and that the scheme would benefit from a significant landscaping scheme.

Steve Weeks, Head of Area Planning added that the applicant would be required by way of a condition to submit details of measures to ameliorate noise levels including rigorous testing. He also clarified that section 106 contributions were applied towards building school extensions.

DECISION: Planning permission granted as recommended.

14. Barnhill and Queens Park Conservation Design Guide - response to consultation

Members considered a report which set out comments received following the public consultation of the Barn Hill Conservation Area Design Guide and Queens Park Conservation Area Design Guide and the changes made as a result. Members' attention was drawn to the key changes made as a result of the consultation responses and as set out in the report which included the following:

- More detailed guidance on designing extensions which would 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 would protect the privacy of neighbouring properties and 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 were provided.

Robert Dunwell Chairman of Barnhill Residents Association (BHRA 2004), part of the Queensbury Area Residents' Association (QARA) Group of Associations expressed concerns that the report before members failed to set out detailed consultation responses. He therefore urged members to refuse to endorse the recommendations in the report.

Rachel McConnell, Area Planning Manager clarified that the report set out the issues raised and the comments made (including those made by Robert Dunwell), following the consultation. The Head of Area Planning added that a report would be submitted in future setting out options for considering basement applications.

RESOLVED:

that the proposed revisions to the Barn Hill Conservation Area Design Guide and Queens Park Conservation Area Design Guide be endorsed to be presented to the Executive Committee for formal adoption.

15. Planning Appeals 1 Feb - 31 March 2013

RESOLVED:

that the planning appeals for 1 February to 31 March 2013 be noted.

16. Any Other Urgent Business

None.

The meeting ended at 10:05pm

KETAN SHETH
Chair

EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

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

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

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


STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

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

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

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

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 **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.

The application is reported to the Planning Committee following the meeting held on 17 April 2013 where Members deferred consideration for a site visit in accordance with the provisions of Clause 19 of the Planning Code of Practice. In addition, further information was requested detailing accident data in the area local area.

Details of Accident Data

The Council's Highways Department have provided details of one personal injury accident in the local area occurring in the last three-year period. The accident resulted in a slight injury to a cyclist, which was as a result of the cyclist breaking and being hit by a car at the south of the junction of Draycott Avenue and The Ridgeway.

Further objection and Call-In Request

Additional objections were received on 4 April 2013 and 30 April 2013 on behalf the Kenton Ward Councillors: Councillor Reg Colwill, Councillor Suresh Kansagra and Councillor Bhikubhai Patel. This included a written request that the application be called-in under the provisions of the Constitution for the application to be decided by Committee. The following objections are raised:

- This is a dangerous junction and parked cars will make it worse;
- Severe congestion already occurs in this area and prevents access;
- An increase in parked cars will result in a restriction of the view;
- The proposal will have a severe impact on local residents, pedestrians and other road users;
- The proposal will have a detrimental impact on the street scene.

These objections have been considered in the *Remarks* section of the Committee Report.

Recommendation: Remains approval subject to a legal agreement.

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 alternatives 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	See Sections 2 and 3 above

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	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 Audit 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 experience 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.

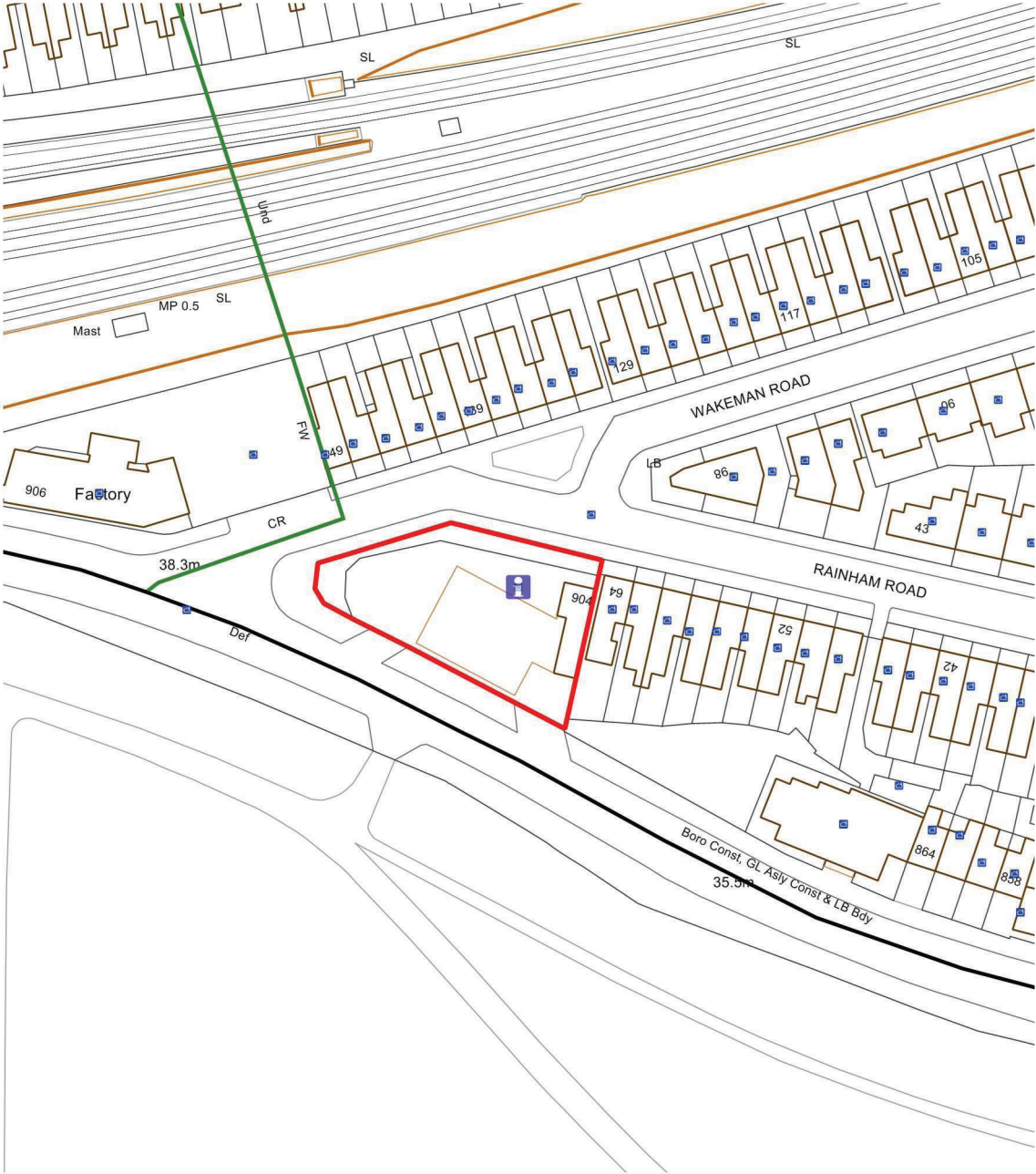
INFORMATIVES:

- (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

	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 20 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

BACKGROUND

This Report follows last April's Planning Committee where the recommendation was to refuse this application and Members decided to support the recommendation, and delegate this decision, but subject to a two week period to allow the applicant to consider changes to overcome the recommended reasons for refusal.

Since the April Planning Committee the applicant has confirmed their agreement to revise the scheme and revised plans have been submitted which have addressed design concerns expressed previously. There is however an outstanding affordable housing matter which the report below expands on further. At the time of the previous recommendation in April, Officers had not pursued the detailed heads of agreement of a potential Section 106 legal agreement with the applicant since there were fundamental design and massing concerns which could impact on unit numbers, and therefore, overall viability which first needed to be resolved.

However, the previous report had set out that appropriate mitigation for the shortfall in affordable housing could be sought through the Section 106 agreement and in the "Density and Mix" section of the report had queried the applicants financial appraisal. As such it did not appear as a reason for refusal. Since the April Committee, these design concerns have been resolved, and Officers have sought agreement in principle to the suggested Section 106 heads of terms with specific clauses to deal with affordable housing. Unfortunately, there has been a failure to agree to the terms of the Section 106 and, regrettably, the

recommendation is for permission to be refused on this ground. The issue is expanded up[on in the "Remarks" section below.

Since the April Committee an additional letter of support has been received bringing the total to 12 letters of support received. The Council's Transportation Engineer has considered the revised car parking and access arrangements. He has stated that the revisions are acceptable in highway terms.

The original report to the April Planning Committee is attached to this report as **APPENDIX 1.**

RECOMMENDATION

Refuse

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £74,805.50.

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	1895.5	1895.5
2	0	0	0	301.8	301.8

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0	0	0	21973	21973

HISTORY

As explained above, the report to the April Committee on this application was recommended for refusal. For the information of Members, and for the sake of completeness, the draft reasons for refusal are listed below:

(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

(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"

REMARKS

Following changes since the April Planning Committee, the revised development description is now as follows;

Demolition of existing petrol filling station and construction of part three, part four storey (over undercroft) building comprising 20 residential units, amenity space, undercroft car and cycle parking and associated landscaping and access arrangements.

Specifically, the following changes have been made to the proposal in an effort to address Officers, and Members, concerns;

- Omission of lower ground floor unit fronting Harrow Road and retention of unit L02 (to the east of the car park access when viewed from Harrow Road) but with revised smaller massing that projects significantly less on the main Harrow Road Elevation compared to the previous scheme.
- Introduction of better quality external landscape which improves the setting of the building.
- Agreed contribution of £10,530.27 to offset the developments' short fall of external amenity space.
- Revised parking arrangement which improves disabled access.

These changes address reasons for refusal 1 and 2 and, to an extent reason 3, in that the quality of accommodation is improved to an acceptable level and external amenity deficiencies are mitigated through a financial contribution, the scheme no longer is considered to have a detrimental impact to neighbouring amenity, the setting of the building is improved through an acceptable landscape scheme, disabled access is improved, windows are enlarged on the Wakeman Road side, and the Harrow Road Elevation is a better standard. Whilst these changes are welcomed in addressing concerns relating to the design of the scheme, there is still a significant outstanding matter regarding affordable housing.

The scheme previously considered by members included 6 affordable units equating to 28% of the total development. The Local Development Framework Core Strategy policy CP2 sets a target of 50% affordable housing on sites with the capacity to deliver ten or more homes subject to viability. The previous recommendation was that the provision was acceptable subject to review mechanism in the Section 106 agreement with a possible deferred offsite contribution for affordable housing, should scope for additional affordable housing be identified. Officers main justification for this was that the predicted sales values in the submitted viability assessment were lower than what Officers research found the area could yield generally. Therefore, with more value identified compared to what had been presented, and the level of affordable housing being significantly less than the required 50%, the Council would need to be able to secure additional contributions toward affordable housing should these higher values be realised.

Following the April Committee, the revised scheme reduced the units from 21 to 20 and the number of affordable units from 6 to 4. Officers informed the applicant that based on the viability information submitted, the provision of 4 affordable units was unacceptable and would only accept a revised proposal with 6 affordable units with a review mechanism as per the original recommendation. The applicant has agreed to include 6 affordable units in the scheme however they have not agreed to the review mechanism.

In reaching this position, The Council have assessed the revised viability assessment and have identified that there is greater scope for affordable housing than has been conveyed. Officers have identified that the site is in a high value area of the Borough and demonstrated this with relevant examples of sales. In drawing up the

Councils local Community Infrastructure Levy, BNP Paribas Real Estate advised the Council that in Q4 2011, £677 per sq. ft. sales values were achieved on the City View development, which is about 500 yards from the Total Garage site. In Q2 2011, £562 per sq. ft. sales values were achieved on the Zahra House development, which is less than 100 yards from the Total Garage site. These values are significantly higher than those assumed in the toolkit and house prices in the area have in any case been seen to increase in the period between those achieved sales and today. The submitted values as such are 15% below, and more likely 25% below, what we would expect to see in this area of the Borough. In addition to sales values, Officers have identified a number of discrepancies in their valuation which depresses the residual value further;

- Minor discrepancies in the toolkit area schedule compared with the latest accommodation schedule, together with an approach that inputs tenure by percentage rather than by unit, have a net detrimental effect on the scheme revenue.
- Use of the 2011 version of the toolkit, rather than the more recent 2012 version, means rents are understated with a net detrimental effect on scheme viability.
- Use of GLA 2011 Brent borough benchmarks rents and failure to account for the higher value locality of the site. Again, the effect is detrimental to scheme viability. Considering market rents in the area today, GLA median rents for 1, 2 and 3 bedroom properties in the NW10 postcode are £225, £330 and £418 per week respectively. Considering target rents in the area today, a conservative view would be to increase the GLA 2012 Brent target rent levels by 10% to account for inflation and the higher value area in which the site is located.
- No assumption has been made for the price a Registered Provider would pay for new affordable housing over and above the capitalised rental stream.
- Use of a 30% premium over the existing use value of the site has not been justified, and a 20% premium is more commonly assumed.

In the absence of a revised viability assessment based on 6 affordable units, the Council have not been given sufficient evidence, or justification, why the provision of 30% affordable housing is acceptable, and based on the evidence set out above, which suggests the scheme may have a higher residual value than has been indicated, the Council would only recommend approval if a review mechanism, based on future sales performance were included in the Section 106 Agreement in order to identify any further capacity for affordable housing.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) In the absence of a legal agreement to control the matter, the development does not provide an acceptable level of affordable housing and fails to supply sufficient evidence on grounds of viability to justify this shortfall, contrary to the adopted London Borough of Brent Core Strategy Policy CP2 and Supplementary Planning Document "S106 Planning Obligation."

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

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Committee Report
Item No.09
Planning Committee on 17 April, 2013
Case No.13/0224

Site address: 904 Harrow Road, London, NW10 5JU

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.

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 Council's 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 deliver 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 borough's 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 developer's 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% developer's 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 is 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 it is acceptable in technical terms and that the layout of the car park provides sufficient aisle widths for manoeuvring.

Sustainability

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".

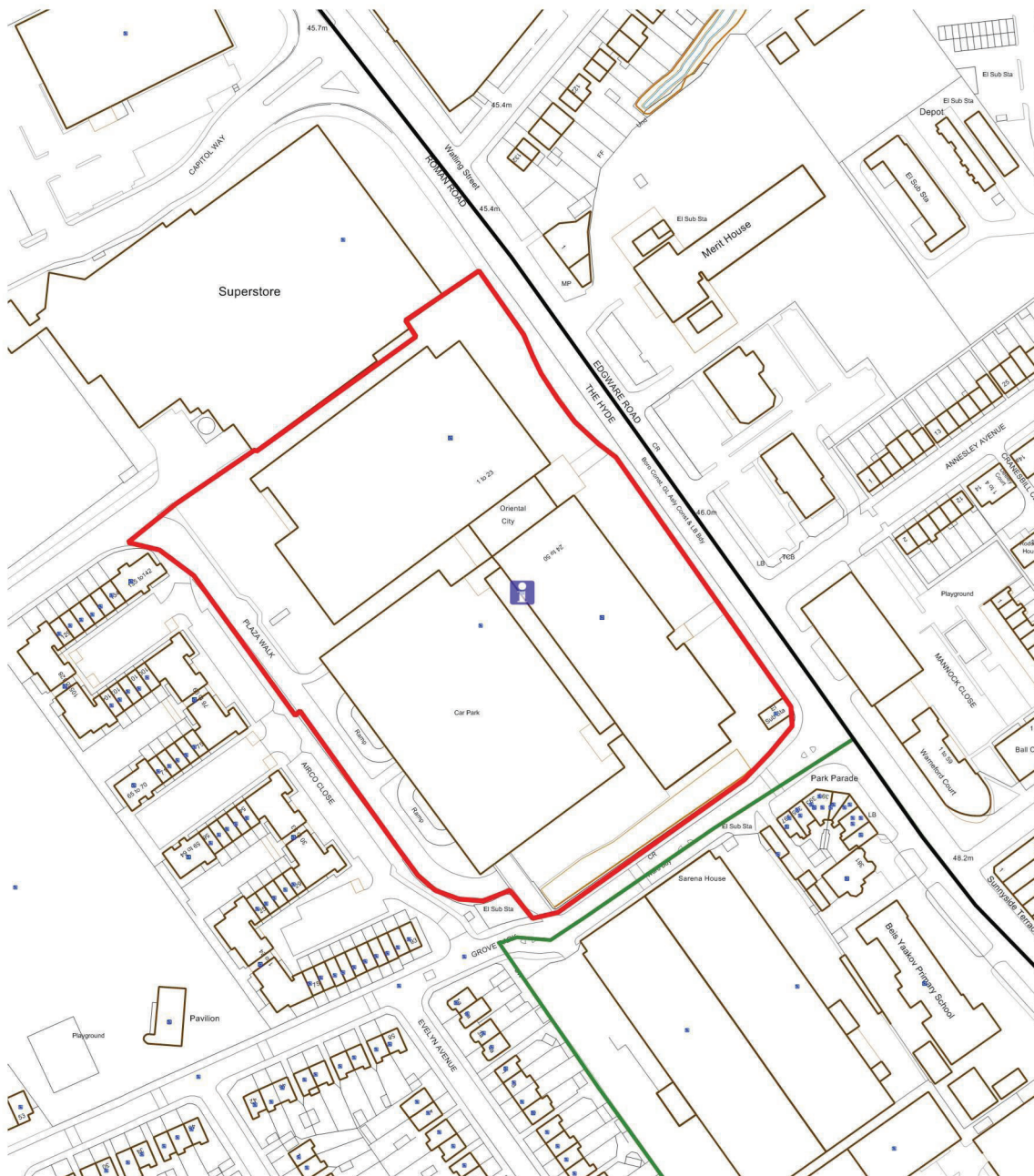
INFORMATIVES:

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

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 **Planning Committee Map**
Site address: Former Oriental City, 399 Edgware Road, Kingsbury, London, NW9
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This map is indicative only.

RECEIVED: 11 September, 2012

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Former Oriental City, 399 Edgware Road, Kingsbury, London, NW9

PROPOSAL: A hybrid planning application, as amended by plans received 1 November 2012, for the demolition of all existing buildings and structures and:

- full planning permission (Phase 1) for comprehensive mixed-use development comprising full planning permission the erection of a 7,817sqm gross external area (GEA) Class A1 retail foodstore with associated service and delivery yard; 5,207sqm GEA of new Oriental and Far Eastern Floorspace to include shops, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways and non-residential institutions (Class A1, A2, A3, A4, A5, B1 and D1); podium slab along Airco Close; a site-wide energy centre; associated car parking spaces, motorcycle parking spaces and cycle parking spaces; associated landscaping and public realm works; new vehicular access from Grove Park and vehicular access from Plaza Walk and associated highway works; and
- outline planning permission (Phases 2 and 3) comprising residential floorspace (Class C3, accompanied by illustrative residential accommodation schedule indicating 183 residential units), associated car parking spaces and cycle parking spaces, associated landscaping and new vehicular access from Airco Close (Phase 2, all matters reserved) and two form of entry primary school and nursery (Class D1, Phase 3, all matters reserved).

The application is accompanied by an Environmental Statement (revised October 2012).

APPLICANT: Development Securities (Projects) Ltd.

CONTACT: QUOD

PLAN NO'S:
See Condition 3

RECOMMENDATION

To:

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

SECTION 106 DETAILS

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

1. Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement

- and (ii) monitoring and enforcing its performance
2. Transfer of Land to Council for Nursery (60 places) and two form of entry primary school (420 places), with appropriate fallback provisions
 3. A mechanism for providing an offsite contribution towards affordable housing provision following completion of the development should market conditions improve
 4. A contribution of £303,000 due on material start and index-linked from the date of committee for Transportation (including TfL)
 5. A contribution of £150,000 due on material start and index-linked from the date of committee for Open Space and Sport, Local Health Care, Air Quality, Bio-diversity in the local area
 6. Highway Works – enter into a s278/s38 agreement for highway works
 7. Community Access Plan to include 28sqm of community space for local residents and groups supporting Oriental culture, for not less than 45hrs p/w and use of other parts of the development for cultural purposes
 8. Provision of an Oriental Cultural Centre (the OFEF) which shall include A1, A2, A3, A4, A5, B1 and D1 with limitations on the sale of goods within retail areas and a strategy to ensure other commercial uses are compatible with an Oriental Cultural Centre
 9. Sustainability Strategy to include Sustainability Checklist score of at least 50%, BREEAM Excellent and Code for Sustainable Homes Level 4 with compensation if not met, 25% improvement on Part L Building Regs 2010 TERs, sign up to ICE Demolition Protocol
 10. Sign up and adhere to the Considerate Contractors Scheme
 11. Energy Strategy to include 20% on site renewable energy provision with compensation if not met
 12. Travel Plans for the Commercial, Residential and School phases
 13. Car-free development in the event that a CPZ is imposed at a later date
 14. Measures to establish and promote a Car Club on the site, including the setting aside of two parking spaces for Car Club vehicles and the funding of two years' free membership for all new residents
 15. Employment and Training – to employ and/or train Brent residents as a proportion of the construction workforce
 16. Right of the public to use parts of the development

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 £1,850,608.52.

EXISTING

The site is located on the Edgware Road (A5) in Colindale. Edgware Road is a key arterial road and forms the boundary between the boroughs of Brent and Barnet. The site comprises a number of vacant buildings which until June 2008 housed 'Oriental City', a commercial and retail centre which provided goods and services orientated towards the Asian Market; the centre also provided a focus for the Oriental community. It comprised:

- Oriental retail shops ranging from clothing to furniture;
- An Oriental food supermarket; and
- A food court, restaurants and amusement game centre

The existing Oriental City building covers approximately 12,212sqm and is supported by 20,902sqm of decked car park (711 car spaces).

Bound to the east by the Edgware Road, to the north by a large Asda superstore, to the west by residential development of Airco Close and the south by Grove Park, the site covers an area of approximately 2.87 ha. The surrounding land uses are generally light industrial/commercial with the exception of Airco Close. Residential uses extend west along Grove Park towards Stag Lane.

The site lies within the north-west London Co-ordination Corridor identified in the London Plan and is part of the Burnt Oak/Colindale Growth Area as identified in policy CP11 of the adopted Core Strategy. It is included in the adopted Site Specific Allocations 2011, combined with the Asda site, as allocation B/C1.

The London Borough of Barnet, opposite, has similar plans for sustainable growth with that part of Colindale lying within its boundaries; the Colindale Area Action Plan was adopted in 2010.

The site has a significant fall in levels from the south-west (junction of Grove Park and Airco Close) falling to the east and north; the existing development negotiates this change in levels by digging down into the higher ground, such that an approximately level site is to be had from the Edgware Road. As a result, development to the rear (west) of the site is some 2m or so beneath the level of Airco Close at its junction with Grove Park.

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	dwelling houses	

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	0	0	0	26344	26344
2	0	0	0	25371	25371

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0	0	0	51715	51715

PROPOSAL

1. Summary of the proposal

The application is for a hybrid planning permission, which if granted would give full detailed permission for Phase One (the retail foodstore and Oriental and Far Eastern Floorspace) and outline permission, with all matters reserved, for Phases Two (residential) and Three (primary school):

- (a) full planning permission (Phase 1) for comprehensive mixed-use development comprising full planning permission the erection of a 7,817sqm gross external area (GEA) Class A1 retail foodstore with associated service and delivery yard; 5,207sqm GEA of new Oriental and Far Eastern Floorspace to include shops, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways and non-residential institutions (Class A1, A2, A3, A4, A5, B1 and D1); podium slab along Airco Close; a site-wide energy centre; associated car parking spaces, motorcycle parking spaces and cycle parking spaces; associated landscaping and public realm works; new vehicular access from Grove Park and vehicular access from Plaza Walk and associated highway works; and
- (b) outline planning permission (Phases 2 and 3) comprising residential floorspace (Class C3, accompanied by illustrative residential accommodation schedule indicating 183 residential units), associated car parking spaces and cycle parking spaces, associated landscaping and new vehicular access from Airco Close (Phase 2, all matters reserved) and two form of entry primary school and nursery (Class D1, Phase 3, all matters reserved).

The application is accompanied by an Environmental Statement.

2. Details of the proposal

In simple terms, the retail foodstore would occupy most of the northern half of the site, with the school along its western edge, and Phase Two most of the southern half, with the Oriental and Far Eastern Floorspace (OFEF) along its eastern edge.

1. **Phase One**

The retail foodstore would have a gross external area (GEA) of 7,817sqm, which would include the atrium entrance, staff facilities, warehouse, mezzanine and other plant rooms etc. The resulting sales area would be 5,451sqm GEA (or 5,333sqm gross internal area (GIA)).

The foodstore would be erected at first floor, above an undercroft car park. Customers who drive to the store would access via one of two routes, either via a ramp down from Grove Park or from an access at grade from Capitol Way via Plaza Walk, an existing route which routes around the existing Asda car park. All service and delivery vehicles would use the same route from Capitol Way and then ramp up to the service and delivery area to the rear (west) of the first floor.

Customers would then walk towards the Edgware Road frontage where access would be provided to the superstore atrium—situated in the north-east corner of the site—where an escalator, lifts and stairs would provide access to the first floor. Pedestrians would be provided with access from Edgware Road into the same atrium. This atrium would project beyond the existing building line and beyond the line of the adjacent Asda building.

Part of the OFEF would be located in the south-east corner of the main Phase One site, with an entrance lobby providing access directly from Edgware Road to a large ground floor restaurant (781sqm GIA). A lift and stairs would provide access to the first floor OFEF food court atrium. There would be no direct access between the superstore and the food court.

No access would be provided directly from the Edgware Road to the car park; the frontage between the superstore atrium and the OFEF entrance lobby would be blank—with the exception of a fire escape and two ATMs—and would serve as natural ventilation for the car park.

The car park would be 11,755sqm and would have 336 standard spaces, 24 disabled spaces and 8 parent and toddler spaces; 28 motorcycle spaces and 116 cycle spaces would be provided.

The OFEF would have a total GEA of 5,207sqm, split between the ground floor retail (2,288sqm GEA), the ground floor retail (829sqm GEA) and the first floor food court (2,090sqm GEA).

2. **Phase Two**

This phase comprises the residential development atop the podium covering the residential car park and the OFEF. This hybrid application is seeking only outline consent for this element, with all matters reserved, though indicative plans have been submitted along with the application and these plans provide a significant amount of detail. A 'Design Code' is also provided within the Design and Access Statement which provides information on elevational treatments and materials, amongst other things.

The indicative plans show a mix of dwelling typologies, with blocks of flats forming a perimeter block around a central square of terraces of town houses and with a terrace of mews houses (single aspect) along the boundary between the residential element and the retail element.

The specific proposals are explained in more detail in sections 6 and 8 of the *Remarks* section, below.

3. **Phase Three**

This phase comprises a new two-form of entry primary school (420 pupils) and nursery (60 children) atop the podium covering the access to the residential car and part of the Morrison's car park. It would be located in the north-west corner of the site, alongside the boundary with Airco Close between that road and the elevated service yard for the retail elements. It would have staff, parent and visitor access to it from parking facilities within the Morrison's car park beneath, servicing would be carried out from the elevated service yard and pedestrian access would be via the route through the residential element, from Airco Close and from Edgware Road. This pedestrian access would be from an entrance facing a small public square.

This element is also only being sought in outline with all matters reserved. Indicative plans show a school that is mostly two-storey and which makes use of the roof space of the building to provide additional play areas.

HISTORY

The most relevant planning history is the most recent. The site benefits from an extant consent (LPA ref: 06/1652 and 10/0775) for comprehensive redevelopment, comprising:

- 520 residential units, of which 21 units would be affordable (shared ownership);
- 10,764sqm of retail floor space for the sale of goods of mainly Oriental and Far Eastern origin (replacement Oriental City);
- 400sqm of community space for local residents and groups supporting Oriental culture;
- 17,801sqm of bulky goods retail floor space;
- 480 place nursery and primary school;
- 2,445sqm of health and fitness studio space;
- 1,098 car parking spaces - comprising 721 spaces for retail users, 5 staff spaces accessed from Grove Park for the school, and 351 (incl. disabled) for residents and a further 21 disabled spaces on the podium.

The application was submitted on 15 June 2006. Members considered this application on 21 November 2006 and resolved to grant permission subject to a section 106 legal agreement. This was signed on 13 June 2007 and a year later, on 1 June 2008, Oriental City was closed for redevelopment. On 31 July 2008 the applicants, Development Securities, sold the site to a new developer, B&S Homes. B&S Homes could not complete the purchase and the site was placed in the hands of an administrator.

The permission was renewed in 2010 (LPA ref: 10/0775) for a further three years under powers granted by the government in 2009 to allow greater flexibility in planning permission.

This was not the first plan for comprehensive redevelopment of the site. Initially, the premises were known as the Yaohan Plaza and encompassed a large site area (4.34 ha), including the land now occupied by the Airco Close residential scheme. In the early 1990s, a plan to redevelop this entire site for retail (A1), professional and financial services (A2), restaurants (A3), Business (B1) and residential (C3) and oriental cultural centre was approved as an outline planning application on 14 January 1992 (LPA ref: 90/1727); most of the reserved matters were approved thereafter, however the residential elements within the scheme, which were indicated to be two to six storeys in height, reaching up to approximately 18.5m, were not built before the reserved matters lapsed.

A certificate of lawful use (LPA ref: 11/2384) was granted on 19/12/2011, confirming the use of 33% of the existing floorspace of each of the retail units implemented under application 90/1727 for unrestricted purposes within Use Class A1 would be lawful, based on the interpretation of the wording of condition 14 of the original permission.

A certificate of lawful use application (LPA Ref: 13/0612) was refused on 30/04/2013; it was determined that the use of the retail floorspace for unrestricted purposes within Use Class A1 implemented under application 90/1727 is not lawful as it would fail to comply with Condition 14 which controls the use of the retail elements of the overall use to the display and sale of goods of Mainly Oriental and Far Eastern origin.

POLICY CONSIDERATIONS

Local

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

Brent Unitary Development Plan 2004

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

Strategic

- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR5 Reduces the need to travel, especially by car.
- STR6 Parking controls
- 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 should make a positive contribution to improving the quality of the urban environment
- STR15 Major development should enhance the public realm

Built Environment

- BE2 Townscape: Local Context & Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for Disabled People
- BE5 Urban Clarity & Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- BE12 Sustainable Design Principles
- BE19 Telecommunications
- BE25 Development in Conservation Areas
- BE33 Tree Preservation Orders

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN4 Measures to make transport impact acceptable
- TRN10 Walkable environments
- TRN11 The London cycle network, schemes should comply with PS16
- TRN12 Road safety and traffic management
- TRN13 Traffic calming
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN16 The London Road Network
- TRN20 London Distributor Roads
- 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.
- TRN30 Coaches and taxis should be accommodated to ensure unloading or alighting does not obstruct the highway
- 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 – Class D1
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

Open Space, Sport & Recreation

- OS9 Dual Use Open Space

Community Facilities

- CF7 New Schools
- CF8 School Extensions
- CF9 Temporary Classrooms
- CF10 Development Within School Grounds

Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

- CP 1 Spatial development strategy
This sets out the spatial strategy, outlining where growth is to be focused.
- CP 5 Place making
Sets out requirements for place making when major development schemes are considered
- CP 6 Design & density in place shaping
Sets out the requirements for appropriate design and density levels for development

- CP 15 Infrastructure to support development
Requires that the infrastructure requirements of new development are met
- CP18 Protection and enhancement of Open Space, Sports & Biodiversity
Protects all open space from inappropriate development. Promotes enhancements to open space, sports and biodiversity, particularly in areas of deficiency and where additional pressure on open space will be created
- CP 19 Brent strategic climate mitigation and adaptation measures
Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas
- CP 23 Protection of existing and provision of new community and cultural facilities
Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

Brent Supplementary Planning Guidance

SPG 17 “Design Guide for New Development” Adopted October 2001

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

SPG19 “Sustainable Design, Construction & Pollution Control” Adopted April 2003

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

SPD S106

Regional

London Plan 2011

Strategic planning in London is the shared responsibility of the Mayor of London, 32 London boroughs and the Corporation of the City of London. Under the legislation establishing the Greater London Authority (GLA), the Mayor has to produce a spatial development strategy (SDS) – which has become known as ‘the London Plan’ – and to keep it under review. Boroughs’ local development documents have to be ‘in general conformity’ with the London Plan, which is also legally part of the development plan that has to be taken into account when planning decisions are taken in any part of London unless there are planning reasons why it should not.

The plan identifies six objectives to ensure that the vision is realised:

- Objective 1: A city that meets the challenges of economic and population growth
- Objective 2: An internationally competitive and successful city
- Objective 3: A city of diverse, strong, secure and accessible neighbourhoods
- Objective 4: A city that delights the senses
- Objective 5: A city that becomes a world leader in improving the environment
- Objective 6: A city where it is easy, safe and convenient for everyone to access jobs, opportunities and facilities

Key policies include:

Social Infrastructure

- 3.16 Protection and Enhancement of Social Infrastructure
- 3.18 Education Facilities
- 3.19 Sports Facilities

London’s Response to Climate Change

- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling

- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 5.13 Sustainable Drainage

London's Transport

- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.7 Better streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 6.14 Freight

London's living places and spaces

- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local Character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands

London Plan SPG

Housing

The Mayor's Transport Strategy (May 2010)

Sustainable Design and Construction – Supplementary Planning Guidance (2006)

Accessible London: achieving an inclusive environment (April 2004)

Planning for Equality and Diversity in London (October 2007)

National

National Planning Policy Framework 2012

This sets out 12 core planning principles, of which the following are relevant. Planning should:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and

deliver sufficient community and cultural facilities and services to meet local needs.

CONSULTATION

Local residents, business and schools etc over 100m away and including properties in Barnet, a total of approximately 2000 addresses, were consulted in September 2012 in addition to publication of a press notice and display of site notices. Ward Councillors for Queensbury and Fryent wards were also consulted. A full re-consultation exercise was carried out on 12 November 2012 in response to revised plans having been received including publication of a press notice and site notices being displayed.

OBJECTIONS

A number of standard pro forma letters have been received which have been treated as petitions

One x petition containing 64 signatories and one x petition containing three signatories raising the following objections:

- Former tenants of Oriental City not involved in meetings;
- Former tenants of Oriental City were previously given rights to return;
- Social/racial impact assessment required;
- Community not consulted.

One x petition by Grove Park Resident Association containing 60 signatories raising the following objections:

- Proposal is an improvement on previous scheme as scaled down but does not address concerns on schooling, traffic, water pressure and health.

One x petition containing 20 signatories and one x petition containing 19 signatories translated raising the following points:

- Local resident: pleased with development proposal but the proposal is smaller than before and old tenants have not been notified. Request the developers give the old tenants an opportunity to work in the new development.
- Former tenant: pleased with development proposal but the developers will not let old tenants return. The developer has not contacted former small tenants & the size of the food court is smaller. Request ethnic minority interests are protected.

A total of 19 letters of objection & 5 comments received raising the following matters:

- Chinese community facility not adequate and smaller than previous scheme;
- Former tenants of Oriental City should have been consulted;
- Former tenants of Oriental City had a right to return;
- Business and retail floorspace much smaller;
- Loss of community centre - reinstate Oriental City;
- Oriental City secondary;

- High rise block not appropriate;
- Development too dense;
- Impact of buildings on Airco Close and harm to amenity;
- Height – impact on TV reception;
- Noise during construction – already had disruption from Village School development

- Traffic congestion/pollution/safety;
- Parking concerns during construction;
- Impact of increased traffic on local road network;
- Grove Park should become a no-through road and the Hay Lane/Edgware Road junction should be reviewed;
- Impact on increased traffic on Airco Close;
- Insufficient parking and impact of overspill parking;
- Increased risk to pedestrians from increased traffic;
- Increased pollution from additional traffic;
- Consider traffic restrictions & traffic controls;
- Object to Airco Close for residential access;
- Parking of Airco close not well managed;
- Cumulative impact from Village School;

- Grove Park Open Space – improvements have not been carried out;
- Increased pressure on local infrastructure e.g. schools, health services;
- Consider impacts of housing approved and expected developments;
- School in wrong location above shops;
- Health care facilities need to be looked into - should be incorporated in scheme;
- Consultation not sufficient.

Objections have also been received from Tesco, ASDA & Network Housing which are set out below:

Tesco

- The Oriental City proposal is out of centre;
- There is a sequentially preferable site at Watling Avenue in Burnt Oak;
- The Watling Avenue site is suitable, available and viable;
- The submitted RIA demonstrates that, if permitted, the scheme would threaten the vitality and viability of the Burnt Oak and prejudice investment in the centre, contrary to national and local policies;
- There is no 'fall-back' position that is material to this application.

ASDA

- Too little housing proposed as part of the mixed use development;
- Inappropriate location for primary school;
- Phasing of redevelopment puts at risk the delivery of the proposed housing and primary school;
- Need to ensure RIA robust.

Network Housing

- The proposed development includes land outside of the applicants ownership which is owned by Network Housing Group as part of the Airco Close estate.
- Network Housing would like to conclude discussions with Development Securities and residents at Airco Close before making formal representations to the scheme.

SUPPORT

One x petition containing 21 signatories supporting the proposal for the following reason:

- Oriental Culture will become part of the community again.

A total of four letters of support & one comment received raising the following matters:

- Consultation carried out between developer, prominent community members and ex-tenants of the Oriental City;
- site derelict for too long & benefits significant;
- Space in proposal designed to cater for key elements successful in the Oriental City;
- Much needed regeneration to benefit Far East/Oriental communities and local community in Brent;
- Restore a well loved community hub for local Chinese and Far East/Oriental communities;
- Support the 2011 London Plan's Colindale/Burnt Oak Opportunity Area as missed to residential and commercial use;
- Provide social, economic and community benefits to the immediate community and beyond.

External consultees

The London Boroughs of Barnet and Harrow, the Greater London Authority (GLA), Transport for London (TfL), the Environment Agency (EA), the Metropolitan Police, all consulted.

LB Barnet

Object to the proposal for the following reasons:

1. The application proposes an out of centre retail development that is found to conflict with its allocation in the LB Brent Site Allocations DPD. The London Borough of Barnet has significant concerns that the sequential assessment carried out for this application has not given adequate consideration to sequentially preferable sites in Burnt Oak District Centre and Edgware Major Centre which are suitable, available and viable. Having regard to the anticipated impact, the proposal would be contrary to the planning policy objective of bringing about more sustainable shopping patterns and would be likely to have significant adverse impacts on the vitality and viability of Burnt Oak and Edgware Town Centres. The proposal would

also be likely to prejudice the delivery of retail development planned as part of the Colindale Area Action Plan. As it is not considered that any other material planning considerations have been advanced which justify these conflicts with all levels of planning policy and the London Borough of Barnet object to the proposal on this basis.

2. It is considered that the application fails to properly recognise, assess and mitigate the impacts of the development on traffic and parking, the public realm and public transport for locations within the London Borough of Barnet.

3. There are serious concerns over whether Brent Council are able to fund construction of the proposed school or have any other means of delivering new school places in this location. The submission makes no commitment to the building of the school and does not provide any indication of when this would be completed. There is currently significant unmet need for school places in the NW9 postcode area of Brent and children from the proposed development would add to this further. It is unclear whether the funding is available to provide educational provision for children generated from the scheme through either the new school or alternative means. Due to the proximity of the site to Brent's border with the London Borough of Barnet this is likely to have a significant impact on Barnet, where we are already experiencing significant demand for primary school places and are having to rely upon temporary solutions to meet need

LB Harrow

No objection.

GLA (see separate section)

Transport for London (TfL)

In the Stage 1 report to the Mayor in December 2012 outstanding transport issues were highlighted. Since then TfL have been working with the Borough, the applicant and the consultant to resolve these issues, namely:-

1. A Car Parking Management Plan should be secured by condition, including the monitoring of Electric Vehicle Charging Points (EVCPs) and to agree a trigger for the passive provision to be brought into operation.
2. All cycle spaces will need to be safe and accessible whilst safe storage, changing rooms and showers will need to be provided for staff. Monitoring of cycle use for the school will need to be undertaken as part of the school travel plan and if demand warrants it more cycle spaces will need to be provided.
3. Further information has been provided on trip generation and TfL is now satisfied with trip information.
4. TfL would have expected that the 4 nearest bus stops in each direction should have been assessed to ensure that they meet the Disabled Discrimination Act requirements and TfL's accessible guidance. This assessment will need to be carried out and until results are known, TfL would request a capped sum of £20,000 per stop to be secured within the s106.
5. TfL recommends that the improvements identified in the PERS audit, particularly in relation to improved links for pedestrian to bus stops and Colindale Station be implemented by the developer and secured through s106 or s278 agreements.
6. A contribution of £50,000 for Legible London will need to be included in the s106 agreement.
7. The Travel Plans have been assessed through ATTrBuTE and have passed the assessments. These travel plans will need to be secured, monitored, reviewed and secured through the s106 agreement.
8. The framework Construction Logistic Plan (CLP) and the framework Delivery and Servicing Plan should be secured through planning condition.

Highway Scheme

The VISSIM modelling for all scenarios has been reviewed, and inconsistencies between scenarios have been found. Normally TfL would expect these to be sorted out. However, having assessed the possible impacts of these inconsistencies, the impacts would be negligible and therefore, for planning, the modelling is acceptable. Further modelling and safety audits will need to be carried out during detailed design through the s278 process.

TfL would also recommend that the Borough seek a contribution from the applicant to carry out :-

- Further assessment work at the A5 Edgware Rd / A5150 Colindeep Lane junction, A5/ Capitol Way junction and A5/Annesley Avenue junction and

- Delivery of any improvements resulting from the above assessment.

Other highway matters to be reviewed:

Edgware Rd / Grove Park junction

The Kwik-Fit garage entrance is directly opposite this junction. An audit of how this could affect the safe operation when the junction is signalised is needed.

Annesley Avenue

When Colindale Avenue is modified to enable right turn into Edgware Rd northbound, the current movement via Annesley Avenue will become a rat-run. Measures are needed to prevent this from happening. This is primarily for Barnet to consider as highway authority, but it could have indirect consequences to A5's operation.

Officer Comment: Matters relating to EVCPs, cycle spaces, Travel Plans, CLP, Delivery and Servicing Plan and recommendations in PERS audit will be secured through this planning permission. Whilst the benefits of Legible London (a pedestrian wayfinding system that's helping people walk around the Capital) are acknowledged, given the viability issues set out in the report it is not considered that such a contribution can be justified. Further consideration will be given to other matters raised including improvements to bus stops and other highway works with an update provided in the Supplementary Report.

Environment Agency

Objection letter received on 3 December 2012 advising FRA not in compliance with NPPF. Following information submitted by applicant to EA address objections:

- Letter from Ruth Abbott dated 17 Jan 2013 ref RA/NB/RCEF12973-001 EL
- Edgware Road – summary calculations updated December 2012
- MicroDrainage calculations dated December 2012

Letter from EA dated 5 February 2013 confirming support proposal subject to the imposition of a condition for drainage strategy to be submitted to prevent increased risk of flooding both on and off site.

Metropolitan Police

No comments received.

Thames Water

No comments received.

Internal consultees

The Council's Transportation department and Environmental Health service were consulted, along with officers within the Policy section of the Planning service to comment on matters of policy, landscape & trees, ecology and sustainability. The Sports & Parks service and Children & Families were also consulted.

Transportation

Transportation comments set out in Section 7 of the *Remarks* section of the report.

Environmental Health

Contaminated Land - Phase 1 Desk Study recommends an intrusive soil investigation be undertaken .
Conditions recommended.

Plant - Recommend condition to restrict plant noise to ensure users of the surrounding area do not suffer loss of amenity.

CHP - Air Quality condition recommended if CHP implemented.

Air Quality - Construction and Demolition condition required to mitigate impacts of dust.

Noise - Properties should be insulated that will minimise noise nuisance and condition recommend.

Landscape & Trees

No objections overall. Specific comments include:

- Green roofs to residential blocks with solar panels would be welcomed if feasible;
- Homezone is welcomed with a good proportion of private garden space to public street;
- Play proposals are not very detailed - would require further details;
- Trees and other plants are considered acceptable;
- Stepped ramp bold design and gives an interesting arrival;
- Further consideration to be given to paving to ensure high quality.

Sustainability

Climate Consulting provided comments on the proposal on behalf of Brent. The comments are set out below:

Code for Sustainable Homes – A strategy for meeting CSH Level 4 (68.79 points) has been presented

Climate Consulting comment: The strategy presented appears sound, but as noted in the report achieving the CSH rating in practice will be “dependent on the provision of satisfactory evidence for each credit and a post-construction review by the design and construction teams”. To this end, it may be advisable to earmark certain “buffer” credits at this stage or the design stage in case any of the credits currently proposed prove unattainable on the ground. BREEAM - A strategy for meeting BREEAM “Very Good” in the supermarket and retail units has been presented.

Climate Consulting comment: Brent Council’s Policy CP19 requires a BREEAM Excellent rating to be achieved. The percentage scores in the submitted pre-assessments lie approximately midway between the minimum scores for BREEAM Very Good and Excellent, and between 6 and 10 additional percentage points will need to be sought.

Possible areas that could be targeted include:

- Reduction of CO₂ emissions (Issue Ene01) – this would tie in with the comment above investigating increasing the number of PV panels.
- Low and Zero Carbon technologies (Issue Ene04) – this would tie in with the comment above investigating increasing the number of PV panels.
- Reducing water consumption (Issue Wat01)

REMARKS

Key considerations

1. Principle of development
2. Retail impact
3. Community infrastructure
4. Visual impact
5. Impact on neighbouring residential amenity
6. Housing quality
7. Parking, access and traffic impact
8. Landscape and ecology
9. Sustainability and energy
10. Environmental impact assessment
11. Response to GLA Stage 1 Referral
12. Other
13. Conclusions

1. PRINCIPLE OF DEVELOPMENT

The principle of comprehensive redevelopment of the site was established by the extant scheme, granted planning permission in 2007 (LPA ref: 06/1652) and renewed in 2010 (LPA ref: 10/0775). The policy background for the development of this site has progressed since the original consent was granted, in particular with the adoption of the Core Strategy in 2010 which identifies this site within the Burnt Oak/Colindale Growth Area (Core Strategy Policy CP11 Burnt Oak/Colindale Growth Area) and the adoption of the Site Specific Allocations document which identifies this site as suitable for a mix of uses (adopted

2011). Further, since the original scheme was granted permission and that permission was renewed in 2010, the national and regional planning policy framework has changed with the adoption of the London Plan 2011 by the Greater London Authority and the publishing of the National Planning Policy Framework (CLG, 2012) by central government, which replaces the majority of previous planning policy guidance and statements.

A mix of acceptable uses is proposed in CP11, as follows:

Burnt Oak/Colindale Growth Area

The Burnt Oak/Colindale area is promoted for mixed use regeneration along the axis of Edgware Road. While tall buildings are acceptable in appropriate places along Edgware Road, the council will facilitate a shift in character and use towards a traditional street pattern supporting pedestrian movement, street frontages and public spaces and squares. New economic activity will be created in the form of ground floor commercial frontage (including retail, where compliant with the sequential approach). New connections will be created in the form of improved access to local stations and the creation of effective interchanges with new buses. 14.65 hectares of land is promoted for at least 2,500 new homes to 2026, supported by infrastructure identified within the Infrastructure and Investment Framework. Anticipated infrastructure will include:

- *A new 2 form of entry primary school*
- *Extensions to a secondary school to provide a further 1 form of entry to 6th form*
- *New nursery places*
- *New health services including space for 3 GPs and 3 dentists*
- *A series of 3 new public open spaces and squares of at least 0.2 hectare each*
- *Improvements to the quality and accessibility of existing local open spaces*
- *A series of play areas within new developments and open space*
- *Indoor and outdoor sports facilities, including contributions towards a new community swimming pool serving the local area*
- *New bus services to provide interchanges with local rail and underground stations*
- *Multi-use community centre*
- *A minimum of 200 new trees planted*

9 hectares of land will be protected for appropriate industrial operations within use classes B1c, B2 and B8 or closely related sui generis uses. (Core Strategy 2011: p47)

The application site also comprises part of a site allocated within the adopted Site Specific Allocations DPD (2011) with the reference B/C1 Oriental City and ASDA which identifies this site as being suitable for:

Mixed-use development including residential, retail, food and drink and community facilities (in particular for a primary school) and leisure and re-provision of Chinese and Far-Eastern commercial and community floorspace, as per the planning permission.

The scale and type of retail development permitted will depend upon there being, in accordance with the sequential approach set out in policy CP16 of the Core Strategy, no alternative sites available, and upon the results of a retail impact assessment. Proposals should have regard for potential conflicts between uses and configure development to mitigate against these, in particular for the school use. Proposals should include the re-provision of shopping and restaurant facilities. (Brent Site Specific Allocations: p48)

The two sites-the former Oriental City and the ASDA site-combined have an indicative development capacity of 975 units, which is based on the quantum of residential approved in the consented scheme; the reduction of the number of residential units from 520 to circa 183 has implications for the delivery of the planned 975 units. Your officers are satisfied, however, that this is acceptable for the following reasons: (1) the site specific allocation refers to both this site and the ASDA site to the north, the planned inclusion of a school site has reduced the land available for residential units on this part of the allocated site; and (2) current market conditions and the need for Local Planning Authorities to be flexible and proactive in helping to bring development forward.

This proposal constitutes a smaller-scale development than the extant scheme, reflective of the prevailing market conditions and arguably the scale of the proposal is in many respects an improvement on the extant scheme, which was designed at a time of heightened optimism over what the market could accommodate.

The Mayor of London, in his report on the Stage 1 referral, concurs with your officers that the proposal is generally considered acceptable in strategic planning terms, but does not fully comply with the London Plan;

however there are possible remedies which could address this. The GLA found the main strategic issues to be (1) the development of out of centre retail, which is addressed in sub-section 2; (2) the provision of affordable housing, which is addressed in sub-section 6; and (3) provision of a new primary school, which is addressed in sub-section 3. Further discussion of the Mayor's concerns, how the applicant has responded to those concerns and commentary from your officers on that response is provided in sub-section 11, below.

At the present time, the applicant has not secured access rights/ownership of an area of grass verge adjacent to Airco Close owned by Network Housing Group; this is required to provide pedestrian access to the site and servicing/emergency access for the residential units. As such, two sets of plans have been submitted providing alternative access arrangements:

'Option 1' - Airco Close Servicing

This layout is the preferred scheme which provides pedestrian access to the site and servicing/emergency access to the residential element of the scheme from Airco Close if access rights/ownership is secured.

'Option 2' - Grove Park Servicing

This is an alternative arrangement which provides pedestrian access to the site and servicing/emergency access to the residential element of the scheme from Grove Park. This Option also incorporates changes to the school and residential parameter plan to allow associated design changes (this is discussed in more detail below). Whilst this is not the preferred option, it does provide an acceptable solution if Option 1 cannot be delivered.

Your officers are satisfied that given the benefits that the scheme will deliver, the scheme can be supported, subject to conditions and a Section 106 legal agreement.

2. RETAIL IMPACT

The application proposes a foodstore (proposed as Morrisons) and an Oriental and Far Eastern Floorspace (OFEF) mixed-use mall. The foodstore would comprise 7,817sqm (gross external area) with a net retail sales area of 3,754sqm.

There is no in-principle objection to the provision of the OFEF, subject to the application of similar controls sought to be secured under the 2007 planning permission, since this replaces the existing use albeit in a significantly reduced format.

The Mayor has raised concerns in the Stage 1 report that, as submitted to him, the proposals raise strategic planning concerns regarding retail policy tests, sequential approach and potential harmful impacts on nearby town centres, focussing on the quantum of proposed convenience floorspace in the foodstore. In completing the Stage 1 report, the Mayor was aware that Barnet Council have raised an objection to the proposal, as have Tesco via their agents. These matters are discussed further below.

Policy Framework

Your officers have given substantial weight to the national, regional and local planning policy framework relating to retail and town centres. The recently published NPPF replaces the previous guidance on retail and town centres in PPS4: specifically the NPPF addresses this point within chapter two, titled Ensuring the Vitality of Town Centres. The NPPF states that "*planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres...*" (CLG, 2012: para 23).

Paragraphs 24 to 26 of the NPPF make it clear that when considering retail schemes of the nature of this proposal it is necessary to assess whether there are any alternative sites within or on the edge of town centres that may be available and preferable. It is also necessary to assess any proposal upon the impact it may have in various terms, including the town centre vitality and viability, including local consumer choice and trade in the town centre and wider area up to five years from the time the application is made.

The NPPF goes on to state that "*where an application fails to satisfy the sequential test or is likely to have significant adverse impact... it should be refused.*" (para 27)

Regional and local policy guidance closely follows the objectives of the NPPF: The Mayor has drawn attention to London Plan policies 2.15 (Town Centres), 4.7 (Retail and Town Centre Development) and 4.8 (Supporting a Successful and Diverse Retail Sector). London Plan policy 4.7 also requires a sequential approach to be taken and for an impact assessment to be carried out on proposals for new out of centre development. Part

(C)(d) of the policy states that boroughs should "*firmly resist inappropriate out of centre development*" (GLA, 2011:p128) and policy 4.8 Supporting a Successful and Diverse Retail Sector seeks to ensure boroughs support a diverse retail sector which benefits from sustainable access and which promotes strong neighbourhoods.

Policy CP16 Town Centres and the Sequential Approach to Development of the Core Strategy 2010 states that the sequential approach should be adopted when considering proposals for major new retail uses in Brent, with preference given to Major Town Centres (Wembley and Kilburn) then to District Centres, Local Centres, Neighbourhood Centres and lastly Out-of-centre Locations.

Brent has a published Retail Needs and Capacity Study (RNCS), updated with a Final Report prepared by Roger Tym and Partners for London Borough of Brent in December 2008, which identifies a requirement for an additional 12,500 sq metres of convenience floorspace across the Borough by 2026.. The 18,000sqm gross of bulky goods retail in the original consent for this site was considered in this updated RNCS.

Key Issues

The applicant has put forward a number of arguments in support of the foodstore in parallel to the RIA which can be summarised as: (1) the existing building, when operational, had a nominal amount of open A1 retail floorspace; and (2) the extant scheme permits a substantially larger amount of open A1 retail floorspace.

The site has an extant planning permission for a substantial amount of retail floorspace, split between bulky goods (furniture store), DIY store and replacement Oriental City. The existing Oriental City, although it is closed, has lawful use for a variety of high street uses including retail (A1), financial services (A2) and restaurants/cafes (A3).

The following matters are considered below:

- (a) Extant Scheme;
- (b) Existing Retail Floorspace;
- (c) The Sequential Test;
- (d) Impact Assessment

(a) Extant scheme

This first argument stems from the details of the planning permission in granted 2007 (LPA Ref: 06/1652) and renewed in 2010 (LPA ref: 10/0775) and specifically the wording of Condition 5 (replicated by Condition 3 in the extant consent) which sought to limit the type of goods to be sold within the retail areas to bulky goods only. This condition states:

The premises shown to be used for the sale of bulky goods and as a school shall be used only for those purposes and no other purposes specified in the Schedule to the Town and Country Planning (Use Classes) Order 2005 as amended without the prior permission of the Local Planning Authority.

Reason: To ensure that no other use commences without the prior permission of the Local Planning Authority and to enable other uses to be considered on their merits.

The applicant states that the wording of the condition only relates to 10,979sqm of floorspace for Bulky Goods retail, thus leaving 6,823 sq m of open A1 retail floorspace uncontrolled (equivalent to the B&Q mini warehouse element of the scheme). The applicant has provided their own legal opinion on this matter which supports their assertion that, whilst the intention was that appropriate conditions would be imposed to prevent unrestricted A1 floorspace being provided in the scheme, the condition fails to impose these controls for the B&Q mini warehouse element of the scheme.

Your officers have sought legal advice regarding this matter which concurs with that provided by the applicant. Notwithstanding this, our legal advice sets out that it is only necessary to take into account a 'fall-back' development or use if there is a real rather than a theoretical prospect of that development or use being implemented. In this case, the rationale behind this reduced scheme is to address problems relating to the deliverability of the extant scheme. As such, there is no reasonable real prospect of the extant planning permission being implemented; very limited weight is attached to the possible use of the consented floorspace for open A1 use, particularly given that the intention was to restrict this.

(b) Existing Retail Floorspace

The second point stems from the wording of the condition (No. 14) of the original planning permission (LPA ref: 90/1727) which sought to limit the scope of the retail part of that consent as follows:

The retail element of the development shall be used as part of the comprehensive development for the display and sale of goods of mainly oriental and Far Eastern origin.

Reason: So that the retail element remains compatible with and a component part of the proposed overall use of the premises as an Oriental Cultural Centre and is not used as a separate retail use which would conflict with the Council's adopted policies protecting established retail centres and primary industrial areas. (Condition 14 of 90/1727)

The applicant submitted an application for a certificate of lawfulness in 2011 (LPA ref: 11/2384) seeking to establish a firm definition of the term 'mainly'. The Council agreed that 'mainly' means that only 66% of the floorspace of each unit needs to be used for the display and sale of goods of oriental and Far Eastern origin and thus 33% of each unit could have lawfully operated as open A1 retail floorspace occupation.

The applicant has employed the decision of application 11/2384 to compare the aggregated total of the 33% of each existing unit within the building (3,089sqm) with the proposed 3,754sqm of net retail floorspace proposed in this application, suggesting that the proposed foodstore is almost a like-for-like replacement.

Your officers do not agree with this argument as the decision of application 11/2384 makes it clear that the sale of goods of non-oriental and Far Eastern origin would be spread across all the units within the Oriental City site and not aggregated in one wholly open A1 retail unit. However, your officers do accept as fact that a significant proportion (33%) of the goods sold in the former Oriental City could be convenience and/or comparison goods of non-oriental and Far Eastern origin and thus the existing site, although closed since 2008, could offer a range of services usually found within a town centre. Further, the applicant has argued that there is no condition to the original permission which would prevent them from amalgamating all the former units within the Oriental City development into one, large unit of which a third of the floorspace could be used for the sale of unrestricted goods.

Further to this, the applicant has submitted a legal opinion which advises that the wording of Condition 14 (set out above) does not comply with guidance of Circular 11/95 (The Use of Conditions in Planning Permissions); in particular, the condition does not specify that the premises shall "only" be used for a certain purpose. It also does not specify that the floorspace shall be used for the specified purpose "and for no other purposes". The Opinion concludes that the lawful use of the retail floorspace permitted by the 1992 permission is for open A1 purposes.

Your officers have sought legal opinion on this matter and the advice is that there is a reasonable argument that in the context of all the words of Condition 14 and the permission as a whole, the condition is effective in restricting the range of goods. This view has been formalised through the refusal of a Certificate of Lawfulness on this point (LPA Ref: 13/0612). With regard to the amalgamation of the open A1 to provide a single A1 unit, our legal opinion confirms that it could be argued that concentrating all the non-oriental goods into one large unit would not comply with the requirement for the floorspace to be used as part of the comprehensive Oriental Cultural Centre. As such, it is not considered that the 1992 permission provides a clear cut theoretical fall-back and much weight should be attributed to this when considering the acceptability of the current proposal.

(c) The Sequential Test

Town centre locations are preferable to out-of-town locations in a spatial planning context for two reasons: (1) by reducing the need to travel: central locations are likely to be more accessible for residents within the catchment area and are more likely to benefit from good public transport links; and (2) by reinforcing the vitality and viability of town centres: new development is likely to increase the number of linked trips which benefit the rest of the town centre economy. National, regional and local policy is clear that significant weight should be given to the sequential test and it is for the applicant to demonstrate that there are no sequentially preferable sites. The sequential test can be deemed satisfied if there is no reasonable prospect of a "sequentially preferable opportunity coming forward which is likely to be capable of meeting the same requirements as the application is intended to meet." (CLG, 2009, Practice guidance on need, impact and the sequential approach: p31).

The RIA has identified a Primary Catchment Area (PCA) which represents an area equivalent to a 10 minute

drive-time: Zones 1 to 4 on Figure 1 constitute this PCA, which Members will note includes substantial parts of the neighbouring boroughs of LB Harrow and LB Barnet; approximately 75% of the catchment area encompasses those neighbouring boroughs, with most of the catchment area lying within LB Barnet.

The only major town centre within the catchment area is Edgware, located in Barnet and Harrow, some 2km to the north of the application site. Brent's two major town centres, Wembley and Kilburn, lie outside the catchment area at approximately 4.7km and 7km respectively. The catchment area encompasses a number of district centres, the closest of which are Burnt Oak (within Brent, Harrow and Barnet) located approximately 400m to the northwest and Colindale/The Hyde (within Brent and Barnet) to the south; Kingsbury district centre also lies within the catchment area. Three further district centres lie within the catchment area in Barnet: Mill Hill, Brent Street and Hendon Central. A number of local centres lie within the PCA.

In applying the sequential approach, consideration needs to be given to whether there are available, suitable and viable alternative sites located within one of these preferred locations which would meet similar development needs.

Watling Avenue Car Park, Burnt Oak

It has been identified that there is a site within the Burnt Oak district centre at Watling Avenue Car Park located within the LB Barnet; this site is identified as a potential site for a supermarket or superstore (with associated car parking and stall market) in their UDP. The LB Barnet are the landowners and advise that they are in advanced discussions with Tesco and a number of other properties to provide a mixed use development including a retail foodstore of approximately 7000sqm. They also advise that on 18 October 2012, the LB Barnet Cabinet Resources Committee resolved to accept a conditional offer for the site from Tesco to acquire the freehold interest of the site, areas of adjoining land and a number of other properties. This position has been confirmed by Tesco.

The applicant has advised that Tesco have been linked to this site for many years but have not delivered a development on the site. As such, they have questioned whether Tesco are 'actively progressing the site' and therefore whether the car park site can be considered as a 'planned investment'. The main concerns they identify with the site are:

- There is no evidence to suggest that the investment is at a sufficient stage to be genuinely prejudiced by the proposed development;
- The site has been subject to retail proposals for over 13 years but nothing has come forward owing to development constraints of the site in particular the variety of land ownerships, limited access and allocation with Flood Risk Zone 3b.
- There is no commitment for this site and no active planning application.
- Tesco are not legally committed to purchase the site or deliver the redevelopment.

Whilst the applicant has raised questions regarding whether Watling Avenue Car Park is an available, suitable and viable site, given that there have been recent developments to progress this site as set out by the LB Barnet, it is not considered that sufficient evidence has been provided by the applicant to counter this. It is accepted by your officers that there is currently a prospect that the proposed store on the Watling Avenue site can be delivered and that, being in an out-of centre location, the application site would fail the sequential test.

(d) Impact Assessment

"In assessing whether an impact is significant, it should be remembered that any new development involving town centre uses will lead to an impact on existing facilities, and as new development takes place in one town centre this will enhance its competitive position relative to other centres. This is a consequence of providing for efficient modern retailing and other key town centre uses, and promoting choice, competition and innovation." (CLG, 2009, Practice guidance on need, impact and the sequential approach: p32)

Paragraph 26 of the NPPF requires that when assessing applications for retail development outside of town centres, an impact assessment should be carried out which includes assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major

schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Impact on Planned Investment in Town Centre

In terms of assessing the impact on planned investment, it is noted that there are several planned investments within the catchment including comprehensive redevelopment of Brent Cross/Cricklewood, and new commercial uses as part of the Colindale and Mill Hill East Area Action Plans (AAP). A review of the applicants RIA concludes that the proposal would not have a significant impact on the overall viability and deliverability of the Brent Cross/Cricklewood development proposals.

However, in terms of the Watling Avenue Car Park Site, a review carried out of the RIA concludes that the proposal for another out-of centre foodstore trading alongside the existing ASDA on Edgware Road would 'seriously jeopardise' any prospect of the deliverability of the planned investment at the Watling Avenue Car Park Site in Burnt Oak District Centre. As such, it is considered that that if planning permission for foodstore is granted, the proposal would have a 'significant adverse impact' when considered against the advice of the NPPF.

Impact on Town Centre

The applicant has carried out technical work to support their view that the proposed development will not have an unacceptable impact on the wider town centre vitality, viability, local consumer choice and trade within the centre.

It is accepted that a reasonable assumption is made that the proposed store will draw a significant proportion of its sales from existing superstores in the primary catchment area (i.e. ASDA at Capitol Way, Morrisons at Queensbury and Sainsburys at Hyde). It is noted that these out-of-centre stores are not afforded policy protection under the NPPF and it is unlikely that forecast levels of trade diversion and impact will result in their closure.

The applicant has assessed the cumulative impact that three new foodstores would have. The proposed foodstores included are the application site, Capitol Way site (known as Wickes Site where open A1 use established through certificate of lawfulness application) and Watling Avenue Car Park site. The applicant's assessment identifies that the cumulative impact on convenience trade in Burnt Oak would be -8.33%. However, a review carried out into the submitted impact assessment considers that the potential trade diversion from Burnt Oak has been underestimated. In addition, there has been no allowance made for 'other convenience stores' in Burnt Oak (other than Tesco Metro and Iceland located in the District Centre). The impact calculated in the review commissioned by Brent is -9.1%; the higher predicted turnover is based on revised weighting of convenience goods expenditure of 'bulk' food shopping, 'secondary' main food and top up shopping. A slightly higher impact overall is predicted compared to that estimated by the applicant. Additionally, these figures do not take into account the additional impact on the District Centre's shops, stores and facilities through the loss of linked trips and expenditure. As such, it is considered that, although the proposal is unlikely to result in the direct closure of Tesco Metro and/or Iceland (they are likely to want to retain a high street presence), the diversion of overall trade from the town centre to the proposal store may result in the closure of one or two convenience stores, though this is difficult to quantify.

The applicants consider the impact to be within normally acceptable parameters of 10%. However, the Practice Guidance (paragraph 7.29) states that: "...there are no meaningful benchmarks of what constitutes an 'acceptable' level of trade diversion ... The relevant factors will depend on the circumstances of each case".

The forecast trade diversion from the District Centre has to be considered alongside the likely impact on planned investment. Based on the evidence it is concluded by the review that the proposal, by itself, will result in a "significant adverse impact" on Burnt Oak, and principally on planned investment in the centre. In the judgement of Brent's consultant the viability and deliverability of the Watling Avenue site in the heart of the District Centre could be seriously compromised if permission is granted to the proposed foodstore.

Summary of Retail Impact

The applicant has also highlighted a number of policies which they claim should be given weight when considering the application; for instance the NPPF seeks, amongst other objectives, to build a strong, competitive economy and states that "significant weight should be placed on the need to support economic growth through the planning system" (CLG, 2012: para 19). At the regional level, London Plan 2011 policy 2.7

Outer London: Economy part (e) states that appropriate weight should be given to wider economic, as well as other objectives, when considering business and residential proposals.

Your officers have given such policies weight insofar as all relevant policies are considered when reaching a recommendation, however it is clear that consideration must be given to the need to comply with the sequential test and subsequent impact tests, as set out in the NPPF which states that "where an application fails to satisfy the sequential test or is likely to have significant adverse impact... ..it should be refused." (para 27)

In summary of the retail impact, the following conclusions are drawn:

- It is concluded that whilst the planning permission granted in 2007 (LPA Ref: 06/1652) and renewed in 2010 (LPA ref: 10/0775) provides a theoretical 'fall back' position in terms of the potential to use 6,823 sq m for open A1 use, given that the applicants have accepted that the implementation of the extant planning permission is not viable, this does not provide a fall back of any significant weight.

- The original planning permission 90/1727 is restricted in terms of the range of goods that can be sold and our legal opinion suggests it could be considered that amalgamation of the open A1 to provide a single A1 unit, would not comply with the requirement for the floorspace to be used as part of the comprehensive Oriental Cultural Centre. As such, it is not considered that the 1992 permission provides a clear cut theoretical fall-back and as a result not much weight should be attributed to this when considering the acceptability of the current proposal.

- The Watling Avenue Car Park Site in Burnt Oak is a sequentially preferable site and appears to be available, suitable and a viable alternative. Whilst it is noted that applicant is of the view that this site will not be delivered, sufficient evidence/information has not been provided to counter this. As such, this is considered to be a sequentially preferable site and significant weight must be given to this.

- The proposed development would seriously jeopardise the planned development at Burnt Oak and the diversion of overall trade from the town centre to the proposal store may result in the closure of one or two convenience stores, though this is difficult to quantify.

Retail Impacts weighted against the benefits of the scheme

As set out above, it is accepted that there will a retail impact as a result of the proposal to provide a foodstore at this out-of-town centre site. It is also noted that the NPPF advises that '*where an application fails to satisfy the sequential test or is likely to have significant adverse impact... ..it should be refused*' (para. 27).

However, in assessing the planning application, the retail impact as a result of the proposed foodstore must be weighed against the benefits of this scheme, namely:

- Primary School - Very significant weight has been attached to provision of land for a school. This is considered to be a greater benefit than payment of a financial contribution towards education provision given that it provides a site which is available and appropriate for this use. This has been a long standing objective for Brent and was a critical element of the extant scheme. Since 2007, when the scheme for redevelopment was originally granted, the need for primary school places has continued to be urgent. In view of the constraints on expanding existing schools and the difficulties in delivering new school sites, significant weight is attached to the provision of land for a primary school. School places are critical to supporting housing growth.
- Housing - The scheme will deliver approximately 183 new residential units with a large proportion of family sized accommodation as individual houses with private gardens. Obligations will be in place to ensure deliverability within a set timeframe. Despite the absence of affordable housing, the scheme provides much needed housing in a difficult economic climate to meet London Plan and Brent targets within this identified growth area which is considered a significant benefit. This is always important and is reflected in the Government's current drive to promote development.
- OFEF- The scheme re-provides Oriental and Far Eastern Floorspace along with community floorspace. This was an important part of the extant scheme and this proposal is a way of bringing forward this key specialist attraction for the local and wider community. There continues to be significant support for this key element of the scheme which is reflected in the consultation responses received.
- The site has been vacant for a long time. This will bring forward development on an important site in the

Growth Area and improvements to urban environment particularly along Edgware Road. It is anticipated that this will generate interest in other development opportunities.

- The development represents a high quality mixed use development on a prominent site.

It is considered the scheme provides significant benefits which cumulatively are considered to outweigh the retail impact. The details of the above are expanded in the following sections. Your officers recommend that planning permission is granted for the development.

3. COMMUNITY INFRASTRUCTURE

The application makes provision for land for a primary school and nursery, a significant community provision, and a small dedicated community room within the OFEF and a flexible space within the restaurant and food court that could be used for special occasions.

Primary school and nursery

There are five primary schools and one infant school within 1km of the site, of which three are located in the borough and three are within Barnet. All of these schools are at or close to capacity. As part of the Site Specific Allocation for the site, a new two-form of entry (2FE) primary school and nursery is required to meet the planned population growth of the Burnt Oak/Colindale Growth Area.

(a) Extant scheme

The extant scheme includes 2FE primary school and nursery, to be built by the developer with a 'clawback mechanism' secured within the section 106 legal agreement to secure additional funding for fitting the school out.

The school was to be erected along the Airco Close frontage of the site, on a narrow podium above the service yard for the commercial units. Access to the school was to have been from Grove Park, with a small dedicated car park (five spaces) and service area, with an arrangement that parents would be able to drop-off and pick-up from the retail car parks. The consented scheme had reasonably generous internal spaces (3,722sqm), to offset the constraints of the site and the lack of any sports pitches; external spaces (both formal and informal, but excluding pitches) exceeded the BB99 standards for the same reason. Some rooftop space was utilised for play areas.

(b) Current proposal

In October this application was revised to include land on which a 2FE primary school and nursery could be provided, alongside indicative proposals for how that school could be accommodated. Members should note that the proposal does not include building the school, rather the land would be transferred to the Council, so that the borough can pursue relevant funding options to provide the school building, within the prevailing education funding framework as set out by central Government.

This part of the scheme is in Outline only; it would be for the Council, or other agency if appropriate, to secure the reserved matters approvals to allow works to commence. Details of the school building are therefore limited.

Your officers consider this proposal to be acceptable in principle: whilst the financial burden of designing and constructing the school has passed to the Council, this is in the context of the viability of this much-reduced scheme.

(c) Access, parking and servicing

The school land is located along the northern part of the western boundary, alongside Airco Close. It would be positioned on a podium above the access to the residential car park and also above the Morrison's supermarket car park. No regular vehicular access to the school would be available from Airco Close, as before with the extant scheme; in this case, provision has been made within the Morrison's car park for parent drop-off and pick-up and dedicated staff and visitor parking. A lift would provide access from this basement level to the ground floor.

The school would be serviced from the retail scheme's loading bay whilst occasional school coach trips would use Airco Close for pick up, exiting via Plaza Walk (via the route which is currently blocked by bollards).

Pedestrian access would be from Airco Close or the Edgware Road via the Homezone in the residential scheme (Option 1). Alternatively, if access from Airco Close cannot be secured, a pedestrian footpath will be provided from Grove Park (Option 2). Pedestrian access would still be provided from Edgware Road via the Homezone.

Further discussion of the traffic impact and other transportation matters, including the School Travel Plan, is to be found in section 9, below.

(d) Design and layout

The indicative plans propose a school with a GIA of 3,765sqm and total external play space of 2,652sqm, of which 708sqm would be located at ground floor level. The internal and external areas are capable of meeting and in places exceeding the BB99 minimum standards for school designs.

The building would be maximum three storeys and would be designed to present a public face to the proposed public square to the south of the site; this has the potential to provide a suitable civic setting for the school, which your officers consider to be a benefit of this proposal over the extant scheme, which would have appeared cramped within its site.

It should be noted that 'Option 2' makes some revisions to the school outline to take account of the changes that would be required to the scheme if access to Airco Close cannot be secured.

(e) Impact on neighbouring amenity

As it would be located in much the same place as the original school, your officers are satisfied that a building can be designed that would not result in material harm to the amenity of neighbouring residents, in terms of overbearing impact, outlook, privacy, sunlight, daylight & overshadowing and noise & disturbance (either from pupils, plant or traffic).

(f) Summary of primary school and nursery

Your officers and the Mayor welcome the inclusion of a site for a primary school and nursery as it was an essential element of the extant consent and will respond to a London-wide and Brent-specific need for nursery and school provision.

Community space within the OFEF

A number of objections and petitions have been received, particularly from members of the Chinese community across London and the South East, regarding the lack of provision of community space in the proposed OFEF space. The extant scheme has provision for a 400sqm space, with a performance stage, that was secured by the s.106 legal agreement so as to be available for at least 45 hours a week; the school facilities would also have been made available.

The application is supported by a Planning Statement, a Design and Access Statement and a Regeneration Statement. In these documents, the applicant has addressed the matter of community infrastructure and in particular the manner in which this site had, up until its closure in 2008, provided a focus both for the local Asian and non-Asian communities across North London, with a variety of community and cultural events hosted in the centre.

In the Planning Statement, the applicant states that "the design of the Oriental and Far Eastern retail incorporates both fixed community space and flexible areas that can be adapted for certain events. Within the ground floor A1 use, 28 sqm is allocated for community use as a meeting room, or small events and seminars. The restaurant and food court spaces will be fitted out flexibly, so they can both be used for large banquets or events [such as Chinese New Year and the New Moon Festival]. The public realm at the front is sufficiently large and wide that in the future, kiosks or community markets can utilise this area. The step and ramp area can be adapted easily into a summer amphitheatre with the use of a portable stage and lighting, to allow for concerts, theatre or cinema to take place".

The proposal does not provide for a dedicated community space of the same size as that given in the extant scheme (28sqm compared with 400sqm). Whilst people have objected to the scheme on this ground, your officers are of the view that there are a number of mitigating considerations, including:

- The entire development is substantially smaller than that granted consent in 2007
- The OFEF space itself is also substantially smaller
- The scheme still provides space for a primary school and nursery, which is a significant community benefit
- The applicant is willing to use the OFEF space and external areas, over which it shall retain control, for community purposes
- The re-opening of the OFEF, providing a concentration of specialist retailers and restaurants, will itself create a focal point for the local Asian and non-Asian communities
- The applicant, Development Securities, has paid £261,083.12 as a Financial Assistance Contribution to provide assistance to eligible businesses for relocation or hardship costs arising from the closure of the Oriental City development, as part of the s106 legal agreement of planning permission 06/1652.

Summary of community infrastructure

Your officers consider that, on balance, the quantum and quality of community infrastructure provided within this proposal is acceptable. Your officers will ensure the proposals offered by the applicant-such as the use of the restaurant and food court on special occasions and the use of the external semi-public space, including for a market on the Edgware Road frontage-in a Community Access Plan to be secured by the section 106 legal agreement.

4. URBAN DESIGN

The spatial vision for the Burnt Oak/Colindale Growth Zone is set out in the supporting paragraphs 4.63-4.66 of the Core Strategy. That vision recognises the low value townscape of the area as a whole and seeks to improve it such that it becomes a pleasant place to live and work:

Along the road frontage, a series of appropriate tall buildings expressed through exemplar design are promoted. Set back, the character will turn to a more human scale with town houses along a traditional street pattern to break down the urban grain, create new public squares and spaces and provide street frontages for local shops, services and community facilities along a north-south axis. Development will create a legible sense of place and identity that is self contained and generate the critical mass of a vital urban area. (Core Strategy 2011, para 4.64: p46)

The proposal would adhere to these principles with higher (up to nine storeys) buildings at the front giving way to townhouses at the rear of the site. The new route through the site from the Edgware Road to Airco Close follows the principles of breaking down the urban grain and the scheme overall would introduce new public areas (Option 1). If this route cannot be secured, a new pedestrian access would be provided from Grove Park (Option 2) leading to new landscaped areas in the site a creating a more permeable environment. The shopping mall itself provides street frontages for shops and other businesses, a positive strategy to help enliven the Edgware Road.

Scale, height and massing

The scale, height and massing of the proposal is markedly different from the extant scheme, an obvious impact of the changed market conditions.

The most obvious difference is that the site is now treated as two distinct parts, separating the main commercial element of the Morrison's superstore from the residential-led mixed-use element to the south. As a result, the ground floor of the residential element has been brought down, from above a large retail warehouse in the extant scheme, to be at grade from Airco Close and most of Grove Park, resulting in a more considered scheme that is able to provide a significantly improved pedestrian environment. Members should note that the submitted drawings for the Phase Two works are indicative, since that part of the hybrid application is for outline consent, however the proposal for three main residential typologies-flat blocks, suburban scale and Homezone houses-will be secured by suitable conditions so that the ethos of the proposal is delivered at reserved matters stage.

Higher elements of the proposal are now positioned in the south-east corner of the site, as opposed to the original tower located in the north-east corner. This nine storey block helps serve to define the corner of Grove Park and the Edgware Road, albeit a smaller element is provided immediately on the corner to overcome a rights of light issue with buildings opposite. The scale diminishes from this corner appropriately towards the residential elements of Airco close and the apartments across the street on Grove Park, and overall the scale is appropriate for the area, which has a varied context.

Along the frontage to the Edgware Road the development has been well modelled, rotating front elevations to give more individuality to the breaks in the frontage blocks. This faceting is common to both the residential blocks and the commercial elements, although it is more exaggerated on the commercial element.

The supermarket is of a scale, height and forms that result from its function, which is considered acceptable given the varied context of the area; the geometric articulation and diagrid façade gives the building interest and lifts it above the standard supermarket design, which your officers welcome. The borough Design officer is satisfied with the slight set forward of the supermarket, in large part because the building itself proposes interesting architecture and this will add interest in an otherwise inarticulate frontage. Combined with the part of the OFEF set on the corner of the supermarket, this element of the scheme has the potential to create a landmark along Edgware road that will add character to the area.

Your officers are satisfied that the scale, height and massing of the proposal is acceptable; of particular merit is that the proposal provides a more conventional residential environment-separating out the larger, warehouse-type commercial elements whilst maintaining an oft-seen typology of residential above commercial along part of the Edgware Road frontage-and the wide combined stair and ramp that marks the break between the two typologies and provides a welcoming access to the residential zones. Suitable conditions are proposed to ensure the outline residential elements closely follow the indicative massing proposals at reserved matters stage.

Design and materials

The applicant has submitted a 'Design Code' for the outline residential phase, which your officers would seek to condition so that it is closely followed when reserved matters are submitted. This is provided in order to give assurance that design quality will be preserved at reserved matters stage. It includes details of elevations including massing composition and more detailed information such as the manner in which balconies are to be treated.

The borough Design officer notes that the indicative elevations of the residential units promise a simple but refined brick based architecture; the elevations are regularly articulate and precise and will, in coordination with a high quality landscape scheme, make a comfortable and welcoming residential development. The Design officer goes on to note that the proposed choice of brick as the main material is the ideal material for a residential building in this location: it is tough and resilient and with the right choice of colours warm and welcoming. The choice of brick will be critical to the success of the scheme as a pleasant residential environment: a high quality brick will be essential and with such large areas it may be that more than one brick will help to break down scale.

Turning to the commercial element, the metallic glazing system is a critical element of the supermarket. The scheme has been well presented and there is a lot of three dimensional analysis, however the Design officer is concerned that the proposal is not watered-down once consent is given: in light of the importance of the quality of the detailing to a successful building overall, your officers recommend a condition be imposed requiring submission and approval of a selection of drawings showing the way in which materials are joined, showing window types and their configuration and their relative position within reveals.

Public realm

A high quality public realm-in terms of layout, design and materials-is an essential part of a successful urban development. It is particular importance at this site, as the Design officer notes, due to the poor contextual quality and the predominance of the car, which combine to make the public domain in this area extremely poor and in need of quality intervention.

Along the southern-part of the Edgware Road frontage a semi-public space would be created by setting the building line back; this would be defined by the retail frontage and entrances to the residential blocks. To the north the space narrows, but it would all be treated in the same manner: mostly hard landscaped with raised planters and seating which would provide interest and spaces for planting. Street trees would be provided along the edge of the Edgware Road and some smaller ones shown set back from that row. The precise details for this area, including materials, species type and number of plants, is secured by a suitable condition.

The combined stair and ramp has been mentioned above, leading into the more private space of the residential Homezones, although this would still be open to the public.

Along the Grove Park frontage the public realm intervention lessens, as is appropriate for a side street. The

applicant has committed to undertaking highway improvement works along this road, as discussed in section 9, below, and this would include re-laying the footpath within the site boundary to permit a widened road. This would frontage would have vents, covered with steel grating, to provide passive ventilation to the basement car park beneath the podium; between this grating and the front of the blocks would be planted hedges, in planting troughs. Only two entrances would be provided to the residential blocks; this is contrary to the objectives of the Mayor's Housing SPG (November 2012) which seeks to ensure all ground floor units have direct entrances from the street (Standard 3.1.1); however as this is harder to achieve along Grove Park due to the design for ventilation of the basement, your officers find this acceptable. Further, one of the vehicular accesses to the supermarket car park is taken from Grove Park and considerable attention will need to be paid to the entrance ramp and the buildings around and above the entrance to ensure the quality of the public realm is not diminished by this access.

There are two character areas within the residential zone: the Homezone Thoroughfare and the Homezone Cul-De-Sac & Lawn. Houses line either side of the Thoroughfare and these would have private entrances with small front gardens defined by hedging. Within the Thoroughfare itself would be raised planters, to provide seating and interest. The street would be paved with no kerbs. The intention is that this street be used only for service vehicles or emergency vehicles, and so subject to suitable traffic management the space would be available for informal play.

More suitable to informal play, as it would be a less-trafficked area (be it vehicular or pedestrian), would be the Cul-De-Sac and Lawn, accessed from the Thoroughfare. Within this area the front gardens to houses are much-reduced but an area of defensible space is still provided, with some hedge planting to the front. The hard surfacing would be designed to create a shared-surface and planters would again be provided. It is within this area that the majority of the on-site doorstep play, for under fives, would be provided and further details of this will be sought by condition.

Both 'Option 1', which provides access from Airco Close, and 'Option 2', which provides a new route to the site from Grove Park, would create a new high quality public realm. Whilst the preferred option is the proposal which opens up the site to Airco Close, both schemes will provide clear route through the site and public square which will create an attractive environment, for use of future residents and those accessing facilities such as the school. The success of Option 2 will be in part dependent on the boundary treatment that is secured along Airco Close. It is noted that the corner of Airco Close and Grove Park houses an electricity sub-station and the scope for public realm improvement works will be limited by this structure and any surrounding land under the utility company's control. It is however considered that an acceptable environment can be achieved despite these constraints.

5. 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.

Overbearing impact, outlook, privacy

The scheme is of a lesser scale than that which has previously been considered acceptable; in light of this the impact on neighbouring occupants is considered acceptable. In terms of outlook and privacy the proposed residential units are sufficiently far from neighbouring residential units to meet the standards within SPG17 and thus your officers are satisfied that any impact will be within usually accepted tolerances.

Sunlight, daylight & overshadowing

The development generally accords with the standards within SPG17 in respect of sunlight, daylight and overshadowing: most neighbouring residents are located to the west of the site, opposite the lower scale part of the residential development.

Noise & disturbance

See Section 12, below.

6. HOUSING QUALITY

Since the application was submitted the Mayor's Housing SPG (November 2012) has been adopted.

Density

The scheme proposes a substantially smaller number of residential units than the extant scheme: in place of 520 units in the extant scheme the proposal is for 183 units (albeit this part of the proposal is in outline only). These fewer units are provided on only part of the site, a smaller area of only 1.0ha. It should be noted that Option 2 is likely to result in the loss of 1 unit to provide the vehicular access though full details would be for consideration at reserved matters stage.

Mix and tenure

(a) Mix

There is a particular need for larger family homes of three bedrooms or greater in the borough and, across the whole scheme, larger family homes comprise nearly 40% of the units. This complies with Core Strategy policy CP2 that states at least 25% of all new homes should be family sized accommodation of three bedrooms or more and meets the London Plan Housing Supplementary Planning Guidance that identifies a London-wide need to the year 2020 for 32% one bedroom, 38% two and three bedroom and 30% four bedroom housing. Table 1, below, shows the full indicative accommodation schedule and the number of bedrooms and habitable rooms across the site.

Unit type	Hab rooms	No. of Units	No. of Hab rooms	Unit type % of total	No. of Beds
1 bed, 2 person	3	58	174	31.7%	58
2 bed, 3 person	4	7	28	3.8%	14
2 bed, 4 person	4	46	184	25.1%	92
3 bed, 5 person	5	60	300	32.8%	180
4 bed, 7 person	6	12	72	6.6%	48
TOTALS		183	758	100%	392

Table 1: Indicative accommodation schedule

Your officers consider this generous provision of family homes to be a material consideration when weighing up the merits and harm of the proposal and this generous provision can be seen to offset some aspects of the residential scheme that might marginally fail the adopted guidance set out in SPG17, for instance where back-to-back relationships are tighter (c.18m) than the usual normally acceptable distance of 20m. As a result, your officers will seek to secure by condition this or a similar mix as part of the detailed reserved matters scheme.

(b) Tenure

The application makes no provision for affordable housing; London Plan policy 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes requires "the maximum reasonable amount of affordable housing should be sought when negotiating" on relevant schemes. The policy provides further detail on the factors Local Planning Authorities should consider when assessing applications, including the need to encourage rather than restrain residential development (LP policy 3.3) and the specific circumstances of individual sites. It goes on to say that negotiations on sites should consider, amongst other things, the development viability and the implications of phased development where this could allow a re-appraisal of the viability prior to implementation.

In accordance with adopted policy, the applicant has submitted a financial viability to support their application and this seeks to demonstrate that the scheme financial viability is such that no affordable housing can

reasonably be delivered as part of the Phase 2 residential development.

Your officers have assessed this document, which sets out the anticipated development costs and scheme revenue. Included in the development costs are the financial and other contributions which are set out in the section "Section 106 Details", above; such a contribution includes the provision of land for a new primary school and nursery, which limits the land available for housing in Phase 2 of the scheme.

The development appraisal uses a standard and accepted residual land value methodology and assesses the completed development values and costs against the land value of the site. Your officers have assessed the financial inputs and assumptions underpinning the appraisal, including residential sales values, commercial rents and yields, build and other costs, profit levels and the land value. Officers are broadly satisfied that these are reasonable when benchmarked against observed comparables; officers also accept that the negative impact on scheme viability of the delivery of part of the site for a primary school has been captured in the development appraisal.

Your officers are aware, however, that the GLA may have some reservations about the delivery of no affordable housing on a development of this quantum. It is considered appropriate to put in place provisions for re-appraising the viability of the scheme as set out in the Heads of Terms. Sensitivity testing of the appraisal demonstrates that relatively minor changes to some key variables, including residential sales values, have the potential to deliver surpluses that could be used to deliver affordable housing as part of the scheme or elsewhere in the borough. Whilst the applicant has raised concerns that this could hinder the ability to reach an agreement with the potential developer of the residential phase, such a mechanism is considered reasonable it allows for appropriate profit margins for the developer whilst ensuring key policy objectives have been fully considered. Your officers do not consider this to be in conflict with the NPPF which is clear LPAs must proactively drive and support sustainable economic development,

Internal arrangements

The application is for outline planning permission for the residential element of the scheme. Whilst indicative apartment/home layouts have been provided, this is to demonstrate that the quantum of development proposed can be accommodated within the development parameters set out rather than to finalise an apartment/home layout. Whilst all matters are reserved, parameter plans have been submitted to ensure the development is within the general arrangement agreed.

Lifetime Homes and London Housing Design Guide

Secure by conditions Lifetime Homes and London Housing Design Guide

Accessibility

The residential scheme is located to the south and west of the site with frontages onto Edgware Road, Grove Park and Airco Close. On Edgware Road frontage, the residential units are located above the retail units. The remainder of the residential development is to be built on a podium which generally follows the levels of Grove Park and Airco Close.

In terms of the heights of the development, the block onto Edgware Road ranges from four- to nine-storeys above podium level. Facing on Airco Close, the development ranges from three- to four-storeys. There is a centrally located terraced housing providing back-to-back accommodation which, whilst three-storeys in height, is proposed to read as two storeys from the HomeZone with the third floor set back. The proposal with a traditional street pattern is considered to provide an acceptable residential environment for future occupiers.

Privacy and outlook

In terms of the relationships within the site and privacy levels, the indicative plans submitted show that whilst the distances do not fully meet the distances set out in SPG17, the proposed residential accommodation will provide an acceptable level of amenity. The three-storey town houses centrally located in the residential part of the development provide 18m between facing rear elevations where main habitable rooms are proposed to be located. The fronts of these houses have been re-planned with a projecting bay containing non-habitable rooms (kitchens and bathrooms) which overlook the street. The single bedroom at the front of these houses is 15m away from the houses opposite, but it is now effectively recessed which will afford some privacy. The front-to-front distances within the development range from 13.5m to 15m which is considered acceptable; the front elevation of the housing to the northeast is staggered to provide dual aspect to the master bedroom.

Whilst there are 1m tolerances shown on the parameter plans, it would be expected that the development would be in general compliance with the indicative levels of amenity provided though this does give some flexibility in terms of the final design which will be agreed at reserved matters stage. The general design approach will be conditioned to ensure that the reserved matters accord with the 'Design Code' as set out within the Design and Access Statement.

Careful consideration will need to be given to the layout and access to Block E at reserved matters stage. The indicative plans are not considered to show an acceptable main entrance to this residential block or acceptable level of amenity for future occupiers, in particular due to the relationship of habitable rooms to the site boundary. Notwithstanding this, your officers are confident that an acceptable layout can be achieved within the defined parameters at reserved matters stage. 'Option 2' does impose further constraints due to the proximity to pathway which provides access from Grove Park. Matters such as the location of habitable rooms, access to bin stores and relationship of the building to this pathway will need to be fully addressed at reserved matters stage.

Sunlight and daylight

In terms of light and outlook, the internal relationships meet the 30 degree and 45 degree lines as set out in SPG17.

Amenity space

The proposed landscape is structured by a series of shared spaces, with the 'Homezone' through the centre of the site and 'Homezone Cul-Dec-Sac'. Both these elements would be provided in 'Option 1' and 'Option 2' though the arrangements would differ due to the different location of the servicing/emergency access.

It is the intention that the public realm is as 'child friendly' as possible through the provision of well located and design spaces. The proposal incorporates what are termed 'doorstep' and 'local' play areas within the designed landscape. The success of the public space will be dependent on the quality of the hard and soft landscaping. Information provided to support the application shows that careful consideration has been given to the design of this shared space. It should be noted that the use of vehicles will be limited as this area will be restricted to use for servicing (i.e. refuse vehicles) and emergency access.

In terms of amenity space standards, the information submitted confirms that all dwellings will meet private amenity space standards.

7. PARKING, ACCESS AND TRAFFIC IMPACT

The application is supported by a Transport Assessment prepared by WSP (Volumes 1 and 2, revised October 2012). The Site Specific Allocations document also provides some further detail on the scope of public realm improvements envisaged along the Edgware Road frontage, including a cycle path:

Proposal will be required to include cycle lane running north and south along the Edgware Road. (Site Specific Allocations: p48)

The scale of this proposal is such that it is likely to have a significant impact on the transport network in the area. Policy TRN1 of the adopted UDP therefore requires the production of a Transport Assessment to accompany the application which has been submitted. The transportation impacts have been reviewed by officers in Transportation and TfL. Subject to mitigation measures secured through the S.106 legal agreement and appropriate planning conditions, the transportation impacts are considered acceptable.

Site Layout

(a) Commercial

The Council's Parking Standards would permit up to 312 car parking spaces for the proposed supermarket, whilst the Oriental Centre would be permitted up to 208 spaces (treating the retail floorspace as a whole rather than breaking it down into individual units), giving a total allowance for the commercial floorspace of 520 spaces. The proposed provision of 399 spaces therefore accords with standards, with no charging proposed for the car park.

A total of 24 spaces are proposed to be wide bays marked for the use of disabled Blue Badge holders. This

equates to 6% of the total and is sufficient to satisfy standard PS15. Eight wide spaces are also marked for parent/child parking close to the store entrance, which is also welcomed and a taxi and public set-down/pick-up area has been identified. At least 10% of spaces should also be provided with electric vehicle charging points, with a further 10% provided with electricity supply to allow this to be increased in future if demand is high enough. This will be secured by condition.

It is confirmed that the car parking spaces and aisle widths are laid out in accordance with standard dimensions, whilst the headroom is generally sufficient (subject to details of the siting of any ceiling mounted plant or cables) to provide access for cars, including high top conversion vehicles for wheelchairs. Transportation request further details of lighting, CCTV provision, signing and lining to be provided to confirm that the car park will meet standards for crime reduction and safety. This will be secured as part of a Car Park Management Plan.

Consideration also needs to be given to the potential impact of any overspill parking from the development on traffic flow and road safety in the area and to ensure this can be regulated if necessary, a financial contribution will be sought towards waiting restrictions/ Controlled Parking Zones in the area.

Standard PS16 of the UDP requires at least one bicycle parking space per 125m² for food retail use and one space per 300m² for non-food retail use. Applying the former standard to the supermarket and the latter to the Oriental Centre gives a total requirement for 80 spaces. A total of 86 publicly accessible spaces are shown within the car park and along the site frontage, thus meeting requirements. Provision should be made within the retail units for lockers, changing and showering facilities for staff and further details will be secured by condition.

Standard PS18 of the UDP requires at least one full-size loading bay to be provided per 2,000m² for large retail units, giving a total requirement for 6-7 spaces for this development. The proposed shared service yard to the rear of the retail units is comfortably of sufficient size to accommodate this requirement, without vehicles having to obstruct the turning circle in the centre of the yard, whilst a proposed Servicing Management Plan is proposed to co-ordinate deliveries, including consolidation of deliveries and scheduling of deliveries outside peak hours. It is confirmed that the headroom is also more than adequate for the largest vehicles.

The proposed access/egress to the car park and service yard from Plaza Walk to the rear is acceptable principle, with tracking having been provided to show that full-size articulated lorries can negotiate the tight turn onto the service yard access ramp and the gradient of the service yard access ramp being acceptable (subject to the provision of vertical curves of at least 6m radius at either end). However, the access arrangements for the car park and service yard do result in a rather complex array of road junctions at the rear of the site that in turn makes pedestrian movement between the car park access and Airco Close and towards Asda/Capitol Way awkward. Minor alterations have therefore been made to provide a safer and more direct route for pedestrians between this site and Asda, as detailed on drawing 1360-SK-25/D. Transportation advise that the car park and service yard accesses should be laid out in accordance with this revised drawing.

The new access arrangements will make it more difficult for Asda delivery lorries to reverse into their service yard from this area. However, a swept path diagram has been submitted (drawing 1360-GA-27B) showing that articulated lorries will still be able to turn in this area; this would not be significantly different to previous arrangements when Oriental City was in operation.

Transportation advise that the car park access from Grove Park is also generally acceptable in design terms, with suitable width, gradient and kerb radii indicated. It is in approximately the same location as the existing access to the former Oriental City car park, so will only require minor kerb works.

To ensure that traffic only turns left out of the site, a revised drawing 1360-GA-21F has been submitted showing a central island in the bellmouth of the junction to force exiting traffic to turn to the left. This is to be supplemented by regulatory signage within the site and on the footway opposite prohibiting the right-turn from the egress. This is all welcomed in principle, helping to ensure that commercial traffic leaving the site to the south is not able to travel through the Grove Park residential area.

However, as it is not possible to site an island in Grove Park to physically enforce this (due to the need to retain access to units opposite), it is considered that funding for further measures should be set aside for use, should the island and signage prove to be insufficient to deter traffic from illegally turning right. These could include an enforcement camera and/or traffic management arrangements on Grove Park, with the latter

potentially including the closure of the road to the west of the site to through traffic (as suggested by some local residents) or the introduction of a one-way plugs in Grove Park and/or Evelyn Avenue.

Otherwise, improvements are proposed along the length of Grove Park fronting the site, including the widening of the footway opposite to 3m and the footway along the site frontage to 5m, with the carriageway also widened and straightened. Similarly, the building line along the Edgware Road frontage is kept set back by widths varying between 7m and 23m to provide a public square, which is welcomed. Any offer to pass all or part of this area over for adoption as public highway would be considered favourably.

(b) Residential

Car parking allowances for residential use are set out in standard PS14 of the adopted UDP 2004. As the site is not located within a Controlled Parking Zone and does not have very good access to public transport services, the full allowances apply. As such, up to 241 spaces would be permitted; the proposed provision of 183 spaces would therefore accord with standards.

Consideration also needs to be given to the impact of potential overspill parking from the residential units, but in this respect, the proposed level of parking provision at one space per flat is considered to be close enough to the maximum allowance to minimise concerns on this matter. The proposed provision of 15 wide disabled spaces for Blue Badge holders (8.2 % of the total) is considered appropriate and accords with standard PS15.

Standard PS16 requires at least one secure bicycle parking space per flat. At present, approximately 325 spaces are indicated within the residential car park, which is more than sufficient to meet standards for the flats.

Access to the car parking is proposed via an extension to the end of Airco Close on a tight 180 degree bend. The general width of this access is shown at approximately 4.8m, widening to about 6.3m around the curve at the end of Airco Close. Tracking has been provided to show that large cars would be able to pass one another at the sharp bend into the site.

Option 1 proposes access to the podium level for service and emergency vehicles from Airco Close at a point about 65m north of its junction with Grove Park, although the proposed junction arrangements have not been clearly set out at present. In principle, this would be acceptable, although it is noted that it will result in the loss of at least two on-street parking spaces in Airco Close.

Option 2, whereby vehicular access to the podium is instead taken from Grove Park at a point about 30m east of the supermarket car park access, is considered to be acceptable in principle although the tracked swept path of delivery lorries turning out of the site implies the need for a wide crossover; full details will be secured at reserved matters stage if this option is pursued.

In either case, vehicular access will need to be restricted to emergency and service vehicles only and suitable means of control (e.g. retractable bollards) will be required to preserve the integrity of the area as a pedestrian priority zone.

(c) School

The proposed school will adjoin Airco Close, with the main pedestrian entrance at the southern end of the building from the residential podium. In order to avoid traffic and parking congestion in Airco Close arising from staff and parents parking at school opening and closing times, a section of the retail car park comprising 39 spaces, with a stair/lift core up to the podium level, has been identified for use by the school which is welcomed.

A total of 35 bicycle parking spaces are proposed along the western side of the building, which more than satisfies standards. Servicing access for the school will be provided into its kitchen from the adjoining retail service yard which is considered acceptable.

Details of how these spaces will be managed will be required to make sure that they are available for school use when required, but are still subject to suitable restrictions to prevent them being used for inappropriate commuter/staff parking.

Concerns have been raised with regard to Option 1 in terms of the narrow footway margin along the eastern side of Airco Close. Transportation have requested that this is widened to at least 2m to facilitate safe

pedestrian access to the school for parents and children. This will be a requirement as part of the S.106 legal agreement.

Option 2 provides a pedestrian access from Grove Park along the western edge of the site. Transportation have requested that further consideration be given to ensure the proposed footpath is appropriately overlooked for safety reasons and further consideration is given to ensure the access would not result congestion. The proposed footpath at its narrowest point would be 2 metres wide and opening up to 3m as it approaches the main school entrance. Full details, including the relationship to the adjacent residential blocks, will be secured at reserved matters stage. The footpath emerges onto Grove Park immediately adjacent to the supermarket car park access; it is recommended that further thought be given to the width and alignment of this route as part of the approval of reserved matters for the later phases of this development to address safety concerns.

Traffic Impact

To assess the number of vehicular trips likely to be generated by this development, each of the various uses on the site were considered separately, with the total trips then aggregated. This approach is considered to be robust, as there are likely to be some linked trips to and from the development (such as school/retail) and some internal trips (such as residential/ retail and residential/school), which would reduce totals down slightly.

In the case of the food supermarket, future trip rate estimates were derived from surveys of the numbers of cars currently entering and leaving the adjoining Asda store car park (n.b. a comparison with another site on the London-wide database was made to ensure these flows were realistic). Recognising that most trips to a new supermarket are initially diverted from other nearby stores, the Retail Impact Assessment was then used to identify which local stores would see a fall in trade, with 47.5% of trade estimated to be diverted from the adjoining Asda store (i.e. journeys that are already on the adjoining road network).

Traffic flow estimates for the Oriental centre were based upon historical traffic data for the site when previously in operation, factored downwards in proportion to the reduced floor area now proposed.

Residential trips were estimated by comparison with data held for five similar residential developments in outer London, whilst school trip rates were based upon data held for a small primary school in Kensal Green (please note though this was not considered to provide a suitable comparison given its inner London location, but as the school does not have a significant impact on traffic flows during the evening and weekend peak period when the impact of this development as a whole is at its greatest, this issue is not critical). Nursery trips were based on comparisons with two sites in outer London and were considered acceptable.

Total estimated car trips to and from the site in the morning, evening and weekend peak periods for each use were therefore as follows:-

	Weekday am		Weekday pm		Saturday pm	
	Arrive	Depart	Arrive	Depart	Arrive	Depart
Supermarket	133	74	280	294	403	416
Oriental Centre	17	10	41	42	112	125
Residential	10	38	30	22	24	17
School	50	44	0	0	0	0
Nursery	4	2	2	1	0	0
TOTAL	214	168	353	359	539	558

Journey to work Census data was then used to identify the proportion of residential traffic likely to travel in each direction to and from the site, whilst the Retail Impact Assessment was used to identify the distribution of retail traffic.

Service vehicle movements were also considered, with these estimated to total 8-9 movements each way per hour.

These estimated flows were then added to existing surveyed flows on the surrounding road network undertaken in November 2011 and March 2012, plus predicted flows from other committed development in the area (notably Wickes on Capitol Way and the Colindale redevelopment area in Barnet), in order to provide future predicted traffic flows against which nearby road junctions could be tested alongside the existing operation of those junctions. The following sums up the outcomes of those junction assessments:-

(a) Edgware Road/Grove Park/Colindale Avenue

A model was developed for the A5 Edgware Road corridor as a whole, which has been agreed by TfL as accurately reflecting baseline conditions, with individual junctions along the corridor being examined in greater detail using individual models.

The Edgware Road/Colindale Avenue signalised junction was shown to currently operate with adequate practical reserve capacity during all three of the modelled periods (am peak, pm peak and Saturday lunchtime peak). The Grove Park/Edgware Road junction, which currently operates as a priority junction, was not tested.

Given the additional traffic that would be generated through the Grove Park junction as a result of this development, it is proposed to convert this junction to signal operation, as set out on drawing 1360-GA-21F. The junction operation has then been tested using under two future scenarios, whereby proposed works to improve the layout of the nearby junction of Edgware Road/Colindale Avenue are and are not implemented.

Under the scenario whereby the Colindale Avenue junction is not improved, modelling results show maximum degrees of saturation of over 90% through all of the modelled periods. As such, the junction would have negative practical reserve capacity, although it would not operate at above 100% degree of saturation.

If the Colindale Avenue junction works are undertaken (for which third party land has been secured), the maximum degree of saturation would fall below 90% for the morning and Saturday lunchtime peak hours, with the midweek afternoon peak hours having slightly negative (-1.5%) practical reserve capacity. This is considered acceptable to Brent Council's Transportation officers and to TfL.

However, the above results do show a need to ensure that the proposed junction improvement works are undertaken at Colindale Avenue, as proposed through Barnet Council's Colindale Area Action Plan. Otherwise, a Stage 1 Safety Audit has been undertaken for the proposed junction layout and other highway works which has raised ten issues, none of which are major enough not to be able to be dealt with through minor amendments to the scheme.

In conclusion, there are no transportation concerns in principle to the signalisation of the Grove Park/Edgware Road junction, subject to minor amendments to incorporate a staggered pedestrian crossing on the Grove Park arm of the junction (as discussed in more detail below) and a significant financial contribution towards the proposed junction improvement works at Edgware Road/Colindale Avenue.

(b) Edgware Road/Capitol Way

Aside from the model for the Edgware Road corridor, a separate model was developed for this junction. This showed the junction to currently operate with very high levels of practical reserve capacity throughout all of the modelled periods.

The junction was then re-tested with flows added from this development, plus other committed development in the area. This took into account proposals to widen the Capitol Way approach to the signals. The results showed that all arms of the junction would continue to operate at below 90% degree of saturation throughout all of the modelled periods and on this basis, the junction would continue to operate satisfactorily following this proposed development, without the need for any further mitigation measures.

It is noted that the developer's consultants had recommended the conversion of the existing zebra crossing on the Capitol Way approach to the junction to a pelican crossing to better regulate flow on the approach to the junction, but this is not considered to be necessary by Brent's Transportation officers at this time, given that the junction will continue to operate with spare capacity anyway.

(c) Grove Park/Stag Lane

Using appropriate modelling software, this existing priority junction was assessed as operating well within capacity during the morning, evening and weekend peak hours at the present time, with a maximum ratio of flow to capacity (rfc) of 0.678 based on existing surveyed flows (against a recommended maximum design figure of 0.85).

However, after adding traffic from this proposed development and the wider Colindale regeneration area to existing flows, the modelled rfc figures were pushed above the recommended maximum value of 0.85 during both the weekday afternoon and Saturday peak hours (although not above the ultimate threshold of 1.0).

Please note though that these results do assume that no traffic illegally turns right out of the supermarket car park, reinforcing the comments made above about the need to set aside funding for further measures should this problem arise in future.

There is very little scope to improve the operation of this junction, given the lack of space available for highway widening. In any case, to do so may prove counter-productive, if it simply increases the volume of peak-hour through traffic along Grove Park between Stag Lane and Edgware Road. No such mitigation measures are therefore proposed.

Nevertheless, it is important that local residents are reassured that vehicular access into and out of the area is not unduly hindered by this proposal. As such, the operation of the Evelyn Avenue/Hay Lane junction was also considered by Brent Council's officers. This showed the junction operating at less than 25% of its capacity at all times following the opening of this development, leaving plenty of scope for traffic to leave the Grove Park area via Evelyn Avenue and Hay Lane instead to travel southwest. This would in turn relieve the pressure on the Grove Park/Stag Lane junction and over time, traffic will be likely to find a natural balance if congestion at the Grove Park/Stag Lane junction becomes too severe.

On this basis, there are no overriding concerns over the junction modelling results for the Grove Park/Stag Lane junction.

(d) Capitol Way/Stag Lane

Using appropriate modelling software, this existing priority junction was assessed as operating well within capacity during the morning, evening and weekend peak hours at the present time, with a maximum ratio of flow to capacity (rfc) of 0.549 based on existing surveyed flows (against a recommended maximum design figure of 0.85).

However, after adding traffic from this proposed development and the approved Wickes development to existing flows, the modelled rfc figures were pushed above the recommended maximum value of 0.85 during the weekday afternoon peak hour and above the ultimate threshold of 1.0 during the Saturday afternoon peak hour for traffic trying to turn out of Capitol Way, leading to queues of up to 30 cars.

However, this difficulty was recognised at the time of the Wickes application and that consent was only granted subject to highway works being undertaken at this junction to convert it to a mini-roundabout to give equal priority to traffic on the Capitol Way arm to reduce queuing. Design drawings for these works have been approved and works are likely to commence in the coming year.

As such, flows through the junction were reassessed on the basis of a mini-roundabout arrangement. Whilst the results do still show some peak hour problems, with rfc values of above 0.85 (but not above 1) on the Stag Lane (southbound) approach in the morning and Saturday peak hours, the results show a vast improvement in the operation of the junction compared with a priority junction arrangement.

Given that this development will also generate less traffic through that junction than the extant consent for the earlier redevelopment of this site, this can be accepted.

Accident Analysis

Personal injury accident rates for the area surrounding the development were examined for the period January 2009-December 2011.

This identified 108 accidents resulting in 129 casualties in the wider area, of which 27 occurred along Edgware Road between Colindale Avenue and Capitol Way and a total of eight occurred along Capitol Way, Airco Close, Plaza Walk and Grove Park. This overall rate of accidents in the area is not considered to be out of the ordinary for this urban area, although pedestrian and cyclist accidents were slightly above average.

In the closer vicinity of the site, the majority of the recorded accidents occurred at the junctions of Edgware Road with Capitol Way and with Colindale Avenue, which did experience higher than average accident rates. Three accidents at the former junction involved traffic turning right into Capitol Way, due to the fact such vehicles need to cross two lanes of oncoming traffic, whilst six accidents at the latter involved rear-end shunts into traffic held up at the signals.

Four accidents in the vicinity of the site involved pedestrians (one serious injury) and four involved cyclists.

This is a notable decrease from the statistics at the time of the previous submission in 2006, when a large number of pedestrian accidents were observed in the vicinity of Annesley Avenue. This decrease is likely to be due to the closure of Oriental City though and could be expected to rise again with the opening of a supermarket on the site fronting Edgware Road, if suitable new crossing facilities are not provided. The provision of improved pedestrian crossing facilities on Edgware Road between Annesley Avenue and The Greenway is therefore a priority in terms of improving pedestrian access between the site and Colindale Underground station and suitable funding will need to be set aside for this.

Non-Car access

The Transport Assessment also considered trips by other modes of transport, with estimates of modal share made for each of the separate uses based upon data held for comparable sites across London (adjusted where necessary to suit the locational characteristics of this site, such as re-apportioning rail journeys, due to the absence of any nearby stations).

Pedestrians

Approximately 25% of future total journeys to and from the development are estimated to be primarily by foot, with the figures in the Transport Assessment suggesting that as many as 75% of school journeys would be by foot (although this figure is likely to have been skewed upwards in reality due to the inappropriate selection of a comparative school, as mentioned above).

This produces predicted total movements of 926 two-way pedestrian journeys in the morning peak hour (8-9am), 199 pedestrian journeys in the afternoon peak hour (5-6pm) and 301 pedestrian journeys in the Saturday afternoon peak hour. These figures exclude journeys by bus and rail, which will also be present on the adjoining road network as pedestrian journeys between the site and relevant bus stop/station.

Pedestrian footways around the site are generally of good quality and footway widening along the Grove Park and Edgware Road frontages is proposed, which is very much welcomed.

However, there is a clear need to improve pedestrian crossing facilities around the site, particularly on Edgware Road and Grove Park, which has not been fully addressed within the Transport Assessment.

In terms of Edgware Road, the need for improved pedestrian crossing facilities in the vicinity of Annesley Avenue/The Greenway was identified at the time of the previous planning submission for this site in 2006, due to a high pedestrian accident rate in the area (the nearest controlled crossings being at the Capitol Way and Colindale Avenue junctions, some distance to the north and south respectively). As noted above, this high accident rate is no longer apparent, no doubt in large part due to the closure of the Oriental City shopping centre and reduction in pedestrian activity around the site in recent years.

However, the predicted pedestrian trip rates above suggest that pedestrian movements in the area will rise significantly with this development, with the crossing of the Edgware Road to reach to southbound bus stop and Colindale Underground station beyond being key. This matter therefore needs further consideration and it is therefore recommended that a suitable sum be set aside from the S106 contribution towards improving pedestrian crossing facilities in this area, possibly by replacing the pedestrian refuge in front of the site with a formal pelican/toucan crossing.

The other key shortcoming adjacent to the site is Grove Park at its junction with Edgware Road, where only a poor quality refuge is located at present. As discussed above, this junction is proposed to be signalised to cater for additional traffic movements in and out of Grove Park from the development and as such, it is essential that suitable pedestrian crossing facilities are incorporated into the junction design to ensure disabled and partially-sighted pedestrians are also properly catered for (n.b. the proximity of existing crossing facilities at the Colindale Avenue junction means it is not considered essential to provide crossing facilities on Edgware Road at this location).

No pedestrian phase has been shown in the design of the junction at present and this is an unacceptable oversight on equality grounds which must be addressed. The arm currently has a wide bellmouth, so should be able to accommodate a larger central island without difficulty to allow a staggered pedestrian crossing to be installed in the road (n.b. the kerblines on the northern side of the junction may need to be retained as is to provide sufficient space). The crossing would then be able to operate "with-flow", which should have minimal impact on signal operation and junction capacity. The alternative would be to provide a straight-over crossing, but this would require all traffic to be held at red, which could have a catastrophic impact on junction capacity. It is therefore recommended that the S106 Agreement be carefully worded to ensure that the submitted

design is amended to incorporate a staggered pedestrian crossing on Grove Park.

It is also noted that the widening of Edgware Road at this junction to accommodate a right-turn lane on Edgware Road pinches the footway of Edgware Road down to 2m past an existing substation building in the southeastern corner of the site. This is far from ideal at a signalised junction, where pedestrian guardrailing is likely to narrow the width further. However, public (unadopted) space will be available across the new plaza area to the rear of the substation for pedestrians to use instead and on that basis, this shortcoming can be accepted as a compromise.

Another point is that the proposed layout of Grove Park retains a very wide carriageway with central hatching. The appearance and pedestrian environment along this length of street could be improved if much of this hatching were removed and replaced with a long central island on which trees could potentially be planted to create a boulevard appearance. The amount of scope for this depends on whether an additional access to the residential podium deck under Option 2 will be required.

The Transport Assessment has also recommended the upgrading of the existing zebra crossing on Capitol Way to a pelican crossing. This is not considered entirely necessary though and can be omitted.

Cyclists

Overall, about 1% of total trips to and from the development are predicted to be by bicycle, with the proportion for residential trips being 2% and for the school 4%. This leads to 49 two-way trips in the morning peak hour, six two-way trips in the evening peak hour and seven two-way trips in the Saturday peak.

The area to the southwest of the site is a 20mph traffic calmed zone, so provides a safe environment for cyclists through which an advisory route has been identified on TfL's cycling literature. This route then continues northwards along Edgware Road to The Greenway and to accommodate it in a safe manner, it is recommended that a marked cycleway be incorporated into the design of the widened pedestrian plaza area at the front of the site. This should then link in with any improved crossing facilities provided on Edgware Road near The Greenway, such as a toucan crossing.

Buses

Approximately one-eighth of trips to and from the site are predicted to be made by bus, giving 105 two-way trips in the morning peak hour, 248 trips in the evening peak hour and 389 trips in the Saturday lunchtime peak. Of these, almost half of the predicted retail journeys are assumed to be diverted from Asda to the new Morrison's store, which reduces the number of new trips on the network.

Bus journeys have then been distributed onto the network in accordance with the journey to work data used for the residential vehicular trip distribution, with passengers being assigned to appropriate bus routes.

This exercise suggests that the peak impact will be felt during the Saturday lunchtime peak, when an average of 4-5 additional passengers could be expected per bus, with the route experiencing the most additional demand being the 204 to Edgware and Wembley. The Transport Assessment concludes that the numbers of additional passengers per service are negligible, but this is dependent on the current available capacity of the affected services.

Underground

About 2.5% of journeys to and from the site are predicted to be made by rail and Underground, giving rise to 43 two-way journeys in the morning peak hour, 51 two-way journeys in the afternoon peak hour and 52 two-way journeys in the Saturday lunchtime peak. This amounts to only about one passenger per service on the Northern line through Colindale station, which is not considered to be significant enough to affect capacity. Transport for London would need to consider this more carefully though, with a view to allocating the Mayor's CIL funding if service or station improvements are required.

Travel Plans

Residential/Commercial

To help to minimise car use to and from the site, Travel Plans have been submitted for the various land uses.

The Travel Plan for the residential and commercial floorspace (Phases 1 and 2) proposes the appointment of

a Travel Plan Co-ordinator for the development as a whole to oversee the implementation and monitoring of the framework travel plan, into which the various units will feed. The food supermarket will develop a full travel plan of its own though.

The Travel Plan sets out a range of measures within an action plan to be introduced to help to minimise car usage, particularly through increasing car sharing and cycling, with the aim of meeting targets set based upon predicted modal split figures provided in the Transport Assessment. These will then be monitored over a period of five years using TRVAL compliant surveys.

The Travel Plan has been assessed using TfL's ATTrBuTE software and is of sufficient quality to score a PASS rating. As such, its implementation should be secured through the S106 Agreement for the development.

The school will be provided in Phase 3 of the development and a Travel Plan Addendum has been produced specifically covering this use too. This does not meet the standards required to score a PASS mark using the ATTrBuTE programme. Nevertheless, a separate clause in the S106 requiring a Travel Plan to be submitted and approved in advance of the occupation of the school will be sufficient.

Construction Management

A broad strategy for the construction works has been submitted, showing progress of the works through the estimated 40-month construction period. Demolition works are programmed to occupy months 1-4, construction of the retail floorspace occupying months 5-21 and construction of the residential development occupying months 22-40.

Construction traffic is proposed to use existing access points from either Plaza Walk or Grove Park to enter and exit the site, depending on the stage of the programme. The width restriction in place on Grove Park will ensure that construction traffic using this access can only enter and leave via Edgware Road.

8. LANDSCAPE & ECOLOGY

The proposed landscaping scheme has been well thought out in terms of response to each street elevation. The scale and character of the Edgware Road frontage is quite different to the more domestic scale where it extends to Airco Close.

- Street trees on Edgware Road frontage and smaller ornamental trees in the landscaped public realm;
- Varied height planters to provide visual and physical screen from Edgware Road;
- Raised planters with low planting to separate ramps to the podium;
- Use of native shrubs & flowering plants.
- Hedge planting to Grove Park to define defensible space;
- All private residential entrances along the residential thoroughfare will have defensible spaces to their front door defined by hedging plants;
- Mixture of paving sizes to indicate different zones/use.

The quality of the public realm is discussed in more detail in Section 4 above. Full details of materials and planting will be secured by condition in accordance with the design principles set out in the Design and Access Statement.

Ecology

A Phase 1 habitat survey and protected species risk assessment has been submitted with the application, prepared by The Ecology Consultancy. The surveys were carried out in January 2012 and accompanied by a desk top study.

The report summarises the findings of the survey. The site does not form part of any statutory or non-statutory designated nature conservation site and it is of limited ecological value at present, being dominated by buildings and associated hard standing. Some unmanaged vegetation exists around the site boundaries and some planting around the former entrance to the buildings. The survey finds that these habitats are locally common, of limited extent and are highly unlikely to support populations of species of value at the UK, regional or local level, a finding with which your officers concur.

The buildings and trees are not considered suitable for roosting bats and the planting around the former

entrance has a low potential to support commuting and/or foraging bats. This same planting has a medium potential to support breeding birds.

The site contains habitat suitable to support widespread reptile species such as slow worm however the site's characteristics are such that it has negligible potential to support reptiles.

The survey makes some recommendations to mitigate for the minimal ecological impact of the development, including: the inclusion of green roofs (advice for design and species composition of the proposed green roof should be sought from a suitable ecological company with experience of designing and installing green roofs in London); limits on lighting (including directional lighting with a maximum output of 2000 lumens); vegetation clearance is to be carried out outside of the main bird nesting season (March to August inclusive); any new planting schemes to comprise native plant species and/or those that are of known wildlife value that will attract insects and birds and provide a potential food source for bats throughout the bat activity period (spring to autumn). These matters can be secured by condition.

9 SUSTAINABILITY AND ENERGY

The application is supported by an Energy Statement, prepared by AECOM (revised October 2012) and a Sustainability Statement also prepared by AECOM (July 2012).

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

Sustainability

In support of the proposal's objective of satisfying Core Strategy policy CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures, a BREEAM Preliminary Assessment has been submitted predicting the development would achieve the following:

Code for Sustainable Homes – A strategy for meeting CSH Level 4 (68.79 points) has been presented;

Comments on the strategy carried out by a consultant on behalf of Brent advises that the strategy presented appears sound, but as noted in the report achieving the CSH rating in practice will be “dependent on the provision of satisfactory evidence for each credit and a post-construction review by the design and construction teams”. To this end, it may be advisable to earmark certain “buffer” credits at this stage or the design stage in case any of the credits currently proposed prove unattainable on the ground.

BREEAM - A strategy for meeting BREEAM “Very Good” in the supermarket and retail units has been presented.

Brent Council's Policy CP19 requires a BREEAM Excellent rating to be achieved. The percentage scores in the submitted pre-assessments lie approximately midway between the minimum scores for BREEAM Very Good and Excellent, and between 6 and 10 additional percentage points will need to be sought.

Possible areas that could be targeted include:

- Reduction of CO₂ emissions (Issue Ene01) – this would tie in with the comment above investigating increasing the number of PV panels.
- Low and Zero Carbon technologies (Issue Ene04) – this would tie in with the comment above investigating increasing the number of PV panels.
- Reducing water consumption (Issue Wat01)

The applicant has provided further information to suggest that during the fit out stage of the supermarket additional points can be scored. They are confident BREEAM Excellent can be achieved and this will be secured through the Section 106 agreement, with post completion review.

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

Energy

The scheme includes measures to minimise the impact of this proposal on, and mitigate for the effects of,

climate change as required by London Plan 2011.

The energy strategy presents two options and seeks approval for both: (a) Solar photovoltaics (PV) and air source heat pumps (ASHP) using waste heat from the superstore's refrigeration plant; and (b) Combined heat and power (CHP) system.

A site-wide district heating system is proposed to serve both domestic and non-domestic elements of the scheme. This infrastructure would be used regardless of whether Option (a) or Option (b) is pursued.

The baseline CO2 emissions (tonnes CO2 per annum) for the development are 1,230.

The Morrison's superstore will emit a significant amount of heat from its refrigeration system, in excess of the superstore's demand for heat and hot water.

London Plan policy 5.2 Minimising carbon dioxide emissions part (a) sets out the energy hierarchy: (i) be lean: use less energy; (ii) be clean: supply energy efficiently; (iii) be green: use renewable energy.

- (i) Lean measures
- (ii) Clean measures

There are no nearby proposals for district heat and power networks, however the heating system will be designed so that the central heating plant can be replaced by a plate heat exchange to connect to any district network should one come forward in the future. This approach is supported by your officers.

The feasibility of combined heat and power (CHP) has been assessed and the applicant has demonstrated that this whilst this offers a robust solution, it does not make use of the waste heat generated through the operations of the development and is therefore considered less sustainable due to its higher reliance on imported energy sources.

- (iii) Green measures

Option 1 is for solar photovoltaics (PV) and air source heat pumps (ASHP).

The scheme would include 400sqm of PV panels on the rooftops of the residential element, which would offset 23 tonnes of CO2/yr (a 4.8% saving on Part L emissions). The ASHP would use waste heat from the refrigeration system of the Morrison's supermarket

The ASHPs are considered an acceptable solution, providing for heating and hot water demand; using a combination of energy demand reduction, waste heat and PV, an overall 25% improvement over the Building Regulations 2010 could be achieved.

Summary

Your officers are satisfied that the proposals are in accordance with London Plan policy 5.3 Sustainable Design & Construction, incorporating sustainable design principles in the following ways:

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

10. ENVIRONMENTAL IMPACT ASSESSMENT

The application is 'EIA development' within Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as the site area exceeds 0.5 hectares. The Secretary of State has considered the impacts of the proposal on the environment and has directed that the planning application must be accompanied by an Environmental Statement. In reaching this decision the Secretary of State has noted that the following are potential environmental impacts:

- Noise: for duration of the demolition and construction works including noise from on-site crushing of demolition waste
- Air quality and dust: for duration of demolition and construction works, onsite crushing of building waste and traffic generation are likely to affect NO2 levels and to affects on air quality and dust levels.
- Socio-economic: the size of the development would have a significant effect in the movement of vehicles and people

- Transport and congestion: the size of the development and its location on the A5 and in a built-up area would result in a significant number of vehicle trips with impact on congestion

For the avoidance of doubt, the scope of the ES excludes the following topics, having been identified as 'non-significant' by the Secretary of State on the basis they are unlikely to generate any direct significant environmental impacts or to adversely affect the integrity of the local environment:

- Water Resources and Flood Risk
- Ground Conditions and Contamination
- Waste
- Ecology
- Landscape and Visual
- Archaeology and Built Heritage
- Microclimate

The applicant has provided an Environmental Statement (Environmental Statement - Volume 1, July 2012, Environmental Statement Addendum - Volume 1, October 2012, Environmental Statement- Volume 2 Technical Appendices, July 2012, Environmental Statement Addendum - Volume 2 Technical Appendices, October 2012, and Environmental Statement - Non Technical Summary, Revised October 2012, all by Quod)

Noise and vibration

This is addressed in Chapter 9 of the Environmental Statement (Volume 1).

There are two components to the concerns about noise: (1) the impact of noise generated by the development on neighbouring residents; and (2) the impact of external noise sources on the future occupants of the development. In turn this first component can be broken down into (1a) demolition and construction effects; and (1b) operation effects.

Baseline noise monitoring was undertaken at six monitoring locations in and around the vicinity of the site to establish existing background noise levels; the scope of this baseline monitoring was agreed in consultation with the borough Environmental Health officers in advance.

(a) Demolition and construction impact

This aspect is concerned with the effects of noise and vibration from typical plant and activities associated with the demolition and construction phase on existing Noise Sensitive Receptors (NSRs).

The applicant has undertaken an assessment of construction-related noise and vibration impacts based on the indicative construction information available; consideration has also been given to the impact of road traffic noise associated with the demolition and construction phases.

Predictions made by the applicant indicate that without any specific mitigation, noise from plant and activities associated with the demolition and construction phase may have a significant minor to substantial adverse effect on existing and proposed NSRs within the order of 70m from the worksite. The level of significance is considered to be negligible to substantial adverse; with significant effects only likely to be temporary, occurring during the most intense periods of construction; however, with the appropriate mitigation measures, impacts are not expected to be significant, with the exception of those impacts during the most intense periods of construction.

The applicant proposes to submit to the borough a Construction Environmental Management Plan (CEMP) for approval, to ensure demolition and construction works follow Best Practicable Means (BPM) of Section 72 of the Control of Pollution Act 1974 to minimise noise and vibration effects. The CEMP can be secured and monitored by a clause within a suitably worded condition. Suggested mitigation measures to be incorporated in the CEMP include:

- Management: Appointment of a Construction Liaison Officer to take primary responsibility for day-to-day contact on environmental matters for the borough, other external bodies and the general public.
- Working Hours: Standard construction hours (e.g. Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 hours, with no working on Sundays or Bank Holidays), subject to consultation with the borough.
- Access Routes: Routing construction traffic away from NSRs.
- Equipment: The use of quieter alternative methods, plant and/or equipment, where reasonably

practicable.

- Screening: The use of site hoardings, enclosures, portable screens and/or screening noisier items of plant from NSRs, where reasonably practicable.
- Location: Positioning plant, equipment, site offices, storage areas and worksites away from NSRs, where reasonably practicable.
- Maintenance: Maintaining and operating all vehicles, plant and equipment in an appropriate manner, to ensure that extraneous noise from mechanical vibration, creaking and squeaking is kept to a minimum.
- Piling: Ensuring that piling is undertaken using most appropriate technique, with minimal noise and vibration generation in mind. The piling method will be agreed in conjunction with the LBB, prior to work commencing.
- BS 5228-1 indicates that between 10 and 20dB attenuation may be achieved during the construction phase by selecting the most appropriate plant and equipment and enclosing and/or screening noisier items of plant or equipment.

(b) Operational impact

This aspect is concerned with the effects of noise and vibration from activities associated with the operation of the Development on existing and proposed NSRs, including, changes in traffic flow characteristics on the local road network; mechanical plant; delivery vehicles and car parks. The Environmental Statement considers the likely impact of those activities and where it is considered that the impact would be significant, proposes a number of mitigation measures, including for mechanical plant its specification, location and maintenance:

- Specification: All mechanical plant to be specified and operated in such a manner as to ensure that there is a 'positive indication that complaints are unlikely' in accordance with BS 4142 (e.g. plant noise levels will be designed to be at least 10 dB below the typical background noise level (LA90) during the time of plant operation at 1 m from the nearest on and off-site NSR).
- Location: Mechanical plant should be located away from on and off site NSRs and amenity areas, where reasonably practical.
- Maintenance: Regular maintenance should be undertaken on all mechanical plant to ensure that the units are operating efficiently and do not generate undue noise.

The borough Environmental Health officer has assessed this aspect of the Environmental Statement and is satisfied with the conclusions. The borough Environmental Health officer recommends a condition for the assessment of noise associated with any installed mechanical plant be imposed to ensure the mitigation measures are provided if necessary.

(c) Future occupants, suitability for school

The proposal has been assessed in accordance with Planning Policy Guidance 24 Planning and Noise, despite its revocation by the NPPF in March of last year. The PPG 24 assessment was requested by the borough Environmental Health officer to assist in the decision making process.

Internal noise levels in habitable rooms and noise levels to external living spaces have been assessed with reference to British Standard 8233 Sound insulation and noise reduction for buildings - Code of practice (BS 8233).

Based on the noise survey, during the daytime period the category A/B boundary would be located approximately 185m from Edgware Road and the B/C boundary would be located approximately 30m from Edgware Road; none of the Site would fall into category D.

During the night-time period the category B/C boundary would be located approximately 50m from Edgware Road and the C/D boundary would be located approximately 3m from Edgware Road; none of the Site would fall into category D.

Where balconies are proposed on façades overlooking Edgware Road and Grove Park the noise levels are expected to exceed 55 dB LAeq during the daytime period. Your officers share the Mayor's concerns about the impact on residents of anticipated noise levels experienced on balconies along the Edgware Road and a condition is proposed that would secure the use of 'winter gardens' on relevant façades.

The residential properties will be located next to a heavily trafficked road and the potential for noise nuisance exists. The residential units of concern are those located overlooking the Edgware Road and, to a lesser extent, Grove Park: those facing the Edgware Road would be located from the first floor and above and be

set back approximately 18m from Edgware Road (at the nearest point), where predictions indicate that the site falls into category C. Proposed mitigation measures to achieve 'good' internal noise levels with reference to BS 8233 include double glazed and closed windows with an attenuated means of ventilation. Similarly the school should be fitted with appropriate glazing systems. The properties should be insulated to a standard that will minimise the potential for noise nuisance and a suitable condition is attached. Your officers have also considered the concerns raised by the Mayor in the Stage 1 report and a condition requiring the use of 'winter gardens' (enclosed balconies) where those balconies face high noise locations is also recommended, as part of the reserved matters for Phase 2.

(d) Summary of noise and vibration

The borough Environmental Health officer has considered the noise impact of the proposal and is satisfied that, subject to suitable conditions, the works would not result in unacceptable levels of noise nuisance to either nearby residents or future occupants.

Air quality

The site lies within an area designated by the borough as an Air Quality Management Area (AQMA); in this location this designation is due to high levels of nitrogen dioxide (NO₂) and particulate matter (PM₁₀). In support of the application an Air Quality Assessment (AQA) has been undertaken and it is included in the Environmental Statement. The objectives of the AQA are to consider:

- the effects of construction (an evaluation of the effects from fugitive dust and traffic emissions associated with construction activities and a recommendation of appropriate mitigation measures);
- the effects of the operation of the development (potential air quality effects resulting from emissions from energy centre, the proposed car park and changes in traffic flow characteristics on the local road network due to the operation of the development); and
- the suitability of the site for its proposed uses with respect to air quality.

The Environmental Statement also sets out the relevant European policy directives on air quality-with the objectives of protecting human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollutants-and relevant planning policies including the NPPF (specifically the section titled Conserving and Enhancing the Natural Environment, CLG, 2012) and London Plan policy 7.14 Improving Air Quality and the Mayor's Air Quality Strategy (MAQS).

The MAQS includes some suggested measures to mitigate the impact of new development on London's air quality, including recommendations for reducing emissions from transport, from construction and demolition and from energy efficiencies.

Also of relevance is the Air Quality Strategy (AQS) (DEFRA, revised 2007) setting out policies for the management of ambient air quality, set on the basis of scientific and medical evidence on the health effects of each pollutant, and according to practicability of meeting standards, including the setting of air quality objectives for pollutants including NO₂ and particulates. These are of relevance as a benchmark when assessing the predicted level of those pollutants as a result of this development.

The AQA notes that during the construction phase of the development, the major influences on air quality are likely to be dust-generating activities. During the lifetime of the development the major influences are considered to be pollutants associated with road traffic emissions and local air quality. The gas-fired boilers which form part of the energy centre will also contribute to NO₂ concentrations. The AQA has also considered the cumulative impacts of demolition and construction and completed development in the area.

Demolition and construction impact

During construction, emissions of NO_x, particles and other combustion-related pollutants will be generated by construction traffic and on-site plant. The AQA states that, based on the assumptions regarding vehicle movements therein and assuming standard levels of maintenance, "emissions from construction-related vehicles on the local road network are expected to be negligible in terms of the effect on local air quality".

The impact of construction dust is also considered, and the AQA describes in greater detail the characteristics of dust and the manner in which the size of dust particles influences the affect it has on air quality (smaller particle sizes) and on nuisance (larger particle sizes). Due to the variables involved, the Institute of Air Quality Management (IAQM) document Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance (2011, amended 2012) advises a

risk-based assessment and this approach has been adopted by the applicant.

In light of the characteristics of the surrounding area, being generally suburban with ambient PM10 concentration below 36 µg.m⁻³ and a low population density within 20 m of the site (and a number of retail and light industrial units in the immediate vicinity of the site), the AQA concludes that the significance of effects from demolition and construction is deemed negligible.

A number of mitigation measures are proposed for this phase of the works, including:

- Site Planning: Erect solid barriers to site boundary; no bonfires; machinery and dust causing activities located away from sensitive receptors; training and management; hard surface site haul routes.
- Construction Traffic: vehicles to switch off engines; vehicle cleaning and specific fixed wheel washing on leaving site and damping down of haul routes; all loads entering and leaving site to be covered; ensure no site runoff of water or mud; all non-road mobile machinery to be fitted with appropriate exhaust after-treatment; on-road vehicles to comply with the requirements of a possible future LEZ as a minimum; minimise movement of construction traffic around site.
- Demolition: use water as dust suppressant; use enclosed chutes and covered skips; and wrap buildings to be demolished.
- Site Activities: minimise dust generating activities; use water as dust suppressant where applicable; enclose stockpiles or keep them securely sheeted; if applicable, ensure concrete crusher or concrete batcher has a permit to operate

This will be secured by a suitable condition.

Operational impact

The AQA includes predictions for pollutants at the façades of existing receptors.

Predicted annual-mean NO₂ concentrations in the opening year at the façades of the existing receptors are below the AQS objective for NO₂, except at Receptor 1. Predicted annual-mean PM₁₀ concentrations in the opening year at the façades of the existing receptors are well below the AQS objective for PM₁₀.

Mitigation measures can include the provision of residential/customer parking spaces set aside for car clubs or low emission vehicles and low emission infrastructure, such as electric charging bays and low NO_x boilers.

Suitability of site

The AQA modelling indicates that the predicted NO₂ and particulate concentrations at existing receptors are below the relevant objectives at the façades of existing receptors, except for annual-mean NO₂ at one existing receptor (Receptor 1) where it is predicted to be exceeded by a small margin. The AQA concludes that the overall significance of effects is considered to be 'negligible' and on that basis, the site is deemed suitable for its proposed future use in the context of air quality. The borough Environmental Health officer agrees with this finding.

Summary of air quality

According to the submitted Environmental Statement, the Air Quality Assessment shows that the development will have a negligible impact on air quality, taking into consideration the site specific impacts, cumulative impacts and residual impacts.

The borough Environmental Health officer has assessed these documents and finds the conclusions acceptable, however officers note that an additional air quality assessment would be required should a CHP be built on site. This requirement can be addressed satisfactorily with a condition; officers also recommend a condition to ensure that measures are in place to mitigate the impact of construction and demolition on air quality.

Socio-economic

The Environmental Statement includes an assessment of the potential impact and likely significant socio-economic effects of the proposal arising from the demolition and construction works and the operation of the site once it has been completed.

The assessment considers the national, regional and local planning policy framework relevant to

socio-economic development. The recently adopted (March 2012) NPPF provides the most up-to-date and therefore relevant policy guidance, with 12 core principles which include the need to: proactively support economic development (homes, businesses, infrastructure, local places); secure high quality design and a good standard of amenity; promote mixed use developments; and support local strategies to improve health, social and cultural wellbeing.

The London Plan 2011 and Brent Core Strategy 2010, though both pre-dated the NPPF, both broadly align with the above principles. The Core Strategy sets out the spatial vision for Brent and a number of strategic objectives, which include: promotion of economic performance and regeneration; meeting employment needs and aid the regeneration of industry and business; meeting social infrastructure needs by providing community facilities to meet the needs of the borough's diverse community; achieving housing growth and meet housing needs by promoting development that is mixed in use and tenure; protection and enhancement of the borough's environment; and promotion of healthy living and creation of a safe and secure environment.

The methodology of the socio-economic impact assessment is to first establish baseline conditions using existing research and survey information (including amongst others census data, population survey data and school, health and sports data). The potential social and economic effects impact of the development have then been assessment against the current baseline conditions.

The assessment of the socio-economic effects uses a number of methodologies, data sources and assumptions, including:

- Population increase: Calculation and analysis of the population yield arising from the Development has been modelled on the basis of CORE Letting data in London and from the Census 2001 Moving Groups. Calculation of the school age child yield arising from the Development has been modelled based on GLA's methodology for assessing the child yield from new developments
- Employment: benefits from construction and the operation of the development, calculated by applying standard ratios of construction employment and standard job density ratios respectively
- Social infrastructure: an assessment of the current capacity in schools surrounding the site, using data from the Annual Schools Census data (2011); the capacity of existing primary healthcare facilities in the area has been assessed using National Health Services (NHS) data. Demand for open space and playspace has been assessed based on the child yield and proposed on-site provision
- Expenditure: Spending estimates by residents has been calculated using average national household expenditure on goods and local services of £280 per week; spending on food and drink by those working on-site during the operational stage of the development has been calculated at £6 per day per workers

The assessment of socio-economic impacts considers the following effects of the development:

(a) Demolition and construction

The demolition and construction works would be expected to generate 610 person years of temporary employment, which equates to around 61 FTE jobs. A proportion of these forecast job would be on the site (the ES suggests typically around half), with the rest being created elsewhere in the construction supply chain; however, due to the fact on-site employment is relatively mobile, the benefit for the region, let alone the local area, would be negligible.

(b) Housing

The proposal would help to contribute to meeting the GLA and borough housing targets (1,065 new homes/annum for Brent as a whole and 2,500 new homes by 2026 for the Burnt Oak/ Colindale Growth Area) by adding approximately 183 new residential units to the existing housing stock, albeit this is less than the amount of housing anticipated in the Site Specific Allocations document (c.1000 for this site and the Asda site combined) and less than the extant scheme (520).

(c) Population

As the ES points out, due to the outline nature of the residential phase of the hybrid application, the precise housing mix has yet to be determined—albeit officers have elsewhere proposed a condition which would secure a broadly similar mix to the indicative mix—however the assessment has assumed the submitted mix would be maintained at reserved matters stage and notes that the new residential population would be in the region of 330 people. This would potentially create demand for additional social infrastructure, particularly healthcare and education.

(d) Education

The estimated child yield for the proposal would result in a demand for approximately 16 primary school places and 4 secondary school places. Local primary schools within 1km of the Site are currently at or close to capacity. Whilst the ES concludes that the demand for primary school places as a direct result of the proposal is minimal and in itself is of minor significance at the local level, the applicant has amended the proposal since the ES was produced to incorporate land for a new 2FE primary school and nursery. In respect of secondary school places, the conclusion is the likely effect of the proposal would be negligible, given the small number of pupil places generated by the development, the fact the effect would be felt over a larger area and existing capacity within secondary schools.

Your officers should point out that, whilst the child yield from this proposal appears low for a 183-unit scheme with a high proportion of family units, the low level of anticipated child yield is due to the fact there are no affordable homes proposed.

(e) Healthcare

The ES sets out the existing situation with local GPs: there are seven local GP surgeries with an average list size of 1,700 patients per GP, suggesting some capacity in the local area (1km from the site). The ES concludes that the demand for additional GP services from the new population would be negligible, equating to the equivalent of a fifth of a GP. This is consistent with the planned need for three GPs to meet the estimated population for the whole Burnt Oak/Colindale Growth Area (Core Strategy policy CP11).

(f) Employment

The Morrison's foodstore and the re-provision of OFEF will accommodate jobs in the area: according to the relevant section in the ES, based on standard floorspace per job ratio and the nature of the development (longer opening hours, shift working), approximately 868 full-time equivalent jobs would be created, including those created in by primary school and nursery.

The ES concludes that that development would be of major long-term benefit for the local area; however your officers are conscious that any employment figures should be considered in the context of the numbers the site could employ if brought back into use. Despite this, your officers are satisfied that this development has the potential to delivery significant regenerative benefits to the local area (including in Barnet, due to the site's location) in respect of employment opportunities.

(g) Additional Spending

The ES has also considered the impact of new housing and new jobs on additional spending in the local area. It estimates that, based on an average weekly household spending on local goods and services of £240, the 183 residential units would generate approximately £2.3 million annually in household spending whilst the 868 employees could generate in the region of £1 million annually. It should be noted though that not all of this would be spent in the local area.

(h) Crime

At present the site vacant and redevelopment would bring activity and surveillance from residents, employees and visitors/customers. Grove Park would benefit from residential units overlooking the street; similarly bringing activity to the frontage along the Edgware Road would also improve surveillance. Your officers are satisfied that the proposed development has the potential to have a beneficial impact on crime in the local area.

The proposal includes CCTV throughout the residential areas and around the food store and the employment of Secure by design principles; should Members consider this aspect of the development to be of particular importance, these matters can be secured by relevant conditions.

(i) Open Space and Recreation

As existing, the site does not include any public open space. The scheme includes proposals for a landscaped public realm along the Edgware Road frontage, of far greater extent than that which existed before Oriental City closed. The scheme also includes a Homezone thoroughfare and Homezone cul-de-sac, to include areas of soft landscaping, private front gardens, communal recreation areas and playspace.

The ES sets out the likely child yield from this site, based on the GLAs figures in the Mayors SPG for playspace; this is reproduced in Table 2, below:

Age profile	No. of children	Area required
Under 5 yrs	23	230sqm
5-11 yrs	12	120sqm
12 yrs and over	5	50sqm
TOTAL	40	400sqm

Table 2: Child yield and place space

The scheme proposes to provide play space for children under five years on-site-the Homezone cul-de-sac and lawn area is estimated to provide 1,002sqm of playable hard and soft landscaping focussed on doorstep play only-and to rely on existing off-site facilities in Grove Park (Brent) and Montrose Playing Fields (Barnet) for older children (5-11 yrs). Children over 12 can use those aforementioned facilities within 400m of the site and also others up to 800m away, including Colindale Park and Silkstream Park (both Barnet).

Your officers are satisfied with the proposal, subject to further details of the doorstep play arrangements being secured by condition and a financial contribution towards improvements/expansion to local play facilities to accommodate the additional child population.

(j) Mitigation measures

The impacts discussed above are largely beneficial and therefore do not require mitigation or the impacts have been addressed within the proposal itself; however increased pressure on local infrastructure will require mitigation in the form of either direct provision or financial contribution. Your officers have set out the obligations the applicant is expected to enter into as part of a section 106 legal agreement in the relevant section above. In summary, your officers will seek a financial contribution to reflect the impact of the development on open space, sport and healthcare.

In addition to these contributions, your officers consider it suitable to secure some of the potential benefits for the local community by seeking to agree with the applicant a scheme of local training initiatives such that local residents are given the opportunity to gain training and employment on both the construction of the project and within the retail element once completed.

(k) Cumulative and residual impacts

A number of developments in the local area are either under construction or benefit from planning permission; the ES has considered the cumulative impact of these developments and the residual impact of this development and concludes that any negative impacts would be negligible and can be addressed within the mitigation measures discussed above. Your officers are satisfied with this analysis and do not view the cumulative or residual socio-economic impact of the development to be a reason for refusal.

(l) Transport and congestion

Consideration has been given to the transportation impacts of scheme, in particular the impacts following completion of the development on the local road network. The potential impacts of the development during the operation phase were identified as being most significant. Subject to the details of works to be secured in the Section 106 agreement and planning conditions (discussed in full in the Transportation section of the report), your officers are satisfied that the impacts will be within acceptable limits.

11. RESPONSE TO GLA STAGE 1 REFERRAL

The Mayor is broadly supportive of the proposal, subject to resolution of the acceptability of the supermarket. Other matters were raised in his Stage 1 response, the comments are summarised below, with a response from the applicant and a response from your officers where appropriate.

Primary School and Nursery

As discussed above in section 5, the Mayor welcomes this provision.

Housing Mix

The Mayor is satisfied with the proposed mix of units given the reduced density, current market conditions and the inclusion of the school; the mix includes 40% larger three-four bed units, which is a welcome improvement on the previous mix on the extant consent and should be secured within the s.106 agreement and not be approved through reserved matters.

The applicant opposes the suggestion the mix be secured through a s.106 agreement, as this is contrary to government guidance that planning conditions be used as a means to control a planning permission, rather than a legal agreement, where it is possible and appropriate to do so. Your officers agree that it is more appropriate to control this aspect of the development via a condition. The applicants proposed a split of maximum/minimum proportions of 40% one-bed units, 40% two-bed and 20% three-/four-bed. Your officers have proposed a more generous provision of family units, as discussed above in Section 8.

Affordable Housing

The application contains no affordable housing; the absence of any affordable housing provision may be acceptable subject to Brent verifying through independent evaluation the findings of the applicant's viability assessment.

Your officers accept that the submitted financial appraisal demonstrates no affordable housing can be provided; this is discussed further in Section 8.

Play Space Provision

The Mayor finds the approach to the provision of playspace to be generally acceptable, but the applicant should engage with Brent on potential contributions to improving local play facilities.

The applicant argues that there is no need to offset any impact through financial contributions as the GLA accepts the approach to child yield and play space provision; your officers disagree as the play strategy relies on the use of off-site facilities for all bar the under-fives. It is appropriate that a financial contribution be made to mitigate for the additional impact of the development on those facilities.

Urban Design

In general the Mayor welcomes the proposals, though a concern was raised about the treatment of the ground floor façade between the two store entrances, and suggests that a design solution, such as public art screens, be used to enhance the appearance of the gap. The applicant is willing to accept a condition requiring further design details to be submitted in respect of the ground floor facade.

The Mayor also has some concerns about the provision of open balconies to some of the apartment blocks where these might be affected by noise disturbance from the Edgware Road, and suggests that 'winter gardens' be considered to improve the acoustic quality of the apartments. Instead, the applicant seeks a condition to control noise impact, rather than introducing winter gardens.

At the pre-application stage the apartment blocks were said to have roof top terraces, which are no longer evident. This should be resolved and secured by condition if terraces are to be provided.

The applicant agrees to secure design quality by various conditions; your officers concur and will word suitable conditions to ensure the objectives of the design code are met at the reserved matters stage.

Access

The Mayor requires action or further information on a number of issues relating to accessibility and inclusivity, including the external access arrangements, levels and landscaping details and confirmation on the future proofing of the retail car park.

In particular a number of concerns about the combined ramp and steps are raised, including the length of the ramp (which may make it too tiring for some users) the lack of detail regarding the design features (handrails, tactile paving), conflicts between user groups (especially congestion at the ramp landings) and the use of a tapering step to the bottom of the lowest ramp stage. The Mayor also points out that Building Regulations (Part M) state that if a series of ramp flights rises more than 2m then an alternative means of step-free

access, such as a lift, should be provided.

The applicant argues that the site is currently impermeable and no access is provided along the northern boundary (Airco Close). By providing a combined 1:20 ramp with stairs a route is made between the Edgware Road and Airco Close. Lifts are provided for residents with the residential buildings and for customers and visitors within the OFEF. Your officers agree that it is better to provide a pedestrian access that serves as many people as possible than to provide no access at all, and the distance to be covered is the same as that which Grove Park, an adopted highway, covers. The applicant is resistant to the inclusion of an external lift to negotiate this ramp on grounds of cost and maintenance and your officers agree that it seems unnecessary to require the applicant to provide an external lift when lifts are provided within adjacent buildings.

There are also concerns raised about the different tones of paving indicated in the Edgware Road public realm, as these may be interpreted as changes in levels by the partially-sighted. Some of the seating should be designed to accommodate people with different needs (for instance with back and arm rests). These matters can be addressed at the next design stage, when detailed proposals are submitted pursuant to conditions imposed on the decision.

The Mayor is generally satisfied with the inclusivity and accessibility of the car park, but requires further work to be done to demonstrate compliance with the London Plan car parking standards and specifically future provision of disabled bays and recommend that some disabled parking bays, and routes to them, have a vertical clearance of 2.6m to accommodate larger vehicles.

The residential element of the proposal also attracted some comments regarding inclusivity and accessibility, specifically to ensure the residential units meet the Lifetime Home standards and that 10% of new housing is wheelchair accessible and meet the standards in the Mayor's SPG 'Housing'. These wheelchair units should be spread across tenure types and unit sizes to ensure choice for all.

The provision of blue badge parking bays for the residential development should be in line with the advice in the Lifetime Homes standards and the Wheelchair Housing Design Guide, and these should be located as close as possible to the relevant entrances/lift cores. A parking management plan should include a monitoring and review mechanism for long term provision of access for all.

The applicant is willing to accept a condition regarding Lifetime Homes, wheelchair provision and blue badge parking.

Sustainable Energy

The Mayor is satisfied that the applicant has broadly followed the energy hierarchy to reduce carbon dioxide (CO₂) emissions and sufficient information has been provided to understand the proposals as a whole; however the GLA require further revisions and information before the proposal can be accepted and the CO₂ savings verified.

(a) Be Lean - energy efficiency standards

The scheme proposes a range of passive design features and demand reduction measures to reduce the CO₂ emissions, including improved air permeability and heat loss parameters. Other features include mechanical ventilation heat recovery (MVHR) and high efficiency lighting for the residential units and a building management system (BEMS) for the non-residential areas. Demand for cooling will be minimised through solar control glazing and cross ventilation.

Despite this, on the basis of the information provided the proposed development does not appear to achieve any CO₂ savings from energy efficiency alone compared to a 2010 Building Regulations compliant development.

The GLA requires the applicant to model additional energy efficiency measures and commit to the development improving on the 2010 Building Regulations compliance level through energy efficiency alone.

(b) Be Clean - district heating

There are no existing or planned district heating networks within the vicinity of the proposed development; however the GLA requires the applicant to provide a commitment to ensuring the development is designed to allow future connection to a district heating network should one become available.

A site-wide heat network is proposed for both Options 1 and 2, however the GLA requires the applicant to confirm that all apartments and non-domestic building uses will be connected to the site heat network: to that end, a drawing showing the route of the heat network linking all buildings on the site should be provided. Further information on the floor area and location of the energy centre should be provided also.

(c) **Be Clean - Combined Heat and Power**

As part of Option 2 the applicant proposes to install a 228kWe gas-fired CHP unit as the lead heat source for the site-wide heat network. The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating. A reduction in regulated CO2 emissions of 146 tonnes per annum (25%) would be achieved through this method.

(d) **Be Green - Renewable Energy Technologies**

Two options are proposed, the first being to install a 750kWe air source heat pump (ASHP) utilising waste heat from the supermarket's refrigeration system as the lead heat source for the site heat network. In addition, 250sqm of solar photovoltaic (PV) panels will also be installed. A drawing showing the location and orientation of the PV panels should be provided. This combined would achieve a reduction in regulated CO2 emissions of 146 tonnes per annum (25%).

The GLA concludes this section by stating that in addition to incorporating future energy efficiency measures the development should provide CHP and some renewable technology required by London Plan policies 5.7 and 5.8. [

Noise and Air Quality

GLA welcomes the indication that the design has been influenced by the findings of the assessments; however the noise survey is deemed inadequate for Phases 2 & 3. A more extensive noise survey is required to adequately characterise the noise climate at the location of the proposed residential development and the primary school. It is recommended that appropriate conditions are secured to ensure good internal acoustics for residents and to ensure good internal acoustic conditions for residents and to ensure that the impacts of the existing noise environment are mitigated to an acceptable level.

Air quality assessment

London Plan Policy 7.14 sets out that development proposals should be at least air quality neutral and not lead to further deterioration of existing poor air quality. All conditions contained in Best Practice Guidance must be followed by the developer in addition to those relating to CHP.

Transport

The approach to trip generation (in particular residential Saturday trips), modal split (in particular bus residential trips), impacts on TLRN and traffic modelling presented in the revised TA is not considered acceptable and needs to be resubmitted; issues raised in relation to car parking, vehicular access, cycle parking, the pedestrian environment, Travel, Delivery Servicing and Construction Logistics Plans need to be resolved; the proposed conditions and s.106 clauses need to be agreed before the application can be considered acceptable.

12. OTHER

Community involvement

The applicant has submitted a Statement of Community Engagement with this planning application. The measures adopted include delivery of a flyer to 1800 properties in the area, two day public exhibition, setting up a website & communicating with the media and London based Chinese press.

Contamination

The submitted Phase 1 Desk Study recommends that an intrusive soil investigation be undertaken to test the soil for potential contamination. The borough Environmental Health officer agrees with this assessment and recommends a number of conditions to ensure that contamination is investigated and dealt with if found.

14. CONCLUSION

The application proposes the redevelopment of a prominent site within the centre of the Burnt Oak/Colindale Growth Area, which has been vacant since mid-2008, with a mix of uses including housing, new food superstore and a site for a primary school.

Section 2 of this report concludes that the retail impact of the new food superstore could have an adverse affect on Burnt Oak district centre. Your officers have attributed significant weight to this impact.

Sections 5 and 8 set out the planning merit this scheme exhibits, including the delivery of new family housing in the centre of the Growth Area and provision of land for a new primary school. Your officers have attributed significant weight to these benefits.

The recommendation is a finely balanced one, but in your officers' judgment, the planning merits of the scheme outweigh the potential harm and as such your officers recommend that the application be granted consent, subject to a legal agreement and conditions to secure, amongst other things, those merits.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant subject to S106 & refer to SoS

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

Central Government Guidance
London Plan (2011)

Brent's Core Strategy (2010)
Brent's Unitary Development Plan (2004)
Council's Supplementary Planning Guidance

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Employment: in terms of maintaining and sustaining a range of employment opportunities
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
Design and Regeneration: in terms of guiding new development and Extensions
Site-Specific Policies

CONDITIONS/REASONS:

(1) The development hereby permitted shall be carried out in the following Phases:

- (a) Preparatory Works: demolition of all existing structures
- (b) Phase One: Full planning permission for erection of a 7,817sqm gross external area GEA Class A1 retail foodstore with associated service and delivery yard; 5,207 sqm GEA of new Oriental and Far Eastern Floorspace to include shops, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways and non-residential institutions (Class a1, A2, A3, A4, A5, B1 and D1); podium slab along Airco Close; a site-wide energy centre; associated car parking

spaces, motorcycle parking spaces and cycle parking spaces; associated landscaping and public realm works; new vehicular access from Grove Park and vehicular access from Plaza Walk and associated highway works

- (c) Phase Two: Outline planning permission for residential floorspace (Class C3 accompanied by illustrative residential accommodation by illustrative residential accommodation schedule indicating 183 residential units) associated car parking spaces and cycle parking spaces, associated landscaping and new vehicular access from Airco Close
- (d) Phase Three: Outline planning permission for two form of entry primary school and nursery (Class D1)

Reason: In the interests of clarity and proper planning

- (2) The development to which the full planning 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.

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

4211-00-001 *Site Location Plan*

4211-00-002 *Site Plan as Existing*

4211-00-003 *Rev A Full Detail Site Plan Proposed at Ground Floor*

4211-00-004 *Rev A Full Detail Site Plan Proposed at First Floor*

4211-00-005 *Rev A Full Detail Site Plan Proposed at Second Floor*

4211-00-006 *Rev A Full Detail Site Plan Proposed at Third Floor*

4211-00-010 *Rev A Hybrid Application Demarcation Plan at Ground Floor*

4211-00-011 *Rev A Hybrid Application Demarcation Plan at First Floor*

4211-00-012 *Rev A Hybrid Application Demarcation Plan at Second Floor*

4211-00-013 *Rev A Hybrid Application Demarcation Plan at Third Floor*

4211-20-101 *Rev A Full Detail General Arrangement Plan at Ground Floor Sheet 1*

4211-20-102 *Rev A Full Detail General Arrangement Plan at Ground Floor Sheet 2*

4211-20-103 *Rev A Full Detail General Arrangement Plan at First Floor Sheet 1*

4211-20-104 *Rev A Full Detail General Arrangement Plan at First Floor Sheet 2*

4211-20-105 *Rev A Full Detail General Arrangement Plan at Second Floor Sheet 1*

4211-20-106 *Rev A Full Detail General Arrangement Plan at Second Floor Sheet 2*

4211-20-107 *Rev A Full Detail General Arrangement Plan at Third Floor Sheet 1*

4211-20-120 *Rev A Full Detail North and East Elevations*

4211-20-121 *Rev A Full Detail West and South Elevations*

4211-20-122 *Rev A Full Detail Section AA, BB and CC*

4211-20-123 *Rev A Full Detail Section DD and EE*

4211-20-124 *Rev A Full Detail Section FF, GG and HH*

4211-21-401 *Full Detail Bay Studies through Morrison's Façade*

4211-21-402 *Rev A Full Detail Bay Studies through OFEF façade*

4211-20-140 *Rev B Outline Detail Parameter Plan Ground Floor Land Use Option 1*

4211-20-141 *Rev B Outline Detail Parameter Plan First Floor Land Use Option 1*

4211-20-142 *Rev C Outline Detail Parameter Plan Residential & School Building Line & Block Arrangement Option 1*

4211-20-143 *Rev C Outline Detail Parameter Plan Residential & School Building Heights Option 1*

4211-20-144 *Rev B Outline Detail Parameter Plan Showing Vehicular Access Option 1*

4211-20-145 *Rev - Outline Detail Parameter Plan Ground Floor Land Use Option 2*

4211-20-146 *Rev A Outline Detail Parameter Plan First Floor Land Use Option 2*

4211-20-147 *Rev A Outline Detail Parameter Plan Residential & School Building Line & Block Arrangement Option 2*

4211-20-148 Rev A *Outline Detail Parameter Plan Residential & School Building Heights Option 2*

4211-20-149 Rev - *Outline Detail Parameter Plan Showing Vehicular Access Option 2*

1128-P-001 Rev C *Landscape Overall*

1128-P-002 Rev C *Edgware Road Public Realm Hard Landscape*

1128-P-003 Rev C *Edgware Road Public Realm Hard Landscape*

1128-P-004 Rev C *Edgware Road Public Realm Soft Landscape*

1128-P-005 Rev C *Edgware Road Public Realm Soft Landscape*

1128-P-006 Rev C *Edgware Road Public Realm Details*

1128-P-007 Rev C *Edgware Road Public Realm Levels and Sections*

4211-20-901 Rev A *Outline Detail Residential Accommodation Schedule*

4211-20-902 Rev A *Full Detail Retail Area Schedule*

4211-20-903 *Illustrative School Area Schedule*

WBS-00-92-001 Rev A01 *Site Layout Preliminary Drainage Strategy*

Affordable Housing Statement, Revised 26/10/12, Quod [CONFIDENTIAL]

CIL Information Letter, Revised 26/10/12, Quod

Daylight and Sunlight Assessment, July 2012, Gordon Ingram Associates

Design and Access Statement, Revised October 2012, Sheppard Robson

Flood Risk Assessment, Revised October 2012, RPS

Foul Sewerage and Utility Statement, Watermans

Energy Statement, Revised October 2012, Aecom

Environmental Statement – Volume 1, July 2012, Quod

Environmental Statement Addendum – Volume 1, October 2012, Quod

Environmental Statement– Volume 2 Technical Appendices, July 2012, Quod

Environmental Statement Addendum – Volume 2 Technical Appendices, October 2012, Quod

Environmental Statement – Non Technical Summary, Revised October 2012, Quod

Planning Drawings, Revised October 2012, Sheppard Robson

Planning Statement, July 2012, Quod

Planning Statement Addendum, October 2012, Quod

Phase 1 Geo-Environmental/Ground Conditions, July 2012, Watermans

Phase 1 Habitat Report, July 2012, Ecology Consultancy

Regeneration Statement, July 2012, Quod

Retail Impact Assessment, July 2012, Quod

School Travel Plan Addendum, October 2012, WSP

Statement of Community Engagement, July 2012, Carmargue

Sustainability Statement, July 2012, Aecom

Transport Assessment Volume 1, Revised October 2012, WSP

Transport Assessment Volume 2 – Figures, Drawings and Appendices, Revised October 2012, WSP

Plans: WSP 1360-GA-21F; WSP 1360-GA-27B; WSP 1360-SK-25D

Travel Plan, Revised October 2012, WSP

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

- (4) Approval of the details of the following reserved matters shall be obtained from the local planning authority in writing in respect of Phase Two and Three of the development (hereinafter called "the reserved matters") except where details are approved as part of this permission as noted below:
- (a) scale of the buildings and structures within the relevant phase in accordance with the approved Design Code;
 - (b) layout of the buildings, routes and structures within the relevant Phase;
 - (c) external appearance of the buildings and structures within the relevant Phase in accordance with the approved Design Code;
 - (d) means of access to and within the relevant Phase for vehicles, cycles and pedestrians in

accordance with the indicative plans as detailed in Condition 3 and

(e) landscaping of private and public space within the relevant Phase

Reason: To ensure the development is carried out in accordance with the prevailing relevant policy

- (5) Approval of the plans and particulars of the Reserved Matters for each Phase referred to in Condition 4 shall be obtained from the local planning authority in writing prior to the commencement of any part of the development to which those Reserved Matters relate except that this shall not prevent works of site clearance, demolition of existing buildings and structures, ground investigation and site survey works, erection of temporary boundary fencing or hoarding and works of decontamination and remediation (hereafter 'preparatory works') and each Phase shall be carried out only as approved.

Reason: To ensure full details of each phase are provided to ensure an acceptable standard of development

- (6) The details of each Phase submitted in relation to Condition 4 shall be in accordance with the Design Code and other particulars within the Design and Access Statement specified in Condition 3 and any subsequent reviews and updates to that document and the works shall be carried out as approved.

Reason: To ensure the scale, form, massing, appearance and design detail of the development results in a high quality and co-ordinated design for the development and that the different Phases adhere to that co-ordinated design.

- (7) Application for approval of the Reserved Matters shall be made to the local planning authority before the expiration of three years from the date of this permission

Reason: To ensure planning applications are carried out within a reasonable time period in accordance with Section 92 of the Town and Country Planning Act 1990.

- (8) The development to which the outline planning permission relates be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later

Reason: To ensure planning applications are carried out within a reasonable time period in accordance with Section 92 of the Town and Country Planning Act 1990.

- (9) No works at all including 'preparatory works' shall commence for each Phase of the development until a Construction Environmental Management Plan (CEMP) for the:

- (a) Preparatory works
- (b) Phase One construction works
- (c) Phase Two construction works
- (d) Phase Three construction works

have been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of measures to mitigate the impact of the demolition, construction and all associated works on noise, vibration and air quality for sensitive receptors including:

- (i) Management: Appointment of a Construction Liaison Officer to take primary responsibility for day-to-day contact on environmental matters for the borough, other external bodies

and the general public.

- (ii) Working Hours: Standard construction hours (e.g. Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 hours, with no working on Sundays or Bank Holidays), subject to consultation with the borough.
- (iii) Access Routes: Routing construction traffic away from NSRs.
- (iv) Equipment: The use of quieter alternative methods, plant and/or equipment, where reasonably practicable.
- (v) Screening: The use of site hoardings, enclosures, portable screens and/or screening noisier items of plant from NSRs, where reasonably practicable.
- (vi) Location: Positioning plant, equipment, site offices, storage areas and worksites away from NSRs, where reasonably practicable.
- (vii) Maintenance: Maintaining and operating all vehicles, plant and equipment in an appropriate manner, to ensure that extraneous noise from mechanical vibration, creaking and squeaking is kept to a minimum.
- (viii) Piling: Ensuring that piling is undertaken using most appropriate technique, with minimal noise and vibration generation in mind. The piling method will be agreed in conjunction with the LBB, prior to work commencing.
- (ix) BS 5228-1 indicates that between 10 and 20dB attenuation may be achieved during the construction phase by selecting the most appropriate plant and equipment and enclosing and/or screening noisier items of plant or equipment.
- (x) Site Planning: Erect solid barriers to site boundary; no bonfires; machinery and dust causing activities located away from sensitive receptors; training and management; hard surface site haul routes.
- (xi) Construction Traffic: vehicles to switch off engines; vehicle cleaning and specific fixed wheel washing on leaving site and damping down of haul routes; all loads entering and leaving site to be covered; ensure no site runoff of water or mud; all non-road mobile machinery to be fitted with appropriate exhaust after-treatment; on-road vehicles to comply with the requirements of a possible future LEZ as a minimum; minimise movement of construction traffic around site.
- (xii) Demolition: use water as dust suppressant; use enclosed chutes and covered skips; and wrap buildings to be demolished.
- (xiii) Site Activities: minimise dust generating activities ensuring that any crushing and screening machinery is located well within the site boundary; use water as dust suppressant where applicable; enclose stockpiles or keep them securely sheeted; if applicable, ensure concrete crusher or concrete batcher has a permit to operate

The development shall be carried out strictly in accordance with the agreed details.

Reason: the development is considered EIA development and particular attention must be paid to minimising the noise and air quality impact of the demolition and construction works on sensitive receptors and to ensure demolition and construction works follow Best Practicable Means (BPM) of Section 72 of the Control of Pollution Act 1974 to minimise noise and vibration effects.

- (10) No works at all including 'preparatory works' shall commence for each Phase of the development until a Construction Logistics Plan (CLP) for the:

- (a) Preparatory works
- (b) Phase One construction works
- (c) Phase Two construction works
- (d) Phase Three construction works

have been submitted to and approved in writing by the Local Planning Authority. The CLP, which shall be accompanied by a site layout plan showing the following elements, shall include details of:

- (i) the construction vehicle access(es) and routing, which shall avoid Grove Park and Stag Lane as these have width restrictions;
- (ii) timing of deliveries (to avoid peak hours and to comply with local road restrictions) and the control of traffic entering the site such as use of a banksman;
- (iii) the parking of vehicles of site operatives and visitors;
- (iv) loading and unloading of plant and materials;
- (v) storage of plant and materials used in constructing the development;
- (vi) wheel washing facilities to be installed prior to commencement of any works; and
- (vii) a scheme of road-cleaning along construction routes

The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure impact of demolition and construction activities are controlled including the impact of traffic, noise and air pollution and in particular to ensure demolition and construction traffic does not cause congestion or contribute towards a lack of safety on the local highway network which includes a major arterial route into London (the A5) and narrow residential streets (Grove Park).

- (11) No works at all including 'preparatory works' shall commence until the vehicle wheel washing facilities have been provided on site in accordance with the details approved in the CLP under Condition 10 and such facilities shall be installed prior to the commencement of the development and used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development or such other time as may be agreed in writing with the local planning authority.

Reason: To ensure construction activity does not result in waste and spoil on the public highway

- (12) No mechanical plant shall be installed within the relevant Phase until further details of such mechanical plant, including but not limited to refrigeration, air-conditioning, ventilation system, air source heat pumps, combined heat and power units and kitchen extraction systems, have been submitted to and approved in writing by the local planning authority.

Such details shall:

- (i) Include the particulars and or specification of noise levels of each item of mechanical plant;
- (ii) demonstrate that the individual and cumulative predicted noise levels from any mechanical plant together with any associated ducting, shall be 10 dB(A) or greater below

the typical background noise level (LA90) during the time of plant operation at 1 m from the nearest on and off-site NSR: the method of assessment should be carried out in accordance with BS4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas'; and

- (iii) include a scheme of mitigation in the event the predicted noise levels of the plant exceed the criteria in part (ii)

The approved apparatus shall be installed in accordance with the approved details and maintained thereafter for the lifetime of the development.

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

- (13) No Combined Heat and Power (CHP) unit shall be installed until further details of the proposed CHP unit have been submitted to and approved in writing by the local planning authority. Such details shall:

- (i) Include an addendum to the Air Quality Impact Assessment demonstrating that the proposed CHP unit would have no more than an imperceptible impact on the identified nearest sensitive receptors; and

- (ii) demonstrate that the CHP unit to be installed shall meet or improve upon the emissions standards and technical details described in the addendum to the Air Quality Impact Assessment

The CHP unit shall be installed in accordance with the approved details and maintained thereafter for the lifetime of the development.

Reason: To protect local air quality and to adhere to the recommendations of the Environmental Impact Assessment as this identified the development's potential impact on local air quality.

- (14) No part of the development shall be occupied until further details of tests undertaken on any installed CHP unit have been submitted to and approved in writing by the local planning authority. Such tests shall demonstrate that the CHP unit approved under condition [X] meets the approved emissions standards.

The CHP unit shall be maintained thereafter in such a way as to ensure that these standards continue to be met for the lifetime of the development.

Reason: To protect local air quality and to adhere to the recommendations of the Environmental Impact Assessment as this identified the development's potential impact on local air quality.

- (15) Prior to commencement of any works except 'preparatory works' a site investigation to determine the nature and extent of any contamination present, carried out in accordance with the principles of BS 10175:2011 by competent persons, shall be submitted to and approved in writing by the local planning authority to determine the nature and extent of any soil contamination present. The site investigation shall include:

- (i) the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination; and

- (ii) a Remediation Strategy containing an appraisal of remediation options should any contamination be found that presents an unacceptable risk to future site users

If required, the Remediation Strategy shall specify measures to contain, treat or remove any soil contamination to bring the site to a condition suitable for the intended residential use. The

strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The works shall be carried in accordance with the approved details in accordance with the approved timetable and the Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

- (16) Prior to the occupation of the relevant Phase the measures identified in the approved remediation strategy shall completed in full for each relevant Phase and a Verification Report

that demonstrates that the remediation of the:

- (a) Phase One land
- (b) Phase Two land

has been carried out in accordance with the approved remediation scheme and the relevant Phase is permitted for end use shall be submitted to and approved in writing by the local planning authority, unless the local planning authority has previously confirmed that no remediation measures are required for the relevant Phase.

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

- (17) No works shall commence on any Phase of the development with the exception of 'preparatory works' until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.

The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.

The scheme shall also include:

- (i) SUDS features detailed within section 10 of Flood risk assessment RCEF19931-003 produced by RPS dated 25 October 2012, including green roofs
- (ii) Runoff following development to be limited to 522l/s up to the 1 in 100 year plus climate change event as stated in Letter from Ruth Abbott dated 17 Jan 2013 ref RA/NB/RCEF12973-001 EL
- (iii) A total of 955m³ of attenuation to be provided on site as shown on drawing Site Layout Preliminary Drainage Strategy: WBS/00/92/001 Rev A03 dated 17 Jan 2013 and 4211-00-023 Rev A dated 3 Aug 2012; and
- (iv) details of how the scheme shall be maintained and managed after completion

The scheme shall subsequently be implemented in accordance with the approved details

before the development is completed and shall be maintained for the lifetime of the development.

Reason: To prevent the increased risk of flooding, both on and off site.

- (18) Prior to the occupation of the relevant Phase with the exception of 'preparatory works' a Delivery and Servicing Plan (DSP) for the:

- (a) Phase One operation
- (b) Phase Three operation

shall be submitted to and approved in writing by the Local Planning Authority. Such details to include the arrangements for deliveries to and servicing of the Superstore and the OFEF and the School via the raised service yard accessed from Plaza Walk.

The approved DSP shall be implemented in full prior to first occupation of the relevant Phase and shall be adhered to for the lifetime of the development.

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure that deliveries and servicing are planned to minimise their impact on the local highway network.

- (19) There shall be no deliveries, servicing or other commercial vehicular activity at the Development including but not limited to online retail delivery vehicles between the hours of 20.00 and 07.00 the next day except that this shall not prevent emergency access for urgent maintenance work.

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties, in light of the elevated nature of the service yard and its access road and the relationship with neighbouring residents.

- (20) Prior to commencement of Phase One with the exception of 'preparatory works' further details of the Commercial (Superstore and OFEF) and School car park layout shall be submitted to and approved in writing by the Local Planning Authority except that the number of vehicle parking spaces for the Commercial development shall not exceed 399 and the number of vehicle parking spaces for the School shall not be less than 39. Such details shall include:

- (i) not less than 10% of the spaces to be provided with electric vehicle charging points with a further 10% provided with electricity supply to accommodate future expansion
- (ii) not fewer than 24 spaces marked for the use of disabled Blue Badge holders
- (iii) provision of a taxi and public set-down, pick-up area
- (iv) confirmation that ceiling mounted plant or cables shall not impede the use of the parking area and or bays for its intended purpose
- (v) provision of CCTV, signage, lighting and road lining/markings
- (vi) a Car Park Management Plan which shall demonstrate how parking restrictions will be enforced and how the School parking spaces will be protected from use by vehicles associated with the Commercial development and vice versa

The areas designated for car-parking shall be laid out in accordance with the details hereby approved prior to occupation of the Phase One development or any part thereof and the car-parking area shall be retained for the lifetime of the development.

Reason: to ensure the car parking spaces provide a sufficient amount of parking for the uses and to follow the preventative approach advocated by Transport for London, to ensure the

parking provides electric vehicle charging points and is future-proofed, to ensure the car park provides sufficient spaces for disabled users and to ensure the car park is usable and safe

- (21) All parking spaces, turning areas, access roads and footways associated with a relevant Phase shall be constructed and permanently marked out in accordance with the approved plans prior to occupation of any part of the relevant Phase and shall be retained thereafter.

Parking spaces within the Commercial (Superstore and OFEF) and School car park shall be used only for vehicles of staff and visitors of the Commercial units and vehicles of staff and visitors (including parents dropping off and picking up) of the School and no other use for the lifetime of the development.

Parking spaces within the Residential car park shall be used only for domestic vehicles and no other use for the lifetime of the development.

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

- (22) Prior to commencement of Phase One with the exception of 'preparatory works' further details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority except that the number of cycle parking spaces for the Commercial development shall not be less than 86. Such details shall include:

- (i) provision of safe and secure cycle storage including publicly accessible spaces within the public realm
- (ii) provision of changing and showering facilities for staff of the Commercial units

The cycle parking shall be laid out and equipped in accordance with the details hereby approved prior to occupation of the Phase One development or any part thereof and the cycle parking area shall be retained for the lifetime of the development.

Reason: to ensure the cycle parking spaces provide a sufficient amount of cycle parking for the uses and that staff and visitors are encouraged to cycle to the site

- (23) Prior to commencement of the relevant Phase with the exception of 'preparatory works' further details of all exterior materials including samples and/or manufacturer's literature for:

- (a) Phase One
- (b) Phase Two
- (c) Phase Three

shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include but not be limited to:

- (i) building envelope materials e.g. bricks, render, cladding;
- (ii) windows, doors and glazing systems including colour samples; and
- (iii) balconies and screens

The works for each Phase shall be carried out in accordance with the approved details for the relevant Phase and shall be retained thereafter for the lifetime of the development.

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

- (24) Prior to commencement of the relevant Phase with the exception of 'preparatory works' further

details of the landscape works and treatment of the surroundings for:

- (a) Phase One
- (b) Phase Two
- (c) Phase Three

shall be submitted to and approved in writing by the Local Planning Authority.

Such a scheme shall provide details for the treatment of all areas of hard and soft landscaping in public, private and semi-private/public external space and shall include:

- (i) a planting plan showing all areas of soft landscaping specifying species, plant sizes and planting densities to include native plant species and/or those that are of known wildlife value that will attract insects and birds and provide a potential food source for bats throughout the bat activity period (spring to autumn);
- (ii) provision of street trees as shown on the approved details or in similar locations, including drought resistant native trees;
- (iii) an external works plan showing all areas of hard landscaping specifying materials and finishes: these should be of a permeable construction;
- (iv) details of all materials, including samples and/or manufacturer's literature, for those areas to be treated by means of hard landscape works;
- (v) details of street furniture including but not limited to raised planters/beds, benches, steps, signs;
- (vi) details of means of enclosure and boundary treatments;
- (vii) a programme of works for the implementation of the above landscape works

The works shall be completed in accordance with the approved details prior to the occupation of any part of the development or in accordance with the programme of works agreed in writing with the local planning authority and shall be retained thereafter for the lifetime 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 positions.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area and to ensure the privacy of neighbouring occupants is maintained.

- (25) Prior to commencement of the relevant Phase with the exception of 'preparatory works' further details of a Landscape Management Plan (LMP) for:

- (a) Phase One
- (b) Phase Two
- (c) Phase Three

shall be submitted to and approved in writing by the Local Planning Authority.

The LMP shall comprise a maintenance schedule of all hard and soft landscape areas within

Phase One and any specific management duties and such details may include:

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

The landscaping shall be maintained in accordance with the approved Landscape Management Plan for the lifetime of the development.

Reason: To ensure the survival and ongoing vitality of, all plants and soft landscape and to ensure the public realm continues to provide a benefit for the local community and residents.

- (26) Prior to commencement of the relevant Phase with the exception of 'preparatory works further details of refuse and recycling scheme for:
- (a) Phase One
 - (b) Phase Two
 - (c) Phase Three

shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include arrangements for the storage and disposal of refuse and recyclable materials, and vehicle access thereto. The refuse facilities shall be provided in full prior to first occupation of the relevant Phase and shall be retained thereafter for the lifetime of the development.

Reason: To protect amenity and ensure adequate provision for the storage of refuse.

- (27) Prior to commencement of the relevant Phase with the exception of 'preparatory works' further details of lighting scheme for:
- (a) Phase One
 - (b) Phase Two

(c) Phase Three

shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- (i) all external lighting for the relevant Phase, including vehicular, pedestrian, security and incidental lighting which shall be including directional lighting with a maximum output of 2000 lumens;
- (ii) the output of each light and a site-wide light-spill (illuminance) diagram; and
- (iii) manufacturer's literature showing the mounting and/or fixtures of each light e.g. column-mounted, bollard-mounted, wall-mounted or surface-mounted

The works shall be carried out in full prior to first occupation of the relevant Phase and shall be retained thereafter for the lifetime of the development.

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

- (28) The Superstore shown on approved plan 4211-20-103 Rev A shall have a retail (use class A1) sales area that is not more than 5,333 square metres Gross Internal Area.

Reason: The retail Superstore has a significant impact on Burnt Oak town centre and the impact is considered acceptable only on the basis of the size of the retail floor area considered in the approved Retail Impact Assessment (as amended).

- (29) All units within the Oriental and Far Eastern Floorspace (shown as OFER Food Court on approved plan 4211-20-103 Rev A and OFER Chinese grocery's; OFER assorted retail units and OFER Chinese Bank on approved plan 4211-20-102 Rev A) shall only be used between 0600-2300 hours Monday to Thursday, 0600-2400 Saturday and 0700-2200 hours Sunday and Bank Holidays, with the premises cleared within 30 minutes after these times, except for routine maintenance or administrative purposes.

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

- (30) Prior to commencement of Phase One with the exception of 'preparatory works' further details of the commercial frontages including the Superstore and the OFEF and not limited to the ground floor and the ground floor residential frontages along the Edgware Road shall be submitted to and approved in writing by the Local Planning Authority.

Such details shall include, where necessary, detailed drawings, sections and/or elevations of the various facades of the building(s) showing:

- (i) the design of the frontage including shop fronts and entrances, residential entrances, windows and glazed curtain wall including the distribution of aluminium cladding panels within the curtain wall system;
- (ii) the junctions between different elements of the building including walls and roofs and junctions between different materials.

The works shall be carried out in accordance with the approved details and shall be retained thereafter for the lifetime of the development.

Reason: To ensure the details of the appearance of the OFEF and Superstore are updated as materials are chosen and the building design evolves and to ensure the entrances to the residential blocks to be built as part of Phase One are prominent and well-designed whilst being compatible with the overall appearance of the development.

- (31) Prior to commencement of Phase One with the exception of 'preparatory works' a Frontage and Signage Strategy for the OFEF shall be submitted to and approved in writing by the Local Planning Authority. The Frontage and Signage Strategy shall include further details of the external appearance of the OFEF including:
- (i) A strategy for commercial unit windows which shall not be mirrored, painted or otherwise obscured; and
 - (ii) a strategy for the design and position of signage and advertising including signs attached to the building fabric or free-standing within the site

The works shall be carried out in accordance with the approved details and shall be retained thereafter for the lifetime of the development and the Frontage and Signage Strategy will apply to future tenants.

Reason: To ensure the appearance of the OFEF and individual units thereof is unified and that it reflects the unique nature of the use as an Oriental Cultural Centre.

- (32) The details of Phase Two submitted in relation to Condition 4 shall be in accordance with the limitations set by the approved parameter plans specified in Condition 3. For the avoidance of doubt, Option 1 and Option 2 are two separate acceptable options for the layout of Phase Two.

Reason: the merits and environmental impacts of the development have been assessed in relation to the form of development shown on the submitted parameter plans and in order to ensure the development proceeds on the basis of the development on which the EIA has been undertaken.

- (33) No works shall commence to Phase Two of the Development until the Applicant has confirmed in writing to the Local Planning Authority which of Option 1 or Option 2 shall be pursued.

Reason: To ensure the Development details accord with other conditions

- (34) In the event that Option 1 is pursued, no vehicular access for Phase Two shall be made from Grove Park or Edgware Road, all vehicular access shall be from Airco Close except that this shall not prevent the use of Grove Park to provide demolition and construction access as approved as part of a Construction Logistics Plan (CLP).

In the event that Option 2 is pursued, no vehicular access for Phase Two shall be made from Edgware Road and no service vehicle access shall be made from Airco Close, all residential vehicle access shall be from Airco Close and all service vehicle access shall be made from Grove Park except that this shall not prevent the use of Grove Park to provide demolition and construction access as approved as part of a Construction Logistics Plan (CLP).

Reason: the traffic impact of each Option has been modelled, assessed and found to be acceptable on the basis of the details hereby approved

- (35) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no form of enlargement, improvement or other alteration of the dwellings hereby permitted shall be carried out without the prior written permission in writing of the local planning authority.

Reason: To control further development in the interests of the character of the area and amenity of future occupiers.

- (36) Prior to commencement of Phase Two further details of the provision of children's play shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be in accordance with the Play Strategy set out in the Design and Access Statement and include:
- (i) Doorstep and local play areas within the designed landscape in particular for under 5's;
 - (ii) Raised planters and boundary walls for informal play;
 - (iii) Areas of fixed equipment for formal play.

The children's play areas shall be provided in full accordance with the approved details prior to occupation of the Phase Two development.

Reason: To ensure on-site facilities for play are provided for the future occupiers of the development.

- (37) The details submitted in relation to Condition 4 shall include further details of the Residential car park layout except that the number of vehicle parking spaces shall not exceed 183. Such details shall include:
- (i) not less than 10% of the spaces to be provided with electric vehicle charging points with a further 10% provided with electricity supply to accommodate future expansion
 - (ii) not fewer than 15 spaces marked for the use of disabled Blue Badge holders
 - (iii) confirmation that ceiling mounted plant or cables shall not impede the use of the parking area and or bays for its intended purpose
 - (iv) provision of CCTV, signage, lighting and road lining/markings
 - (v) a Residential Car Parking Management Plan which shall demonstrate how parking spaces will be allocated to residents and shall ensure residential units with a greater number of bedrooms benefit from a greater number of spaces and to ensure disabled Blue Badge parking bays are allocated to residents who require them

The areas designated for car-parking shall be laid out in accordance with the details hereby approved prior to occupation of the Phase Two development or any part thereof and the car-parking area shall be retained for the lifetime of the development.

Reason: to ensure the car parking spaces provide a sufficient amount of parking for the uses and to follow the preventative approach advocated by Transport for London, to prevent over-spill parking, to ensure the parking provides electric vehicle charging points and is future-proofed, to ensure the car park provides sufficient spaces for disabled users and to ensure the car park is usable and safe

- (38) The details submitted in relation to Condition 4 shall include further details of the servicing of residential units. Such details to include the arrangements for deliveries to and servicing of the Residential podium deck and shall reflect the chosen Option layout as specified in Condition 33 and shall include:
- (i) Details of the physical barrier by which vehicular access to the podium deck will be restricted (e.g. retractable bollards)
 - (ii) Details of the means by which delivery, servicing and emergency vehicles will be able to operate the physical barrier
 - (iii) Details of the tracked swept path for the largest vehicle to use the site (from delivery, servicing and emergency vehicles) to demonstrate compatibility with the hard and soft landscaping schemes
 - (iv) In the event Option 2 is pursued, details of the vehicular crossover to Grove Park
 - (v) A Residential Delivery and Servicing Plan which shall include times of refuse collections

The approved details shall be implemented in full prior to first occupation of Phase Two and shall be adhered to for the lifetime of the development.

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure that deliveries and servicing are planned to minimise their impact on the local highway network.

- (39) The details submitted in relation to Condition 4 shall include further details of cycle parking. Such details shall include:

- (i) provision of a sufficient number of safe and secure cycle storage to accord with the prevailing Development Plan policies
- (ii) provision of changing and showering facilities for staff of the School

The cycle parking shall be laid out and equipped in accordance with the details hereby approved prior to occupation of the Phase One development or any part thereof and the cycle parking area shall be retained for the lifetime of the development.

Reason: to ensure the cycle parking spaces provide a sufficient amount of cycle parking for the uses and that staff and visitors are encouraged to cycle to the site

- (40) Prior to the commencement of any Phase Two works, excluding demolition and site clearance, details of the green roofs to the buildings shall be submitted to and approved in writing by the local planning authority; such details shall include plans and specifications and advice for design and species composition of the proposed green roof should be sought from a suitable ecological company with experience of designing and installing green roofs in London.

The works shall be carried out in accordance with the approved details and retained thereafter.

Reason: to ensure the development accords with the recommendations of the Habitat survey

- (41) The details submitted in relation to Condition 4 shall include further details of the residential mix to demonstrate:

- (i) that there are no more than 183 and no fewer than 170 dwellings (residential units);
- (ii) a mix of size of residential units (by number of bedrooms) which shall include a maximum of 32% of units to have one-bedroom and a minimum 35% of units to be have three- or four-bedrooms; and
- (iii) a mix of type of residential unit which shall include a minimum of 16% self-contained dwellinghouses

Reason: to accord with local housing needs and reflect the fact significant weight has been given to the provision of a substantial proportion of family-sized homes and house

- (42) The details submitted in relation to Condition 4 shall include further details of the housing quality to demonstrate that:

- (i) the principles of Brent's Design Guide for New Development SPG and the Mayor of London's Housing SPG (November 2012), or subsequent revisions or replacements thereof, have been adhered to, including the use of winter gardens where required due to noise levels;
- (ii) 100% of units will comply with Lifetime Homes standards; and

(iii) At least 10% of units will be wheelchair accessible or easily adaptable for wheelchair users

Reason: to accord with local housing needs and reflect the fact significant weight has been given to the provision of a substantial proportion of family-sized homes and house

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

<i>Criterion</i>	<i>Typical situations</i>	<i>Design range LAeq, T</i>
Reasonable resting conditions	Living rooms	30-40 dB (day: T=16hrs 07:00 – 23:00)
Reasonable sleeping conditions	Bedrooms	30-35 dB (night: T= 8hrs 23:00 – 07:00)
		L _{Amax} 45 dB (night 23:00 – 07:00)

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

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

- (44) No vehicular access for Phase Three shall be made from Airco Close, Grove Park or Edgware Road, all vehicular access shall be from Plaza Walk except that this shall not prevent the use of Airco Close and/or Grove Park to provide demolition and construction access as approved as part of a Construction Logistics Plan (CLP).


Reason: the traffic impact of the development has been modelled, assessed and found to be acceptable on the basis of the details hereby approved and access from either Airco Close, Grove Park or Edgware Road would materially alter the impact to the detriment of the free flow of traffic and highway and pedestrian safety, whereas temporary use for demolition and construction traffic would considered by the LPA as part of a CLP

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Rachel McConnell, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5223

	Planning Committee Map
Site address: Church Road Car Park rear of 189-203, Church Road, London, NW10	
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This map is indicative only.

RECEIVED: 21 June, 2011

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: Church Road Car Park rear of 189-203, Church Road, London, NW10

PROPOSAL: Renewal of temporary planning permission 05/3523 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays

APPLICANT: Sherman & Waterman

CONTACT: Mr Gary Saunders

PLAN NO'S:
See Condition 2.

RECOMMENDATION

Grant.

EXISTING

The site is the car park on the southern side of High Road (and to the north of Church Road), adjacent to the roundabout where Neasden Lane meets the High Road.

PROPOSAL

Please see above.

HISTORY

05/3253 - Change of use of car park to open-air market on Wednesdays and Saturdays. Granted for temporary one year period on 1 March 2006.

07/0014 - Renewal of the temporary planning permission (05/3523) granted on 1 March 2006 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays for a further 12 months. Granted 25 April 2007.

08/0792 - Renewal of the temporary planning permission (07/0014) granted on 25 April 2007 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays for a further 12 months. Granted 24 June 2008.

08/2590 - Details pursuant to condition 7 (market management plan) of full planning permission reference 08/0792, dated 26 June 2008, for renewal of temporary planning permission reference 07/0014 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays. Granted 3 December 2008.

09/1095 Renewal of the temporary planning permission (08/0792) granted on 24 June 2008 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays. Granted for further 2 years at Planning Committee on 29 July 2009.

There is a current application awaiting validation for the redevelopment of the car park site and the erection of 34 residential units, along with a new market square and the "stopping up" of Eric Road (13/1098). This proposal is yet to go out to public consultation and will come back to Members for consideration at a subsequent Planning Committee in the summer.

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.

Brent Unitary Development Plan 2004

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

STR 11 - Which seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.

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

BE2 - Proposals should be designed with regard to their local context, making a positive contribution to the area, taking account of existing landform, and the need to improve existing urban spaces and townscape.

BE3 - Proposals should have regard for the existing urban grain, development patterns and density and should be designed so that spaces between and around buildings should be functional and attractive to their users, layout defined by pedestrian circulation, with particular emphasis on entrance points and creating vistas, it respects the form of the street by building to the established line of the frontage, unless there is a clear urban design justification.

SH26 – Seeks the encouragement of the retention of existing retail markets, and where affected by development proposals and where feasible, their replacement in town centre locations will be sought.

SH27 – Relates to the development of new retail markets and encourages their development in or adjacent to Major and other District Centres. The policy also seeks to ensure that the scale of the market does not have an adverse impact on the vitality and viability of a town centre, its operation would not have a detrimental effect on residential amenities, does not result in a loss of shoppers parking and consideration is given to highway safety and arrangements for the adequate clearance of rubbish.

TRN1 - Planning applications will be assessed as appropriate for their transport impact, including cumulative impacts on the road network, and all transport modes including public transport, walking and cycling.

CONSULTATION

Approx 160 letters were sent out to local residents informing them of this application on 8 July 2011.

No letters have been received in response to this consultation exercise.

TRANSPORTATION ENGINEER

Concern has been expressed that car parking related to the market use was causing highway difficulties, given the instances of unsafe parking. A further temporary consent should only be granted on the basis that the impact of the market on traffic conditions outside the site is considered to be acceptable. This issue is expanded upon in the "Remarks" section below.

REMARKS

Planning permission was originally granted in March 2006 for the market to operate from this site every Wednesday and Saturday when the nearby former White Hart Hotel site became unavailable for such a use. Members will be aware that the White Hart site, opposite the Magistrates Court, has subsequently been redeveloped for residential purposes.

At the time of the original 2006 decision for the market, whilst granting consent it was felt appropriate to grant a temporary one year period for the use with the reason for this decision been set down in the formal decision notice:-

"To enable the Local Planning Authority to review the position in the light of the impact of this use during a limited period and so as not to prejudice the wider redevelopment proposals for Church End."

The Planning Committee considered it appropriate to grant a further 12 month temporary period in both April 2007 and June 2008, whilst a 2 year extension was granted in 2009. The issue requiring consideration now remains as it was when Councillors considered the point previously, namely having taken account of events on the site, would it be appropriate to grant a further permission.

If it is agreed that this course of action would be appropriate, the second issue concerns the length of any temporary consent. Given the Council's ongoing work towards regenerating the wider Church End area, with the consequent impact that these proposals could have on the physical form of the area, it is recognised that it would be inappropriate at this time to grant a use of this kind a permanent permission. A planning application (13/1098) for the Council section of the car park site is expected to go out to public consultation in the next month, although it is understood that the likely commencement of works in the event that permission is forthcoming is likely to be a good time ahead.

Council Officers have been continuing to work on bringing forward a number of proposals that would bring about the regeneration of the heart of Church End. The nearby highway proposals that Central Government funded are now complete, whilst the car park development proposals, given the inability of Fortunegate (the other landowner here) to bring them forward are now being driven solely by the Council.

MOST RECENT PLANNING HISTORY

09/1095 Renewal of the temporary planning permission (08/0792) granted on 24 June 2008 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays. Granted on 29 July 2009 for 2 year temporary period.

Although the temporary consent effectively expired in 2011 the market did submit a proposal to renew the permission at that time, but as explained below, the Council did not feel able to renew the consent until certain conditions had been met.

NEED FOR A MARKET

The need for the provision of a market in this part of the Borough has been the subject of much discussion over recent years. The redevelopment of the nearby former White Hart hotel site on the High Road was objected to in the past because the replacement scheme did not make provision for a new retail market (an approach ultimately supported at appeal). The Council have made it clear that any development would need to take account of the need for a retail market and if one was not provided then the benefit to Church End Local Centre of any scheme would need to be carefully considered.

In the White Hart Hotel development there is no market. There is, however, the need to provide accommodation for a market in the locality. The current application site, which is partly Council-owned, has been identified in the past as a possible alternative and the relocation of the market onto the Church Road car park site was proposed by Officers as a short term measure when the White Hart originally became unavailable. The applicants continue to state that the market is popular and contributes to the local community. Although since 2006 there has been nothing like the well-orchestrated pro-market campaign led by a local newspaper that accompanied the original planning application, Officers have no reason to dispute

the claim that it is a popular market. Council Officers are proposing to include a market in their redevelopment proposals for this car park site. The Market Operator, who is the applicant in this case, has been involved in the discussions that have taken place in the preparation of the redevelopment scheme and these discussions have covered matters such as the form that the new market square will take.

Officers continue to consider that the siting of the market on the car park should be supported. However, it is still recommended that any consent be granted for a further temporary permission. As previously a temporary consent would allow time to see how the market operated on this site, in terms of its impact on highway conditions nearby and on the impact that it would have on adjoining residential occupiers, in terms of noise and disturbance.

In addition, and particularly given the Church End regeneration proposals discussed elsewhere, it would give Fortunegate, who own the northern section of the site, the opportunity to bring forward their own development proposals for the car park site. Although they have been working up ideas with the Council over a period of time these have not developed and, as explained, the Council is now continuing with its own ideas regardless of what Fortunegate might have in mind for the longer-term. What is clear is that the Council's ideas must be capable of implementation independent of, and without prejudicing, the Fortunegate ideas in the event they do come forward. This temporary market proposal has no impact on any of these possible scenarios.

RESIDENTIAL AMENITY

In terms of the potential disturbance to residents living nearby (the market is certainly closer to residential properties than the old White Hart site used to be, specifically with flats above commercial properties in Church Road backing onto the site) in the past there was some evidence that the stall holders selling CD's have failed to have sufficient regard to this fact with the consequence that some nuisance has been caused. The applicants have over the years had these occasions drawn to their attention and it has been clearly explained to them that any instances where the continued use causes problems would need to be weighed in the overall balance of considering the merits of the scheme. The applicants have historically indicated that they fully appreciate the situation from the Council's point of view.

The issue of residential nuisance continues, and will continue, as long as the market operates from this car park site. A condition limiting amplified noise has previously been attached to permissions and it was considered that this would be sufficient to minimize disturbance to the most affected residents, particularly as the Council's Environmental Health section confirmed that they would be able to consider any statutory nuisances caused by the re-sited market under their own legislation. It continues to be a balanced assessment, but rather than impose a more onerous condition preventing any amplified music at all on the site (which would be easier to assess any breach, but would be potentially resource-heavy to enforce against) it is considered that the condition from the original 2006 consent be repeated. For clarity, this current application (and indeed the one before it) did not result in any objections from those consulted.

However, as previously, it is also considered that the applicants should be reminded that in the event that in the future it is found that the problems of noise have re-occurred, then it may be the Council would need to look carefully at whether, or not, this site is actually appropriate for a market in its current form. The fact that problems have not appeared over the last 12 months in the way that they had previously is obviously welcomed, but were these difficulties to reappear then Officers may have to consider a different recommendation to this one. Officers do consider that the original problems are unlikely to return as the use has become established.

HIGHWAY IMPACTS

In terms of the highway implications of the proposal, the original 2006 Committee report stated the following:-

"The proposal removes an existing car park on two days of the week, although the site is not specifically designated, and nor does it operate as, a shoppers car-park. No replacement parking provision is available for customers in the area and the Church Road centre is already heavily parked throughout the day. However, this was the case whilst the market operated on the White Hart site, and although the car park would be lost for two days a week, the new site has a number of advantages, over and above the old, in

terms of the ability for traders to park on site and the fact that site servicing is less likely to cause conditions prejudicial to highway safety than previously".

The road improvements, which include a cycle lane along Church Road, do appear to have been abused by visitors to the market on certain occasions. It is evident that visitors to the market are actually parking their own vehicles on this lane, so as to not park on the main highway. In addition, there has been widespread evidence that some traders and shoppers have in the past driven off the main Church Road into the site that way. Over time these actions seemed to be getting worse to the point that when the 2011 renewal was submitted Officers did not feel that it was appropriate to consider a new permission until these problems were sorted out.

There was discussion at that time about who should undertake to manage this and, more specifically, pay for the re-introduction of bollards to physically stop these unacceptable vehicle movements. An unknown party was, of course, responsible for removing the bollards in the first instance. These transgressions continue to be unacceptable forms of behaviour, for fairly obvious reasons, and while some of these offences are a matter for parking enforcement the applicant has been informed that it is likely that action will be taken against any offenders. Although over time the Market Manager has accepted the concerns of the Council, and have undertaken to make it clear to traders that the practice must stop, their ability to influence behaviour does seem to be limited.

Last month, the Council paid for new wooden bollards to be re-installed along the Church Road frontage and a number of visits have revealed that since being installed they have had a huge impact with the grass verges within the site almost free of vehicles (they obviously can't stop people coming into the car park early and parking on the verge from that side which has always been the case). As a result, the Transportation Engineer has now confirmed that they wish to withdraw their original objection to a new temporary consent, but repeat their point that a new temporary permission is still needed to monitor the new situation.

SAFER STREET CONCERNS

Previously the Council's Streetcare (now Safer Streets) Officer had a number of issues with the day-to-day operation of the market with particular concerns about litter and refuse. In an effort to resolve this, and to ensure that the impacts of the continued use of the site as a market were addressed by the market operators, agreement was reached between the parties as to how to deal with these impacts in the future. At that time, it was considered the most appropriate way of dealing with these points was via a Management Plan which should be submitted, and agreed, within a particular timetable, so as to allow the provisions within it to be enforced.

It was decided that many of the specific matters requiring attention (eg: number of people to clear the site, arrangements for refuse bins) should not be dealt with through specific planning conditions and the applicants said at that time that they were content to submit a Management Plan. This Management Plan was approved in December 2008 through application 08/2590 and Officers are not aware of any issues arising from it, certainly so that this permission should not be withheld. There are inevitably issues that arise as would be the case with any market operation of this kind. Again, a one year temporary consent allows all aspects of the use to be re-considered in due course.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

- Brent's Unitary Development Plan 2004

Relevant policies in the Adopted Unitary Development Plan are those in the following

chapters:-

- Built Environment: in terms of the protection and enhancement of the environment
- Environmental Protection: in terms of protecting specific features of the environment and protecting the public
- Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
- 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 on 22 May 2014 when (unless a further application has been submitted to and approved by the Local Planning Authority) the use hereby approved shall be discontinued and the land reinstated.

Reason:

To enable the Local Planning Authority to review the position in the light of the impact of this use during a limited period and so as not to prejudice the wider redevelopment proposals for Church End.

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

- 584WM/01B.
- 584WM/02C.
- 584WM/03C.
- 584WM/04C.
- 584WM/05B.
- Letter from Sherman & Waterman Assoc. Ltd dated 21 August 2008.

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

- (3) No music, public address system or any other amplified sound shall be audible within any residential properties (whilst all windows/doors/openings are closed) in Church Road, Eric Road or Preston Gardens.

Reason:

To safeguard the amenities of the adjoining occupiers.

- (4) Setting up of the market, hereby approved, shall not take place earlier than 7.00am and market stalls shall be removed from the site by 6.00pm on the day of the market.

Reason:

To ensure that the proposed market does not prejudice the enjoyment by neighbouring occupiers of their properties and in order to allow the Local Planning Authority to exercise proper control over the development.

- (5) The Management Plan approved under application 08/2590, shall be fully complied with at all times, save as varied with the agreement of the Local Planning Authority in writing.


Reason: In order to allow the Council to exercise proper control over the development in the interests of amenity and to ensure proper waste disposal.

INFORMATIVES:

- (1) The applicant is informed that in the event that the continued use of the site for a market causes problems for residential amenity as a result of amplified music being played, the Council will need to consider the appropriateness of the site for such a market use when the planning permission comes to be renewed in 2014. The applicant should be aware that this Informative was also set down in 2007, 2008 and 2009.

- (2) The applicant is informed that visitors to the market are parking their own vehicles on the cycle lane introduced as part of highway improvements in the area. This is unacceptable and enforcement action will be taken against offenders in the future by the Council's Parking Team.

Any person wishing to inspect the above papers should contact Andy Bates, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5228

 **Planning Committee Map**
Site address: 126 Acton Lane, London, NW10 8TX
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This map is indicative only.

RECEIVED: 14 November, 2012

WARD: Harlesden

PLANNING AREA: Harlesden Consultative Forum

LOCATION: 126 Acton Lane, London, NW10 8TX

PROPOSAL: Proposed conversion of building into three self contained flats (2 x 1-bed and 1 x 3-bed units), erection of rear dormer window, replacement of rear windows and doors at ground and first floors, alteration to single storey rear extension to accommodate cycle store with retention of existing commercial unit at ground floor (as amended by plans received 04/04/2013)

APPLICANT: Dimeville Ltd

CONTACT: westeyesolution

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

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 agreement

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

EXISTING

The existing property is a two-storey end of terrace, mixed use property that contains a commercial use and two bedsits on the groundfloor and 6 bedsits on the first floor. It is not a listed building nor is it within a Conservation Area.

PROPOSAL

See description above.

HISTORY

00/1205. Installation of side and rear dormer windows to provide rooms within roofspace to enlarge existing ground and first-floor residential premises. Refused 01/09/2000.

99/1907. Installation of side and rear dormer windows to provide rooms within the roofspace to enlarge first-floor flat (as amended by plans received on 28/03/2000). Refused 12/04/2000.

E/09/0723. Enforcement Investigation in relation to the change of use of the ground floor of the premises to two self-contained flats. Action has been suspended on this case pending the outcome of the current

application. Enforcement Officers encouraged the submission of this application as a means of improving the quality of existing housing conditions to a standard which will satisfy the Council's Housing Department.

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.

London Plan 2011

- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.6 Architecture
- 8.2 Planning Obligations

Core Strategy 2010

- CP2 Housing Growth
- CP15 Infrastructure to Support Development
- CP17 Protecting and Enhancing the Suburban Character of Brent
- CP21 A Balanced Housing Stock

UDP 2004

- BE2 Townscape : Local Context & Character
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- H12 Residential Quality – Layout Considerations
- TRN11 The London Cycle Network
- TRN23 Parking Standards – Residential Developments
- PS14 Residential Developments

SPG17: 'Design Guide for New Development'

CONSULTATION

All neighbouring properties, transportation and landscape design were consulted.

5 objections have been received from members of the public. No reason has been given for the objections.

Transportation have no objections to the proposed development provided the applicant agrees to the removal of the right to a parking permit for prospective residents through a section 106 agreement.

Landscape design have no objections to the proposed development. Further details of how the amenity space is to be treated should be sought by condition.

REMARKS

Principle

Alterations to dwellings and the creation of additional residential units is considered acceptable provided that

there is no loss of family accommodation, there is an appropriate mix of residential accommodation, the property does not need to be significantly extended to increase the number of units proposed, there is an acceptable quality of residential accommodation provided and there is an acceptable transport impact.

Amendments during the planning process

The application has been amended during the planning process in the following manner:

- The width of the rear dormer window has been reduced.
- The floor areas of the proposed residential units have been altered and have been shown to comply with London Plan Minimum Floor spaces.
- Additional information has been provided to clarify how the property has been used over the past 10 years

Existing

The existing use is described in the application form as a 4+ bedroom house but the existing plans show two bedsits on the groundfloor and a 6 bedroom HMO on the first floor. Site visits have confirmed that this is the existing use and there have been additional site visits by other Council Departments in relation to concerns with the condition of the residential accommodation provided.

However there is no planning history for the creation of the bedsits and the upper-floor HMO. A full planning application made in 2000 which is the most recent planning record for this address and relates only to the first floor. This showed that the first floor was in use as a 3-bed flat in 2000 and provided no details of the groundfloor. The applicant contends that the property has been used as an HMO for a continuous period of 10 years or more and has provided details of tenancy agreements showing that there were 3 or more residents at the address at the same point in time for different years. This indicates that the property has been used as an HMO for a period of time however it does not demonstrate continuous use over the past ten years that would be required to certify this as the authorised use.

Nevertheless the applicants have stated that the existing use as an HMO is unviable and have made the current application to allow for a change of use to 3 self-contained flats. The loss of an HMO is considered acceptable where it does not meet a specific need. The existing HMO does not meet a specific need and is in a poor condition. Its conversion into self-contained residential units is considered to be an acceptable alternative use.

Quality and mix of Proposed Residential Accommodation

The proposed development would result in the provision of 2 x 1-bed flats and 1 x 3-flats. The proposed 3-bed (4 person) flat is situated on the first and second floors and has a floor area of 92 sqm, which is significantly above the 74sqm minimum floor area set out in London Plan policy 3.5. The 1-bed (2 person) first floor flat has a floor area of 51.1sqm and the groundfloor one-bed flat has a floor area of 55.29sqm. Again both of these proposed flats are above the 50sqm minimum requirements set out in the London Plan 2011. All of the units provide an acceptable level of outlook as they are all dual aspect. The layout of the proposed units results in noise sensitive rooms such as bedrooms being positioned above or below similar rooms to ensure there are no noise problem as a result of inappropriate stacking. There is a communal amenity space to the rear of the property which has an area of 79sqm. This would comply with the 20sqm per flat set out in SPG 17. Full details of the landscaping proposals will be sought by condition. There is also appropriate bin storage and cycle storage for prospective residents.

As such they are considered to provide an acceptable quality of accommodation for prospective residents.

Proposed Extension

Flat conversions are acceptable where they do not require significant extensions to the existing property to provide the additional flats. This proposal involves the provision of a proposed rear dormer window. The proposed dormer is modest in size with a width of 3.4m which is below half the average width of the rear roof plane. The existing roof plan has an average width of 8.77m. The proposed dormer window is mainly glazed and is in accordance with the requirements of SPG 5 in terms of the width, set up from the roof eaves and set down from the roof ridge line.

Parking

The subject property is located on a local distributor road with no access to off-street parking and there is no opportunity to provide any offstreet parking. The site has a PTAL rating of level 5 (very good) and is within walking distance of Harlesden Station and nine local bus routes. As a result of the very good access to public transport a reduced parking standard is permitted of 0.7 spaces per 1-bed unit and 1.2 spaces for the 3-bedroom unit (2.6 spaces). As this is an increase on the existing situation the applicants have agreed to a section 106 clause requiring that prospective residents have no access to parking permits.

Infrastructure

The proposed development will not result in the provision of any additional bedrooms within the property as such there will not be a significant impact on local infrastructure and no additional contribution will be required.

Conclusion

The proposed conversion of the property into three self-contained flats, erection of rear dormer window and other alterations is considered to be in accordance with the Council Planning Policy. Accordingly the application is recommended for approval subject to the signing of a section 106 legal agreement and the conditions set out below.

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) Landscape proposals for the treatment of the designated areas within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site. The landscape works shall be completed in accordance with the approved details prior to the occupation of first residential unit. Any planting that is part of the approved scheme that within a period of *five* years after completion 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 to ensure that it enhances the visual amenity of the area.

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

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

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

100-X01
100-X02
100-x02G
100-X03
100-X04
100-X05
100-X06
100-X07
100-X08
100-X09

100-P02
100-P02G
100-P03RevB
100-P04RevB
100-P05RevB
100-P06RevB
100-P07
100-P08RevA
100-P09RevB
100-P10RevA

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

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

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

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 applicants are advised to contact the Council's Planning Enforcement Team within 2 weeks of the date of decision and provide them with a programme of works to undertake the proposed development within a specified timeframe, to ensure that no further enforcement action is necessary.

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



Planning Committee Map

Site address: 249 Kilburn High Road, London, NW6 7JN

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This map is indicative only.

RECEIVED: 14 October, 2012

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 249 Kilburn High Road, London, NW6 7JN

PROPOSAL: Erection of first floor rear extension to take-away restaurant

APPLICANT: Charcol Grill

CONTACT: Genesys Designs

PLAN NO'S:
Please see condition 2

RECOMMENDATION

Grant Consent

EXISTING

The site currently comprises an A3/A5 restaurant on the ground and part first floors of a four-storey building. Council records suggest that the upper floors have authorised use as a single maisonette. The site does not benefit from any off-street parking, but a rear service access route is available in the form of Waterloo Passage. The property is not located within a Conservation Area, nor is any part of the property considered to be a listed feature

PROPOSAL

Please see above

HISTORY

A Planning Enforcement Notice (Ref: E/12/0724) for 'Without Planning permission, the erection of a first floor structure housing a freezer unit and incorporating a timber-framed and plastic around to the rear of the premises' was served on 23 August, 2012. The Notice came into effect 2 October, 2012 and was required to be complied with by the 2 November 2012. The unauthorised extension was altered to comply with the Enforcement Notice.

A Certificate of lawfulness for existing use of premises as take away and restaurant (Ref No: 05/2134) was granted on 4 January 2006.

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.

Brent Unitary Development Plan 2004 - Adopted Policies

BE2 – Proposals should be designed with regard to their local context, making a positive contribution to the character of the area. Account should be taken of the need to respect or improve the quality of existing urban spaces, materials, townscape or historical features which contribute favourably to the character of the area

BE9 – Creative and high-quality design solutions (for extensions) specific to site's shape, size, location and development opportunities Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

PS9 - Parking Standard for food and drink

PS15 - Parking Standard for Disabled Parking

PS16 - Cycle Parking Standard

PS20 - Parking Standard for food and drink (Servicing)

The Council also produces a series of Supplementary Planning Guidance (SPG) Notes that give additional information on a variety of issues and which are intended to be read in conjunction with the adopted UDP. Supplementary Planning Guidance Note 17 'Design Guide For New Development' The Planning Authority place considerable weight on the contents of SPG17

CONSULTATION

External

21 Neighbouring residents were consulted on 15 October 2012. The Local Authority has received 3 objections to date. The principle objections are:

- The use of the first floor as an extension to the ground floor restaurant causes a great deal of noise and disturbance
- The extension will amplify the already bad problem of rats.
- If allowed the development will set an unsympathetic precedent

Response

- A condition requiring adequate sound insulation so to prevent noise transmission is proposed
- The matter of rats and other vermin is not covered by the Town and Country Planning Act. However the issue will be passed on to colleagues in Environmental Health for further investigation

The matter of precedent is addressed in the 'Remarks' section of the report.

Internal

Highway Engineer: No Objection, subject to further details of doors opening inward.

Environmental Health: No objection, subject to a condition requiring suitable insulation.

REMARKS

Context

Historically, this property has had a ground and first floor extension in situ. In 2011/12 it seems as though the footprint of the first floor extension was extended without planning permission and it was this larger first floor extension that was the subject of the Enforcement Notice outlined in the 'History' section of this report.

The Enforcement Notice required the new extension to be reduced in size to what originally existed and it is this reduced addition that is now in situ. The current proposal seeks to remove the existing first floor extension and erect a new more uniform, larger development. This proposed extension to the restaurant will accommodate 4 toilets, a storeroom and access to the upper floor units. The proposed extension will span

the entire depth of the side return, 3.5m in width and 2.8m in height (when measured from the roof of the ground floor extension).

Comparing the proposed extension with the extension that was the subject of the Enforcement Notice, the following differences are noted

Proposed Extension

- 1m set off common boundary
- Brick built structure
- Uniform height, better design.

Extension the subject of the Enforcement Notice

- Extension occupied entire site (excluding access to upper floor units)
- Extension constructed of plastic, wood and brick
- Staggered height

Whilst the Council does not object in principle to the extension of any property, there remains a need to ensure that the extension is appropriate and that would not result in a significant adverse impact on the amenities of any neighbouring property. Similarly the Local Authority require proposals to be designed with regard to their local context, making a positive contribution to the character of the area. This is specified in Policy BE9 and BE2 of Brent's UDP 2004.

Assessment

An extension has historically existed on the site and this forms a material consideration in the assessment of any new development proposed.

The existing extensions vary in height and materials (wood, plastic and brick) and are not considered to be of the architectural quality required. In an attempt to bring about a degree of uniformity, the extension nearest to the main body of the house will be increased in height by 0.8m and will be constructed of facing brick only. The additional height will help the extension to be read as a single development and not two segments as it does at present. No objection is raised with the principle of facing brick, however further detail on the brick type and overall materials shall be secured by condition. The applicant's design approach is considered to be acceptable.

Impact on Neighbouring Amenity

The flank wall at No.245 (facing the proposed extension) contains habitable windows and doors. Owing to the presence of the existing extension and the adjoining two storey rear projection, the existing levels of neighbouring amenity are already considered to be somewhat compromised, as is often the situation in these sorts of Town Centre, mixed use, areas. The proposed extension albeit some 0.8m higher than that of the existing extension would still be set away 1m from the common boundary and, although things will change for people nearby, the additional 0.8m height is not considered to cause a detrimental impact on neighbouring amenity, certainly one that could justify refusing planning consent.

Three flank windows are proposed. However, these are at high level and are located at the further most part of the extension. Owing to their high level and location, on balance, the proposed windows are not considered to cause a loss of neighbouring windows

Impact on the Character of the Area

Most properties in this parade have been extended in a similar fashion. As such no objection is raised in principle to the extension of the subject property. The new proposed development will replace the plastic, wood and brick structure, thereby promoting uniformity, and providing a more attractive addition in design and appearance terms. The proposed extensions are designed with regard to their local context, making a positive contribution to the character of the area

Highways

The existing A3/A5 premises according to the submitted plans has a floor area of approximately 130sqm. Under PS9 this can be permitted 1 car space (1 per up to 400sqm). The floor area will not change

significantly enough to affect the parking standard. Servicing requirements for A3/A5 uses are set out in PS20 of the UDP-2004. A "Transit" sized vehicle bay is required, but there is nowhere on site that this can currently be provided. However, as rear servicing is possible via Waterloo Passage this can continue, with deliveries being taken into the premises via the rear doors.

The proposed plans show outwards-opening doors to the refuse and recycling area and to the rear access door. Although similar doors already exist at the rear of the premises, Officers would strongly favour improvements being made as a result of this application. Waterloo Passage is an adopted public highway and, as such, it is unacceptable to have doors opening into this route, endangering highway and pedestrian safety. A condition requiring further details of doors shall be attached to the permission if Members are minded to approve the application.

The location of the refuse and recycling storage is acceptable. It will not be feasible to provide on-site cycle parking, but on-street stands are available in the locality.

Environmental Health

The proposal, by reason of the extension to the restaurant, will result in an intensification of the use. The intensified use has the potential to cause noise to adjoining residents (both from staff and cooking activities) and a condition requiring suitable sound insulation, in the interest of protecting neighbouring amenity, is suggested here.

Other

The existing 'chilling units' will be repositioned on the roof of the now higher extension. No objection is raised to the new position of existing equipment.

The proposal also seeks some internal alterations to the basement and the proposed changes do not require planning permission.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

Existing All
Proposed All - Rev B

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

- (3) The flat roof of the extension shall not be used as a roof terrace at any time.

Reason: To protect the privacy and amenity of neighbouring properties.

- (4) Details of 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: In the interest of Highway and Pedestrian safety

- (5) Details of insulation to minimise noise transmission 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 safeguard the amenity of the neighbours from the transmission of noise

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

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

INFORMATIVES:

None Specified

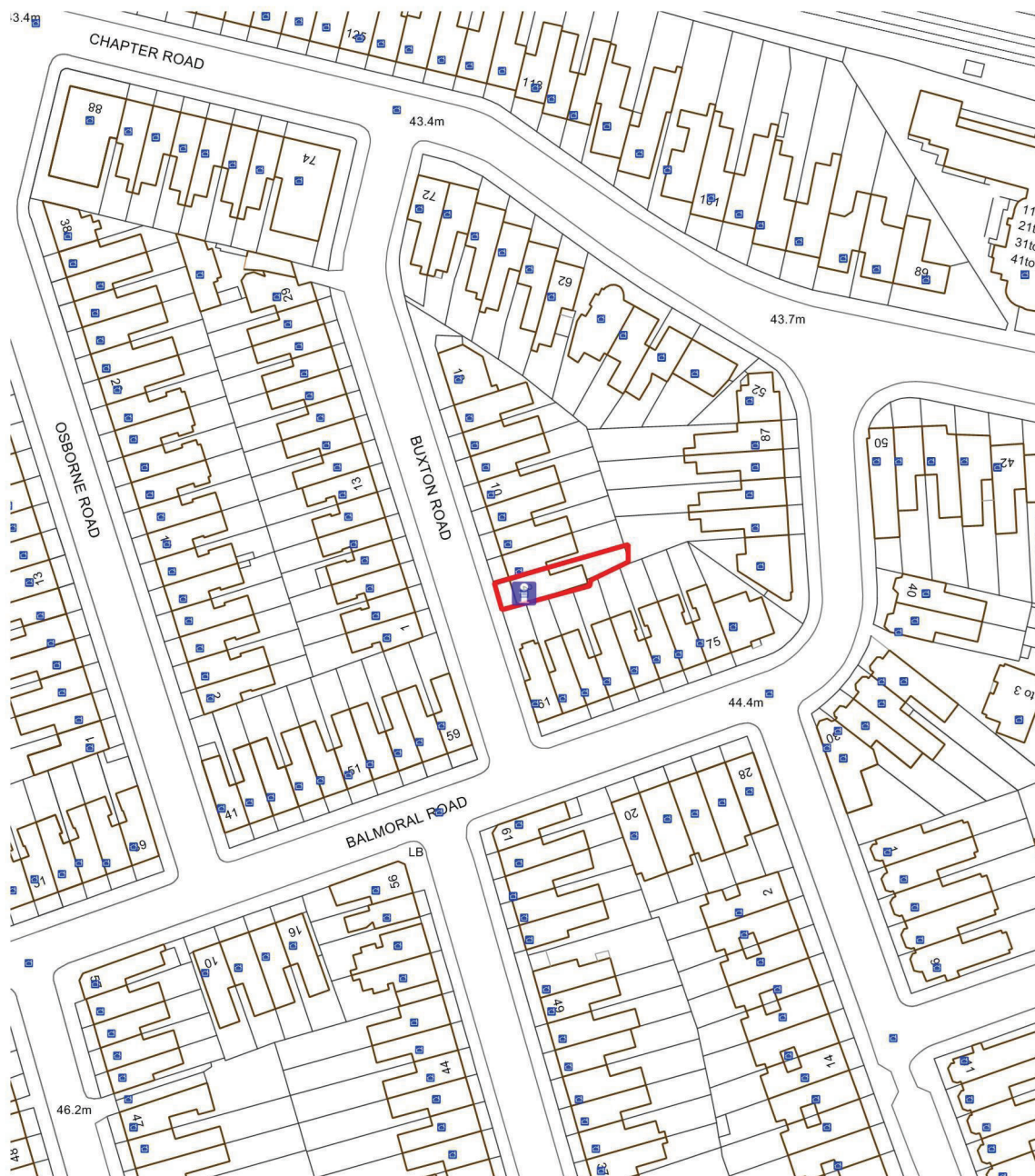
Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245



Planning Committee Map

Site address: Flat 2, 2 Buxton Road, London, NW2 5BJ

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This map is indicative only.

RECEIVED: 18 February, 2013
WARD: Willesden Green
PLANNING AREA: Willesden Consultative Forum
LOCATION: Flat 2, 2 Buxton Road, London, NW2 5BJ
PROPOSAL: Single storey rear extension to ground floor flat
APPLICANT: Mr Ivan Goh
CONTACT: Ahmed Rahim
PLAN NO'S:
Please see condition 2

MEMBERS CALL-IN PROCEDURE

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

Name of Councillor

Councillor Reg Colwill

Date and Reason for Request

13 March 2013. The application is a gross overdevelopment of the site, the extension would overlook neighbours and the garden is too small to accommodate it.

Details of any representations received

None given.

Name of Councillor

Councillor Suresh Kansagra

Date and Reason for Request

13 March 2013. The application is a gross overdevelopment of the site, the extension would overlook neighbours and the garden is too small to accommodate it.

Details of any representations received

None Given.

Name of Councillor

Councillor BM Patel

Date and Reason for Request

13 March 2013. The application is a gross overdevelopment of the site, the extension would overlook neighbours and the garden is too small to accommodate it.

Details of any representations received

None Given.

RECOMMENDATION

Grant Consent

EXISTING

The site occupied by an end of terrace property is in use as 4 flats. The application relates to the groundfloor flat (No. 2). The property is not located within a Conservation Area, nor is any part of the property are a listed feature.

PROPOSAL

As above

HISTORY

Certificate of Lawfulness for the existing use as 4 studio flats (Ref No: 07/3028) was deemed lawful on 4 December 2008.

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.

Brent Unitary Development Plan 2004 - Adopted Policies

BE2 – Proposals should be designed with regard to their local context, making a positive contribution to the character of the area. Account should be taken of the need to respect or improve the quality of existing urban spaces, materials, townscape or historical features which contribute favourably to the character of the area

BE9 – Creative and high-quality design solutions (for extensions) specific to site's shape, size, location and development opportunities Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

The Council also produces a series of Supplementary Planning Guidance (SPG) Notes that give additional information on a variety of issues and which are intended to be read in conjunction with the adopted UDP. SPG5 "Altering and Extending Your Home" was adopted by the Council in July 2002 and was subject to widespread public consultation at the time, before adoption. The Planning Authority place considerable weight the contents of SPG5

CONSULTATION

14 Neighbouring properties were consulted on 6 March 2013. The Local Authority has received 4 objections and 1 petition against the development. Cllr Anne Hunter also queried the status of the development on behalf of her constituents, but has not raised a formal objection.

The objections are outlined as:

- The proposals envisages a gross over-development of the site.
- The gardens on Buxton Road are tiny at approximately 8m x 4m and as such any development (Irrespective of its size) here would appear intrusive
- The new extension will overlook neighbouring properties and gardens
- The new extension will reduce the size of the garden giving it a closed feeling.
- Reduction in sunlight to plants
- The building works will disrupt existing residents within 2 Buxton Road
- Loss of sunlight and additional noise to neighbouring amenity.

As explained at the head of this report, Cllr Reg Colwill, Cllr BM Patel and Cllr Suresh Kansagra echo the above objections and have requested the application be determined by Committee

REMARKS

Principle

Whilst the Council does not object in principle to the extension of any dwelling, there remains a need to ensure that the extension is appropriate, ensures adequate external amenity space remains for occupiers and that would not result in a significant adverse impact on the amenities of any neighbouring property. Similarly the Local Authority require proposals to be designed with regard to their local context, making a positive contribution to the character of the area. This is specified in Policy BE9 and BE2 of Brent's UDP 2004.

Residential Amenity

The proposed single storey rear extension will be 3m deep and 3m high (to the top of the parapet) with a flat roof. The flat roofed extension will have a single rooflight. The new extension will be set in from the common boundary with rear gardens at Balmoral Road by 300mm and will not span any further than the width of the the existing rear projection (3.2m). The dimensions of the extension complies with the Councils adopted approach.

Members will no doubt be aware that if this were a house, then an extension of this size would fall within the realms of permitted development and would not, therefore, need planning permission. However, the application property is a flat, not benefiting from Permitted Development rights and as a result it falls to be determined on its individual planning merits.

Concern with the impact on neighbouring amenity has been raised. Viewing the proposal from rear gardens at Balmoral Road, the proposed 3.0m high extension will be located approximately 8m away from the main flank wall of these properties. The existing 8m separation is considered to be sufficient to protect neighbouring amenity. No flank windows are proposed and as a result the possibility of overlooking into these gardens, as has been claimed, is difficult to support.

The rear garden at the subject property is approximately 8.3m deep. If Members are minded to approve the development, the resulting depth of the garden will be 5.3m. The directly adjoining rear garden 81 Balmoral Road is 13m (at its closest point). The resulting separation is considered to be sufficient to protect amenity here. Single storey rear extensions such as this one no wider than the width of the outrigger are routinely approved across the Borough. Inevitably things will change for No 4 Buxton Road, however in terms of impact it will be within the normal limits considered acceptable by this Council. There is no reason to take a different view here.

The proposed extension is considered to preserve an acceptable level of amenity for neighbouring residents.

Character and appearance

Objection has been raised with the amount of development proposed for the site, with particular concern raised with the scale and mass of the development on the rear garden at the subject site. The existing garden has a depth of 8.3m. If approved, the resulting depth of the garden will be 5.3m and this will still allow there to be at least 20sqm of external amenity space for the groundfloor flat as required in the Council's adopted SPG17 document. The Council is concerned about overlarge extensions filling garden space and Officers are always keen to ensure an appropriate balance between internal and external space. Although some garden space will be lost, the amount retained will, as explained above, continue to be capable of meeting the needs of the occupants.

The proposed extension is of a size and scale that is in keeping with the Council's approach towards rear extensions and is of a form that is routinely allowed across the Borough. The extension is to be constructed in

materials to match the existing and it is considered to preserve the character and appearance of the property within the locality.

Conclusion

The proposed extension preserves the character and appearance of the property and will not have a detrimental impact on the amenity of neighbouring residents. It will result in the loss of some garden space, but is considered to retain enough to meet future needs. As a result, the application is, on balance, recommended for approval, subject to the conditions set out below.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

P-101
P-100

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

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

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

(4) The flat roof of the extension shall not be used as a roof terrace at any time.

Reason: To protect the privacy and amenity of neighbouring properties.

(5) The roof-lights shall be detailed to be flush with the roof covering.

Reason: In the interest of visual 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

REFERENCE DOCUMENTS:

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

 **Planning Committee Map**

Site address: GRATTON GUEST HOUSE, 147 Wembley Hill Road, Wembley, HA9 8DU

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This map is indicative only.

RECEIVED: 27 February, 2013

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: GRATTON GUEST HOUSE, 147 Wembley Hill Road, Wembley, HA9 8DU

PROPOSAL: Demolition of existing detached guesthouse and erection of part two-storey, part three-storey 15-bedroom residential care/supported living accommodation (Use Class C2) with associated off-street parking.

APPLICANT: Redfearns Development Ltd

CONTACT: SCP Architects

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

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
- Contribution of £16,500, due on Material Start and index-linked from the date of committee, to be used for improvements to the sustainable transports and open space in the local area and/or health care provision. .
- Join and adhere to the Considerate Contractors scheme.

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

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £9,145.50.

EXISTING

The site is occupied by a two storey building that was originally built as a large detached house. In the 1980's it was converted into a guesthouse with 4 guestrooms offering B&B accommodation, that is the last known use of the building. It has been vacant now for a number of years, and has since fallen into a state of disrepair. The building is set on a prominent, elevated site on the corner of Hillside Avenue and Wembley Hill Road, to which its side elevation is aligned. The site slopes down towards the rear boundary which is shared with residential properties on Park Lane. The building is screened from view to and from these dwellings by a number of mature ornamental and fruit trees, which are a prominent feature of the rear garden area. Tree Preservation Orders have been put in place on some of these trees.

To the west of the site are private garages which in turn border the rear gardens of properties on Park Lane. To the south of the property is 28 Hillside Ave, though the two are separated by a service road.

Vehicle access is gained from the Wembley Hill Road frontage to the west of the site where it sloped down towards properties on Park Lane.

This is not within a Conservation Area, nor is it 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	residential institutions	

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	193		193	454	261

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	193		193	454	261

PROPOSAL

Demolition of existing detached guesthouse and erection of part two-storey, part three-storey 15-bedroom residential care/supported living accommodation (Use Class C2) with associated off-street parking.

HISTORY

87/1274 – Granted

Change of use to Bed & Breakfast guesthouse.

04/1368 – Granted

Demolition of existing guesthouse and erection of replacement part 2, and part 3-storey, 13-bedroom hotel.

05/3161 – Refused – Appealed – Dismissed on Appeal

Erection of x2 attached 3-storey dwellinghouses.

06/0516 – Refused – Appealed – Dismissed on Appeal

Erection of x2 attached 3-storey dwellinghouses.

12/1054 – Withdrawn

Demolition of existing guesthouse and erection of replacement part 2, and part 3-storey 15-bedroom residential care home.

Reason for withdrawal;-

The applicants failed to demonstrate that this type of accommodation was to meet a 'local need', it was aimed at housing residents from outside the Borough. Following advice that the proposal was to be refused for these reasons it was subsequently withdrawn.

12/2167 – Withdrawn

Demolition of existing guesthouse and erection of replacement part 2, and part 3-storey 15-bedroom residential care home.

Reasons for withdrawal;-

Brent's Head of Adult Social Services had stated support for the provision of accommodation for people with mental health issues confirming their to be a "significant need for this accommodation". The application had to be withdrawn for procedural reasons as it transpired that the applicants had failed to serve notice under Certificate B to the owner of the site (at that time).

POLICY CONSIDERATIONS
National Planning Policy Framework – 2012

London Plan 2011

- 3.1 – Ensuring Equal Life Chances for All
- 3.3 - Increasing Housing Supply
- 3.8 – Housing Choice

Brent UDP 2004

- BE2** – Townscape: Local Context & Character
- BE7** – Public Realm: Street scene
- BE9** – Architectural Quality
- H12** – Residential Quality Layout Considerations
- H23** – Supported Housing
- PS13** – Parking Standard

Brent Core Strategy – July 2010

Policy CP 21 ‘A Balanced Housing Stock’

Supplementary Guides

- SPG12 – Access for Disabled People
- SPG17 – Design Guide for New Development
- SPD – s106 Planning Obligations

Main Considerations;

- Principle of use & loss of existing guesthouse
- Does this type of accommodation meet a Borough need?
- Impact on local health/social services
- Impact on amenities of neighbouring occupiers
- Parking standards, and highway safety

CONSULTATION

A total of 70 nearby properties were consulted by letter on 14 March 2013. To date four representations have been received, all of which raise objection to the proposal.

Main grounds for objection raised are;

- This is an un-suitable location close to the road junction and close to traffic lights. This proposal will add further congestion.
- This will create further parking problems on Hillside Avenue and surrounding roads, which already suffer from heavy parking.
- There is a Tree Preservation Order on the site.
- Will overlook and cause a loss of privacy to No.29 Hillside Avenue.
- Accommodation for persons with mental health issues will reduce safety for local residents.
- This will devalue property prices (not a material planning consideration)

Statutory Consultees

Ward Councillor's;
No responses received.

Environmental Health;
No objection is raised. A condition is recommended to minimise the impacts arising during demolition and construction operations.

Transportation;

The site is at the north-western corner of the junction of Wembley Hill Road and Hillside Avenue, and has moderate access to public transport services, scoring PTAL 3. Wembley Hill Road is a local distributor road, whilst Hillside Avenue is a local residential access road. The site lies within the Wembley Stadium Event Day Parking Zone, but otherwise parking on-street is unrestricted.

Hillside Avenue is not designated as a 'heavily parked street' in the 2004, UDP. However it is noted that it attracts day time commuter parking, and as such the road is parked to capacity during the day time. At night outside normal working hours the levels of on-street parking are much reduced.

Parking standards for the proposed care home are set out in standards PS13 and PS22, this equates to 1 space per 10 bedrooms, plus 1 space per five staff, giving a maximum allowance of 2.9 spaces overall. As such the proposed two standard width spaces to the rear would meet this standard.

Suitable provision is made for space for a mini-bus or ambulance and a disabled parking space. This satisfies standards PS22 and PS15 respectively.

Predicted trip generation patterns have been provided with movements generated largely by staff at the start and finish of shifts. Given the client group then such occupants will not be car owners. Some additional activity will stem from visitors. But on balance given the location of the facility with various public transport options available close to the site, and the relatively low levels of trip generation predicted the application can generally be supported on transportation grounds.

The proposal can generally be supported on transportation grounds subject to (i) further details of secure cycle parking will being required as a condition and (ii) a s106 agreement to secure a financial contribution of £5000 towards improvements to non-car modes of access.

Landscape Design;-

The existing site has several mature trees, and there is a Tree Preservation Order in place for some (ref; 43.10/289)

The proposed building footprint is greater than existing, this may affect existing trees. So too may demolition and construction works.

A fully detailed tree survey (to BS 5837) is therefore requested taking into account all trees on site, with a detailed plan showing the relationship of new trees to proposed building.

Also requested is a detailed demolition and construction method statement showing work areas, access, loading and storage areas, exact location of tree protection measures, no dig zones, temp ground protection and root protection zones. This will need approval prior to commencement of any demolition or construction work on site.

Also a fully detailed site wide landscape plan will be submitted for approval. This shall include details of hard surfacing, planting, trees, species, sizes, densities, as well as any boundary treatments.

Brent Primary Care Trust (PCT);-

No response received.

Brent Adult Social Services;-

Brent's Head of Integrated Commissioning for Adult Social Services is supportive of the scheme. It is stated that this form of new, high quality supported living is needed within the Borough and that they would work closely with the provider to ensure the implementation of this and in identifying individuals to move into the scheme. It is confirmed that individuals would be housed on a housing benefit funded basis.

REMARKS

Existing context/background;

The lawful use of the property is a guesthouse (Use Class C1) though it has been a number of years since it was last used for this purpose.

The principle of demolishing the building and replacing this with a building of larger footprint, and of contemporary design was established through the granting of planning permission 04/1368. Although this permission for a 17-bedroom hotel has now lapsed it has established principles in terms of the scale of building that is considered to be appropriate on this site.

The current proposal respects the footprint and heights of the building approved in the 2004 consent, the drawings submitted demonstrate this. The contemporary design is still proposed. Only minor changes are proposed to the elevations where the position of windows and size of openings are to be tweaked slightly, as will some of the external finishes to elevations.

Loss of guesthouse & demonstration of need;

In planning policy terms no protection is afforded for either hotel or guesthouse accommodation, so there is no policy objection to the loss proposed. The building is not listed, nor in a conservation area, so again there is no objection in principle to the building's demolition, provided it is replaced with a building of acceptable quality.

Maintaining and provided a balanced housing stock is a key Core Strategy housing objective. The issue raised by Core Strategy policy CP21 is a demonstration of 'local need' when proposing supported housing or residential care accommodation.

The main objective of Policy CP21 is to ensure that a balanced housing stock is maintained and provided. This is to be achieved by making appropriate local provision for a wide range of specific and special housing needs, as required by London Plan Policies 3A.5 & 3A.13, including family homes, sheltered housing for older persons, non self contained accommodation, such as hostels for households without children (including key workers and students), housing providing support (including extra care accommodation for older persons) and residential care homes.

The type of residential accommodation proposed in this application is described as supported living, where an element of care will be provided by 24-hour staff for the client group. The client group will be adults with cognitive impairments. Care Assist who will be the service provider operates a number of similar facilities in Harrow, Ealing and Brent. They have confirmed that the client group will be adults on a recovery pathway plan, who have been suitably assessed by Brent PCT for the provision of secondary care, with a view to being socially reintegrated into the community for independent living, or with minimal outreach support. As advised by the applicant the spectrum of mental health issues of occupants could include depression, abuse, eating disorder, anxiety, schizophrenia and dual disorders such as bi-polar.

The type of accommodation proposed is referred to as secondary recovery care. It is used to assist residents to progress through to lesser dependency, and to help them learn the necessary skills to become socially inclusive and to live independently.

Supported by staff 24 hours a day prospective residents will be taught life skills to prepare them for independent living, an in-house library and computer IT centre will assist this. Staff will provide assistance and support for medication compliance, support for meal planning diet, nutrition and support to find stable employment.

There is a strong expression of support for this type of accommodation from Brent's Head of Integrated Commissioning for Adult Social Services. It has been confirmed that Brent is need of new, high quality supported housing and welcomes the proposal. Brent would work closely with the provider to identify individuals suitable for housing and for reintegration back into the community

In the light of this clear support for the accommodation and the clear demonstration that this accommodation would meet an identified need in the Borough it is considered that use is acceptable when assessed against Policy CP21, and would assist in providing and maintaining a balanced housing stock. This demonstration of need addresses the Councils earlier concerns with the proposal.

Similar uses are not known to exist locally and therefore there is no risk of over concentration. The nearest known care facilities in this part of Brent are in Manor Drive approximately 450m from the site, Rosslyn Crescent which is over 800m away and the Brook House Care Centre on Forty Avenue which is approximately 900m from the site.

The site is within easy access of local shopping facilities and public transport and is therefore in an accessible location which satisfies UDP policy H23(e).

Scale, Design & Appearance;

The proposed building's overall height and width is consistent with adjoining residential properties. Its depth is greater but so is the plot within which it would be situated, being well over twice the size of the plots of the neighbouring houses on Hillside Avenue

The design of the proposed development and its relationship with the ground level, produces a building broken up into several different elements, lowering in height to the west to respect 28 Hillside Avenue and addressing the corner with a taller "tower" element. Due to the level changes between this and neighbouring sites the new building will be sunk below No.28 Hillside Avenue by approximately 3m.

An accessway to a row of garages at the rear of 28 Hillside Avenue borders the site to the south and provides a buffer between the new building and the nearest residential building to the south on Hillside Avenue. The impact would be further minimised due to the mature trees to the west of the building that are to be retained.

The stepping in at the first floor of the rear of the building would also allow for the creation a roof terrace along Wembley Hill Road. The single storey flat roof part closest to 28 Hillside Avenue would be conditioned not to be a sitting out area, in order to protect the privacy of these and other occupants.

It is considered that due to the distance to be maintained between the rear of the proposed building and the rear of properties on Park Lane at a minimum of 23 m, (which is greater than the 20m required for new development under SPG17) as well as the added protection of the TPO protected trees to the rear of the site, the development would not result in a significant level of overlooking, loss of privacy or enclosure for properties to the rear. The closest windows to the rear boundary within the proposed building would be 14m away (which is greater than the 10m required for new development under SPG17).

The proposed development would closely match in width when viewed from the south on Wembley Hill Road, that of the existing building. Although it would project closer to the boundary than the current structure, the open character of the streetscene would help to reduce this impact. The building would be set approx 2m from the corner boundary at its closest point, and it is not considered that this would be overbearing.

The existing building fits the topography of this elevated site where there is a change in levels through its vertical emphasis and as a result of its stepped design which has the effect of breaking up the building into smaller elements. It would not appear visually obtrusive within the street scene, and is of a well considered contemporary design which is acceptable in this location.

Layout & accommodation;

The proposed plans indicate there being a total of 15 en-suite, single occupancy bedrooms, with kitchenettes arranged over lower ground, ground and first floors, communal lounge and living area for residents, staff office and staff accommodation and laundry room. The use is acceptable as C2 accommodation, but the building layout is not considered suitable for general purpose C3 housing because of the room sizes. A planning condition is recommended restricting the use of the property to C2 only.

As this is referred to as 'supported accommodation' there is no regulatory standard in terms of minimum floorspace. The building has been designed following dialogue between the provider (Care Assist) and Brent's Head of Integrated Commissioning in Adult Social Services, who also advises that the individual floor space per living unit in this scheme is significantly above the usual bedsit type supported accommodation or equivalent residential care home.

The type of accommodation will not fall under Care Quality Commission regulations, but any care support provided on site will be required to comply with the CQC regulatory regime as would any other domiciliary care provision.

The outside amenity space will be accessible for all residents, including the communal roof terrace at first floor level. The main entrance is facing Wembley Hill Road with level access to be provided via Wembley Hill Road and Hillside Avenue.

Impact on neighbouring amenity;

The footprint and scale of building remains consistent with the 2004 hotel approval. This was judged to have an acceptable impact on neighbouring amenity at that time, and standards for assessing the impact on neighbouring amenity haven't changed in the intervening period. Window-to-window distances in excess of 20m are observed which will maintain the amenity of properties on Park Lane. The building footprint will not result in harm to No.28 Hillside Avenue either due to the separation and the minimal projection beyond which is proposed. No overlooking of 28 Hillside Avenue will follow.

Amended plans were requested to mitigate potential overlooking from the first floor roof terrace. These revised plans have now been submitted which propose a 1.7m high obscure glass balustrade around the edge, and planter buffers to provide further screening.

It is stated that the proposed accommodation with 15 bedrooms, will have full time employees operating 24 hours a day, 7 days a week. Whilst there will be a degree of intensification in terms of the use of the property there is no firm evidence to suggest the degree of intensification of use will be harmful to neighbouring amenity. The lawful use of the property as a guesthouse would attract a level of activity greater than a C3 dwellinghouse, and furthermore the lapsed 2004 hotel consent with 17-bedrooms would have given rise to a greater intensity of use than the proposed C2 accommodation. The fact that this is detached property will further reduce the impacts felt by neighbouring residents.

Landscaping;

The site occupies a prominent location elevated above street level. Trees on this site form part of the skyline for the area, as a group they contribute significantly to the overall green aspect of the area and are of considerable landscape importance. Accordingly, it is important that any development of the site maintains or enhances the contribution of these trees and the surrounding landscape. The largest tree on the site, a weeping willow, would be in close proximity to the building (at the rear). Previous advice of Landscape Officer's has been that this would not be harmed by the development provided that levels around the tree are not altered excessively. The trees proximity to the building may result in shading to the extent that pruning may be considered desirable by the owner in order to improve the outlook from the adjacent windows. Any pruning works would need the prior approval of Brent's Tree Protection Officer.

No objection is raised on landscaping grounds, however Landscape Officer's have requested that a fully detailed tree survey to BS; 5837 is carried out which accounts for all existing trees on site, and further details to accurately shows the relationship of trees to be retained to the proposed building and hard surface areas. In addition a detailed demolition and construction method statement is required and a detailed site wide landscaping plan. Planning conditions will be attached to secure these details.

The existing privet hedge fronting Hillside Avenue is proposed for replacement, which is welcomed. A planning condition is recommended to secure this.

Transportation issues;

There is an existing vehicle access onto Wembley Hill Road with three off-street parking spaces located to the rear of the site. The proposed development plans to utilise this access and to provide two standard width off-street spaces, and a further space for mini-bus or ambulance parking. This level of parking complies with UDP standards given in PS13 and PS22. The parking allowance for the proposed residential care accommodation is 1 space per 10 bedrooms, plus one space per five staff. With up to 15 bedrooms and 6 members of staff on shift at any one time the levels of parking proposed will be acceptable.

Projected trip generation rates have been submitted suggesting that the peak period will be at the start and finish of staff shifts. Each shift is expected to attract 6 staff members. The level of vehicle activity projected is not held by Transportation officer's as being significant enough to adversely impact on parking or traffic problems in the vicinity of the site.

Staff and visitors will benefit from the wide choice of public transport options available to this part of Wembley. Residents are highly unlikely to be in a position where they are car drivers themselves, or indeed that they own a car of their own.

Subject to further details of cycle parking to be secured through condition no objection would be raised by Transportation Officer's.

Conclusion;

The proposed residential care accommodation would meet a known Borough need, and given the size, scale and layout it is not considered the use would give rise to conditions harmful to the amenities of neighbouring occupiers.

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 Brent Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17 'Design Guide for New Development'

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
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):

P201,revA
P202,revF
P203,revD
P204,revF
Design & Access Statement - Aug 2012

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

- (3) The existing boundary hedge screen situated on the Hillside Avenue boundary(ies) of the site shall be retained. Should any part die or be damaged during the course of development, replacement planting shall be undertaken in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

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

- (4) No windows or glazed doors (other than any shown in the approved plans) shall be constructed in the south-west facing flank wall of the building without the prior written consent of the Local Planning Authority.

The projecting oriel window(s) on the south-west facing flank wall of the building(s) shall be constructed with obscure glazing to one side, as shown on drawing 203D and shall be permanently maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

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

- (5) No access shall be provided to the roof of the single storey element adjacent to 28 Hillside Avenue by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting out area.

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

- (6) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987(or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning

(General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the use hereby permitted shall only be for the purpose of Use Class C2 as residential care/supported living accommodation for persons with cognitive impairments and shall not include use for the purpose of self-contained residential accommodation under Use Class C3:-

Reason: To ensure that the use will continue to meet an identified Borough need for such accommodation and that no separate use should commence without the prior approval of the Local Planning Authority so as to enable other uses to be considered on their merits;

- (7) (a) 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.

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

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

- (8) 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) prior to first occupation of the building.

Such scheme shall also indicate (but not be limited to):-

(i) Walls and fences

Details of all boundary walls and fencing, indicating materials and heights.

(ii) Planting

Details of all new planting (including trees), shrubs, perennials with details of species, size and density.

(iii) Physical separation

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

(iv) Mounds existing contours and any alteration of the ground levels, such as earth mounding.

(v) Screening of:the roof terrace

Prior to first occupation to provide screening of the first floor roof terrace in full accordance with the details submitted on drawing numbers 202F and 202D

(vi) Hardsurfacing

Details of hardsurfacing materials to be used on foot ways, other paved pedestrian and vehicle parking areas.

(vii) Maintenance details

Details of the proposed arrangements for maintenance of the landscaping.

(viii) Other details to include:-

Full details of any external lighting.

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.

- (9) Prior to the commencement of any site clearance, demolition or construction works on the site the submission and approval in writing of;-

(a) A detailed tree survey to BS 5837 shall be carried out for all trees on site, with a precise site plan showing the relationship of trees to be retained to the proposed building and areas of hard surfacing.

(b) And approval of a detailed Construction Method Statement to BS: 5837 2012 describing how all existing trees and their roots will be protected during construction works showing work areas, access, loading, storage areas, location of tree protection measures and temporary ground protection measures.

Thereafter works shall be carried out fully in accordance with any details approved unless otherwise agreed in writing by the Local Planning Authority.

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

- (10) Details of the provision of a minimum of 2 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (11) All parking spaces, turning areas, and footways shall be constructed and permanently marked out prior to commencement of use of any part of the approved development unless otherwise agreed in writing and, approved by the Local Planning Authority. Such works shall be carried out in accordance with approved plans.


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

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 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: First Central, Coronation Road/Lakeside Avenue, Park Royal, NW10	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



This map is indicative only.

RECEIVED: 28 February, 2013

WARD: Stonebridge

PLANNING AREA: Harlesden Consultative Forum

LOCATION: First Central, Coronation Road/Lakeside Avenue, Park Royal, NW10

PROPOSAL: Reserved matters application for the erection of a 9 storey residential building comprising 139 flats (Block D of outline planning permission granted 28th March 2012). Matters to be considered in the reserved matters application are the appearance and landscaping of Block D only.

The outline planning permission (Ref: 10/3221) granted 28th March 2012 is for:

- a) The construction of up to 60,000 sqm of office accommodation (Class B1) in 3 buildings up to a maximum of 10 storeys in height, up to 1,700 sqm of retail, restaurant, hot-food take-away floor space (Class A1 to A4), up to 2500 sqm of health and fitness floor space (Class D2) with associated pedestrian areas, landscaping, access/servicing, car and cycle parking; and
- b) the construction of 4 residential blocks up to a maximum of 9 storeys in height to provide a maximum of 545 residential units, consisting of a mix of 1, 2 and 3 bedroom apartments for private, rented and shared ownership, with associated landscaping, access/servicing, car and cycle parking; and
- c) the provision of 2 play areas and a Multi Use Games Area, and modifications to existing footpaths in West Twyford Park (Bodiam Fields), and modifications to existing surface treatment in Lakeside Drive; and
- d) the provision of an energy centre on land east of Lakeside Drive.

The permission is subject to a Deed of Agreement dated 28 March 2012 under Section 106 of the Town and Country Planning Act 1990, as amended. Matters approved: access, layout and scale with appearance and landscaping reserved.

APPLICANT: Bellway Homes Ltd (NL)

CONTACT: Boon Brown Architects

PLAN NO'S:
See condition 1

RECOMMENDATION

Grant Consent.

SECTION 106 DETAILS

The details of the s106 legal agreement for the outline permission for the masterplan are set out in the s106 section of the report that went to committee on the 14th December 2011 (Ref: 10/3221).

The agreement secured a number of benefits including:

- The provision of 138 affordable homes - of which up to 76 could be shared ownership with the rest social rent.
- The construction and equipping of an energy centre of sufficient size to serve the whole First Central site including the two existing office buildings.
- All residential units shall be built to a minimum Code for Sustainable Homes Level 4.

- Office development to meet the Bream Excellent standard unless it is demonstrated to the council's satisfaction that it is not viable to do so.
- Provision of a Multi-Use games area and a children's play area within West Twyford Park.
- Provision of at least three City Club spaces to be agreed with the Council.

The agreement also secured a financial contribution of £3.0m which includes a payment of £0.9m payment to Ealing Council for education and a payment of £1.0m to TfL for the upgrading of the Mason's Green Lane pedestrian route to Park Royal Piccadilly line Station. The remaining £1.1m to be paid to Brent.

The first £1.0m pounds to be paid upon the commencement of the first residential block (£300k Masons Green Lane payment and £700k Education payment).

Mayoral Community Infrastructure Levy

Under Regulation 128 of the Community Infrastructure Levy Regulations 2010 (as amended) developments granted outline planning permission before the London Mayoral CIL came in to force (April 2012) are exempt from the levy. Outline permission for the revised First Central masterplan was granted on 28th March 2012 and therefore this current application and all subsequent reserved matters applications related to the original outline consent are exempt from Mayoral CIL.

EXISTING

This planning application relates to Block D of the revised First Central Masterplan that was granted outline planning permission in November 2011.

The First Central site occupies a large part of what used to be the Guinness Park Royal brewery complex. It lies to the north of the A40/Western Avenue, and is bounded by the Central London Underground line to the south and the Piccadilly London Underground line to the west. The site is connected to the A40 by a new link road and roundabout to the south, and there is pedestrian access from the nearby Park Royal station via a bridge and underpass. To the west of the site is the new perimeter road of Lakeside Drive.

Twyford Abbey Road to the north of the Masterplan Site forms the boundary between Brent and the London Borough of Ealing.

The original master plan, which was granted consent in 1999, has been partly implemented. Two large office blocks have been built (the FC200 building and Diageo's head quarters building) and a large central landscaped area with ponds has been laid out for the use of occupants of the offices. Two public open spaces have also been laid out in the area between the western side of Lakeside Drive and the railway line and the new public park fronting on to Twyford Abbey Road now referred to as West Twyford Park. The residential element of the original 1999 Masterplan has also been built out and is located on the opposite side of Lakeside Drive to the Block D site.

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	0	0	0	15201	15201

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
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PROPOSAL

This is a reserved matters application for Building D, a 9 storey residential building comprising 138 flats granted outline planning permission on 28th March 2012 as part of the revised masterplan for First Central.

The matters to be considered in this application are landscaping and appearance only. Access, layout and scale have already been approved by the Planning Committee as part of their consideration of the revised masterplan at the 14th December 2011 committee (Reference: 10/3221).

HISTORY

For much of the 20th century this site was home to Guinness's Park Royal brewery. For many years this was the largest brewery in the world. The brewery complex was demolished around 2002 following the grant of outline planning permission in 1999 for a 22.18 hectare mixed use development, including 116,100m² of offices (Use Class B1); 61 residential units; new London Underground station, ancillary retail; 150-bed hotel; indoor leisure facilities, community open space; landscaping and car parking, including demolition of existing brewery complex. This permission the provision of significant infrastructure including a new link road to the A40 and a new Central Line station which would also act as an interchange with the existing Park Royal Piccadilly Line station.

Under subsequent reserved matters applications various elements of the masterplan have been implemented – the A40 link road, site perimeter road, new public open space, housing, landscaped water gardens and two of the office buildings including Diageo's headquarters.

A revised masterplan for the First Central site was granted outline planning permission earlier this year. This introduced a significant amount of housing into the redevelopment and a reduced but still significant office element. In November of last year the Council approved the reserved matters for the first of the residential blocks (Block C) which will contain the affordable housing element of the scheme.

The most relevant planning decisions relating to the redevelopment of the site are set out below:

27/11/2012	Approval of reserved matters for building C (9 storey residential building comprising 138 flats) pursuant to the outline planning permission granted on the 28.03.2012 (Ref: 10/3221) for the revised First Central Masterplan. Matters approved: external appearance and landscaping (Reference: 12/2380).
28/03/2012	Outline planning permission for the revised First Central Masterplan comprising: <ul style="list-style-type: none"> • The construction of up to 60,000 sqm of office accommodation (Class B1) in 3 buildings up to a maximum of 10 storeys in height, up to 1,700 sqm of retail, restaurant, hot-food take-away floor space (Class A1 to A4), up to 2500 sqm of health and fitness floor space (Class D2) with associated pedestrian areas, landscaping, access/servicing, car and cycle parking; and • the construction of 4 residential blocks up to a maximum of 9 storeys in height to provide a maximum of 545 residential units, consisting of a mix of 1, 2 and 3 bedroom apartments for private, rental and shared ownership, with associated landscaping, access/servicing, car and cycle parking; and • the provision of 2 play areas and a Multi Use Games Area, and modifications to existing footpaths at West Twyford Park (Bodiam Fields), and modifications to existing surface treatment in Lakeside Drive and • the provision of an energy centre on land east of Lakeside Drive. <p>The permission is subject to a Deed of Agreement dated 28 March 2012 under Section 106 of the Town and Country Planning Act 1990, as amended. Matters approved: access, layout and scale with a reserved matters and landscaping reserved (Ref: 10/3221).</p>
14/09/2006	Planning permission granted for the realignment of the Rainsford Road link from its junction with Lakeside Avenue to its junction with Lakeside Drive and associated landscaping (Ref: 06/1119).
14/09/2006	Approval of details of the new perimeter road (Lakeside Drive) and associated landscaping along the eastern side of the development and associated landscaping in pursuance of conditions and reserved matters pursuant to the permission granted on the 15.07.1999 (Ref: 98/0016) for a new link road

	and a 22.18 hectare mixed use development, including 116,100m ² of offices (Use Class B1); 61 residential units; new London Underground station, ancillary retail; 150-bed hotel; indoor leisure facilities, community open space; landscaping and car parking, including demolition of existing brewery complex (Ref: 05/2499).
09/12/2005	Approval of reserved matters for Office Building B pursuant to the planning permission granted on the 15.07.1999 (Ref: 98/0016) for a new link road to the A40 and a 22.18 hectare mixed use development, including 116,100m ² of offices (Use Class B1); 61 residential units; new London Underground station, ancillary retail; 150-bed hotel; indoor leisure facilities, community open space; landscaping and car parking, including demolition of existing brewery complex (Ref: 05/2499).
26/08/2004	Approval of reserved matters for new London Underground station and, associated cycle and footpath, landscaping, access road and associated works pursuant to the planning permission granted on the 15.07.1999 (Ref: 98/0016) for a new link road to the A40 and a 22.18 hectare mixed use development, including 116,100m ² of offices (Use Class B1); 61 residential units; new London Underground station, ancillary retail; 150-bed hotel; indoor leisure facilities, community open space; landscaping and car parking, including demolition of existing brewery complex (Ref: 03/2728).
01/09/2003	Approval of reserved matters for a residential development on land to the rear of Abbeyfields Close, Moyne Place providing 42 units within 5 buildings comprising terraced houses, maisonettes and flats pursuant to the planning permission granted on the 15.07.1999 (Ref: 98/0016) for a new link road to the A40 and a 22.18 hectare mixed use development, including 116,100m ² of offices (Use Class B1); 61 residential units; new London Underground station, ancillary retail; 150-bed hotel; indoor leisure facilities, community open space; landscaping and car parking, including demolition of existing brewery complex (Ref: 02/1685).
17/01/2002	Approval of reserved matters for a residential development on land to the rear of Abbeyfields Close, Moyne Place providing 42 units within 5 buildings comprising terraced houses, maisonettes and flats pursuant to the planning permission granted on the 15.07.1999 (Ref: 98/0016) for a new link road to the A40 and a 22.18 hectare mixed use development, including 116,100m ² of offices (Use Class B1); 61 residential units; new London Underground station, ancillary retail; 150-bed hotel; indoor leisure facilities, community open space; landscaping and car parking, including demolition of existing brewery complex (Ref: 01/2945).
10/11/1999	Approval of reserved matters for building A (Diageo's headquarters) pursuant to the planning permission granted on the 15.07.1999 (Ref: 98/0016) for a new link road to the A40 and a 22.18 hectare mixed use development, including 116,100m ² of offices (Use Class B1); 61 residential units; new London Underground station, ancillary retail; 150-bed hotel; indoor leisure facilities, community open space; landscaping and car parking, including demolition of existing brewery complex (Ref: 99/1800).
15/07/1999	Full planning permission granted for new access road from A40 and outline planning permission for a 22.18 hectare mixed use development, including 116,100m ² of offices (Use Class B1); 61 residential units; new London Underground station, ancillary retail; 150-bed hotel; indoor leisure facilities, community open space; landscaping and car parking, including demolition of existing brewery complex (Ref: 99/1800).

POLICY CONSIDERATIONS

The framework of local and regional planning policies under which the outline permission was considered are unchanged from when the proposal was considered by the Planning Committee on the 14th December 2011. The full list of these policies can be viewed in the committee report for the outline application (Ref: 10/3221).

National planning policy has changed considerably. The National Planning Policy Framework (NPPF) was published on 27th March of last year and replaced the existing framework of Planning Policy Guidance and Planning Policy Statements. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

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

The previous decision on the outline application and the current reserved matters application are both considered to comply with the NPPF.

CONSULTATION

Local Consultation:

290 letters sent out. Site Notice put up 16th April.

1 response received raising the following concerns/objections.

- Development is too large for the area
- The area cannot cope with the resulting increase in residents and workers
- Parking already a problem and will be exacerbated by this development
- Local roads already congested
- Additional demand for local services.
- Increased anti-social activity from an over concentration of new housing.
- No demand for new offices in the area. The existing office block has been empty since it was built.
- If Diageo want to develop the land they should build bungalows and maisonettes for the less able.

Other consultation responses:

Transportation:

Subject to minor alterations to the proposed landscaping to improve access for refuse vehicles and disabled persons, there would be no objections on transportation grounds to the approval of these reserved matters. Further details of hard surfacing materials are sought though.

Thames Water:

No objection.

Environment Agency:

No objection.

Environmental Health:

No objection.

REMARKS

Background

Outline planning permission for the revised First Central Masterplan was granted on 28th March 2012 with the completion of the s106 Agreement, Brent's. Planning Committee having resolved to grant outline planning permission for the scheme on the 14th December 2011. The committee report for that application (Ref:10/3221) is appended to this committee item.

The outline permission approved the following:

- The construction of up to 60,000 sqm of office accommodation (Class B1) in 3 buildings up to a maximum of 10 storeys in height, up to 1,700 sqm of retail, restaurant, hot-food take-away floor space (Class A1 to A4), up to 2500 sqm of health and fitness floor space (Class D2) with associated pedestrian areas, landscaping, access/servicing, car and cycle parking; and
- the construction of 4 residential blocks up to a maximum of 9 storeys in height to provide a maximum of 545 residential units, consisting of a mix of 1, 2 and 3 bedroom apartments for private, rented and shared ownership, with associated landscaping, access/servicing, car and cycle parking; and
- the provision of 2 play areas and a Multi Use Games Area, and modifications to existing footpaths in West Twyford Park (Bodiam Fields), and modifications to existing surface treatment in Lakeside Drive; and the provision of an energy centre on land east of Lakeside Drive.

The following matters have been approved:

Layout - the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development,

Scale – the height, width and length of each building proposed in relation to its surroundings.

Access – this covers accessibility to and within the site for vehicles, cycles and pedestrians in terms of the

positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

In November of last year the Council approved the reserved matters for the first of the residential blocks (Block C) which is to be built by Catalyst Housing and which will contain the affordable housing element of the scheme.

This current proposal is a reserved matters application for Building D only which is a 9 storey residential building comprising 138 flats. The applicants for this phase of the masterplan are Bellway and the block will be 100% private housing. The matters to be considered in this application are:

Appearance – the aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development.

Landscaping – this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

Appearance

The large elevations are broken up by balconies, window openings and the use of different palette of materials.

A brickwork plinth or base is proposed that grounds the building into the site, The heavy overhanging eaves of the roof finish the building off making the mass feel lower to the ground.

The elevations are broken up in to smaller brick elements which are surrounded by recessed standing seam zinc panels. The layering of materials over one another creates smaller forms and reduces overall height & bulk of the building. The balconies are designed as external pods the exterior of which will be finished in a rain-screen cladding. The interior of the balconies and elements of the fenestration are to be in a brighter contrasting colour creating visual interest. The exact details of the external materials will be approved via a condition attached to the outline permission.

The use of glazing between building blocks is an effective way of splitting the form into smaller elements reducing the visual bulk of the facade. This breaks the buildings length down, provides interest and reduces monotony. This can also accentuate entrance locations and provide a point of arrival.

Your officers consider that the proposal details of individual blocks includes sufficient articulation to break down the visual mass of these buildings, at the same time providing visual interest to the elevations. It is considered the design approach and architectural devices provide interest within the building facades.

Landscaping

The structure of the external areas is formed with lines and groups of trees under planted with shrubs and hedges. Individual trees serve as focal points in key positions and the site frontage will be softened with groups of multi-stemmed Birch to create a soft informality in contrast to the rigid formal tree lined structure of Lakeside Drive. Private ground floor terraces around the building will be defined with multi-stemmed shrubs and small flowering trees under planted with low shrubs with spikes of colour in the form of Phormium (New Zealand Flax) and Bamboo.

The surface parking area will be divided into groups of bays separated by trees forming a strong line along the south-eastern edge of the development which is further reinforced by a beech hedge.

Podium Deck Garden

The podium deck garden with trees, hedges and flowering plants will provide a sequence of private terraces and private amenity gardens for resident's use incorporating toddler's play and casual recreation.

The landscape theme reflects the 'Sunny Meadow' concept described in the original Design Statement for First Central. The principal plants on the podium deck are multi-stemmed Birch trees with fresh green light foliage during the summer months and white barked stems during the winter and golden leaved Honey Locust trees which will catch the sunlight and provide shaded areas for sitting on the lawns. The planting under the trees is a composition of architectural grasses, ferns and lavender which will create

a naturalistic feel.

Gently undulating fine turf lawns will provide areas for casual recreation and toddlers play and an area on the southern side of the deck has been set aside for native bulbs to be planted in drifts in the turf. Toddlers play is incorporated into the garden in the form of an adventure trail of timber climbing and balance items and a group of play boulders which will have a sculptural quality within the layout in addition to their play value.

The podium deck gardens are constructed on a water-proof concrete slab over a drainage layer which serves as an attenuation reservoir for rain water from the roofs and paved surfaces and also retains soil moisture for the tree planters, shrub beds, hedges and lawns.

Private Terraces

A number of private terraces to podium level apartments will be constructed around the perimeter of the podium deck garden and these will be defined with linear planters which form part of the undercroft ventilation. These will be planted out with drought tolerant herbs and plants to minimise watering requirements and create a strip of aromatic flowering plants underplanted with Vinca (Periwinkle) which will trail over the planter edges.

Landscape Management

The public areas, gardens and private communal spaces will be maintained by a management company on behalf of the residents. The planting itself will be designed in detail using robust and proven types of plants to create an attractive scheme which is relatively low in maintenance requirements.

Biodiversity and Sustainability

The principal aims of the proposed scheme of landscaping are to provide an attractive setting for the new buildings, amenity space for residents and to create an immediate and long-term improvement in biodiversity by providing a significant increase in tree and vegetative cover within the site. In order to maximise the potential for wildlife and to contribute to local species diversity the scheme will include a high proportion of native and fruiting/flowering non native species of trees, hedgerows and shrubs.

The new trees, hedges, shrubs, climbing plants and green roofs will create habitat for insects, birds and bats and will contribute to the sustainability of the development by reducing the 'heat island' effect (in which urban areas retain heat above the temperature of the surrounding countryside), absorbing pollutants and CO2 and reducing water run-off. All green plants absorb CO2 emissions, thus new vegetation in urban areas will help to reduce the contribution made to human-induced global warming. All plants also absorb and breakdown a variety of pollutants, notably volatile organic compounds, and un-burnt hydrocarbons from vehicle exhaust and it is therefore a reasonable assumption that urban plantings of trees, shrubs, hedges and climbing plants could play a role in reducing these.

Overall the proposed landscaping scheme is considered to achieve a satisfactory balance between private amenity space for ground floor units, useable communal space and children's play space.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Brent Core Strategy 2010
Council's Supplementary Planning Guidance
Mayor's London Plan 2010
National Planning Policy Framework

CONDITIONS/REASONS:

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

3221/019A	3221/012
3221/020A	3221/013
3221/001B	3221/014
3221/003B	3221/015
3221/005B	3221/016
3221/007B	3221/017
3221/008B	3221/018
3221/009A	MCA 0113/01
3221/010A	MCA 0113/02
3221/011	Design and Access Statement


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

INFORMATIVES:

- (1) Please see decision notice reference 10/3221 for other conditions relevant to this development.

Any person wishing to inspect the above papers should contact Neil McClellan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5243

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	Planning Committee Map
Site address: PORTLAND HOUSE, 69-71 Wembley Hill Road, Wembley, HA9 8BE	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



This map is indicative only.

RECEIVED: 6 March, 2013

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: PORTLAND HOUSE, 69-71 Wembley Hill Road, Wembley, HA9 8BE

PROPOSAL: Demolition of existing office building and the erection of a new part 4 and part 5-storey office building with associated off-street parking.

APPLICANT: Solai Services Ltd

CONTACT: Martin Robeson Planning Practice

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:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £24,750 for Sustainable Transportation in the local area, Environmental & Sports improvements in the local area (based on £25sqm and calculated on the net increase in floorspace).
- Sustainability - submission and compliance with the TP6 Sustainability check-list to ensure a minimum score of 50%, and 1 month prior to a material start the submission of a detailed BREEAM assessment which demonstrates reasonable endeavours to achieve 'Excellent' rating, with compensation should either not be delivered. In addition to adhering to the Demolition Protocol.
- No later than 1 month prior to a material start submission of a revised Energy Strategy to demonstrate that the maximum feasible carbon reduction target will be met on-site. Where it is clearly demonstrated that specific targets cannot be fully achieved on-site, any shortfall may be provided off-site, or an in lieu contribution to secure delivery of carbon dioxide savings elsewhere.
- Join Considerate Constructors Scheme.
- Upon first occupation to fully implement revised Travel Plan (draft5).

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 £34,650.00.

EXISTING

Portland House is a 3-storey rendered office building, situated on a corner plot at the junction of Dagmar Avenue and Wembley Hill Road. It comprises 463sqm of floorspace. Neighbouring buildings to the north and west of the site are residential, and south of the site on the opposite corner of Dagmar Avenue and Wembley Hill Road is a near identical office building. It would appear these office buildings were built as a pair.

Vehicle access to two separate parking levels to the rear of the building is gained via Dagmar Avenue. These two parking areas are separated by a single storey garage building.

The site is within the identified Wembley Growth Area, and the area which is designated by the Wembley

Area Action Plan (WAAP). It is mixed in character being situated at the interface of commercial buildings along Wembley Hill Road and residential dwellings.

Public realm improvements have recently been carried out to the front of the site as part of the works that have replaced the Wembley Hill Road gyratory system with a roundabout. This has created a new civic green, public space.

Portland House is not within a Conservation Area, nor is it 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	businesses and offices	

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	463		463	1453	990

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	463		463	1453	990

PROPOSAL

Demolition of existing 3-storey office building (463sqm) and the erection of a replacement new part 4/part 5-storey office building (1453sqm).

HISTORY

12/3006 – Withdrawn

Demolition of existing office building and the erection of a new part 4/part 5-storey office building.

POLICY CONSIDERATIONS

National Policy Context

National Planning Policy Framework – NPPF (2012)

Regional Policy Context

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

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

4.2; - Offices

5.1: - Climate Change Mitigation.

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

5.3 Sustainable Design & Construction:

5.7 Renewable Energy:

6.13; - Parking

7.6; - Architecture

Local Policy Context

Brent UDP 2004

- BE2** *Townscape: Local Context & Character*
- BE3** *Urban Structure: Space & Movement*
- BE4** *Access for Disabled People*
- BE5** *Urban Clarity & Safety*
- BE6** *Public Realm: Landscape Design*
- BE7** *Public Realm: Streetscape*
- BE8** *Lighting & Light Pollution*

- BE9** *Architectural Quality*
- BE12** *Sustainable Design Principles*

- EP2** *Noise & Vibration*
- EP3** *Local Air Quality Management*
- EP6** *Contaminated Land*

- TRN1** *Transport Assessment*
- TRN2** *Public Transport Integration*
- TRN3** *Environmental Impact of Traffic*
- TRN4** *Measures to Make Transport Impact Acceptable*
- TRN10** *Walkable Environments*
- TRN11** *The London Cycle Network*
- TRN22** *Parking Standards Non-Residential Development*
- TRN31** *Design and Land Take of Car Parks*
- TRN34** *Servicing in New Development*
- TRN35** *Transport Access for Disabled People*
- PS6** *Parking Standard*
- PS16** *Cycle Parking Standards*
- PS19** *Servicing Standards*

Brent Core Strategy 2010

- CP1** *Spatial Development Strategy*
- CP3** *Commercial Regeneration*
- CP5** *Placemaking*
- CP6** *Design & Density in Place Shaping*
- CP7** *Wembley Growth Area*
- CP15** *Infrastructure to Support Development*
- CP17** *Protecting & Enhancing Suburban Character of Brent*
- CP19** *Brent Strategic Climate Change Mitigation & Adaptation Measures*

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

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

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

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

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

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

Supplementary Planning Document – "Section 106 Planning Obligations"

SUSTAINABILITY ASSESSMENT

Please see 'remarks' section for discussion.

CONSULTATION

Site notices displayed on 13/03/13

Press Notice advertised on 21/03/13

Public

90 letters of consultation were sent to surrounding addresses on the 12 March 2013. To date no representations have been received.

Statutory Consultees (internal)

-Environmental Health;-

No objection is raised. An informative is recommended to advise the applicants to be mindful of potential for underlying soil contamination due to the historical use of the site.

If CHP was installed in the future then details of this would need to be submitted and air quality modelling carried out before, particularly as the site is within an Air Quality Management Area.

As it is an AQMA a condition is recommended to require further details of how the impacts of construction and demolition works will be mitigated.

-Transportation;-

The site has good access to public transport services, scoring PTAL 4. The site is also within a Controlled Parking Zone which operates 8am – 9pm daily. There are public pay and display bays on Dagmar Avenue and Wembley Hill Road close to the site.

Car parking and servicing standards for the office building are set out through PS6 and PS19 of the Brent UDP (2004).

As the site is not located in a town or district centre parking standards permit 1 space per 150sqm of floorspace. With the proposed increase in floorspace the parking standard will increase from three to ten spaces.

The proposed number of ten spaces will accord with standards. The provision of two spaces with electric vehicle charging points is also welcomed.

Cycle parking provision within the basement will accord with PS16 of the UDP.

Servicing standards require office buildings to be provided with off-street servicing bays for 8m rigid vehicles. A suitably sized bay is shown in the upper parking deck, and swept path analysis has been provided to show this access will work, subject to widening of the access by 1m. Transportation are happy with this arrangement.

The proposed plans for the lower parking deck propose to widen the access to 7m, however this is considered unnecessarily wide and will effect on-street parking and the footway provision alongside the building. It is advised that the crossover width be retained as is, to which the applicants are agreeable to and revised plans have been submitted to confirm this.

Given the increase in floorspace and staffing numbers mitigation measures are sought in the form of a Travel Plan and a s106 contribution towards promoting sustainable transport measures in the vicinity of the site.

An initial attempt at a Travel Plan was not of the standard required. The revised framework Travel Plan that has been submitted has been scored as achieving a PASS mark using TfL's ATTrBuTE travel plan assessment programme. It contains details of modal share for existing staff, and it sets modal share targets for the new building. Subject to planning permission being granted implementation of the Travel Plan will be secured as one of the s106 Heads of Term.

-Design & Regeneration;-

Officers previously had reservations about the scale of the building, its relationship to neighbouring properties and the quality of the ground floor frontage.

Through this application the plans have been revised to reduce the footprint, the extent to which the building

projects into the site and the building heights have been stepped to the rear. The ground floor frontage facing Wembley Hill Road will now offer natural surveillance which is welcomed from an Urban Design perspective.

-Ward Councillors;-
No response received.

REMARKS

Principle of Development:

The principle of office use is already well established on the site, Portland House is a purpose built office building constructed in the 1960's. The site is located within the Wembley Growth Area which is identified in Core Strategy policies CP1 and CP3 as being an appropriate location for new office development. New office development in a strategic location such as this (Wembley) is also encouraged through London Plan policies.

The site is within the area designated through the Wembley Area Action Plan (AAP) for accommodating growth in Wembley over the next 15 years. Policy WEMP of the Wembley AAP encourages new office development in this area.

The National Planning Policy Framework also encourages development such as this which is in a sustainable location, makes use of a previously developed site and which will lead to job creation and economic growth.

Within this policy framework the principle of a new office development on this site is considered to be acceptable.

Economic Benefit:

The application is submitted on behalf of the Solai Group, who currently occupies Portland House. The current building is the companies UK headquarters, and has been since 1990. However due to the company's success and continued growth there is a pressing need for expansion, and larger premises. It is stated that Solai Group wish to maintain their position centrally within Wembley and rather than move from this site they are keen to redevelop and provide a new, larger modern office building on the same site.

Currently supported by 45 employees across London, with an annual turnover of £700m, the Solai Group seek the building redevelopment to allow further expansion, with the potential to create 60 new jobs for the benefit of the local area.

Quantum of Development:

The amount of proposed development and increase in floorspace has been deemed necessary by the applicant to meet future business needs and facilitate the businesses planned expansion.

Existing office accommodation	463sqm
Proposed office accommodation	1453sqm
Net increase GIA	990sqm

Layout, scale of development & amenity impact:

The proposed layout and building footprint is very much dictated by the irregular shape of the site and the need to respect existing building lines to the north of Portland House, and the need to pay appropriate regard to the relationship with neighbouring residential buildings. In response to this it is proposed to concentrate the new building to the eastern end of the site, much like the existing building with the main difference being the increased height being proposed. This layout will maintain the solid frontage along Wembley Hill Road.

To the rear (western end of the building) the building envelope is stepped in height and staggered in footprint. This approach is a direct response to the constraints posed by the neighbouring dwellinghouse and its rear garden. The new building has been designed with this relationship in mind, and to address Officer's concerns with earlier proposals (now withdrawn) that gave rise to concerns that the scale and layout of development proposed would be harmful to living conditions next door. These concerns were due mainly to the building footprint and its relationship to the adjoining dwelling. To address these concerns the building footprint has been reduced, it's projection towards the western end of the site (beyond the rear of 73 Wembley Hill Road) has been reduced, this reduced footprint limits the extent to which the building projects into the site, and beyond the next door property. As mentioned above the rear elevation has also been stepped in height in order to reduce its impact. At this point it is worth noting that the adjoining dwelling is within the ownership of

the applicants, and currently lies vacant in need of refurbishment to make it habitable.

The stepped approach to the building height and the staggered footprint to the rear elevation has been adopted to ensure an acceptable relationship with 73 Wembley Hill Road is maintained. It has been established that the building envelope meets the 45 degree test, when measured from the garden edge. As set out in Section 3.2 of the Council's adopted Supplementary Planning Guidance Note 17 '*Design Guide for New Development*'. By doing so this is indicative that the proposed scale of building will not have an unacceptable impact on neighbouring amenity.

Further demonstration that the proposed building will not be unduly harmful to neighbouring amenity, and the use and enjoyment of the garden area is provided through a sunlight analysis. This has been undertaken by consultants Stinton Jones Consulting Engineers. The analysis looks only at the effect of the proposal on sunlight to the garden of 73 Wembley Hill Road. It was not deemed necessary to assess the potential impacts on any other properties.

Guidance for assessing the acceptability of developments on sunlight to gardens is given in BRE Guide to Good Practice Site Planning for Daylight and Sunlight 2011. Section 3.3 of the guidance is relevant to gardens for existing buildings affected by proposed development.

The guidance recommends that at least half of the garden should have at least 2 hours of sunlight on 21st March. In the case of this level not being met before the development then a proposed development should not reduce the existing value to below 80% of existing.

The sunlight analysis carried out shows that at 11am the west wing of the proposed development casts shadow across approximately one third of the garden of No.73. At noon this reduces to approximately 10% of the garden. By 1pm and 2pm there is no shading to the adjoining garden. By 3pm there is still no shading. At 4pm roughly 10% of the adjoining garden is in shade from the existing building to the west (2 Dagmar Avenue) and a further 10% by the existing retaining garden wall.

It is submitted that the adjoining garden will enjoy sunlight to more than 50% of its area, for the 5 hours from 11am to 4pm. This level of exposure to sunlight is better than the BRE guidance which requires a minimum of 2 hours.

The main entrance to the building is to be kept at the corner of Dagmar Avenue and Wembley Hill Road which is appropriate. The entrance will be afforded greater emphasis and legibility at this point.

The ground floor of the building will comprise the entrance lobby, office space and semi-basement parking area. First, second and third floors comprise office floorspace, and the projecting fourth floor will simply accommodate the staircase access to the roof.

The levels across the site east to west rise quite significantly, and the building design includes a semi-basement parking area which is to be accessed from Dagmar Avenue. Then at a slightly higher level is a secondary upper level surface car park, this too will be accessed from Dagmar Avenue. This split level arrangement is similar to the existing use of the site, as this also makes use of a lower level and upper level car park to the rear of the building.

The existing building is 3-storeys with a flat roof at a height of 10.8m, measured from ground level along Wembley Hill Road. This is consistent with the height of the neighbouring houses fronting Wembley Hill Road. The proposed building would comprise 4 floors above ground, at a maximum height of 15.1m, with a balustrade on top of this adding a further 1m, and a small projecting fifth floor to the western end which accommodates the staircase access to the roof – this results in an additional 2.5m in height to the top of the building but is set away from the edges to reduce its impact. Along the Dagmar Avenue elevation, owing to the steep rise in levels the building would be 15m at the southern corner, reducing to 13m, before stepping down further in height to 9.2m at the western end of the building.

The proposal will result in a difference in scale between the new office building and adjoining residential properties, but as it has been demonstrated through the reduction in footprint and height at the rear this change in scale will not be at the expense of neighbouring amenity. There are examples close by of a similar change in scale because of the interface of commercial buildings along Wembley Hill Road with smaller scale residential dwellings on Linden and Dagmar Avenue. One example of this is Cottrell House which is a part 8-storey office building that neighbours 2-storey terraced housing on Linden Avenue. Also at the corner of Linden Avenue is Crown House, this fronts Wembley Hill Road. It is currently a 4-storey building that has recently been granted approval, subject to completion of a s106 agreement for two additional floors to be added, this will result in a 6-storey building adjoining 2-storey terraced housing on Linden Avenue. Taking into account these relationships the scale and heights of the proposed building on site and the relationship this will have to neighbouring development is considered to be in keeping with the local context. The footprint and the scale of the proposed replacement building will continue to maintain an acceptable relationship to neighbouring properties.

Design:

A contemporary approach is followed, this reflected through the reliance on glazing on the upper floors and the proposed use of a dark glazed brick at ground floor. Further details of materials will be secured as a condition of any approval to ensure a good quality finish.

Transportation Impacts:

Parking and servicing

As discussed above UDP parking and servicing standards for an office of this size are complied with off-street. The access arrangements to the parking and servicing area, via Dagmar Avenue are also considered to be appropriate as they maintain the existing arrangement.

The revised Travel Plan submitted is considered to be of an acceptable standard, as confirmed by Transportation Officer's, and implementation of this will be secured through the s106 agreement.

Landscaping:

As it stands the site has no existing landscaping features, and due to the site constraints it is not possible to secure any landscaping. Though in this location where the buildings are hard against the back edge of pavement it is not feasible.

Sustainability Benefits & Measures to Mitigate Impacts of Climate Change

The schemes proposed sustainability measures are set out through the Brent Sustainability Checklist, and Energy Statement produced by URS. These have been submitted to demonstrate the schemes compliance with the NPPF principles on sustainable development, London Plan Policy and Brent Core Strategy Policy CP19.

The applicants achieve a self-assessed score on the checklist of 50.6%, which indicates a rating of 'Very Positive' is to be achieved. The measures committed to will be secured through s106 legal agreement.

An Energy Strategy has been submitted by URS. This has been prepared to demonstrate the scheme's compliance with the NPPF and London Plan policies, namely policies 5.2 and 5.7 concerning the minimising of carbon emissions and the use of renewable energy.

The energy strategy aimed at minimising carbon dioxide emissions and satisfying London plan policy 5.2 is based on the London Plan Energy hierarchy, which is;

1. Be lean; use less energy
2. Be clean; supply energy efficiently
3. Be green; use renewable energy

Be lean measures are proposed through passive design. The building design includes large areas of glazing which will provide much natural daylight to the internal space. A specific glazing system is proposed to reduce the risk of overheating from solar radiation and some areas will be fixed with fritted glass.

Improvements to the building fabric are proposed beyond the levels expected through current Building Regulations. However, whilst the improvements in relation to glazing and air tightness are considered to be acceptable, others are found to be only marginally below the levels expected through the current Building Regulations.

The proposal only achieves a 0.5% reduction in CO₂ through the 'Be lean' measures, which is considered to be low.

Be clean measures proposed will see U-values being targeted that improve upon current Building Regulations, and these measures will improve the buildings thermal performance. A range of efficiency measures are to be incorporated internally to reduce the buildings energy demand. For example the use of low energy lighting, solar heating, thermostatic heating zones and the use of blinds to control solar radiation).

On balance Officer's consider that opportunities to achieve further improvements should be explored.

Lastly in terms of the Be green measures several options have been evaluated for on-site renewables. The proposal does not include a Combined Heat and Power (CHP) engine. Given the scale of the building, and the low heating demands for this office it is accepted that CHP would not be viable. It is also accepted that wind turbines or the use of ground source heat pumps would not be feasible, or efficient on this site.

A 45sqm array of PV panels is proposed. This PV array goes some way to achieving the majority of the CO2 reduction, lowering CO2 emissions by 10.2%, after the 'Be lean' measures have been applied. The roof layout demonstrates that the available roof space has been maximised, though if the roof terrace was omitted there would be an opportunity for further PV installation. The Energy Strategy also proposes the use of Air Source Heat Pumps which is welcomed.

By following the Mayor's Energy Hierarchy the measures proposed combine to provide carbon emissions reduction of 10.6% beyond Building Regulations 2010 Part L. This falls below the levels of reduction that should be achieved to comply with London Plan policy 5.2, seeking a 25% reduction below Building Regulations 2010 TER and a 20% reduction in CO2 through the use of on-site renewables (policy 5.7).

Officers do not consider that the reductions in CO2 through 'Be lean' measures have been maximised within the proposal, and as such it is recommended that a revised Energy Strategy is secured through the s106 agreement. Upon submission of this it may become apparent that it is simply not feasible to achieve the 25% reduction in CO2 and to reflect this Officers consider that the s106 agreement should require that the revised Energy Strategy achieves the maximum feasible level of CO2 reduction.

In the event of their being a shortfall the applicants accept that there will be a requirement to provide the shortfall off-site through a cash in lieu contribution. This will allow for the delivery of carbon savings equivalent to meet the shortfall elsewhere in the Borough.

BREEAM;-

It is indicated that a 'Very Good' rating will be achieved, which wouldn't strictly comply with Core Strategy policy CP19 as BREEAM 'Excellent' rating is expected on all new non-residential development.

Officers are recommending a s106 clause is included requiring the submission of a revised BREEAM assessment. This may demonstrate that it is not feasible to achieve 'Excellent' due to the nature of the development and the type of building, until this exercise has been carried out then Officers cannot commit to accepting a 'Very Good' rating.

In order to ensure that the development achieves the sustainability rating the Council's standard section 106 clauses have been agreed with the applicant, including compliance with the Sustainability check-list, submission of a revised BREEAM assessment which employs reasonable endeavours to achieve 'Excellent' rating is achieved, and to the submission of a revised Energy Strategy to demonstrate the maximum feasible level of CO2 reduction.

Flood risk

This is not applicable as the site is less than 1 hectare and not situated within Flood Risk Zone 2 or 3.

Conclusion

The proposed development is considered to meet the relevant policies and guidelines of the Council and the London Plan. Officers believe it will improve the appearance of the existing building as well as providing new economic development and job opportunities within the Wembley Growth area. The scheme has been amended to ensure that the scheme meets the relevant guidelines for preserving neighbouring residential amenity set out in SPG17. S106 contributions for sustainable transport improvements, and open space improvements in the locality are also secured through the s106 agreement.

RECOMMENDATION

That planning permission is granted subject to compliance with conditions and completion of a satisfactory s106 legal 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
London Plan 2011
Brent Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17 'Design Guide for New Development'

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Employment: in terms of maintaining and sustaining a range of employment opportunities
Transport: in terms of sustainability, safety and servicing needs
Wembley Regeneration Area: to promote the opportunities and benefits within Wembley

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):

5021/PL/01,revE
5021/PL/02,revH
5021/PL/03,revK
5021/PL/04,revL
5021/PL/05,revH
5021/PL/06,revE

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

- (3) (a) 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.

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

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

- (4) (a) Further details of an appropriate means of boundary treatment between the car park deck and the adjoining garden at 73 Wembley Hill Road shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to first occupation, in accordance with the details so approved, and the boundary treatment and means of enclosure shall thereafter be retained at the height and position as approved.

(b) Further details of boundary edge planting shall be submitted for approval in writing (including species, size and density) by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in

accordance with the details so approved, and the boundary treatment and means of enclosure shall thereafter be retained at the height and position as approved.

Reason(s): In the interests of the privacy and amenity of the occupants of the application site and neighbouring properties.

- (5) The development is within an Air Quality Management Area and construction and demolition works are likely to contribute to background air pollution levels. Further details of measures to mitigate the impacts of duct and fine particles generated by the operations must be submitted for approval in writing by the Local Planning Authority prior to commencement of the development.


Reason; To minimise the impacts of dust arising from construction or demolition operations.

INFORMATIVES:

- (1) Environmental Health Officer's note that the site in question was historically used as a builder's yard. The potential for underlying soil contamination therefore exists. Workers are advised to be vigilant for signs of potential contamination in the soil during excavation works. This may include obvious residues, odours, fuel or oil stains, asbestos, buried drums, buried waste, drains, interceptors, tanks or any other unexpected hazards that may be discovered during site works. If any unforeseen contamination is found during works Safer Streets must be notified immediately. Tel; 020 8937 5252 email; ens.licenceandmonitoring@brent.gov.uk
- (2) Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any
- (a) illuminated fascia signs
 - (b) projecting box signs
 - (c) advertising signs
 - (d) hoardings
- (3) If the development is carried out it will be necessary for an existing crossing to serve the upper car park to be widened by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Should Application for such works should be made to the Council's Safer Streets Department, Brent House, 349 High Road Wembley Middx. HA9 6BZ Tel 020 8937 5050. The grant of planning permission, whether by the Local Planning Authority or on appeal, does not indicate that consent will be given under the Highways Act.

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

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	<p style="text-align: center;">Planning Committee 22 May 2013</p> <p style="text-align: center;">Report from the Director of Regeneration and Major Projects</p>
<p>For Action Wards affected: ALL</p>	
<p>Basement Developments in Brent – Proposed additional planning application validation requirements</p>	

1.0 Summary

- 1.1 Basements are an established feature of many forms of commercial and larger developments in Brent and other areas. However, recent years have seen an increase in demand for basements to existing residential properties leading to concerns by some residents and groups about a range of issues. A number of applications have been reported to the Planning Committee where these issues, and particularly Conservation Area design concerns, have been considered. This report reviews this approach along with those of other authorities and proposes some measures should assist the assessment of applications as well responding to the concerns that are raised.

2.0 Recommendations

- 2.1 That the Planning Committee endorse the proposals in paras 3.14 and 3.16 for consultation with local residents groups and industry representatives with a view to reporting back prior to formal adoption.

3.0 Details

Background

- 3.1 Basements are a feature of many larger commercial and residential developments and regularly provide areas for parking, storage and plant. These have not usually raised significant objections, even where they are located close to boundaries. Neither has there been a history of concerns over their structural integrity or implications on other properties.

3.2 Parts of Brent, in common with some other areas of London, now experience demand for basements to various property types. This mostly affects properties in parts of the south of the Borough. Much of Brent's demand appears to be from owner-occupiers of houses, and to a lesser degree ground floor converted flats, who wish to extend their living accommodation rather than to create basement flats. Brent's property market does not seem to support some of the multiple level basements experienced elsewhere.

3.3 The issues that have caused most concern for Brent have generally been raised in Conservation Areas in the south of the Borough. The principal concerns and the responses to these to date are summarised below;

- a) Design/Landscape impact – including impact on front and rear gardens where basements are not a feature of the local area.

Response: Limiting size of basements to the footprint of the building on public frontages and restricting to rear to what would normally be acceptable as rear extensions. The size and design of light-wells are also restricted.

- b) Structural Damage – actual or feared, due to construction method and as a result of creating mass concrete structure while leaving adjoining, often attached, properties on their original shallow foundations.

Response: Dramatic failures can occur during construction but should be covered by Building Regulations and the owners/contractors responsibility to build safely. Differential movement can occur for a variety of reasons and the Party Wall Act 1996 was introduced to provide a process to assess damage in these circumstances.

- c) Hydrological or geological considerations – these are sometimes raised in conjunction with b) above and include fears of particular impacts on water courses, ground water levels or the safety of substrata.

Response: These fears are acknowledged but Brent does not generally have a high water table and areas with a history of flooding are usually related to local surface drainage issues. In terms of geology, the majority of the Borough sits on London clay which does not raise specific construction problems that cannot be routinely overcome. Neither the Environment Agency or Building Control have raised in principal objections on these issues.

- d) Construction nuisance and amenity – noise and mess during excavation, obstruction and inconvenience due to the number of skips required, inconvenience to neighbours – including occupiers of upper floors.

Response: these concerns are appreciated and the 'considerate contractor scheme' has been considered for larger developments. The Environment Protection Act 1986 should be a remedy for serious noise problems but varying the normally acceptable hours of working can

extend the construction period. Skips on the public highway need a licence but, in general operational terms, problems of excessive numbers in streets have not been identified.

Planning Considerations

- 3.4 A significant element in formulating a planning approach is a recognition that much basement excavation is considered as 'permitted development' (p.d.). This applies except where they extend forward of the original building (eg 'light-wells), they extend to the rear beyond current permitted development limits, they are of such a scale that they are considered as operational development in their own right or a more restrictive Article 4 Direction is in place.
- 3.6 Notwithstanding strong objections on a range of issues, it is clear that it is unlikely that a much more restrictive policy – or indeed one that prevents basements – could be introduced and supported on appeal when the 'harm' would not be significantly different to what could be built without the need for planning permission. This conclusion appears to echo that of other authorities who have also experienced an increased demand as well as strong concerns from residents.
- 3.7 Of the four London Boroughs most often cited as introducing a policy to prevent basements, the approach has been less prohibitive than may have been reported in the press at various times. The position with each authority is summarised in Appendix 1.
- 3.8 In essence, all authorities have a design led approach which allows appropriate schemes although one authority restricts multiple floors and all require assessment information to support an application with one requiring a fuller level of assessment and background information. None of these policies has been in place long enough for a formal review of the implications of their operation to be undertaken. However, it is understood that they are considered to be generally achieving the objective of requiring developers to be clearer about the implications of their proposals and hence providing some reassurance to concerned residents.

Brent's Current Approach

- 3.9 In assessing applications to date, considerable weight has been given to design considerations including, in particular, when properties are in Conservation Areas. This has produced the general criteria set out in 3.3 a) above and which can be referred to in Conservation Area Design Guides as they are updated. To date, this has not been tested on appeal as applications have been approved if they follow this approach. If the criteria were to change then they would need to be based on planning considerations that could be sustained on appeal – and take into account what can be done as 'p.d.'
- 3.10 The above does not mean that residents' concerns are irrelevant or ignored. Clearly, there can be some basis for all of the issues raised in 3.3 and it is

certainly understood that such developments can cause real nuisance as well as have potential structural impacts.

- 3.11 Having reviewed the current 'design' approach and on the basis that this should continue, this report focuses on what additional measures Brent could adopt that reflect issues 'b, c and d' in 3.3 above and which are proportionate, reasonable and have a relevance to planning considerations. The approach below is not considered to place unreasonable costs or delays on owners or the development industry and, in many ways, should be good practice.

Proposed Future Approach

Structural Concerns

- 3.12 Much of the information provided with applications does not assist planning officers to readily understand the specifics of any proposal. By definition, this may also add to residents concerns and does not support constructive local consultation. Examples of this are clarity about what is proposed outside indicative lines show on plans, elevations and cross sections. There is also a the need for drawings to indicate how proposals relate to adjoining properties, to provides detailed constructional cross sections and to reference existing landscaping on site or adjoining boundaries etc.
- 3.13 Few applications are supported with a construction and build methodology statement which indicates an awareness of local conditions. This can be relevant in assessing the design proposal in a number of ways including understanding any potential external design implications (such as structural interventions or new ventilation requirements, appreciating whether local ground conditions may require additional drainage or pumping facilities and potential amenity issues this could generate, or understanding the construction process and programme in terms of adjoining properties). Such information may clearly also help adjoining residents to understand proposals as well as providing a basis for Party Wall discussions.
- 3.14 It is therefore proposed that Brent alters its planning application validation requirements to require additional information when applications involving basements are submitted to both inform the planning assessment and to support local statutory planning consultation. This requirement may be varied when any basement development is outside the notification area for the Party Wall Act. At this stage, it is envisaged that this will entail more detailed plans and the submission of a report by a qualified structural engineering company which details the proposed construction and build methodology and how this relates specifically to the site. It is anticipated that this will involve a detailed site survey of buildings, levels and landscaping. It would also require a desk study of any site specific geological or hydrological considerations with appropriate site investigations if this is then indicated.

Nuisance and Amenity Issues

- 3.15 These can clearly arise in their own right or be linked to other concerns such as those outlined in 'd' in para. 3.3 above. Again, these can relate to poor site

management or particular phases of construction and be aggravated by a lack of knowledge of what is being proposed and over what period.

- 3.16 It is therefore proposed that applicants are required to indicate that they will employ a contractor who is part of the considerate contractor scheme as well as providing an indicative construction programme. In terms of the potential issues related to skips, it is proposed to refer this to Safer Streets with any formal response to this consultation in order to assist them in deciding on the need for any review of current practices.

4.0 Financial Implications

- 4.1 It is not proposed that Brent should need to take on any additional costs with these changes as it is hoped that the submitted information should not generally need to be reviewed.

5.0 Legal Implications

- 5.1 Subject to considering any consultation responses, the changes proposed would require formal agreement in order to be put into effect as a 'local list' requirement for planning validation.

6.0 Diversity Implications

- 6.1 Extensions to homes can meet individual needs or demands for specific accommodation and extensions to commercial properties can similarly meet various business needs. However, it is not considered that the approach suggested above should affect any particular group adversely or disproportionately.

7.0 Staffing/Accommodation Implications

- 7.1 This change proposed may add to validation times although the clarity of the requirements should help to minimise this. Any additional time involved at this stage of the application process should be offset by savings later in the assessment of the application.

Background Papers

Queens Park and Barnhill Draft Design Guides 2013

Contact Officers

Stephen Weeks
Head of Area Planning

Andy Donald
Director of Regeneration and Major Projects

Royal Borough of Kensington and Chelsea

Current/Proposed Policy: Draft– to form part of the Core Strategy in 2013.

The draft policy aims to restrict basements in the Borough to one basement storey and not to exceed 50% of each garden of the property. It refers to basements not disrupting local traffic, causing noise, vibration and dust to surrounding neighbours and also safeguarding the structural stability of the application building and nearby buildings.

A Basement Impact Assessment (BIA) is required covering elements such as design, demolition and construction, traffic management, environmental standards, flood risk, sustainable urban drainage, arboriculture report and a site waste management plan.

Summary of community involvement

- Mixed response; land owners affected by basement development requesting tighter controls; Basement developers feel that the controls are already tight enough and further restrictions on basement developments could result in financial implications for businesses.
- Concerns were raised with RBKC during the consultation period of the draft Basement policy regarding additional costs arising from Basement Impact Assessment, particularly by developers. RBKC however, considers the additional costs small in comparison to the overall cost of building a basement and the subsequent increase in housing value.
- RBKC is of the view that BIA should happen before an application is submitted so should not cause any delays in determination or validation. Some agents/contractors do not like these additional requirements but RBKC consider them necessary as basements are more complicated than equivalent above ground developments.

Similarities/differences with Brent

- The types of basement development in RBKC are of a different scale that the majority of those seen in Brent. Many of the basement proposals are extensive and include room for a study, gymnasium, staff quarters, pool etc.

Consultation with Industry

Industry Representatives:

- Kevin O'Conner –Cranbrook Basements
- Simon Haslam – Basement Force

Experts:

- Julian Williams – Abba Energy
- Earl of Lytton – RICS Boundaries and Party Walls Professional Panel

London Borough of Camden

Current/Proposed Policy Camden Planning Guidance – Basements and Light Wells

The policy accepts basements which not extend beyond the footprint of the original building and are not be deeper than one full storey below ground level. For larger schemes, with more than one or two storeys below ground, an applicant is expected to provide evidence that the development does not harm the built and natural environment or local amenity'

There are a number of conditions relating to lightwells and railings, which are limited on sites with shallow gardens or where a proposed lightwell is considered excessive by Council. Camden requires a BIA that considers in detail groundwater flow, land stability, surface flow and flooding, impacts on neighbours from demolition and construction, sustainable construction, planning and design considerations, size of development, conservation areas and listed buildings, basement walls windows and doors, trees, landscape and biodiversity, lightwells, railings and grills.

In addition to this, Council also requires a construction management plan, Considerate Contractors Scheme and detailed drainage plan.

Summary of community involvement

- Residents have been supportive of BIA which helps to mitigate disruption and nuisance caused by basement development.
- Camden Council is of the view that although additional application requirements may cause delays, it is time well spent given the enormous disruption/nuisance that some basements cause, and Camden residents have been appreciative.

Similarities/differences with Brent

- Types of basement development in Camden would be similar to those in Brent. While some applications are for commercial and retail, basement applications for houses fulfil a need for extra space. Camden has been concerned about the location of lightwells and railings, particularly in front gardens, which is a similar concern in Queens Park.

Consultation with Industry

Camden did not specifically consult with any developers or builders on basement development in the borough. During formal consultation on the SPD Camden used the standard database of contacts in borough including government agencies and community groups. However, during the process of developing the guidance Camden did speak with applicants / agents / engineers in an ad hoc manner to gather more information about specific cases that Camden was interested in.

London Borough of Westminster

Current Proposed Policy Draft state – will form part of the Local Plan.

Westminster does not currently have a specific planning policy in relation to basement excavation. In recent years, the borough has seen an increasingly large number of planning applications for basement extensions to residential properties and as such, is currently working to develop a basements policy as part of the emerging Local Plan.

Summary of community involvement:

Unknown.

Similarities/differences with Brent

Similar basement design and scale to those found in RBKC. Much of the applications are for large scale residential basements involving gymnasiums, pools, staff quarters etc.

London Borough of Hammersmith and Fulham

Current/Proposed Policy - Forms part of the Local Plan.

The policy aims to restrict basements where the proposal would result in increased flooding to neighbouring properties. A flood risk assessment is requirement and any new development must be designed to be flood resilient. The policy also provides specific requirements for lightwells and where they can be located (in addition to Council's SPD on lightwells from 2002) and on sunlight access available to a basement. In addition applicants must also provide to Council a structural survey (by a qualified structural engineer) and this survey must also be provided to all neighbouring dwellings.

Summary of community involvement

Unknown.

Similarities/differences with Brent

Basement developments in H+F are similar to those in Brent where the housing stock is terraced and in conservation areas. H+F is concerned with preserving and enhancing front gardens in conservation areas and this has often determined the location and size of lightwells.

It should be noted that flooding is an important issue in H+F and meeting requirements related to flooding can dictate whether or not an application is approved – an issue which may or may not be as significant in Brent.

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Agenda Item 14

PLANNING & ENFORCEMENT APPEALS

DATE / YEAR April 2013

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

SPECIAL ITEMS

Basement developments in Brent	5/01
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Received PLANNING Appeals between 1-Apr-2013 and 30-Apr-2013

Planning Committee: 22 May, 2013

Application Number: 12/1921 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 12/04/2013 **Appeal Against:** Refusal of planning permission
Location: 513 & 515, High Road, Wembley, HA9
Proposal:

Proposed 3-storey rear extension to 513 & 515, roof extension including rear dormer window, conversion of upper floors into 2 x two-bedroom self-contained flats with rear balconies, internal alterations at ground and lower ground floor to amalgamate these units into one single unit and installation of x4 front facing rooflights

Application Number: 12/1942 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 08/04/2013 **Appeal Against:** Refusal of planning permission
Location: 16C Callcott Road, London, NW6 7EA
Proposal:

Installation of a rear terrace and rear door to second floor flat

Application Number: 12/2787 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 02/04/2013 **Appeal Against:** Refusal of planning permission
Location: 5 Eychurst Close, London, NW2 7HP
Proposal:

Erection of single storey rear extension and installation of disabled access to front of dwellinghouse

Application Number: 12/3114 **Team:** Southern Team **Application Type** Other CLU
Appeal Received: 05/04/2013 **Appeal Against:** Refusal of planning permission
Location: 2 Epcot Mews, London, NW10 5LL
Proposal:

Certificate of lawfulness for existing use of roof as garden terrace to dwellinghouse

Application Number: 12/3204 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 09/04/2013 **Appeal Against:** Refusal of planning permission
Location: 15B Herbert Gardens, London, NW10 3BX
Proposal:

New rear dormer window, one rear and two front rooflights to first floor flat

Application Number: 13/0137 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 24/04/2013 **Appeal Against:** Refusal of planning permission
Location: 1-4 & Garages Holmfield & 2, Crawford Avenue, Wembley, HA0 2HT
Proposal:

Proposed erection of three-storey residential block at rear of site, forming 7 x 2 bedroom flats and 1 x 1 bedroom flat, with associated landscaping and parking provision.

Application Number: 13/0251 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 05/04/2013 **Appeal Against:** Refusal of planning permission
Location: 94 Ravenscroft Avenue, Wembley, HA9 9TG
Proposal:

Single storey rear extension to dwellinghouse

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Received ENFORCEMENT Appeals between 1-Apr-2013 and 30-Apr-2013

Planning Committee: 22 May, 2013

Application Number: E/09/0142 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 08/04/2013**Location:** 6 The Paddocks, Wembley, HA9 9HE**Description:**

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

("the unauthorised development")

Application Number: E/11/0621 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 16/04/2013**Location:** 19 Forty Lane, Wembley, HA9 9EU**Description:**

Without planning permission, the erection of railings to the 2nd storey rear projection to the premises.

("the unauthorised development")

Application Number: E/12/0057 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 09/04/2013**Location:** Rear of 120B Brondesbury Park, Brondesbury, London, NW2 5JR (Also known as 2C Staverton Road, NW2 5HL)**Description:**

Without planning permission, the erection of a dwelling in the rear garden of 120B Brondesbury Park with access on to Staverton Road

("The unauthorised development")

AND

The breach of Condition 1 of Inspector's decision dated 17/05/2007 (appeal reference APP/T5150/C/06/2022440), which required the demolition of the outbuilding extension in the rear garden of the premises within three months of the date of failure to submit a scheme for external rendering of the flank walls of the building and for planting on the boundary with 118 Brondesbury Park ("the scheme") within 3 months of the date of the appeal decision.

There is no record of the scheme being submitted to the Council. Even if the scheme was submitted to the Council, no appeal to the Secretary of State for non determination was made as required by condition 1, part ii.

("The unauthorised breach of condition")

Received ENFORCEMENT Appeals between 1-Apr-2013 and 30-Apr-2013

Planning Committee: 22 May, 2013

Application Number: E/12/0235 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 18/04/2013**Location:** 42 Sherrick Green Road, London, NW10 1LD**Description:**

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

("the unauthorised change of use")

AND

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

("the unauthorised development")

AND

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

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

Application Number: E/12/0366 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 10/04/2013**Location:** Flats1-6, ASHFORD HOUSE, Ashford Road, London, NW2 6TL**Description:**

Without planning permission, the erection of a building to the rear and the erection of fencing panels to the side and rear of the premises.

("The unauthorised development")

Application Number: E/12/0453 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 09/04/2013**Location:** 15 Beverley Gardens, Wembley, HA9 9RD**Description:**

Without planning permission, the erection of a timber and plastic roof canopy extension to the rear of the premises.

("the unauthorised development")

Application Number: E/12/0455 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 15/04/2013**Location:** 75A Denzil Road, London, NW10 2UY**Description:**

Without planning permission, the erection of a single storey rear extension to the rear of the premises.

("The unauthorised development")

Received ENFORCEMENT Appeals between 1-Apr-2013 and 30-Apr-2013

Planning Committee: 22 May, 2013

Application Number: E/12/0465 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 05/04/2013**Location:** 2 Epcot Mews, London, NW10 5LL**Description:**

Without planning permission, the erection of balustrading, decking and hatch to stairway to form a roof terrace

("the unauthorised development")

The breach of Condition 5 of planning permission 87/0135 dated 28th April, 1987. Condition 5 states "no access shall be provided to the roof of the extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting area." A stairway has been created to give access to the roof and the roof is being used as a balcony and sitting out area in breach of condition

("the unauthorised breach of condition")

Application Number: E/12/0477 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 11/04/2013**Location:** 20 Berens Road, London, NW10 5DT**Description:**

Without planning permission, the formation of a rear roof terrace on top of the existing two storey rear projection including the installation of timber decking and timber railings.

("the unauthorised development")

Application Number: E/12/0523 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 10/04/2013**Location:** 28 Pitfield Way, London, NW10 0PP**Description:**

The erection of a building in the rear garden of the premises.

("The unauthorised development")

Application Number: E/12/0553 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 11/04/2013**Location:** 14 Homefield Road, Wembley, HA0 2NJ**Description:**

The widening of access on to the highway and the formation of a hard surface to the front garden of the premises.

("The unauthorised development")

Application Number: E/12/0603 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 08/04/2013**Location:** 273 Kenton Road, Harrow, HA3 0HQ**Description:**

The erection of a dwelling to rear garden of the premises for residential purposes.

("The unauthorised development")

Received ENFORCEMENT Appeals between 1-Apr-2013 and 30-Apr-2013

Planning Committee: 22 May, 2013

Application Number: E/12/0607 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 24/04/2013**Location:** 154 Windermere Avenue, Wembley, HA9 8QT**Description:**

Without planning permission, the erection of a conservatory extension onto the back of an existing extension to the rear of the premises.

("The unauthorised development")

Application Number: E/12/0610 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 10/04/2013**Location:** 58 Abbey Avenue, Wembley, HA0 1LL**Description:**

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

("The unauthorised development")

Application Number: E/12/0712 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 23/04/2013**Location:** 91 C, D, E, F, G Mora Road, London, NW2 6TB**Description:**

Without planning permission, the material change of use of the premises from offices to a mixed use as offices and residential.

("the unauthorised change of use")

Application Number: E/12/0718 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 24/04/2013**Location:** 22 Pebworth Road, Harrow, HA1 3UD**Description:**

Without planning permission, the erection of a two storey side and rear extension and rear and side dormer windows to the premises.

("the unauthorised development")

Application Number: E/12/0773 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 24/04/2013**Location:** 19 Watford Road, Wembley, HA0 3ET**Description:**

The construction of an unauthorised building at the rear of the premises.

("The unauthorised development")

Received ENFORCEMENT Appeals between 1-Apr-2013 and 30-Apr-2013

Planning Committee: 22 May, 2013

Application Number: E/12/0834 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 22/04/2013

Location: 34 Dartmouth Road, London, NW2 4EX

Description:

Without planning permission, the installation of gates to the front of the premises.

("The unauthorised development")

Application Number: E/12/0836 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 12/04/2013

Location: 103 Preston Road, Wembley, HA9 8NN

Description:

The erection of single storey buildings in rear garden of the premises.

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Decisions on PLANNING Appeals between 1-Apr-2013 and 30-Apr-2013

Planning Committee: 22-May-2013

Application Number: 12/1014 **PINSRefNo** A/12/2182914 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 26/04/2013

Location: 393 North Circular Road, Stonebridge, London, NW10 0HS

Proposal:

Demolition of existing shed to dwellinghouse and erection of a detached two storey one bedroom dwellinghouse in rear garden with associated external amenity space accessed off Scout Approach

Application Number: 12/1397 **PINSRefNo** D/12/2183022 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 26/04/2013

Location: 326 Tokyngton Avenue, Wembley, HA9 6HH

Proposal:

Retention of existing outbuilding to the rear of dwellinghouse, with a proposed reduction to its height and depth and change of use to store/gym

Application Number: 12/1980 **PINSRefNo** A/12/2186232/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 16/04/2013

Location: 66 Chatsworth Road, London, NW2 4DD

Proposal:

Demolition of existing garage and the erection of new dwellinghouse in the rear garden of 66 Chatsworth Road

Application Number: 12/2416 **PINSRefNo** A/13/219328 **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 03/04/2013

Location: 663 Harrow Road, Wembley, HA0 2HD

Proposal:

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

Application Number: 12/2776 **PINSRefNo** D/13/2192632 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 04/04/2013

Location: 11 Bacon Lane, London, NW9 9AY

Proposal:

Retrospective application for front porch to dwellinghouse

Application Number: 12/2780 **PINSRefNo** D/13/2192209 **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 03/04/2013

Location: 5 Hillcroft Crescent, Wembley, HA9 8EE

Proposal:

Enlargement of existing front dormer window to dwellinghouse

Application Number: 12/3222 **PINSRefNo** D/13/2193395 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 15/04/2013

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

Decisions on PLANNING Appeals between 1-Apr-2013 and 30-Apr-2013

Planning Committee: 22-May-2013

Application Number: 13/0008 **PINSRefNo** X/13/2194457

Team: Northern Team

Appeal Decision: Appeal withdrawn

Appeal Decision Date: 11/04/2013

Location: 37 Fleetwood Road, London, NW10 1NB

Proposal:

Certificate of lawfulness for existing rear dormer window to dwellinghouse

Decisions on ENFORCEMENT Appeals between 1-Apr-2013 and 30-Apr-2013
Planning Committee: 22 May, 2013

Application Number: E/12/0747 **PINSRefNo** C/12/2181053

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 10/04/2013

Location: 445 Kenton Road, Harrow, HA3 0XY

Proposal:

Without planning permission, the change of use of ground floor premises from professional services (Use Class A2) to a mixed use as a travel agency (Use Class A1) and a mini-cab hire business (Use Class Sui Generis).

("The unauthorised change of use")

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**PLANNING SELECTED appeal DECISIONS between
1-Apr-2013 and 30-Apr-2013
Planning Committee: 22 May, 2013**

Introduction

In order to keep Members fully informed of Planning Appeal decisions, copies of Inspector's decision letters concerning those applications that have been allowed or partly allowed on appeal, are attached to the agenda. These include the following:

Our reference: 12/2416 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 03/04/2013

Team: Western Team

Location: 663 Harrow Road, Wembley, HA0 2HD

Proposal:

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

Our reference: 12/2780 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 03/04/2013

Team: Western Team

Location: 5 Hillcroft Crescent, Wembley, HA9 8EE

Proposal:

Enlargement of existing front dormer window to dwellinghouse

Background Information

Any persons wishing to inspect an appeal decision not set out in full on the agenda should check the application details on our website or contact the Technical Support Team, Planning and Development, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email tps@brent.gov.uk

Chris Walker, Assistant Director - Planning and Development

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Appeal Decision

Site visit made on 21 March 2013

by **C J Checkley BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 April 2013

Appeal Ref: APP/T5150/D/13/2191328

663 Harrow Road, Wembley, Middlesex, HA0 2HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Alka Juthani against the decision of the Council of the London Borough of Brent.
 - The application Ref 12/2416 was refused by notice dated 1 November 2012.
 - The development proposed is the retention of existing outbuilding with reduced height and depth.
-

Decision

1. The appeal is allowed and planning permission is granted for the proposed retention of the existing outbuilding with a reduction in height and depth in the rear garden of 663 Harrow Road, Wembley, Middlesex, HA0 2HD, in accordance with the terms of the application Ref. 12/2416 dated 6 September 2012, subject to the following conditions:
 - 1) The development hereby permitted shall be undertaken and completed in accordance with the approved plans and other conditions of this permission within 9 months of the date of this decision.
 - 2) Details of the materials to be used in the construction of the external surfaces of the altered outbuilding shall be submitted to and approved in writing by the local planning authority before further development takes place and those used for the walls and windows shall match those used in the existing building.
 - 3) Within 4 months of the date of this decision full details of a scheme of soft landscape works shall be submitted to the local planning authority for its written approval. These details shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; an implementation programme. All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting season following the completion of the development unless otherwise agreed in writing with the local planning authority.
 - 4) The outbuilding is to be used solely for purposes incidental to the enjoyment of No 663 Harrow Road as a dwellinghouse as such and shall not be used for any other purposes, including any form of primary residential accommodation such as a bedroom, kitchen or bathroom/wc, or used for any business or as a separate dwellinghouse or flat, or for storage separately from the main dwellinghouse.
 - 5) The development hereby permitted shall be carried out in accordance with the following approved plans: drg no 663HR(01): Existing and Proposed Floor Plan and Elevations; location plan.



Appeal Decision

Site visit made on 22 March 2013

by R O Evans BA(Hons) Solicitor MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 April 2013

Appeal Ref: APP/T5150/D/13/2192209

5 Hillcroft Crescent, WEMBLEY, Middlesex, HA9 8EE

- 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 Z Kaj against the decision of the Council of the London Borough of Brent.
 - The application Ref 12/2780 dated 17 October 2012 was refused by notice dated 7 December 2012.
 - The development proposed is extension of existing front dormer.
-

Decision

1. The appeal is allowed and planning permission is granted for extension of existing front dormer at 5 Hillcroft Crescent, Wembley, Middlesex, HA9 8EE in accordance with the terms of the application, Ref 12/2780, dated 17 October 2012, and the plans submitted with it, 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 extension hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 120723-P11-A, 120723-P12-A and 120723-P13-A.

Main issue

2. The appeal property is a semi-detached bungalow, with accommodation in the roofspace, on the eastern side of Hillcroft Crescent. The proposal involves not so much the extension of the existing front dormer as its replacement, together with a rooflight, with a larger single structure. The main issue is the impact this larger dormer would have on the character and appearance of the surroundings.

Reasons

3. Hillcroft Crescent is a short residential road leading first north eastwards from Hill Road. The western side is lined mainly with 2 storey semi-detached houses with projecting front gables, dating from their appearance from the inter-war years of the last century. The eastern side of the road is lined predominantly with either semi-detached or detached bungalows which appear of similar age to the houses and with a number of common design features, including the

- projecting front gables. Reflecting the drop in levels to the north, the roofs of the semi-detached pairs of bungalows towards the southern end of the road are staggered.
4. The buildings in the road have been altered and/or extended in various ways over the years, including the addition in some cases of side and rear dormers. A common and possibly original feature, at least in the bungalows, is either a skylight or small triangular dormer in the front roof slope. No 5 however has both a skylight and an almost square dormer. The latter, put by the Council at 1.3m high by 1.2m wide, has single panes and is of decidedly utilitarian appearance. The replacement would have latticed panes of a similar pattern to those below it and would be some 3.08m wide by 1.36m in height.
 5. The Council's 2002 Supplementary Planning Guidance advises that front dormers will not normally be permitted though may be exceptionally in some areas where they are (already) common features. There is a very similar dormer at No 1 as now proposed for No 5. I do not know the background to its construction. While I do not regard it as a 'precedent', it has no great impact in the street scene. More importantly, because the buildings are bungalows with relatively high main roofs, a dormer of this size and in this position would be of a similarly compatible scale and mass with the rest of building. It would sit well within the roof slope, without dominating it nor appearing overly obtrusive in the street scene, while its design would reflect and complement the remaining fenestration.
 6. I understand that the Appellant has already obtained a Lawful Development Certificate for side and rear dormers. The Council assess the total volume, including the existing front dormer at just under 49m³. Even assuming they are completed before this development, the limited size of this extension would not make the building appear overdeveloped, while improving the level of amenity for its occupiers. The area has an identifiable local character, arising from the age and style of the buildings within it. It is not however a Conservation Area or one recognised as of particular architectural distinction. There may be good reasons for not normally permitting front dormers but in this instance and in this context, and with appropriate materials, I find no significant conflict with saved Policies BE2 and BE9 of the Borough's Unitary Development Plan. Similarly, the proposal poses no risk to the protection or enhancement of the Borough's distinctive suburban character as sought by Policy CP17 of their Core Strategy.
 7. The development should be completed in accordance with the submitted plans and in matching materials, so I shall impose conditions accordingly. I have taken account of all other matters raised but find no good reason to withhold permission.

R O Evans

INSPECTOR

Main issue

2. The main issue is the effect of the outbuilding as proposed upon the appearance and character of the surrounding area.

Reasons

3. At the time of my visit a detached single-storey brick outbuilding with a pitched roof had been erected at the far end of the long and relatively narrow garden of the appeal property. The property is one of a pair of two-storey semi-detached houses with long rear gardens alongside one another, the other being No 661 Harrow Road to the immediate east. To the west are the substantial grounds of a flatted development at Marnham Court which include areas of surface parking. To the south are the shorter rear gardens of the dwellings on Colyton Close, a cul-de-sac.
4. The outbuilding is thus set within an area of suburban rear gardens and is for the most part not visible from public highways. It is seen primarily in private views from the rear of surrounding residential properties and their gardens. All the residential buildings are set well away from the outbuilding.
5. The outbuilding as built stands close to the rear and two side boundaries which are marked by wooden fences rising to head height. The application seeks to retain the outbuilding but in a significantly reduced form for use as a study/gym/store. The pitched roof would be removed and a flat roof created at a height of 2.5m. The rear-most section of the outbuilding would be removed, resulting in the new back wall standing further away from the rear gardens of the Colyton Close dwellings.
6. It is not unusual to find sheds, garages and outbuildings within suburban rear gardens such as these. There is an existing garden shed within the adjoining rear-most section of the garden of No 661, albeit a smaller structure. With its reduced height and form only the top half metre or so of the altered outbuilding would be visible above the fences, so that it would not have an unduly overbearing effect on any of the surrounding residential properties and their gardens. Although the existence of the outbuilding would be apparent the majority of it would be screened by boundary fencing. The submitted drawings indicates an intention to undertake screen planting and a condition can be imposed to ensure this is done, enabling the most rapid assimilation of the outbuilding into the garden environment. The appellant estimates that only some 10% of the garden would be occupied by the reduced outbuilding and the majority of the garden would remain unaffected.
7. On balance, I find that the scale, design and form of the outbuilding proposed would not be such as to be visually dominating or unduly detrimental to the overall appearance and character of the extensive area of surrounding gardens and grounds.
8. I have taken account of all other matters raised, including the appellant's desire to have a building where she may use exercise machines and her daughter may study, and the support expressed by the neighbouring resident at No 661. Whilst these matters add slightly to the weight in favour of the scheme, they have not affected the favourable balance of my conclusions on the determining issue itself.

9. I conclude that the retention of the outbuilding in the reduced form proposed would not result in material harm to the appearance or character of the surrounding area. There would be no conflict with the provisions of saved Policies BE2 and BE9 of the adopted Brent Unitary Development Plan (2004) or Policy CP17 of the adopted Brent Core Strategy (2010) which seek development that respects the surroundings and protects the suburban character of Brent.
10. Several conditions are necessary. Details of the materials to be used in the external surfaces of the outbuilding are to be agreed before the outbuilding is altered to ensure a suitable matching appearance. A landscaping scheme is required to enable the rapid assimilation of the outbuilding into the garden environment. The outbuilding is to be used solely for purposes incidental to the use of the dwellinghouse as such so that the use remains compatible with the surrounding residential environment and the outbuilding is not used as a separate dwelling or business. Other than as set out in the decision and conditions, the development is to be undertaken and completed within nine months of this decision in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning and the appearance of the area.

C J Checkley

INSPECTOR

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