



Planning Committee

Wednesday 20 June 2012 at 7.00 pm

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

Membership:

Members

Councillors:

Ketan Sheth (Chair)
Daly (Vice-Chair)
Aden
Baker
Cummins
Hashmi
John
CJ Patel
RS Patel
Krupa Sheth
Singh

first alternates

Councillors:

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

second alternates

Councillors:

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

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

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

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

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

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting		1 - 6
Extract of Planning Code of Practice		
NORTHERN AREA		
3. Kingsbury Community Centre, Eton Grove, London, NW9 9LD (Ref. 12/1028)	Queensbury	11 - 22
4. 1-32 inc, Coles Green Court & Garages r/o Coles Green Court, Coles Green Road, London, NW2 (Ref.12/0871)	Dollis Hill	23 - 42
SOUTHERN AREA		
5. Cullen House, Salusbury Road NW6, 313 & 341 Kilburn Lane, 50 Claremont Road W9 and car parks (Ref.12/0788)	Queens Park	43 - 66
6. Bronte House & Fielding House, Cambridge Road, London, NW6 (Ref. 12/0454)	Kilburn	67 - 88
7. 135 Chatsworth Road, London, NW2 5QT (Ref. 11/1208)	Brondesbury Park	89 - 94
8. Former Willesden New Social Club, Rucklidge Avenue, London, NW10 4PX (Ref.12/0915)	Kensal Green	95 - 110
WESTERN AREA		
9. 1A Elmside Road, Wembley, HA9 8JB (Ref. 12/0408)	Preston	111 - 18
10. Crown House, 43-51 Wembley Hill Road, Wembley, HA9 8AU (Ref. 12/0387)	Tokington	119 - 130
PLANNING APPEALS 1 - 31 May 2012		
11. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.		

SITE VISITS – SATURDAY 16 JUNE 2012

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
12/0871	1-32 inc, Coles Green Court & Garages r/o Coles Green Court, Coles Green Road, London, NW2	4	Dollis Hill	9:40	23 - 42
11/1208	135 Chatsworth Road, London, NW2 5QT	7	Stonebridge	10.10	89 - 94
12/0454	Bronte House & Fielding House, Cambridge Road, London, NW6	6	Kilburn	10:30	67 - 88
12/0788	Cullen House, Salusbury Road NW6, 313 & 341 Kilburn Lane, 50 Claremont Road W9 and car parks	5	Queens Park	10:50	43 - 66
12/0915	Former Willesden New Social Club, Rucklidge Avenue, London, NW10 4PX	8	Kensal Green	11:15	95 - 110

Date of the next meeting: Tuesday 3 July 2012

As that meeting will consider reports on policy issues, **there will be no site visits on the preceding Saturday.**

The subsequent meeting scheduled for 25 July will consider planning applications. The site visits for that meeting will take place the preceding Saturday 21 July 2012 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

Tuesday 22 May 2012 at 7.00 pm

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

Apologies for absence were received from

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

None declared.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 17 April 2012 be approved as an accurate record of the meeting.

3. **Green Man, High Street, London, NW10 4TS (Ref. 11/0876)**

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

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

The application was deferred at the last meeting for a site visit at the request of the ward councillors. The Area Planning Manager, Andy Bates, in reference to the letter of support by Councillor Powney clarified that the application involved the removal of the awning and decking for which a condition was recommended to reinforce it. He continued that the removal of the decking would not directly affect disabled access but the applicant may need to make alterations to the ramped access arrangement. An additional condition as set out in the tabled supplementary report was recommended to address that.

He reported that as part of the application the door to the basement which did not align with the arched bricks would be replaced and access would be through the building. Members heard that the description of the development had been revised for clarity to add that all windows would be replaced with timber windows of the appropriate character. Andy Bates confirmed that the contribution towards CCTV would be required by a legal agreement which would need to be completed before planning permission can be granted. He drew members' attention to a condition that required the applicant to submit details of the lighting proposed to improve the character of the entrance, the exact location and design. With reference to the supplementary, he drew members' attention to the additional conditions and an informative for the grant of planning permission.

During debate, Councillor John expressed satisfaction that the applicant had addressed the concerns raised by ward members and residents but enquired about measures that could be taken if the restoration was not carried out. The applicant in response to Councillor Daly's request stated that he had not set a timetable for completion of the restoration work. The Head of Area Planning reinforced that the Council's stance was to ensure that the work was carried out without delay. He undertook to update members about its progress.

DECISION: Planning permission granted subject to additional conditions, informatives, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

4. Green Man, High Street, London, NW10 4TS (Ref. 11/0877)

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

RECOMMENDATION: Grant listed building subject to conditions and informatives.

DECISION: Granted listed building consent subject to conditions and informatives.

5. 16B & 16C Callcott Road, London, NW6 7EA (Ref.12/0065)

PROPOSAL: Installation of juliet balcony to first floor rear window and proposed window to replace existing door at the second floor level of terraced property in use as three self-contained flats.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

With reference to the tabled supplementary report, Steve Weeks, Head of Area Planning, reported that the applicant's agent had confirmed that there were no proposals for a roof terrace to be considered under this application adding that any such application submitted in the future would be assessed on its own merits. He continued that as the applicant had not demonstrated that the existing outward opening door was authorised or how an inward opening door onto the staircase would comply with building regulations, the replacement window was considered to be the most appropriate solution. He added that the removal of the timber board blocking access to the flat roof at the second floor was considered to be in breach of the enforcement notice and as such a letter from the Council's Enforcement Team had been sent to the applicant advising him of the breach.

Mrs Bernadette Doyle an objector stated that the installation of juliet balcony window which would be close to her bedroom constituted an infringement on her residential amenities, loss of privacy and loss of use of her garden through noise and overlooking from the tenants at the property. In response to Councillor Daly's question about the situation since the enforcement notice was served, Mrs Doyle stated that she had observed a modest improvement.

Mrs Fiona Finlay an objector stated that the juliet balcony window was imposing and out of character with the other properties within the Conservation Area. Mrs Finlay raised questions as to how the roof access would be restricted to prevent noise nuisance to the gardens of the adjoining properties.

In accordance with the provisions of the Planning Code of Practice, Councillor Mary Arnold, ward member stated that she had been approached by the objectors. Councillor Arnold objected to the proposed development and urged members for refusal on the following grounds:

- a) Detrimental impact on the amenities of neighbouring residents.
- b) Overlooking and loss of privacy
- c) Noise nuisance from the tenant occupiers at the property.
- d) Evidence that the roof terrace was still in use despite the enforcement notice that had been served on the property.

In response to Councillor Hashmi's request, Steve Weeks clarified the proposal and added that it would be appropriate in conservation area terms to require the installation of a sash window to the upper floor. In response to a question about the option of appeal, he suggested that an Inspector would be looking at the actual harm caused by any window or door opening in comparison to those that already existed. The Head of Area Planning continued that the height of the juliet balcony handrail of 1.1m had been designed for safety reasons. In respect of the timescale for completion he requested members to delegate the negotiation to officers. He recommended an amendment to condition require the inclusion of sash windows.

DECISION: Planning permission granted subject to conditions as amended in condition 4 to require the inclusion of sash window and informatives.

6. 24 Creighton Road, London, London NW6 6ED (Ref.12/0372)

PROPOSAL: Creation of a basement level, erection of single storey side infill extension and rear dormer window, installation of single front and rear rooflights and replacement of all windows and front door to dwellinghouse.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Mr David Wyatt an objector alleged that the creation of a basement would have severe impact on adjoining properties including damage to their foundations, vibration and dust during construction. He added that his family would be particularly affected by the dust as his daughter already suffered from breathing problems. Mr Wyatt informed the Committee that a similar development at 32 Creighton Road (by the same applicant) had caused the movement of door frames and cracks to the adjoining property at 30 Creighton Road.

Mr David Hodge speaking on behalf of Queens Park Area Residents' Association stated that the applicant had not submitted a basement impact assessment for the application which he considered was necessary for such an application which would have severe damage to adjoining properties. Mr Hodge similarly referred to the development at 32 Creighton Road and the detrimental impact on the adjoining property. In response to an enquiry by the Chair about other harm that could be caused by the formation of the basement, Mr Hodge stated that it was the fear of the unknown impact in future.

Mr Steve McStea, the applicant's agent stated that the formation of the basement would not result in increased dust, noise and vibration as alleged by the objectors as it would be broadly similar to construction for house extensions. He continued that the applicant would do everything possible to ensure that any inconvenience was kept to the minimum by using dust prevention processes and operating machinery in strict accordance with guidelines. He added that the structural design for the basement was sound and that the Party Wall Act would be available to any neighbour whose property suffered unduly as a result of the development.

During question time, Councillor Daly asked officers as to whether there had been a review of basement development in the borough. Councillor Cummins referred to the basement development at 32 Creighton Road and its impact on adjoining properties adding that the detrimental impact from such a development would not be immediate but surface several years after the development had taken place, an outcome that was not covered by the Party Wall Act. The Head of Area Planning responded that when the issue had been raised previously, the approach of other authorities had been reviewed as well as the views of such bodies as the Environment Agency and the local Building Control authority. The conclusion to date was that, while the potential disturbance and the fear of some structural effects was recognised, there was no basis for an embargo on these types of

works. The approach was therefore to limit the design impacts of front lightwells, to seek to restrict the extent of the basement area and associated excavated areas to limit the impact on adjoining rear gardens and landscaping and to impose considerate contractor requirements.. Andy Bates added that condition 6 which required the person carrying out the works to be a member of the Considerate Construction Scheme and its code of practice would address some of the concerns raised by the objectors.

Councillor Daly moved an amended motion for deferral on the grounds of lack of adequate information on the impact of the development. This was put to the vote and declared lost. Members then voted on the substantive recommendation which was declared carried.

DECISION: Planning permission granted subject to conditions and informatives.

7. Regal Court, Malvern Road, London, NW6

PROPOSAL: Deed of Variation to the Section 106 legal agreement for full planning permission reference 00/2832 relating to affordable housing provision at Regal Court, Malvern Road, London, NW6

RECOMMENDATION: Grant planning permission for the proposed Heads of Terms for the deed of variation and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

DECISION: Granted planning approval for the proposed Heads of Terms for the deed of variation and delegated authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

8. Planning and Enforcement Appeal Monitoring

Members received a report sought to provide clearer information on appeals performance as well as highlighted some issues that may be raised by the number of appeals received and their outcomes.

RESOLVED:

that the planning and enforcement appeal monitoring report and the issues examined be noted.

9. Planning Appeals 1 - 30 April 2012

RESOLVED:

that the appeals for 1 to 30 April 2012 be noted.

10. Any Other Urgent Business

None raised at this meeting.

The meeting ended at 8:40pm

COUNCILLOR 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: Kingsbury Community Centre, Eton Grove, London, NW9 9LD	
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This map is indicative only.

RECEIVED: 19 April, 2012

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Kingsbury Community Centre, Eton Grove, London, NW9 9LD

PROPOSAL: Erection of a part single/part 2 storey community centre (overall floorspace [GIA] - 1039.3 sq m) comprising:

- children's nursery (336.5sqm) for approximately 85 children
- community room (137.8sqm) with a capacity to seat between 150-200 visitors
- cafe (142.2sqm) with a capacity to seat approximately 50 visitors
- office space (123.4sqm) with a capacity to seat approximately 21 visitors
- exercise room (81.8sqm) for centre staff
- changing rooms (73sqm) for hire with use of park sports pitches
- management suite (40.0sqm) for the community centre to accommodate 5 staff
- conference room & facility (39.6sqm) to accommodate at least 30 visitors

APPLICANT: Pivot Point Community Development Foundation

CONTACT: Darnton EGS Architects

PLAN NO'S:

7793-PP-050A; 7793-PP-051; 7793-PP-061A; 7793-PP-062B; 7793-PP-063A; 7793-PP-064A; 7793-PP-065A; Design & Access Statement (October 2011); Tree Report (4 July 2011); Site Travel Plan - Eton Grove Community Centre (Revision 1); BREEAM and Energy Commitment Report (Nov 2011)

RECOMMENDATION

Refusal

EXISTING

The subject site is located within Eton Grove Open Space to its south side adjacent to the multi-use games area (MUGA). The site comprises the footprint of the now demolished former local community hall that was used as a childrens nursery and a portion of greenfield space adjacent to it. The open space is situated within a predominantly residential area with accesses fronting North Way and Rugby Road. There is limited car parking from the access on Rugby Road whilst the Eton Grove access is pedestrian only. The site is not in a conservation area nor does it contain any listed buildings. The public transport accessibility level (PTAL) for the open space is graded at 1a, denoting it is very low.

Within Eton Grove Open Space there had also existed a sports club house sited adjacent to the community hall. This was utilised in conjunction with the sports pitches of the open space. However, due to vandalism this building was demolished some time ago. The space on which the club house had stood has since been returned to open space.

PROPOSAL

The proposal is to erect a new local community centre to replace the former, now demolished, local community hall which had existed in Eton Grove Open Space and re-provide the children's nursery that was run within the hall. The proposed new centre will be much larger than the previous single storey building and is to be a part single and part 2 storey structure. The former community centre had a footprint of 280sqm. The total footprint of the proposal will be approximately 848.69sqm within a 1400sqm plot but will provide other uses within the building as listed below. In terms of internal floor space, the ground and 1st floor will

house 1040sqm of space.

This application has been submitted in response to a tender written by the Property & Asset Management Team within the Council to re-provide a children's nursery, sports changing facility and local community space. The required sport changing facilities are intended to be used in conjunction with the newly laid sports pitches and as such are for public hire. As well as providing these 3 spaces, the submitted proposal proposes a number of additional facilities: cafe, office space, exercise room, management suite, and conference room/facility. A full set of uses within the proposal and their approximate capacity is listed below.

- Children's nursery (336.5sqm) for approximately 85 children
- Community room (137.8sqm) with a capacity to seat between 150-200 visitors
- Cafe (142.2sqm) with a capacity to seat approximately 50 visitors
- Office space (123.4sqm) with a capacity to seat approximately 21 visitors
- Exercise room (81.8sqm) for centre staff
- Changing rooms (73sqm) for hire with use of park sports pitches
- Management suite (40.0sqm) for the community centre to accommodate 5 staff
- Conference room & facility (39.6sqm) to accommodate at least 30 visitors

There is no off-street parking for the community centre and no alterations are proposed to the existing accesses. Eleven bicycle stands are proposed alongside the community centre.

HISTORY

11/3254 - *Withdrawn*, 01/03/2012

Erection of a part single/part 2 storey community centre to provide a children's nursery, cafe, sports pavilion with changing facilities, office space, conference facility and gym

Officer Note: This proposal was withdrawn following concerns raised by the Council relating in particular to size and the various proposed uses within the building. The current application is unchanged from this submission.

Related Planning history

11/1362 - *Granted*, 27/05/2011

Certificate of lawfulness for proposed demolition of derelict community centre

11/1711 - *Granted*, 26/08/2011

Variation of condition 2 (development to be carried out in accordance with plans) of full planning permission 10/1751 dated 31 August 2010 for Resurfacing of existing tennis court area to provide 2 tennis courts, a multi-use games area (MUGA) and ball-games area, including installation of 3m high perimeter fence and cycle stands to allow minor material amendment to: increase the height of the mesh fencing by 2.2m to form a 5.2m high fence along the south facing section of the existing MUGA

10/3192 - *Granted*, 02/02/2011

Details pursuant to condition 4 (details of cycle stand, seating area, equipment within the Ball Play Area), 5 (trees) and 6 (management and maintenance scheme) and 7 (disabled Access) of full planning application reference 10/1751 dated 31/08/2010 for resurfacing of existing tennis court area to provide 2 tennis courts, a multi-use games area (MUGA) and ball-games area, including installation of 3m high perimeter fence and cycle stands

10/1751 - *Granted*, 31/08/2010

Resurfacing of existing tennis court area to provide 2 tennis courts, a multi-use games area (MUGA) and ball-games area, including installation of 3m high perimeter fence and cycle stands

POLICY CONSIDERATIONS

National Planning Policy Framework

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

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

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

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

This applies to relevant developments from 01/04/2012

London Plan 2011

- Policy 4.1 Developing London's Economy
- Policy 4.6 Support for and enhancement of Arts, Culture, Sport and Entertainment provision
- Policy 5.1 Climate Change Mitigation
- Policy 5.2 Minimising Carbon Dioxide Emissions
- Policy 5.3 Sustainable Design and Construction
- Policy 5.7 Renewable Energy
- Policy 6.1 Strategic Approach (transport)
- Policy 6.3 Assessing Effects of Development on Transport Capacity
- Policy 6.5 Funding Crossrail and Other Strategically Important Transport Infrastructure
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.11 Smoothing Traffic Flow and Tackling Congestion
- Policy 6.13 Parking
- Policy 7.1 Building London's Neighborhoods and Communities
- Policy 7.3 Designing Out Crime
- Policy 7.4 Local Character
- Policy 7.6 Architecture
- Policy 7.14 Improving Air Quality

Brent's Core Strategy (July 2010)

- CP5 Placemaking
- CP15 Infrastructure to Support Development
- CP18 Protection of Open Space
- CP19 Brent's Strategic Climate Change Mitigation & Adaptation Measures
- CP23 Protection of and provision of new Community & Cultural Facilities

Brent's Unitary Development Plan (2004)

- BE2 Townscape: Local Context & Character
- BE9 Architectural Quality
- BE12 Environmental Design Principles
- BE17 Building Services Equipment
- EP2 Noise and Vibration
- EP4 Potentially Polluting Development
- TRN1 Transport Assessment
- TRN3 Environmental Impact of traffic
- TRN24 On-street Parking
- TRN34 Servicing in New Developments
- TRN35 Transport Access for Disabled People & Others with Mobility Difficulties
- PS6 Business use Use Class B1)parking standards
- PS9 Food & Drink Uses (Use Class A3) Parking Standards
- PS10 Assembly & Leisure (Use Class D1) Parking Standards
- PS12 Non-Residential Institutions (Use Class D1)Parking Standards
- PS16 Cycle Parking Standards
- CF2 Location of Small Scale Community Facilities
- CF4 Community Facilities Capable of Holding functions
- CF11 Day Nurseries
- SH10 Food and Drink Uses (A3)

SPG17: Design Guide for New Developments

SPD: S106

CONSULTATION

A total of 295 neighbouring properties were consulted on 02 May 2012, a site notice displayed adjacent to the site and the proposal publicised in the local press. 6 letters of objection to the proposal were received

including from QARA Group of Associations; one objection was supported by 20 signatories, raising the following objections:

- support proposal to build a nursery/park changing facilities/cafe but not community centre;
- size of building excessive;
- concern regarding vehicles maneuvering and safety, in particular from nursery;
- lack of parking;
- congestion at pick-up and drop-off time for nursery;
- additional traffic cannot be supported on the roads;
- no pre-planning consultation with residents;
- loss of green space & landscaping;
- footprint is to be enlarged;
- infer that property is being developed for profit;
- road and plot never intended to contain a commercial building;
- parking for commercial building will bring unreasonable additional traffic to all surrounding roads;
- additional traffic will result in noise and pollution;
- re siting of building un-neighbourly;
- would result in loss of light, overshadowing, loss of views and privacy;
- flood concerns;
- would be better located in an area with a better PTAL and parking.

Two comments were received requesting adequate parking facilities provided for prospective users and further details of security and operation of the facility.

It is noteworthy that there is an absence of letters of support for this proposal in comparison to the previous application which was withdrawn. It is thought that this may be due to the description of the proposal explicitly stating the scale of the development

Internal:

Transportation :

- No Transport Assessment has been provided and therefore no detailed assessment has been carried out as to numbers of visitors, where they travel from, how they travel etc or whether there is adequate on-street parking capacity;
- Parking allowance is 21 spaces - with no new off-street spaces the standards would not be exceeded;
- Require 2 x disabled parking spaces to be provided;
- Servicing inadequate - the cafe will require provision for a transit sized van (3m x 6m) and provision needs to be made for access by refuse vehicles and emergency service.
- cycle parking provision - 22 spaces alongside the building is considered to be a good level of provision;
- Travel Plan - requires further development;
- Given the likely transport implications, a contribution of £50,000 is required for a building of this scale.

Sports & Parks Service

- changing rooms should be unisex (so they can be used by male and female teams);
- club/committee room not provided - unlikely teams will be able to afford commercial catering rates for use of cafe and lack of kitchen and club/room is a great concern;
- no external sports store provided;
- encroached onto green area;
- no demand for small gym;
- conference room with static seating - doesn't seem flexible for community use;
- concern regarding viability and access to cafe;
- lack of disabled access;
- concern regarding capacity of building;
- lighting of park - no information provided;
- trees should not be provided adjacent to MUGA due to maintenance as a result of leaf fall.

Environmental Health:

CHP - No clear provision for discharge of stack to dispose of waste gases from the unit and no details of the expected power rating or pollutant emissions. This could pose health risk to users and staff.

Commercial Kitchen - No details of extraction flue and not confident it could be secured by condition.

Noise - Require noise assessment to consider potential impacts from the proposed use and sound generating equipment.

REMARKS

Background & Context

Property Asset and Management Team within the Council wrote a tender bid requesting expressions of interest for the redevelopment of the former community building with re-provision of a sports changing room facility to be handed over to the Council's Sports & Parks Service; the tender was advertised in May 2010. The land would be on long lease with the offer of running a commercial children's nursery or provision of community space (non-religious) on the site. The tender document highlighted an area of land to be redeveloped, sited over the footprint of the former L-shaped community buildings comprising approximately 208sqm but extended into a square block with an envelope/curtilage of approximately 702sqm.

A report from the Director of Finance and Corporate Services seeking approval for the *redevelopment and leasing of the Eton Grove Nursery and Youth and Community Centre* was agreed at an Executive on 18 October 2010. The report put forward a preferred bidder from the tender process as the Pivot Point Community Development Foundation (PPCDF), a subsidiary of the Wembley Family church (WFC) and iterated that a long lease for the site would be granted for a proposal from PPCDF that would include the provision of a day nursery for 85 children, a computer suite, training areas for the unemployed, meeting area, a cafe, youth engagement area and office space. An appendix to this report illustrated a proposal with an approximate footprint of 670sqm which is within the 702sqm curtilage. The proposal would also provide the much need changing room facilities for the Parks Service. However, the report did go on to state that the design and final provision of facilities are subject to planning consent.

Principle

The Council's policy sets out that uses provided within a park will be required to support or enhance activities associated with the open space. The principle of this proposal is acceptable in planning terms, in part, in that it will re-provide some previously existing uses within the open space i.e. the local community space/hall, a children's nursery and a sports changing facility. Whilst a nursery does not strictly comply with this, the principle of the provision of a nursery school is likely to be acceptable as this re-provides a facility previously on the site. However, it is noted justification has not been provided for the proposed number of places which would be required to justify the size of the nursery facility and that there is still a local need for this facility.

The provision of the sports changing facilities would serve the open space and are the type of use supported within a park. It is acknowledged that the footprint of a new local community centre will be larger than the existing footprint of the previous community hall (280sqm) on which the proposal is to sit because of the need to maintain separate spaces for these different uses. However, as set out below, there are significant concerns regarding the appropriateness of the range of uses proposed on public open space and the related impacts.

Key Considerations

In assessing the proposal, the following issues are of immediate importance and will be elaborated on below: In addition to these key issues, there are further material considerations, these are the construction of the proposal, S106 and the Mayoral Community Infrastructure Levy (CIL)

- (i) *Size and Visual Impact:*
- (ii) *Impact on Neighbouring Amenity*
- (iii) *Parking, Access and Traffic Impacts*
- (iv) *Proposed different uses within a public park*
- (v) *Limitations of the Sports Changing facilities*
- (vi) *Loss of Open Space & Trees*

(i) Size and Visual impact

The proposed site area of the community centre is 1400sqm whilst the footprint of the part single/part 2 storey building within this plot is approximately 848.69sqm, with the remainder being landscaped. The proposal seeks to build outside of the 702sqm envelope of land offered within the tender document as being developable to almost double the size advertised in the tender. Given the context of the site, a small local park in close proximity to residential properties, it is considered appropriate for a new local community centre to stay within the 702sqm envelope and that the proposed expansion outside of this envelope would create a

development that is inappropriate and excessive in size and does not enhance the park area. A building on the envelope of land as set out in the tender can be justified in planning terms as it previously contained an L-shaped building housing the former local community hall/children's nursery; outside of this envelope is open park where development cannot be justified.

The Sports & Parks Service previously raised concern that the 2 storey element of the building would result in over-shadowing to the adjacent Multi Use Games Area (MUGA). However, this is unlikely to be significant because the orientation of the 2 storey section means it is unlikely to cast a shadow over this play area and that shadowing would only be present during the evening time. In addition to this, there is a 4.5m separation strip in between the MUGA and 2 storey element which provide further mitigation from overshadowing.

Design elements of the proposal include a single and two storey building, full height glazing to the cafe and nursery entrances and the use of clay bricks, render and timber cladding to the first floor for materials and finishes. There will be windows to the front and rear of the building which increases natural surveillance to the park area. The proposed materials and finishes and specific design elements are considered acceptable and sympathetic to the locality and site context. There is an absence of lighting for use of the building at night time, but this can be requested through amendments or conditions for further details. Nevertheless, although the proposal has elements of planning merit, particularly in relation to active frontages and the use of acceptable materials and finishes, the proposal fails to enhance the amenity of the park in terms of visual amenity because of its out of scale size and consequent bulk within this small park setting. As such, the proposal is considered contrary to Core Strategy policy CP18 and UDP(2004) policies BE2 and BE9.

(ii) Impact on neighbouring amenity

The proposed development would meet standards set out in SPG17, in particular in relation to nos. 30, 32, 34 and 36 Rugby Road which have rear gardens and habitable room windows in close proximity to the proposal. As illustrated on the submitted plan (drawing no. 7793-PP-065 revision A) the 2 storey element will comply with the 30 degrees and 45 degrees line in relation to distance and outlook to residential properties. On this basis, it is considered that the impact of the 2 storey building is within acceptable limits and is unlikely to have a significant impact to neighbouring amenity. Windows to the rear of the building at first floor level are approximately 40m away from the rear habitable room windows of the above properties along Rugby Road. As such, these rear windows are unlikely to have an unacceptable impact to these neighbours' privacy. The right to a view is not a material planning consideration as this view is not protected.

The proposed size of the building has implications for the capacity use of the building, in particular during the evenings and at night time. The flexible community space alone will have a capacity to hold 150-200 visitors whilst the combined capacity of the conference room, cafe and other spaces would add a further 100 people. As such, there is potential for the centre to hold up to 300 people at any one time. This will have an impact in terms of noise generation and disturbance from functions that take place within the building and from the volume of people arriving at and leaving the site to the detriment of occupiers living around the park and local users of the park. The need for redeveloping the site within Eton Grove Open space was to provide a community centre for local use. However, the size of this proposal implies the centre will not just be for local use. Given the proposal is within an area of low public transport accessibility, there is concern about travel to the site and parking although the travel assessment for the proposal does state that visitors and users of the community centre will be local - within walking or cycling distance. Issues of travel are discussed later on in the report.

An on-site combined heat and power (CHP) unit is proposed for the community centre for energy generation. Although the use of incorporating a sustainable form of energy within the proposal is commendable, its addition to the proposal appears to be an afterthought. The plans indicate the plant room will be located in the lowest portion of the building closest to the neighbouring residential properties (within 30m). There is no clear provision for a discharge stack to dispose of the waste gasses from the unit and no details are provided of the expected power rating, use profile or pollutant emissions from the unit. As such, there is concern that unless the unit is properly controlled, it could have the potential to pose a health risk to both users and staff of the community centre and neighbouring residents and children at the nursery. Environmental Health officers are reluctant to request further details through planning conditions because of the nature of the building and the need for an Air Quality Assessment based on an appropriate unit with the location and height of the discharge indicated on plan prior to any approval. In addition to this environmental concern, officers have raised questions about the large kitchen present within the cafe and the lack of an extraction flue on the building plans. Given the location of the kitchen, centrally to the building, it is uncertain that a suitable duct and control equipment can be fitted unless the ground floor layout is reconfigured.

Given the above, the proposal will have an impact to neighbouring amenity in relation to noise and activity disturbance and potentially impacts to air quality to the detriment of residents around the park and its users.

As such, the proposal is considered contrary to UDP(2004) policies CF2, CF4 and EP2

(iii) Parking , Access & Traffic Impact

Transportation raise concerns about the size of the proposal and the lack of parking for the site. In addition to this, the lack of disabled parking is also highlighted. The Travel Plan submitted with the proposal does not include a Transport Assessment and as such does not provide adequate information to illustrate that this proposal will not have an impact to local parking, access and traffic. There is an absence of information as to the number of visitors that could be expected to travel throughout the week, where they might travel from, and how they might travel there and where they might park if driving, or whether adequate on-street parking capacity is available to safely accommodate such visitors. As such, there is insufficient supporting information to satisfy the transportation Unit that the impact of the proposal would be acceptable. As such the proposal fails to satisfy UDP(2004) policies TRN1, TRN3, TRN24 and TRN35.

It is noteworthy to re-iterate that local residents have also raised concerns about traffic and parking within the locality in relation to this proposal.

In terms of parking allowances for the proposal, highways officers have calculated that a total of up to 21 spaces can be allowed. However, the proposal is car-free and as such does not add to the existing situation or exceed the parking allowance. Nevertheless, it is prudent to consider that the likely over spill parking that would culminate on surrounding streets as the number of visitors to the site increases. In the absence of a parking survey with the submitted Travel Plan, this scenario can not be assessed accurately.

It is vitally important too that a community centre be accessible to disabled people. a proposal of this size should provide at least 2 disabled parking spaces which should be retained close to the building entrance in addition to any operational parking deemed necessary to cater for the parking needs mentioned. However, Head of Sports and Parks has stated that no vehicles will be allowed to drive through the park due to the danger and risk it poses to other users of the park particularly as both access routes to the park are close to the children's playground.

(iv) Proposed different uses within a public park

With the exception of the proposed nursery and sports changing facility, there is concern about the different uses proposed within this local community park area, many of which appear to have a commercial scale, not specified within the tender and have an absent rationale in terms of their relationship to a need within the park or locality. As follows:

- *Community room for 150-200 visitors:* It was expected that a community hall be provided as part of the tender, but not with a capacity of this size because it would be deemed unaffordable to hire for local meetings by residents groups and/or clubs. It is noted that the community room is connected to the commercial size kitchen of the cafe which implies the 'flexible' nature of the community space will be for holding large functions and events. As set out in the Local Development Framework, large community facilities should be located in town centre locations which benefit from these transport links. No information or justification has been provided regarding who would use this facility and what sort of events it would be used for.
- *Cafe for 48 visitors:* There is concern about the proposed size of the cafe, in particular because of its kitchen size and the issue of long term sustainability of a cafe in the park particularly when this park does not have a particularly high footfall. Larger parks within the borough such as Roundwood have smaller cafes but have a great footfall because of its location with a high PTAL and size. As such, there is no rationale for requiring a cafe of this size within Eton Grove Open space. Although the applicant have expressed that sports teams using the changing facilities would use the cafe, it would require the cafe to be open at the same time as the sport facilities are in use which may not always be the case.
- *Office Space for 21 visitors:* It is thought that this space could be used as the training rooms for unemployed as originally illustrated in the bid submitted by PPCDF for the tender. However it is unclear whether this is to be the case
- *Exercise room for centre staff:* The requirement for a gym for centre staff is not detailed in the design and access statement and as such is considered an unnecessary requirement within a park setting where outdoor exercise benefits are at hand.
- *Management Suite:* With a community centre of the size proposed, the need for management staff is considered acceptable however the size of the suite has not been justified.

- *Conference room for 30 visitors:* There is concern about the need for a separate conference room and facility with static seating particularly when a community space is already offered that could equally serve the needs of a meeting for 30 people albeit a conference. In terms of the proposal being a local community centre, the requirement for a bespoke conference room is considered inappropriate.

Policies relating to local community centres do not strictly specify the provision certain individual spaces or the size they must be but UDP(2004) policy CF2 does make reference to the protection of neighbouring amenity. As such, one must be mindful that Eton Grove Open space is a small park that is public land situated within a predominantly residential area with a low PTAL rating and that the majority of the uses specified within the proposal are more suited to large scale commercial hire outside of the context of a local community. Very limited information has been provided regarding the users of the conference room, gym and offices which are clearly linked internally as one large facility to the 'flexible community space' and café. Currently the application implies the café will be part of a large commercial facility to provide support for the conference, gym, offices and flexible community space shown on plan and be accessible to the public. Such a facility could not be justified in a public park.

(v) Limitations of the Sports Changing facilities

Detailed pre-application advice was provided to the applicant in February 2011 about the requirements of this facility with a need to have unisex changing room and toilets rather than separate male and female rooms because two female teams require use of the changing rooms. For example, the presence of urinals within a toilet is a nuisance for female teams. In addition to this, because a new cricket table is to be laid within the park, it was specified that the sports changing facilities have a viewing room and kitchenette for teams to use. This is because the nature of cricket means the two teams will stop for tea and as such require space to do this. Teams usually provide this themselves and serve it from the kitchen into the clubhouse or committee room. Although the proposal does provide a cafe it is unlikely that the teams would be able to afford commercial catering rates associated with asking the cafe to provide their teas. A club room is also required for batsman waiting to take their turn and in its absence they would have to sit in the cafe, if it was open. As such, the lack of kitchen and club room is of great concern. It is also noteworthy that the tender had requested a club room with a view to the pitch.

Technical guidance provided by the England and Wales Cricket Board in 2009 stipulate standards for changing facilities that should be met when erecting a cricket pavilion. For a changing room with 12 spaces, each changing room should be 20sqm and include benches and bag storage with at least 1.8m between the front face of opposite benches. In this case, 14 spaces have been counted within in each changing room but the internal area of each space is approximately 12sqm, which falls well below the requirement. Shower spaces are additional to the space requirements of each changing room. As such, a substandard sport facility is to be provided in terms of size, lack of kitchenette and lack of club room contrary to Core Strategy policy CP18 and CP23.

(vi) Loss of Open Space & trees:

The proposed footprint of the new centre being outside of the building envelope prescribed in the tender, will encroach further onto greenfield open space. This expansion of the proposal is contrary to Core Strategy policy CP18 in that it will fail to protect or enhance the open space. There is also concern from the Sport and Parks Service that tree planting next to the MUGA would be hazardous. This is because trees potentially create leaf fall onto the courts which can cause players to slip. This is an element of the scheme that could be appropriately controlled by condition, with suitable trees being planted to take into account the impact on the adjacent MUGA.

It is acknowledged that a green/living room will be planted on top of the community centre, however, there is no management plan to show how this feature will be maintained and looked after.

Further Considerations

Construction Works : There is concern that a proposal of this size would render the local park unusable and dangerous to some users, in particular young children, because of the presence of building machinery and building materials stored on site. Although the applicants will sign up to the Considerate Contractors Scheme, the length of the building process is likely to deter local people from using the park.

Servicing: Given the commercial scale elements of this proposal, the cafe will require deliveries of stock and waste collection. Given the premise that vehicles will not be allowed to drive through the park, the proposal of a large scale cafe within Eton Grove Open Space is not considered appropriate. In addition to this, whilst an emergency vehicle would be allowed into the park, a fire engine would not be able to get within 45m of the

building entrance and turn. This further renders the proposal unfeasible in terms of planning merit.

The site is located in Flood Zone 1 where a Flood Risk Assessment was not required to be submitted with this application.

s106 & Mayoral CIL

The agents have completed a CIL notice. Certain developments are exempt from paying the CIL, these include medical and education facilities. Charitable organisations can also be exempt depending on the whether the Mayor has accepted the applicants proposal for not being liable for the charge. In the meantime, the case officer has calculated that the proposal will be required to pay a CIL contribution of **£14,945**. This total is based on the £35 levy applicable to all eligible developments in Brent and the gross internal floor area (GIA) of specific spaces within the proposal, detailed below:

Cafe	142.2sqm
Office space	123.4sqm
Exercise room	81.8sqm
Management Suite	40sqm
Conference facilities	39.6sqm
Total (GIA)	427sqm

The Mayoral CIL is a set charge that neither the council or its committee members have the discretion to amend.

In terms of payment of the Mayoral CIL, this is collectable on the start of the development. If planning permission is granted, a *CIL Liability Notice* will be attached to the Planning Decision Notice detailing notification of payment and consequences of non-payment.

In addition to the above, a S106 legal Agreement would be required prior to commencement of the development if approved, in which the following measures will be secured:

- Provision of sustainability standards for achieving BREEAM 'good' and signing up to the Considerate Contractors Scheme
- The provision of the sports changing facilities to be completed in full and functional prior to the nursery being open and running
- The provision of a Community Access Agreement to ensure local use of the facility;
- Contribution towards sustainable transportation.

However, the applicants have failed to complete a S106 agreement and as such the proposal is considered unacceptable.

REASONS FOR CONDITIONS

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed development, by reason of its size, encroachment on undeveloped public open space, the nature and range of uses proposed, insufficient information regarding the users and operation of the proposed facilities, failure to provide appropriate sports changing facilities and failure to demonstrate a local need for nursery would constitute inappropriate development on public open space which would fail to enhance the open space for recreational use contrary to the provisions of Policy CP18 and CP23 in Brent's Core Strategy (2010) and Policy CF2 in Brents Unitary Development Plan 2004.
- (2) The proposed development, by reason of its height, bulk, footprint and overall prominence would result in an obtrusive development in Eton Grove which is a small size public park contrary to policies BE2 and BE9 of the adopted Brent Unitary Development Plan 2004 and

policy CP18 of the adopted Brent Core Strategy 2010.

- (3) The proposed development, by reason of its size, number of users, operating hours, nature of uses proposed and inadequate information regarding the operation and function of the building, would have an adverse impact on the amenities of neighbouring residential occupants both adjoining the site and those in the surrounding residential streets as a result of people coming and going from the facility, noise generated by the use and traffic generated. The proposal would therefore be contrary to policies BE9, CF2, CF4 and CF11 of the adopted Brent Unitary Development Plan 2004 and the objectives of Supplementary Planning Guidance No. 17 "Design Guide for New Development".
- (4) Insufficient information has been submitted to demonstrate that appropriate extraction can be provided to serve the café and CHP plant. As such, the proposal will have an unacceptable impact on the amenities of surrounding residential occupiers as a result of noise and odour. This would be contrary to policies EP2, EP4, BE17 and SH10 of Brent's Unitary Development Plan 2004.
- (5) Insufficient information has been submitted to demonstrate that the proposal would have an acceptable transport impact in terms of the impact on parking in the local area or that the impact can be suitably mitigated, contrary to Policies CF2, CF4, CF11, TRN1, TRN3 and TRN24 of Brent's Unitary Development Plan 2004 to the detriment of traffic flow and highway safety in the area.
- (6) The proposed development has failed to provide adequate facilities for disabled, for the servicing of the building (including deliveries, refuse and emergency vehicles) and for appropriate access during construction, contrary to Policies TRN34 and TRN35 of Brent's Unitary Development Plan 2004.
- (7) In the absence of a legal agreement to control the matter, the proposed development would result in:
 - additional pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area;
 - Failure to meet BREEAM standards to deliver more sustainable buildings;
 - Inadequate Community Access;
 - Failure to secure the provision of sports changing facilities.

As a result, the proposal is contrary to policies EP2, EP4, TRN3, TRN4, TRN10, TRN11, CF2, CF4, CF11, and of the adopted Brent Unitary Development Plan 2004, Policy CP18 & CP19 of Brent's Core Strategy 2004 and Supplementary Planning Guidance No. 19 "Sustainable Design", Supplementary Planning Document "S106 Planning Obligations"

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

National Planning Policy Framework
London Plan
Brent Core Strategy 2010
Brent UDP(2004)
SPG17
SPD S106

Any person wishing to inspect the above papers should contact Harini Boteju, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5015



Planning Committee Map

Site address: 1-32 inc, Coles Green Court & Garages r/o Coles Green Court, Coles Green Road, London, NW2

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This map is indicative only.

RECEIVED: 2 April, 2012

WARD: Dollis Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: 1-32 inc, Coles Green Court & Garages r/o Coles Green Court, Coles Green Road, London, NW2

PROPOSAL: Demolition of block comprising 32 no. self-contained flats and 17 no. existing garages and erection of a residential development of 38 units comprising eight no. one-bed flats, 20 no. two-bed flats, six no. three-bed flats and four no. four-bed dwellinghouses and associated means of enclosure and hard and soft landscape to provide 30 car parking spaces, secure cycle storage for 38 bicycles and refuse storage.

APPLICANT: Network New Build Limited

CONTACT: Jones Lang LaSalle

PLAN NO'S:

See condition 2

RECOMMENDATION

To:

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

SECTION 106 DETAILS

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

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Provision of 27 units (71%) for Affordable Housing comprising 10 social rented units, 4 affordable rented units and 11 intermediate.
- (c) A contribution £37,800 (£2,400 per net affordable bedroom, £3,000 per net market bedroom), due on material start and index-linked from the date of committee for Sustainable Transportation, Education, Open Space and Sport in the local area.
- (d) Submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 4, with compensation should it not be delivered.
- (e) Sign up and adhere to the Considerate Contractors Scheme.
- (f) Adhering to the Demolition Protocol.
- (g) Provision of 30% CO2 emissions reduction from on-site renewable generation.
- (h) Improvement of 25% over the Target Emission Rate of Part L of 2010 Building Regulations
- (i) Enter into a Section 38/Section 278 Agreement for highway works at the site boundary and junction works to Coles Green Road
- (j) Provide training opportunities for local residents as part of a local labour placement under the Construction Training Initiative

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

Coles Green Court is a purpose-built block of 32 flats constructed circa 1930, finished in brick with a flat roof; it was modernised in the 1980s.

At the rear of the existing building is a large area of open ground and car parking space, with 17 garages arranged along the western boundary of the site; the area is neglected and the garages are not used.

Existing light industrial units adjoin the rear of the site: to the south is the Elite Tile works (Oxgate Works) and to the north-west is a garage door manufacturer and Zeon (watchmakers).

Immediately to the south of the site lies Old Oxgate Farm, a Grade II * listed building which dates back to the sixteenth and seventeenth centuries and is probably the oldest surviving secular building in Brent. To its rear is a garden containing a number of mature trees.

The application site is located to the western side of Coles Green Road, a local access road which is not defined as being heavily parked. The site lies outside any controlled parking zone and has moderate accessibility with a PTAL rating of level 3. No tube or rail services are within walking distance of the site, while five bus routes are locally available.

PROPOSAL

The proposals are for 38 new, mixed tenure homes: private sale, intermediate and affordable rent houses and flats. The accommodation comprises a mix of one-, two- and three-bed flats and four-bed dwellinghouses.

The application proposes the demolition of the existing block of 32 flats and 17 single storey garages at the rear of the site and erection of two blocks of flats and four mews houses. The frontage block is five storeys consisting of 26 x one- and two-bedroom flats. The rear pavilion block is four storeys consisting of eight x two-bedroom flats and the four mews houses are each two-storey, four-bedroom dwellinghouses. Four of the units would be wheelchair adaptable.

The scheme has been designed to comply generally with Network Housing Group's Design Guide, the Interim London Housing Design Guide, Lifetime Homes and Building for Life. The scheme is also designed to meet Code for Sustainable Homes Level 4.

The proposals include 28 on-site car parking spaces, including three disabled spaces, and 62 cycle parking spaces.

HISTORY

No relevant recent history.

POLICY CONSIDERATIONS

National Planning Policy Framework

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

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

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

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

This applies to relevant developments from 01/04/2012

Local

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

Brent Unitary Development Plan 2004

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

Strategic

- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR5 A pattern of development which reduces the need to travel, especially by car, will be achieved.
- STR12 Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.
- STR13 Environmentally sensitive forms of development will be sought.
- STR14 New development to make a positive contribution to improving the quality of the urban environment in Brent
- STR15 Major development should enhance the public realm.

Built Environment

- BE2 On townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE3 Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.
- BE4 States that developments shall include suitable access for people with disabilities.
- BE5 On urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 Discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.
- BE7 Public Realm: Streetscene
- BE9 Seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 States that proposals should embody sustainable design principles commensurate with the scale and type of development.

Environmental Protection

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

Housing

- H9 Requires developments capable of 15 or more dwellings to have a mix of family and non-family units.
- H12 States that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective residents.
- H13 Notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites.

- The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 The appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.
- H15 Special regard should be paid to certain issues where backland development is proposed
- H15 Planning permission should be refused where development underutilises a site
- H29 On accessible housing proposes that new and converted housing should be fully accessible for elderly and disabled residents.

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN23 On parking standards for residential developments requires that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS14 Residential car parking standards
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

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

Brent Supplementary Planning Guidance

SPG3 Forming an access onto a road

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

SPG17 Design Guide for New Developments

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

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

SPG19 Sustainable Design, Construction and Pollution Control

SPD S106 Obligations

Regional

London Plan 2011

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

The following chapters are considered relevant to this application:

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

CONSULTATION

Local consultees

Local residents, business and schools etc up to 100m away, a total of approximately 189 addresses, were consulted on 12 April 2012. A press notice was posted on 19 April 2012 and site notices were posted on 10 April. Ward Councillors for Dollis Hill were also consulted.

Objections

No letters of objection have been received.

Statutory consultees

English Heritage, the Metropolitan Police and Thames Water were all consulted on # April.

English Heritage

No objection subject to conditions

Metropolitan Police

No comments received

Thames Water

No objections

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.

Transportation

No objections, subject to a Section 106 Legal Agreement confirming payment in the sum of £43,000 towards improving highway safety, new parking controls and better non-car access to the borough and conditions to secure:

- (i) Widening of the existing crossover to the site including provision of 4m kerb radii and a raised entry treatment to suit the proposed new access arrangements at the developer's expense prior to occupation of the development
- (ii) Submission and approval of further details of hard surfacing, lighting and drainage arrangements for the site in the interests of highway and pedestrian safety.

Environmental Health

No objections subject to conditions

Landscape & trees

No objections subject to conditions

Sustainability

No objections subject to s.106 clauses

REMARKS

Key considerations

1. Principle of development
2. Visual impact
3. Impact on neighbouring residential amenity
4. Standard of accommodation
5. Parking, access and traffic impact
6. Landscape and trees
7. Other

1. Principle

1.1 Principle of redevelopment

Although the block was modernised in the 1980s, recent assessment has shown that the building cannot be brought up to meet current standards without significant alteration: of particular concern is the limited room and flat sizes. Network Housing Group have undertaken financial appraisals which show that best value for money will be provided through redevelopment, giving the opportunity to produce new accommodation for a range of household sizes, all designed to fully meet current improved space and quality standards. The existing building does not make a particularly positive contribution to the townscape and your officers are satisfied that such an approach is acceptable in principle.

1.2 Density

National, regional and local policies seek to optimise the potential of the site, with the NPPF and the London Plan encouraging the efficient use of land. Policy 3.4 of the London Plan aims to optimise the housing potential of a site taking account of local context, London Plan design principles and public transport capacity. Policy 3.4 also provides density matrix which gives a range of appropriate density ranges related to setting in terms of location, existing building form and massing, and the index of public transport accessibility (PTAL). Core Strategy policy CP6 seeks to ensure developments have proper regard to the London Plan and states that "a notional density figure is not the only consideration, and the quality of design, location of the site and the need to provide family housing are all important".

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

The site has an area of 0.44ha and a total of 158 habitable rooms, giving a density of 359 habitable rooms per hectare. It has moderate access to public transport (PTAL 2) and is close to Coles Green/Crest Road local centre; in terms of its characteristics, the site lies between a suburban and an urban environment as defined by the London Plan density matrix (GLA: p85), which gives a density range of 150-250hrh or 200-450hrh respectively.

In accordance with policy CP6, in order for a high density scheme to be acceptable, the application should provide design of the highest quality, amongst other criteria more geared towards developments in growth zones. Whilst design is a subjective matter, the proposed scheme is supported by your design officers and is considered an appropriate response to the site specific circumstances. Furthermore characteristics often associated with overdevelopment are not apparent, for example, the scheme provides high quality external amenity space with the parking predominantly set within landscaped courtyards to reduce the extent of hard surfacing. In summary, the density of the development is considered acceptable.

1.3 Mix and tenure

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

There 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 26% of the units, rising to 34% of habitable rooms. 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.

The application proposes a mix of units for market sale (29% by unit, 26% by habitable room) and for affordable housing comprising intermediate rent (34% by unit, 30% by habitable rooms), affordable rent (11% by unit, 10% by habitable rooms), and social rent (26% by unit, 34% by habitable rooms).

This means the split of affordable housing does not comply with the London Plan policy 3.11 *Affordable Housing* which seeks a split of 60:40 social rent:intermediate rent or sale; further, the existing block of 32 flats provides 28 units for social rent (23 two-bed and five three-bed). As a result of redevelopment, the site would provide fewer social rented units (10 units in total).

Your officers note that, due to the quality of the existing accommodation in terms of size, layout and condition, this redevelopment is desirable. The site as redeveloped would provide: (i) more units overall; (ii) more and better family units—the block currently houses five no. three-bed flats each less than 66sqm—including houses; (iii) mix of tenures to help create a more balanced sustainable community in accordance with the National Planning Policy Framework. In addition, there are no planning restrictions in place at present to prevent the existing units being re-let for wholly private tenure.

In summary, the site offers 71% affordable housing, significantly in excess of the Core Strategy's objective of 50% affordable units, and a substantial amount of family accommodation, again in excess of the 25% objective within the Core Strategy, all of which will be for social renting. On balance, therefore, a scheme which provides a substantial amount of high quality affordable accommodation is considered acceptable in this instance.

2. Visual impact

The proposed scheme involves the complete redevelopment of the site including demolition of all existing structures and new hard and soft landscaping.

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

The character of the area is mixed, with a cluster of generally four-storey blocks of flats along this part of Coles Green Road and two-storey semi-detached and terraced interwar housing and industrial buildings beyond. Immediately to the north of the site is Delta Court, which was recently renovated and extended to part five-, part six-storeys.

The scheme proposes a part four-, part five-storey frontage block set back 3-4m from the back of the

highway, roughly on the footprint of the existing building but without the two rear wings. Behind this would be a four-storey pavilion block set alongside a landscaped parking area and to the west would be two pairs of two-storey semi-detached houses with private gardens. In respect of the character of the area and neighbouring amenity, the bulk and scale of each of the building types is considered acceptable.

A contemporary design approach is taken with the blocks of flats and the houses, with a limited palette of materials and a simple, regular form resulting in a robust but moderate building which would be a pleasant addition to the townscape.

In terms of the frontage block, consideration must be given to the relationship with the neighbouring listed building, Oxgate Farm. The block is considered an improvement on the existing building, with the omission of the rear wings resulting in a narrow flank when viewed along Coles Green Road. The height of the flank wall is similar to the existing and the block then steps up to provide an additional floor some distance in from the flank. The wall itself would be clad in a bronze coloured metal cladding which echoes the colour of the clay tiles on the Oxgate Farm building. Your Design and Conservation officers have considered the proposal in terms of this relationship--and English Heritage have been consulted and raise no objections--and are satisfied that the development would not harm the setting of the listed building.

In terms of entrances and windows the scheme is well-designed and offers good surveillance.

The proposed materials are buff stock bricks and bronze coloured metal cladding (such as pre-weathered, red zinc or colour-coated aluminium). These two materials are used throughout the scheme to maintain a simple and understated palette. Window reveals in brickwork will be min 90mm and sills and copings will be metal throughout to match the cladding and your officers will seek to ensure this detail comes through in the completed development by securing this by condition.

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

3. Impact on neighbouring residential amenity

The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the need for new development. On new developments such as this the main impacts on amenity to be considered are (i) overbearing impact of the size and scale of the building(s); (ii) loss of outlook, which is related to overbearing impact; (iii) loss of privacy; and (iv) loss of sunlight. The Council has published Supplementary Planning Guidance No. 17 "Design Guide for New Development" (SPG17) which establishes generally acceptable standards relating to these matters, although site specific characteristics will mean these standards could be tightened or relaxed accordingly. Overbearing impact arising from the height of blocks is controlled via 30 degree and 45 degree planes from neighbouring habitable rooms and relevant boundaries; privacy is quoted as distances between directly facing habitable windows and from boundaries. Neither outlook nor light have specific values, although light is generally controlled to BRE standards.

The scheme has been designed to comply with the guidelines of SPG17; the closest residential block is Delta Court, to the north, and although the frontage block has extended to the northern boundary, there are no habitable room windows to the flank of Delta Court closest to the boundary. The pavilion block would be positioned approximately 8m from the boundary with Delta Court, but any impact would be had on the adjoining parking area and not on habitable rooms or amenity space. The relationship with Oxgate Farm would not differ to the existing in terms of neighbouring amenity.

The height and position of the pair of semi-detached houses which back onto the western boundary with Waterloo comply with the 30 degree and 45 degree line when measured from Waterloo Road properties, which also have substantial gardens (approximately 22m). The proposed houses backing onto the shared boundary have 10m deep gardens, thus satisfying the guidance with SPG17 for privacy. The pair of semi-detached houses that are side onto to the shared boundary are designed to comply with the 45 degree line when measured from the top of the existing high wall to the rear of the garages, which would be retained; the retention of this would be conditioned.

Permission was recently granted for development of land to the rear of 27-34 Oxgate Court (ref: 12/0275) and that permission includes a two-, three-storey end of terrace house near the shared boundary with this site. This proposal would not adversely affect the living conditions of future occupants of that end of terrace house nor would that house affect the living conditions of the future occupants of the semi-detached houses.

4. Standard of accommodation

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

The scheme has been designed to comply generally with Network Housing Group's Design Guide, the Interim London Housing Design Guide, Lifetime Homes and Building for Life. The scheme is also designed to meet Code for Sustainable Homes Level 4. Four of the units are designed to be wheelchair adaptable.

All accommodation in the scheme meets the standards in policy 3.5 of the London Plan 2011, which exceed the minimum sizes in SPG17. The houses have kitchen/dining rooms and separate living rooms and the flats are laid out coherently and each would be either dual aspect or west-facing and benefit from good outlook to the west or east.

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

External factors such as noise disturbance from the industrial unit to the north are not likely to be detrimental to the living standards of future occupants; The application is accompanied by an Environmental Noise Impact Assessment (Acoustic Design Technology Limited, ref: 1762/ENIA, March 2012), which your Environmental Health officers have assessed. They considered the likely impact of the industrial unit and found no complaints from any existing residential units. A standard restrictive condition to ensure internal noise levels are acceptable is proposed.

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

5. Parking, access and traffic impact

The application is supported a Transport Statement prepared by JMP Consultants Limited (Issue No. 2, April 2012).

The site does not lie within a controlled parking zone and as such, away from road junctions, on-street parking is generally unrestricted. Public transport access to the site is moderate (PTAL level 3).

5.1 Parking

The site currently comprises a single block of 32 no. flats with a rear garage court providing 17 no. single vehicular garages, with access from Coles Green Road. The existing flats on the site would be permitted up to 40 off-street parking spaces, so the existing provision of 17 garages for the flats falls below standards and indeed leads to overspill parking along Coles Green Road and within the landscaped areas to the rear of the main block.

This proposed development of 38 flats on the site is permitted up to 49 spaces, with the full standards applying to the site due to its moderate access to public transport services. As such, the proposed provision of 28 spaces (incl. four disabled) complies with maximum allowances, so is broadly acceptable, whilst also satisfying disabled parking requirements (i.e. parking for 10% of units).

However, Policy TRN23 also requires consideration to be given to the impact of any overspill parking on parking conditions and highway safety in the area. In this respect, car ownership is estimated to total 75% of the maximum allowance for the private/shared ownership units and 50% of the maximum allowance for the social rented units, giving a total estimated demand for 32 spaces. If correct, this would leave four cars needing to park on-street. In this respect, Coles Green Road, being relatively lightly parked at night, would be able to safely accommodate seven cars along the site frontage, which is more than sufficient to cope with the anticipated level of overspill parking from the development.

5.2 Servicing

5.2.1 Cycle parking

Cycle parking is proposed to the proposed dwellings in secure and covered facilities. Sixty-six spaces are shown in the proposed site plans at ground floor level, which exceeds Brent Council's minimum requirements for cycle storage and is therefore welcomed.

5.2.2 Refuse storage

Refuse and recycling storage is shown in communal stores for each of the flat blocks and in front garden stores for each of the proposed houses. These all will be within minimum carry distances for both residents and waste collection staff. In terms of refuse vehicle access, the layout will allow a standard refuse vehicle to enter the site, turn and leave in a forward gear, since turning heads have been provided within the layout. This has been tested with a tracking template. The turning head will also accommodate a fire engine, as confirmed by the Fire Brigade.

The installation of a small crossover to allow Eurobins to be collected from the Coles Green Road frontage for one block will be acceptable provided works are carried out at the developers' expense. The proposed location of the crossover will minimise the loss of on-street parking as there is approximately a 6m distance to the north of the proposed crossing before the next access, and approximately a 36m distance to the south of the proposed crossing before the access road for the rear of this development.

5.3 Access

Alterations are also proposed to the existing access arrangements: efforts have been made to improve the existing access corridor, with a widened shared surface road of 4.1m width proposed (compared with 3m or less at present). This is acceptable on the basis that most of the units are accessed directly from Coles Green Road rather than via the site access road, provided that suitable materials (i.e. block paving) are used to highlight to drivers that the access road is not a standard carriageway and will also be used by pedestrians.

Kerb radii of 4m will be needed on both sides at the site access and also a raised entry table across the entrance and these works must be carried out at the developer's expense as a condition of approval, using a s.278 agreement if undertaken by the developer themselves. Visibility splays exiting the proposed access are fine, with splays of 2.4m by 60m being achieved in each direction.

5.4 Traffic impact

As part of the submitted Transport Statement, TRAVL data has been used to calculate the impact of the proposed development in terms of trip generation. The findings suggest that 15 car movements in the AM peak and 12 car movements in the PM peak are likely to accrue as a result of the proposed development. This will not have a significant traffic impact therefore. In terms of modal split, nearly 1/3 of residents will walk or use public transport for most journeys, while around 2/3 will either drive or be a car passenger.

In order to encourage sustainable travel choices, a variety of "soft" measures are proposed, including the good provision of cycle storage mentioned above, the production of "Welcome Packs" for residents (with details of sustainable travel options), and advertising the Council's free Cycle Training service. These details are welcomed in themselves.

6. Landscape, trees, boundaries

6.1 Landscape

Each of the houses and the ground floor family apartments to the pavilion block will have a private garden in excess of 50sqm. The remaining ground floor apartments will have access to their own private garden in excess of 30sqm. Private amenity space to upper floor apartments is provided as good-sized balconies (minimum 5sqm) or roof terraces.

In addition, the layout will provide approximately 400sqm of communal amenity space in two locations, including a 'green', in the centre of the site, and an area between the two apartment blocks with 'door-step' play, principally for the under-fives. Your officers have calculated that this falls marginally below the 420sqm requirement of SPG17 (calculated on the basis of 20sqm per flat less 5sqm for a balcony for those units without ground floor amenity space) but this is considered acceptable in light of the generous size of the flats and the fact that 5sqm is the smallest balcony provided.

In general the hard landscaping proposals are acceptable, subject to further details of the colour of the materials. The proposed grasscrete parking bays is not acceptable, however, and this aspect of the proposal should be revised.

6.2 Trees

The existing site has limited landscape value and few existing trees of any quality. There is a mature hedge on the boundary with the listed building, which the proposals retain. The application is accompanied by an *Arboricultural Implications Assessment* (Broad Oak Tree Consultants Limited, ref: J 44.92, March 2012) which shows that there are only two Category B trees (no Category A), one of which will be removed; the other is located on the site's southern boundary and will remain. A further nine trees will be removed, of which four are removed due to their condition and five due to their position hindering development. The indicative landscape plan shows 32 replacement schemes, which is a ratio of replacement to removed trees of slightly greater than 3:1, which is considered acceptable provided some trees are positioned to the front of the development.

6.3 Boundaries

The boundary to the front of the site will be formed with a 0.9m high brick wall with metal gates. The northern boundary with Delta Court will be a combination of 1.8m high timber close board fence to communal areas and 1.8m brick wall with 0.3m trellis on top to the private gardens of the pavilion block. The boundary to Waterloo Road will be the retained rear wall of the existing garages, which may require some repairs. The existing hedge along the boundary with Oxgate Farm shall be retained. These proposals are acceptable, though some further details are required such as the nature of the boundary between the private gardens of the houses closest to the land rear of Oxgate Court.

6.4 Summary

Your landscape and tree officers are satisfied with the broad principles of the proposals however they recommend several conditions be added to any consent to secure further details of the landscaping, to include a detailed planting plan, details of all hard materials (permeable where possible), street furniture and boundary treatment (type/colour/finish), construction details and specification of living roof and a landscape maintenance and management plan.

7. Other

7.1 Sustainability

The application is supported by an Energy Strategy prepared by Calford Seaden (ref: K120060/NDG/G6, March 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.

In support of the proposal's objective of satisfying Core Strategy policy CP19, a pre-assessment score of Code for Sustainable Homes Level 4 for all other dwellings has been submitted.

Brent's UDP 2004 policy BE12 and SPG19 Sustainable Design, Construction & Pollution Control 2003 require the submission of a Sustainable Development Checklist; the application is supported by a completed Brent Sustainable Development Checklist which demonstrates a score of 51% can be achieved and the applicant has agreed to achieve a score of 50% as one of the terms of the s.106 legal agreement; your officers are satisfied that the scheme can achieve the objectives of SPG19.

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

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

The scheme would provide a 25% or more improvement over Part L of the Building Regulations 2010 and is projected to provide a 30% CO2 emissions reduction across the development through the use of photovoltaic panels to provide renewable energy.

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

7.2 Air Quality

Environmental Health officers advised that an Air Quality Impact Assessment would not be required for this development; dust and emissions controls during construction and demolition will be required within the Construction Method Statement (see above).

7.3 Contamination

The development proposes removing domestic garages and replacing with a more sensitive end use and there are also adjacent areas that have been identified as potentially contaminated; the NPPF requires that the site is suitable for use, and places responsibility with the developer. This is controlled via the planning process which requires phased assessment to be undertaken for review and approval by the Local Authority and in accordance with policies BE12 (h) *Sustainable Design Principles*, EP6 *Contaminated Land* and Supplementary Planning Guidance No. 19: *Sustainable Design, Construction and Pollution Control*. Environmental Health officers recommend imposing a condition to ensure that any contamination is identified by a ground investigation and a remediation strategy is prepared, implemented and checked before occupation of the properties.

7.4 Community involvement

According to appendix 1 of the Design and Access Statement, residents of Coles Green Court were consulted on the proposals three times recently, the last being in February 2012.

7.5 Archaeology and Heritage Assets

The application is accompanied by an Archaeological Desk Based Assessment prepared by CgMs (ref: LM/13859, March 2012) which assesses the archaeological potential of the site and considers the impact of the development on Old Oxgate Farm, a Grade II*listed building to the south of the site.

English Heritage have been consulted on the detail of the application and your officers have considered the impact of the development on the setting of the listed building.

In respect of archaeological deposits, English Heritage have requested that their standard condition be attached to any permission.

8. Responses to objectors

No objections have been received.

9. Conclusion

The application would provide a significant contribution to much-needed family accommodation for social rent within a mixed tenure development whilst providing a good living environment for future occupants and making a positive contribution to the visual amenities of the area. The development is not expected to materially harm the amenity of neighbouring occupants nor would it harm the setting of the nearby Grade II* listed building. The scheme is judged to be sustainable development which optimises the use of previously developed land for housing and as such is in general accordance with the objectives of the National Planning Policy Framework, the London Plan 2011 and the Brent development plan documents and approval is recommended.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Brent Core Strategy 2010

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):

Plan numbers

PL01	<i>Site Location Plan</i>
PL02	<i>Site Plan as Existing</i>
PL03	<i>Elevations as Existing</i>
PL04 P2	<i>Landscape & Block Plan as Proposed</i>
PL05 P2	<i>Street Elevation & Site Sections A-A as Proposed</i>
PL06 P2	<i>Site Sections B-B & C-C as Proposed</i>
PL07 P2	<i>Apartment Buildings Ground Floor Plan as Proposed</i>
PL08 P2	<i>Apartment Buildings First Floor Plan as Proposed</i>
PL09 P2	<i>Apartment Buildings Second Floor Plan as Proposed</i>
PL10 P2	<i>Apartment Buildings Third Floor Plan as Proposed</i>
PL11 P2	<i>Apartment Buildings Fourth Floor Plan as Proposed</i>
PL12 P2	<i>Apartment Buildings Roof Plan as Proposed</i>
PL13 P2	<i>Street Apartment Building N/East & N/West Elevations as Proposed</i>
PL14 P2	<i>Street Apartment Building S/West & S/East Elevations as Proposed</i>
PL15 P2	<i>Pavilion Apartment Building Elevations as Proposed</i>
PL16 P2	<i>Houses Ground & First Floor Plans as Proposed</i>
PL17 P2	<i>Houses Roof Plans as Proposed</i>
PL18 P2	<i>Houses Elevations as Proposed</i>

Supporting documents

Arboricultural Implications Assessment (Broad Oak Tree Consultants Limited, ref: J 44.92, March 2012)
Archaeological Desk Based Assessment (CgMs, ref: LM/13859, March 2012)
Design & Access Statement (TM Architects, March 2012)
Energy Strategy (Calford Seaden, ref: K120060/NDG/G6, March 2012)
Environmental Noise Impact Assessment (Acoustic Design Technology Limited, ref: 1762/ENIA, March 2012)
Transport Statement (JMP Consultants Limited, Issue No. 2, April 2012)

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

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

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

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

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

- (5) 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 $L_{Aeq, T}$</i>
Good resting conditions	Living rooms	30 dB (day: T =16 hours 07:00 – 23:00)
Good sleeping conditions	Bedrooms	30 dB (night: T = 8 hours 23:00 – 07:00) L_{Amax} 45 dB (night 23:00 – 07:00)

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

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

- (6) Details of materials for all external works, including samples and/or manufacturer's literature, shall be submitted to and approved in writing by the Local Planning Authority before any construction work is commenced.

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

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

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

Such a scheme shall include:

- (i) all areas of soft landscaping and planting including screen planting along the boundaries;
- (ii) provision of 32 trees as shown on drawing PL04 Rev P1 or in similar locations, to include three to four suitable trees to the front of the front block, including drought resistant native trees;
- (iii) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (iv) cross sections of the green roofs to show the construction of the green roof and in

- particular the depth of soil and details of the plants;
- (v) existing contours and any proposed alteration to ground levels such as earth mounding or removal; and
- (vi) details of all materials, including samples and/or manufacturer's literature, for those areas to be treated by means of hard landscape works: these should be of a permeable construction

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

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

- (8) No works including demolition shall commence before an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. Such details shall include:
- (i) a schedule of all works to trees, hedges and shrubs on-site and within the street frontage to facilitate the development or ensure the health of the tree(s) to adhere to BS3998:2010;
 - (ii) a Tree Protection Plan which adheres to the principles embodied in BS5837:2012 and indicates exactly how and when the retained trees, hedges and shrubs on-site or off-site near the site boundaries will be protected during the works and show root-protection zones; and
 - (iii) a detailed methodology for works within root protection zones including no-dig construction techniques and ground protection matting.

The Tree Protection Plan shall be implemented in full prior to demolition. Provision shall also be made for supervision of tree protection and tree works by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details. Any works to the retained trees should take place outside the main breeding period for birds (March to August) unless preceded by a survey, to be submitted to and approved in writing by the Local Planning Authority, to check for the presence of breeding birds. Should nesting birds be identified, all works to the trees shall stop until the young birds have left the nest.

The works shall be completed in accordance with the approved details. The applicant shall give written notice to the local planning authority of seven days prior to carrying out the approved tree works and any operations that present a particular risk to trees.

Any such tree, hedge or shrub which subsequently dies, becomes seriously diseased or has to be removed as a result of carrying out this development shall be replaced in the next planting season with a tree, hedge or shrub of a similar species and size in the same position or in such position as the Local Planning Authority may otherwise in writing approve.

Reason: The land benefits from mature trees, hedges and shrubs on site and off site near the boundaries and this condition is to ensure the ongoing health and vitality of those existing features throughout the duration of the development or their suitable replacement, in the interests of the occupants and general public and to enable the Local Authority to monitor such measures

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

This should comprise a maintenance schedule and any specific management duties and such

details may include:

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

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

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

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

Such details shall include:

- (i) type of boundary treatment, e.g.; wall, palisade, close-board, railings, etc;
- (ii) all dimensions including height, length and thickness;
- (iii) material(s), construction and manufacturer if appropriate;
- (iv) for walls specify type, brick colour/pattern, mortar, render, or other finish, including construction details;
- (v) any alterations, extensions or repairs to existing boundaries especially the boundary with Waterloo Road gardens; and
- (vi) the rear walls of the garages on the west boundaries shall be retained at their present height and shall be retained thereafter.

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

- (11) No works shall commence, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement, which shall be accompanied by a site layout plan showing the following elements, shall include details of:

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

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

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

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

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

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

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

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

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

- (i) details of materials which should be of a permeable nature;
- (ii) surface water drainage, employing sustainable urban drainage principles such as permeable paving; and
- (iv) details, including manufacturer's literature, of any street furniture or signage

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

accommodate heavy vehicles.

- (15) Prior to commencement of construction works, further details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in full prior to first occupation in accordance with a timetable to be agreed with the Local Planning Authority and shall be retained thereafter. Such details shall include:
- (i) all lighting for the site, including the shared surface access road, parking areas, communal amenity space, building security lights (if any) and rear garden lighting;
 - (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

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

(16) Archaeology

- (17) (a) No development including demolition shall commence until the applicant has secured the implementation of a programme of archaeological mitigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- (b) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (a).
- (c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (a), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured..

Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the borough and in the NPPF.

- (18) Further details of the windows shall be submitted to and approved in writing by the Local Planning Authority before any construction work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:-
- (a) the windows, their frames and glazing bars, for both the houses and the flats, including materials, colour and samples if necessary or manufacturer's literature;
 - (b) sections showing the window reveals at 1:20 scale in both brickwork and metal cladding.

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


INFORMATIVES:

- (1) The applicant is advised that during demolition and construction on site:
- The best practical means available in accordance with British Standard Code of Practice BS5228:2009 shall be employed at all times to minimise the emission of noise from the site
 - The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays
 - Vehicular access to adjoining premises shall not be impeded

- All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only
 - No waste or other material shall be burnt on the application site
 - A barrier shall be constructed around the site, to be erected prior to work commencing
 - A suitable and sufficient means of suppressing dust must be provided and maintained
- (2) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (3) Informative: The development of this site is likely to damage heritage assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.

REFERENCE DOCUMENTS:

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

 **Planning Committee Map**

Site address: Cullen House, Salusbury Road NW6, 313 & 341 Kilburn Lane, 50 Claremont Road W9 and car parks

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This map is indicative only.

RECEIVED: 26 March, 2012

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Cullen House, Salusbury Road NW6, 313 & 341 Kilburn Lane, 50 Claremont Road W9 and car parks

PROPOSAL: Demolition of Keniston Press, Premier House, Cullen House and the Falcon public house and redevelopment of 137 flats (39 affordable), along with new public space, 1270 square metres of commercial space (Use classes A1/A3/A4) and 959 square metres of office space (Use class B1a for dedicated use by TfL) within a part 4, part 5, part 6, part 8 and part 9 storey building. Application includes the stopping up of the gyratory system and the introduction of a new signalled junction at Kilburn Lane and Salusbury Road/Carlton Vale

APPLICANT: Brent Council

CONTACT: Maccreeanor Lavington

PLAN NO'S:
See condition 2

RECOMMENDATION

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- 28.5% Affordable Housing (39 dwellings).
- A contribution of £608,400 (£3k/£2.4k per additional private/AH bedroom), index-linked from the date of Committee, and for Education, Sustainable Transportation and Open Space & Sports in the local area, due on Material Start, which may include but not be limited to works to children's play facilities in the local area.
- A further contribution (tbc) due on material start and index-linked from the date of committee for the provision of new and improvements to existing open space to mitigate the underprovision in the scheme.
- Contribution of £15,000 for installation of Legible London wayfinding scheme.
- Sustainability - submission of and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved, BREEAM 'Excellent' for the commercial space, Code for Sustainable Homes Level 4, in addition to adhering to the Demolition Protocol, with compensation should it not be delivered.
- Join and adhere to the Considerate Contractors scheme.
- Permit Free- Remove the rights of residents to apply for parking permits.
- Implementation of the Framework Travel Plan dated March 2012 as submitted with the application
- Submission and approval of a Car Park Management Plan, including further details of electric car charging provision, Car Club space, the allocation of spaces between users (uses and tenures of accommodation) and the monitoring of the use of disabled spaces with a view to increasing provision if the demand requires;
- A Delivery & Servicing Plan shall be submitted and approved within three months of the commencement of works and approved prior to first occupation.
- Submission and Approval of a Construction Logistics Plan;
- A S38/S278 Agreement to undertake the implementation of the highway works as broadly set out in drawing 1627/010/001C, to also include (unless expressly rejected by the City of Westminster) the provision of pedestrian crossing facilities on the Fernhead Road arm of the junction, including all

associated lighting, signing, drainage and accommodation works and works to statutory undertakers' equipment at the developers' expense;

- To notify "Brent In2 Work" of all job vacancies, including those during construction and operation of the building.
- To sign up Registered Social Landlords to the measures in the local employment/ training scheme.
- Allow future connection of the site to any Decentralised Heat/Energy Network

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

EXISTING

The subject site comprises a surface car park, the Falcon public house, the disused Keniston Press building, Premier House (TfL offices) and Cullen House which is a residential building.

The site is bounded by the railway line to the north, Salusbury Road to the east including the gyratory system, Kilburn Lane to the south and Claremont Road to the west.

The site is not in a conservation area and does not include any listed buildings.

The site has been identified as a potential location for a tunnel vent shaft with respect to High Speed 2. It is expected that HS2 safeguarding will be confirmed in August 2012.

PROPOSAL

See description above

HISTORY

05/1317 Withdrawn

Phase 1 of mixed-use development - one 26-storey, one 18-storey, one 5-storey and one 3-storey building comprising 128 residential flats; commercial/retail and office-use floor space over ground, first and second floors; municipal car-parking and servicing in the basement

The proposal was designed to generally relate to the Queens Park Planning Brief however this application attracted a very large number of objections leading to the submission being withdrawn. The planning brief has been superseded and replaced with the Queens Park Station Area SPD which recommends a much scaled down form of development and the current application is proposed to respond to this document.

POLICY CONSIDERATIONS

National Planning Policy Framework

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

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

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

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

This applies to relevant developments from 01/04/2012

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

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

- Queens Park Station Area Supplementary Planning Document
- The London Plan 2011
- Site Specific Allocation DPD

Brent Unitary Development Plan 2004

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

- BE1 Requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.
- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area.
- BE3 Proposals should have regard to the existing urban grain, development patterns and density in the layout of the development sites, and should be designed to ensure that spaces are satisfactorily enclosed by the built form; its layout is defined by pedestrian circulation; emphasis is placed upon prominent corner sites, entrance points etc; it respects the form of the street of which it is part by building to established frontages unless there is a clear urban design justification; connections are established where appropriate to open space.
- BE4 Access for disabled people.
- BE5 Development shall be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 High standards of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- BE13 Particular regard will be had to the design and attractiveness of all development proposals in Areas of Low Townscape or Public Realm Quality (such as the majority of South Kilburn).
- H7 In the Major Estate Regeneration Areas, refurbishment and/or redevelopment is sought and supported, and should; demonstrate the full involvement of local residents; be according to the masterplan; involve the minimum loss of existing affordable housing; include a mix of house types and tenures; ensure through an overall landscape design framework; be exemplars in terms of their approach towards design, energy/renewables and water use, re-use of materials and measures to reduce the use of the car.
- H9 Requires a mix of family and non-family units on sites capable of accommodating 10 units or more, having regard to local circumstances and site characteristics.
- H12 Seeks to ensure that all residential development has a high quality layout, has an appropriate level of car parking and features housing facing onto streets.
- H13 The density of development is design led, where higher density developments are more appropriate

in areas where there is very good public transport accessibility. Surrounding densities should be at least matched unless this would harm residential amenity.

TRN3 Environmental Impact of Traffic

TRN10 Walkable Environments

TRN23 Parking Standards – Residential Developments

TRN35 Transport Access for Disabled People and others with Mobility Difficulties

PS14 Car Parking Standards – Residential Development

PS15 Parking for Disabled People

PS16 Bicycle Parking

Core Strategy

CP 19 Brent Strategic Climate Change Mitigation and Adaptation Measures

CP 21 A balanced Housing Stock

Site Specific Allocation DPD

SK1. Queens Park Station Area

Queens Park Station Area SPD

SUSTAINABILITY ASSESSMENT

CODE FOR SUSTAINABLE HOMES & ENERGY ASSESSMENT

- Achieves the Code for Sustainable Homes Level 4. Therefore meets the requirements for major proposals to achieve a minimum rating of Code for Sustainable Homes level 4 rating in growth areas (South Kilburn Growth Area) in the Core Strategy Policy CP19.
- Achieves BREEAM for Offices pre-assessment 'Excellent' rating (75.77%) which meets the requirement for non residential development proposals to achieve BREEAM 'Excellent' in Policy CP19.
- Achieves BREEAM for Retail pre assessment 'Very Good' rating (55.24%) which does not meet the requirement for non residential development proposals to achieve BREEAM 'Excellent' in Policy CP19 - this will be required in the legal agreement.
- Achieves 25% over Part L of the Building Regulations therefore meets the London Plan Policy 5.2 requirements to minimise carbon dioxide emissions. The total cumulative carbon dioxide savings is 37.5%
- Meets the London Plan presumption that major developments will reduce carbon dioxide by at least 20% through the use of on site renewable energy generation
- The energy strategy uses a very high level insulation and a centralised community heating system incorporating heat pumps (Continuous Mechanical Extract, Exhaust Air Heat Pump and Low Temperature Heat Bank)
- Includes a green tenancy agreement requiring tenants to connect to central air extract systems

SUSTAINABILITY CHECKLIST

A score of 54.3% is achieved however there are a few queries regarding some of the points and evidence supporting these points will be required - 3.1 f) involve community/occupant participation in its planning, implementation or future management, 4.6 a) the proposal creates useable new public open space, 5.2 b) site waste management plan and 6.4 k) the proposal incorporates a centralised waste collection and recycling facilities e.g. Envac

ENVIRONMENTAL IMPACT ASSESSMENT

The screening opinion was provided having taken account of the Government's guidance on the types of case in which an EIA is likely to be required. This is contained within Annex A of Circular 2/99, Environmental Impact Assessments.

It is clear from this that only where potential impacts are judged to be significant, especially very large schemes in particular circumstances, require an EIA. Section A18 states that:

"EIA is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use or the types of impact are of a markedly different nature..."

The guidance provided by section A19 is even more pertinent which states that:

Development proposed for sites which have not previously been intensively developed are more likely to require EIA if:

*the site area of the scheme is more than 5 hectares; or
it would provide a total of more than 10,000 m² of new commercial floorspace; or
the development would have significant urbanising effects in a previously non, urbanised area
(e.g. a new development of more than 1,000 dwellings*

As the proposal is for the redevelopment of an urban site with existing buildings and some housing this proposal, even when taken cumulatively with permissions already granted in South Kilburn, is unlikely to give rise to the level of impact where it is considered that an EIA is necessary.

DRAINAGE & FLOODING

The entirety of the subject site is located within a Flood Risk Zone 1 area where there is a low probability of flooding due to its proximity to any waterway. As the site area of 1.0319ha triggers the requirement for a Flood Risk Assessment (FRA) an assessment has been submitted as part of the application documents. This concludes that the proposed development does not increase flood risk on site or off-site subject to a sustainable drainage system. The proposals are therefore robust in terms of flood risk and comply with PPS 25 and the SPD

CONSULTATION

External

The public were consulted in accordance with SPG2. 1415 letters were sent out by 26th April and a further 1010 on 1st June 2012. The delay in the second set of letters was partly due to the time taken to receive addresses for consultation from Westminster and the time taken to subsequently manually input all addresses.

Site notices were posted around the site and a press notice was published. To date 3 objections have been received along with 2 comments and a letter of support.

Objections raised as follows:

- The building is too high for the context of Salusbury Road and out of character with the 2 or 3 storey buildings.
- Concern about impact on traffic of the new junction arrangement - build up particularly south bound in the morning at the signals at Queens Park - more traffic lights will lead to greater congestion.
- Impact of visitors to the site would worsen already difficult parking situation.

Other comments include:

- Community spaces should be provided such as a council gym
- The project is vital for the community.
- It was initially suggested that the Royal British Legion would be accommodated within this site, it is now being temporarily relocated to the Peel Precinct and it is requested that details be provided of which phase of redevelopment will include a new permanent location.

Westminster Council - no comments received.

GLA - Stage 1 comments received and discussed in report below.

Internal

Transportation

Subject to a Section 106 Agreement to secure:-

Subject to a Section 106 Agreement to secure:-

- (i) A S38/S278 Agreement to undertake the implementation of the highway works as broadly set out in drawing 1627/010/001C, to also include (unless expressly rejected by the City of Westminster) the provision of pedestrian crossing facilities on the Fernhead Road arm of the junction, including all associated lighting, signing, drainage and accommodation works and works to statutory undertakers' equipment at the developers' expense;
- (ii) A financial contribution of £160,000 towards improvements to non-car access to the site, to include a sum of £15,000 towards Legible London signage;
- (iii) Implementation of the Framework Travel Plan dated March 2012 as submitted with the application;
- (iv) Submission and approval of a Car Park Management Plan, including further details of electric car charging provision, Car Club spaces and allocation of spaces between users (with a view to reducing the number of spaces for the offices);
- (v) Submission and approval of a Delivery & Servicing Plan;
- (vi) Submission and Approval of a Construction Logistics Plan;

together with conditions to secure:-

- (i) Widening of the car park access to 6.1m (incl. 300mm safety margins);
- (ii) Monitoring of the use of disabled spaces with a view to increasing provision if the demand requires;

together with a condition requiring submission and approval of further details of the proposed bicycle storage systems for the site, there would be no objections on transportation grounds to this proposal.

Landscape Design

No objection in principle to the proposed development but require further details of landscaping proposals by condition.

Urban Design and Regeneration

Further consideration should be given to emphasise architectural features of the development.

Environmental Health

No objection to the proposed development but recommend that conditions are attached to the proposed development to relate to construction method statements, contaminated lands with remediations, noise insulation and ventilation for the basement car park.

Policy and Research

No objections

REMARKS

APPLICATION BACKGROUND

SOUTH KILBURN CURRENT PLANNING CONTEXT

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

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

In 2012 the South Kilburn redevelopment is going well; the first phase of over 350 homes has or will be completed this year, 208 further homes have been approved and will start on site in the summer. A planning application for 229 units has been submitted on the Bronte and fielding Houses site, and just to the south of

this a private development is proposed on the Argo business centre site consisting of a mixed use scheme with 93 residential units.

MASTERPLAN & PRINCIPLE OF REDEVELOPMENT

The 2005 South Kilburn Supplementary Planning Document identifies the Queens Park Station site for redevelopment for commercial, office or community uses with residential above in Phase 2. This is reinforced in the Queens Park Station Area SPD and the site is identified as a gateway to Salusbury Road and an opportunity to spread the relative economic prosperity of Queens Park to the north to the area south of the railway.

COMMERCIAL SPACE

The existing uses on the site (other the residential) include a public house (458sqm), TFL office space (572sqm) and a Light Industrial unit (628sqm).

At ground floor the proposed development envisages 1270sqm of floor space to be used as retail (A1) and food and drink uses (A3 and A4), 959sqm of replacement office floor space is also proposed. The loss of the light industrial unit is not of concern given that it is vacant and neither the South Kilburn SPD nor the Queens Park Station Area SPD recommended an industrial use be accommodated in the development.

The site is to the south of the primary shopping frontage of Queens Park separated only by the train line and is therefore an acceptable location for additional commercial floorspace. The site will also provide a link between the Salusbury Road and Kilburn Lane shopping parades. Seven individual units of various sizes are proposed, four are identified as A1 (retail) while the unit fronting Salusbury Road and the public space is A1 or A3 and the corner unit including the location of the existing Falcon pub is proposed as A1, A3 or A4 which provides the opportunity for a replacement bar or public house.

MIXED USE

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

The proposed car park is shared but spaces will be allocated by use to prevent conflict which will be covered by the car parking management plan secured by legal agreement, servicing and cycle parking are proposed separately and officers are satisfied that the residential use can be introduced above commercial space resulting in an acceptable quality of residential amenity.

HOUSING ISSUES

EXISTING & PROPOSED HOUSING

Cullen House which is located on the existing gyratory system contains 31 flats, 29 of which are social rent, with the freehold held by Brent Housing Partnership. Cullen House consists of 21 studio flats, 7 one bed flats and 1 two bed flat.

The proposed development will result in the provision of 137 new flats, with 39 affordable flats and 98 private flats. The 39 affordable flats represents a fairly small increase in the number of affordable units, however the proposed mix is considerably better and introduces a number of larger family sized flats such that the number of affordable habitable rooms would increase from 38 to 120. The housing mix is detailed below on a unit and habitable room basis.

Housing mix on a unit basis

	1 bed	2 bed	3 bed	4 bed		
Affordable	16	15	5	3	39	28%
Private	41	45	11	1	98	72%
	57	60	16	4	137	
	42%	44%	12%	3%		

Housing mix on a habitable room basis

	1 bed	2 bed	3 bed	4 bed		
Affordable	32	45	25	18	120	30%
Private	82	135	55	6	278	70%
	114	180	80	24	398	
	29%	45%	20%	6%		

The provision of affordable housing equates to 28% on a unit basis and 30% on a habitable room basis, which falls short of the Brent's Local Development Framework Core Strategy policy target that 50% of new homes are affordable. London Plan Policy 3.12 states that the maximum reasonable amount of affordable housing should be sought having regard to issues including affordable housing targets, promoting mixed balanced communities, the size and type of affordable housing needed in different locations but also that negotiation should take account of development viability. In this particular case the economics of the scheme are such that the proposed level of affordable housing is considered the maximum reasonable amount the development can viably bear and this is discussed in more detail below.

The point is also made in the Planning Statement submitted with the application that the proposal should be seen within the wider context of the redevelopment of South Kilburn. A clear example of this is the housing mix which is being provided by developments within Phase 1 of the South Kilburn regeneration, including the proposed mix in the subject application. Of 631 proposed units, 349 are identified to be affordable, equating to 55.3%.

ECONOMIC VIABILITY

A Three Dragons Toolkit has been submitted to justify the proposed lower than policy target level of affordable housing provision to be delivered by the scheme on economic viability grounds. The key viability issues surround site acquisition costs and exceptional development costs. On the former point, the Salusbury Road scheme will require the acquisition of a number of landholdings, including Keniston Press, the Falcon Public House and two Cullen House leaseholders. An allowance of £3 million has been made for these land acquisitions. On the latter point, existing London Underground offices must be re-provided at zero cost as part of the redevelopment and major junction and utilities works undertaken. An allowance of £4.7 million has been made for these exceptional development costs. Assumed land acquisition and exceptional costs therefore total £7.7 million.

Given the development economics of the Salusbury Road scheme, the proposed level of affordable housing is considered the maximum reasonable amount the scheme can viably deliver. The GLA have requested further comfort with respect to an independent appraisal of the Three Dragons Toolkit and the applicant is prepared to submit to such an appraisal if required. The above information is being relayed to the GLA and any further response will be provided in the supplementary report.

LOCAL HOUSING NEEDS

The proposed unit size and tenure mix of the affordable housing element of the scheme has been determined to ensure that the pipeline supply of new homes meets the needs of the existing tenants within the regeneration programme. This housing need is determined by assessments carried out by housing allocations officers who seek to understand the needs of tenants well in advance of the process of moving house so that the design process can be informed. Whilst the unit size mix proposed for Salusbury Road falls short of the overall targets for family sized homes set out under in the Brent's Local Development Framework Core Strategy and the London Housing Strategy, consideration should be given to the local needs of the South Kilburn regeneration programme as follows:

- The existing baseline of 1 and 2 bedroom households within South Kilburn
- That the overwhelming majority of South Kilburn tenants wish to stay within South Kilburn and the council has committed to accommodating residents wishes
- The programme must ensure that it continues to provide an appropriate 'profile' of housing mix to ensure the programme can continue

It should also be noted that currently no larger family sized homes are provided on the existing site, whilst the

proposed new development provides 26% three and four bedroom homes on a habitable room basis, including 36% three and four bedroom homes on a habitable room basis within the affordable element of the scheme.

New affordable homes within South Kilburn area will be offered to tenants under the new homes Target Rent regime. This is in line with the position of paragraph 4.20 of The Homes and Communities Agency Affordable Homes Programme 2011 – 2015 which identifies that “social rent provision will only be supported in limited circumstances. For example, social rent could be considered in regeneration schemes where decanting existing social tenants into new homes is necessary.” Paragraph 7.11 states that “Providers will be expected to deliver a range of rents across their development proposals from homes let at target rents up to a maximum of 80% of the market rent. In order to maximise the number of new homes, it is expected that most will be let at, or close to, the 80% limit. However, there will be circumstances where rents may need to be set at lower levels. This may include areas where market rents are exceptionally high, in the provision of supported housing or in regeneration schemes where there is a clear pre-existing commitment to the re-provision of homes at target rent levels.”

The South Kilburn Regeneration Programme sets a commitment to provide new homes to tenants at rents that they can afford. Development Agreements with developer partners are engrossed on the basis of the South Kilburn tenancy and rent assumptions based upon the new homes target rent regime and this was agreed by the Council's Executive in February 2012 due to the particular circumstances for South Kilburn, those being that the programme is decanting tenants on a social rent regime to new homes; there has been a commitment to residents; local market rents are very high. One should also note that no GLA grant funding is currently assumed to subsidise the development of Salusbury Road.

UNIT SIZE

All homes within the proposed development meet or exceed the internal space standards of the London Plan and London Housing Design Guide.

10% of homes in the development are designed to be wheelchair adaptable.

URBAN DESIGN

LAYOUT & ACCESS

The proposals are a significant intervention and repair what is at present a rather incoherent and disparate urban landscape. The proposal reinforces the historic grain and creates a more legible streetscape both locally and from further afield. The area, currently separated by the gyratory system, is proposed to be brought together as a single site with a carefully designed public realm proposed between the 2 blocks.

It is envisaged that the majority of pedestrians coming from Kilburn Lane to the south and west of the site will use the public space to reach Queens Park Station. Good quality materials will make this an attractive space along with street trees. Another route around the site includes the walkway between the railway and the northern elevation of the building, stairs from Claremont Road lead up to the space and a ramp leads down to Salusbury Road to the eastern end. The inclusion of stairs is a limitation for public accessibility however this is not an existing pedestrian route and therefore does not result in a restriction compared to the existing situation. A very small number of pedestrians are expected to choose this route, most likely only those from Claremont Road. The TfL offices wrap around the corner of Claremont Road onto the northern walkway, and there are 3 residential units, a bike store and bin store and a commercial unit on the corner of the walkway and Salusbury Road which should create a good level of activity through the day. The residential units have a small private curtilage for privacy and a landscaped strip is proposed between the walkway and railway.

Entrances to TfL offices as well as residential entrances are proposed on Claremont Road which officers consider to be a significant improvement compared to the existing redundant light industrial building. A good quality of design will be required to the entrances of the bin and bike stores as they account for a significant stretch and laser cut decorative screen treatment is proposed. More prominent residential entrance features are being considered on Claremont Road.

SCALE & MASSING

On Claremont Road the development appears as 2 distinct blocks, starting at the northern end of the road opposite Claremont House the first block is 3-storeys with a set back fourth while the second block leading to Kilburn Lane is 4-storeys with a set back fifth. This second block continues along Kilburn Lane until the

building ends at the public space. The Salusbury Road elevation also appears as 2 blocks leading towards Queens Park Station, the first is 6-storey with a set back seventh and the second at the north east corner is 6-storeys with a set back seventh and eighth.

The block on the corner of Kilburn Lane and Salusbury Road is 6-storeys.

The scale, height and massing of the proposed scheme diverges from the development brief in that it removes the 12 storey element from the north east corner and redistributes the mass more evenly across the site. This results in a larger overall mass but delivers a lower building within the overall local context. In addition the progression of scale down Kilburn Lane westwards helps the larger scale at the junction sit comfortably within the 3 to 4-storey context of the shopping parades and flats.

It is considered the junction location presents an opportunity for architecture of a landmark value, it is not considered that the design achieves this at present but further detail has been sought. Glazed brickwork is proposed above windows at upper levels and a three dimensional brick pattern or weave has been suggested. This will be considered further prior to the committee.

ELEVATIONAL DESIGN

The elevational design is simple with an ordered geometric grid of fenestration however it is considered that the result is quite commercial while the use of the building above ground floor is residential. It has been recommended that some more distinction between uses, ground floor and above, be created through materials and detailing as apparent in the historic shopping parades on Kilburn Lane. This detail could be conditioned.

The ground floor is designed to be active with shop windows and residential entrances, the scale of the buildings and its organisation is designed to reflect a mansion block style.

The design is predominantly brick in keeping with the surrounding buildings, the set back levels will be expressed with a different brick with the intention of reducing the visual impact of the building heights. It is also proposed that the courtyard elevations will be in a different brick creating a distinction between front and back.

SECURED BY DESIGN

The building creates an active environment around its perimeter and the uses proposed should mean that there will be street level activity for long periods of the day. Residential entrances are located around the building adding to the spread of activity.

The communal amenity space is separated from the public realm giving a relatively secluded feel and making it safe from intrusion.

OPEN SPACE

TREES & LANDSCAPING

Trees are proposed in both the communal amenity area, on the public highway and in the public space between the 2 blocks of the proposed development.

Officers have reviewed the proposed species and have recommended some alterations which are required by condition. The type of tree recommended for the public space is Prunus Maackii Amber Beauty and to achieve continuity it is recommended that the street tree at either end (one on Salusbury Road and one on Kilburn Lane) be of the same type. A minimum girth of 18-20cm will be required for the trees by condition.

Eight further street trees are proposed around the corner of the site and the proposed species, Alnus Spaethii, is considered to be appropriate. The proposed cast iron tree grilles are not acceptable in public areas for adoption by Brent, permeable resin bound gravel would be required for tree pits.

The finished design quality of the public route through the site will be very important to the overall success of the scheme and therefore further detail of the proposed arrangement is sought by condition. Landscape officers query the random zigzag pattern and wonder whether a continuous pattern as well as an identified route for vehicular deliveries should be included.

Within the landscaped courtyard 14 trees are proposed, Birch and Rowan, these are native species and are considered to be acceptable for the location and should be planted at size 10-12 cm girth. A condition is recommended regarding the minimum soil depth and irrigation for the courtyard to ensure tree survival.

Officers understand the landscape concept of Birch moorland and wild grass however there is concern about how well this will work in an enclosed courtyard. It is likely that the scale of grass could become dominating in the enclosed space but it does not respond well to being cut and this is not the design intention. A condition is recommended that the potential for a wildflower meadow be explored. This would add the value of flowers in summer and can be mown shorter for winter.

AMENITY SPACE & CHILDRENS PLAY AREA

For the number of units proposed the amount of amenity space required by SPG17 (at 20sqm per unit) is 2740sqm, 1554sqm is provided within private balconies and gardens along with 887sqm of communal amenity space. Public space measuring 606sqm is proposed however this is considered to be a route rather than a space in which people will spend amenity time. There is an under provision of amenity space of 299sqm.

Officers are of the opinion that the development would still provide a satisfactory quality of accommodation but it would result in additional pressure on open spaces in the area so a further contribution is sought to mitigate this impact of an under provision.

The standard charge of £3000 per bedroom includes a provision of £907 towards open space, based on this amount, the under provision of amenity space and the proportion of different unit sizes in the development a contribution will be sought. This amount will be included in the Heads of Terms.

Some children's play facilities are proposed and in particular timber animals are agreed as good elements for toddlers play however landscape officers are not satisfied with the overall quality and useability, a condition is recommended to ensure satisfactory provision is made for play in terms of quality and quantity.

RESIDENTIAL AMENITY

DAYLIGHT/SUNLIGHT & OUTLOOK

A comprehensive daylight/sunlight report has been provided with the application considering the neighbouring residential buildings in detail. The methodologies undertaken include measurement of the Vertical Sky Component (VSC) which calculates the angle of vertical sky at the centre of each window, No Sky Line which assesses the changes in position and Average Daylight Factor (ADF) which considers the amount of sky visibility on the window as well as the window size, room size and room use making it a more detailed assessment. A summary is provided below and the conclusion is that taking all 3 measurements into account and with some flexibility given the urban environment the impact is acceptable.

Claremont Road

52% of the openings satisfy the guidance for VSC (a VSC level of 27% and a reduction of less than 20%). Of the windows which do not comply they are either in restricted locations meaning they have below target or very low existing levels and any alteration will appear disproportionate and in other cases the non-compliant levels are marginal.

The ADF measurements show that 3 of the 6 living rooms maintain a value above the 1.5% target, to the remaining room the reductions are relatively small and to rooms which already have an ADF below the target level.

Compared to the existing situation which is a relatively low rise building providing little obstruction and with some flexibility given the urban environment the study author considers that the impacts discussed above are acceptable.

Kilburn Lane

305

The majority of windows comply with the VSC guidance and for those that don't the reduction is considered marginal (reductions not exceeding 24%) and against the no sky line only one room experiences any alteration of direct skylight.

The ADF levels as existing are all below 1.5%, of the 3 which begin above 1% they all remain above 1%.

Other rooms with very low existing levels experience reductions which appear significant in percentage e.g. a level of 0.09 reduces to 0.01 which is a 84.62% but related to a target of 1.5% a reduction of 0.08 is small. The consultant is of the opinion that given the very good results for the no sky line study the impact is acceptable.

307

The vast majority of windows comply with the VSC targets, those that experience greater than recommended decreases maintain actually VSC levels of no less than 20% against the 27% target. Three of these rooms which are below VSC target achieve ADF targets, a single room does not comply which is a kitchen at ground floor, nevertheless the consultant does not consider that the impact would be significant enough to materially affect the room.

332-348

These properties are fully compliant with VSC and no sky line methods of assessment.

350-354

The data for VSC shows that 3 properties will experience a minor breach of the 27% target but ADF and no sky line measurements show full compliance.

William Dunbar House

All but 2 windows on the main elevations comply with VSC targets, however there are 20 windows, all located below overhanging balconies which fail. The existing balconies have the impact of restricting VSC levels as the windows as existing have a level below the 27% target, the reductions experienced however do not exceed the 20% maximum set by BRE and therefore the scheme is regrettable but not considered to have an unacceptable impact.

PRIVACY

Separation distances between the proposed development and neighbouring residential buildings are established by the width of public highways as recommended by SPG17 with the proposed buildings positioned on the back of the public highway as is characteristic of Kilburn Lane and Salusbury Road commercial frontages.

Within the site there are some points of tightness between the 2 blocks across the public space and across the amenity courtyard. Across the courtyard there are 90 degree or more oblique angles at corners where the separation is limited however the position of stairwells on internal corners prevent the relationships from being unacceptable. Directly facing windows have a minimum separation of 24m which complies with SPG17.

Across the public open space the minimum separation distance, with a slightly off-set relationship, is 14m. All units affected by this relationship are designed to benefit from at least one other window with outlook with a more open aspect.

NOISE & AIR QUALITY

Both noise and vibration have been assessed within the application submission and mitigation measures proposed, the submission has not identified which options for mitigation would be selected but a condition is recommended requiring the identification of the specific measures to be implemented along with post completion testing.

The Air Quality impact assessment demonstrates relatively little impact on surrounding sensitive locations of the re-design of the road junction. The study indicates no need for mitigation against the operational the operational effects of the building.

Measures to mitigate the effects of construction and demolition on surrounding premises are recommended in the proposal and will be secured by condition requiring a construction method statement.

TRANSPORTATION

HIGHWAY WORKS

This application proposes the comprehensive redevelopment of the site, to include the removal of the gyratory traffic system and its replacement with a 4-arm signal controlled junction with pedestrian crossing

facilities at the Kilburn Lane/Salusbury Road/Carlton Vale/ Fernhead Road junction.

In order to assess the operation of the new junction layout, detailed traffic surveys, including pedestrian movement surveys, were undertaken in July 2011 (n.b. for interest, flows through the junction were observed to have fallen by 20% and 10% in the morning and evening peak hours respectively since previous surveys were undertaken in 2004). The latest surveys included automatic number plate recognition to accurately establish traffic routeing through this complex gyratory system.

Predicted vehicle trips to and from the retail and residential elements of the development were then estimated through comparison with other similar developments in parts of London with high levels of public transport accessibility. No assessment of trips to and from the London Underground offices was undertaken though, as these were assumed to remain as existing, given that the new floorspace and car parking facilities simply replace existing accommodation.

This exercise produced predicted vehicular flows to and from the development of 8 arrivals/17 departures in the morning peak hour (8-9am) and 12 arrivals/11 departures in the evening peak hour (5-6pm). Given the highly restrained level of parking for the residential units (0.26 spaces per flat) and the absence of any parking for the retail units (which means retail trips are likely to be predominantly local trips on foot or vehicles passing or visiting the area anyway), these estimates are considered to be reasonable. These predicted levels of additional traffic are not considered great enough to warrant assessment of the impact of the development on any road junctions remote from the site.

The projected flows were then tested through the proposed new junction layout, using recognised industry-standard traffic modelling software (LINSIG3). The results of this assessment showed the junction operating with at least 20% practical reserve capacity (prc) during both the morning and evening peak periods, with an acceptable cycle time of 90 seconds.

Flows were then tested for a future year scenario for the year 2022, assuming traffic growth in the intervening period of 11% (in addition to the predicted increases in traffic arising from the South Kilburn redevelopment proposals). This exercise showed practical reserve capacity falling to about 8% for the two peak hour assessments, which is still within an acceptable range. As such, there are no concerns with regard to the capacity of the proposed new junction, although this will also need to be vetted by TfL's Traffic Signals Unit (LSTCC). Initial comments from TfL suggest that the signal design is acceptable.

One consequence of the removal of the gyratory system is that traffic emerging from Albert Road will no longer be able to use the circulatory system to travel northwards along Salusbury Road. To accommodate this change, the junction will need to be amended to allow traffic to turn right out of the junction, with the central island in the bellmouth of the junction requiring removal.

There is a minor concern in respect of this, in that the visibility splay northwards is restricted to about 2.4m x 60m by a boundary wall, which falls slightly below standards for a 30mph distributor road. However, the affected wall forms the boundary to South Kilburn development site 11b, for which designs are currently being drawn up ahead of a planning submission in the coming weeks. The indicated design currently involves the widening of the footway along Salusbury Road to incorporate a loading bay and as such, sightlines will increase to about 2.4m x 70m, which is acceptable. As it is likely that site 11b will be developed ahead (or simultaneously with) this development site, the issue of sightlines from Albert Road is not considered to be significant.

The proposed signalised junction will provide safer pedestrian crossing facilities (particularly for the elderly, disabled and partially sighted) between Salusbury Road and Fernhead Road/Carlton Vale, which together with the proposed pedestrian refuge on Salusbury Road north of the Albert Road junction is particularly welcomed.

The only concern with regard to pedestrian facilities is that no pedestrian signal phase has been included across the Fernhead Road arm of the junction, with pedestrians instead having to cross through gaps in the traffic flow (as they currently do). However, it would be a relatively simple matter to include a "with-flow" crossing facility on this arm with little adverse impact on junction capacity. To achieve this would require the enlargement of the existing triangular island in the mouth of the junction to accommodate signal control equipment and guardrailing, which would in turn require the trimming back of the kerblines on the eastern side of the junction by 2-3m, affecting a landscaped area behind. As these works all lie within the jurisdiction of the City of Westminster, their agreement would be required.

This issue is not considered significant enough to justify rejection of this proposal, but if Westminster do

support for the incorporation of a pedestrian crossing phase on this arm and are willing to allow the kerblines to be adjusted accordingly, then this additional work should be incorporated into the scope of the highway works. It is noted that TfL have also suggested that the pedestrian crossing facilities be improved at the junction.

The revised location and design of the bus stops on Kilburn Lane and the bus stands on Claremont Road have been confirmed as being acceptable by London Buses.

The design of the revised highway layout has been subjected to a Stage 1 Safety Audit, which has raised nine issues. The majority of these are minor design matters that can be addressed as the detailed construction drawings are progressed.

The one significant issue concerns the staging of the right-turning movements from Salusbury Road to Kilburn Lane and Fernhead Road and its potential to confuse pedestrians using the crossing on this arm. However, due consideration has been given to the alternative suggestion of running the right-turn movement in Stage 1, but this is considered to be a more hazardous arrangement, due to the conflict between right-turning traffic and westbound traffic from Carlton Vale. It would also have a major negative impact on junction capacity if a formal crossing is provided on Fernhead Road. It is therefore recommended that the signal staging arrangements remain as proposed.

The highway works will need to be carried out by (or under the supervision of) Brent Council's Highway & Transport Delivery Unit under an agreement under S38/S278 of the Highways Act 1980 and will also entail the stopping up of the western arm of the gyratory system under S247 of the Town & Country Planning Act 1990. All costs associated with this need to be borne by the developer.

Non-Car Access

With regard to journeys by other modes of transport, the Transport Assessment has provided estimates on how trips would be divided between various modes of transport, based upon data collected for the 2001 Census and data held for similar developments across London. This suggests that 63% of trips would be by rail/tube, 19% by bus, 11% by foot and 1% by bicycle (the remainder being by car/taxi). The high proportion by rail/tube is a reflection of the location of the site adjacent to Queens Park station and the resultant levels of pass-by footfall for the shops associated with the station.

These figures result in 92 and 113 bus trips to and from the site in the morning and evening peak hours respectively, which averages approximately 1.5 passengers per bus passing the site. Even on the busiest routes to and from Central London (6 & 36), the average increases amount to only two passengers per bus. These totals have been considered by London Buses and are considered to be acceptable, with adequate spare capacity available on the affected services.

For rail and tube services, predicted movements total 166 arrivals/189 departures in the morning peak hour and 204 arrivals/183 departures in the evening peak hour, with 96.5% of journeys by tube and 86.5% of journeys by London Overground being to and from Central London. This results in an average of 7-8 extra passengers per Bakerloo line train to/from Central London and 11-12 extra passengers per Overground train to/from Euston. Again, these figures have been examined by TfL and have been confirmed to be acceptable, with adequate spare capacity available on services from Queens Park to meet this demand. It is in any case likely that a large proportion of the trips associated with the retail units are already passing the site on their way to and from the station, so are not actually new trips on the rail services.

With regard to walking and cycling, a PERS assessment has been carried out of the local pedestrian environment and crossing facilities, which show no major areas of concern, given the shortcomings in crossing facilities adjacent to the site will be addressed through the revised junction layout anyway.

The only issue that was picked up on was the shortage of directional signing in the area and to this end, TfL have requested a sum of £15,000 towards Legible London wayfinding signage and this request is supported.

Accident records in the area over the three year period to July 2011 identified 11 personal injury accidents around the gyratory system, four of which involved pedestrians. The alterations to the road layout should help to regulate speeds through the area and thus reduce the accident rate.

CAR PARKING

With regard to the site layout, the car park access from Claremont Road is a little tight at 4.5m (with no

protective margins) to accommodate two cars passing one another and it is recommended it be widened to 6.1m (including 300mm margins). This will be secured by condition or an update will be provided in a supplementary report.

The location of the site within a Controlled Parking Zone with very good access to public transport services means reduced residential and office allowances apply to the site. In terms of residential parking, 0.7 spaces are permitted per 1-2-bed flat and 1.2 spaces per 3+bed flat, whilst offices are permitted only one parking space per 300sqm.

As such, up to 105.9 spaces would be permitted for the new flats, with two spaces allowed for the offices. Each of the retail/food and drink units would be permitted a space, giving a total allowance of 115 spaces. The proposed provision of 51 spaces would therefore accord with standards.

Of these, 15 spaces are proposed to be allocated for the use of London Underground staff, with the remainder for residents (leaving none for the retail units). The number of spaces proposed for the offices greatly exceeds standards and has been queried by officers. However it is recognised that these spaces replace spaces lost within the existing car park and also that the spaces are used by the 120 drivers operating out of Queens Park depot (whose shifts commence from 5am and finish from 1am) in addition to office staff.

Standard PS15 requires each of the 13 wheelchair units to be provided with a disabled parking space. At present, only six such spaces are shown, which would fall short of standards. However, the layout of the car park includes some fairly generous aisle widths, so it should be a simple matter to include a further seven wide spaces for disabled use if required. This issue should be monitored as part of the Travel Plan for the development.

The Transport Assessment makes reference to the inclusion of a Car Club space and the provision of electric car charging points for 20-40% of spaces. These are welcomed on sustainability grounds and should be secured within a Car Park Management Plan for the site, which should also set out how access to spaces will be controlled and enforced (an electric fob operated barrier has been referred to in the Transport Statement. Allocation of spaces will also need to ensure a reasonable provision is set aside for affordable units.

Consideration also needs to be given to the impact of any overspill parking on traffic flow and highway safety, the immediately adjoining roads do not and will not in future offer any scope to safely accommodate on-street parking. Given the relatively low ratio of parking spaces per dwelling, it is therefore considered essential to limit overspill parking through the provision of a 'car-free' agreement and this will need to be secured through a Section 106 Agreement. Signage within the building to reinforce this message is also recommended.

A further consideration is the loss of the small public car park within the site, which is not proposed to be replaced. To quantify the effect of this, the Transport Consultant has carried out surveys of its use on a weekday and on a Saturday and identified a total of 60 and 29 vehicles using the car park across the course of each day, with maximum observed occupancy levels of 20 vehicles (49%) and 9 vehicles (22%) respectively at any time. On the weekday, nine cars were parked for over 6½ hours, which were reasonably assumed to belong to London Underground staff.

As such, this area of public car parking is not currently well used and if lost, would generally lead to no more than about 5-10 additional cars using of on-street pay and display bays on the surrounding streets at any particular time. The car park is also not considered to be of particular benefit to Queens Park station itself, given that the station is well connected to its local catchment area by local bus services, walking and cycle routes and this has been confirmed by TfL. On this basis, the car park is not considered to be essential and its loss is therefore acceptable when assessed against Policy TRN27 of Brent's UDP 2004.

SERVICING

In terms of servicing, standard PS17 requires a shared transit sized bay to be provided for every two retail units, with the retail floorspace as a whole generating the need to provide a full-size loading bay. The offices require servicing provision by an 8m rigid lorry.

No off-street servicing space is indicated within the development, which is a shortcoming in the scheme. It is instead proposed to allow small vans access to the central pedestrianized area to service the small shop units between 10am and 4pm, with a new loading bay to be incorporated into the footway along Salusbury Road to accommodate any full-size lorries servicing the site for periods of up to 20 minutes. The surfacing treatment of these areas should be such that it would discourage unauthorised use for parking and would

revert to pedestrian use when not occupied by delivery vehicles, further details of the treatment of the crossover to the central pedestrianized area also need to be agreed.

A further 10m bay in Claremont Road for deliveries between 8am-8pm is proposed to serve the western side of the development, including the London Underground offices, with the bus stands amended accordingly.

The distribution of refuse stores around the perimeter of the building will allow refuse to be collected from the adjoining highways which is acceptable, with fire access requirements being similarly satisfied by the perimeter block arrangement of the site.

There should be adequate overall servicing provision for the development clear of the main carriageways of Kilburn Lane and Salusbury Road and it should therefore be possible to implement "no loading at any time" restrictions along the remaining stretches of Kilburn Lane and Salusbury Road fronting the site, particularly in the vicinity of the new signalised junction where it will be important that traffic lanes are not obstructed by delivery vehicles. Suitable restrictions will also need to be placed on the loading bays to prevent long duration stays and to prohibit parking and appropriate restrictions will need to be determined by the Highway & Transport Delivery Unit through the Traffic Regulation Order consultation process as the associated highway works are adopted.

It is also proposed to produce a Delivery & Servicing Plan for the development to help to manage delivery vehicle movements to and from the site, which will further help to ensure loading facilities are able to cater for future demand.

Similarly, a Construction Logistics Plan will be produced to address delivery arrangements during the three construction phases of the project.

TRAVEL PLAN

To help to increase the number of trips made by sustainable transport, a Framework Travel Plan has been prepared for the development, with a Travel Plan Manager employed by the freehold owner of the site being responsible for liaising with occupiers of the units to produce individual Travel Plans. The aim is to use a number of measures as set out in an attached Action Plan to promote sustainable transport and thus reduce car use from an estimated initial 5% of journeys down to 3.8% over a five-year monitoring period.

The Framework Travel Plan has been assessed using TfL's ATTrBuTE programme and has scored a PASS rating. As such, it would be acceptable to secure the framework Travel Plan as it stands within the S106 Agreement for the site.

CYCLE STORAGE

Bicycle parking requirements are set out in standard PS16 of the UDP, these require the provision of secure bicycle space at a rate of 1 per residential unit and the proposed provision of four secure stores with a total capacity of 182 spaces serving the various parts of the site will more than satisfy requirements.

Standards for office use require at least one space per 125sqm giving a total requirement for five spaces, the proposed provision of 23 secure spaces for the offices more than meets requirements.

Standards for retail use require one space per 125sqm for food retail (this attracts the highest standard of the proposed commercial uses), amounting to ten spaces. The proposed provision of 16 on-street 'Sheffield' stands therefore more than meet requirements.

VIEWS OF THE LONDON MAYOR

The Council has now received the Mayor of London's Stage 1 response to the application. He is largely supportive of the application, save for seven points about which more information or minor amendments are sought in order to lead to the application being compliant with the London Plan.

Policy 7.5 of the London Plan states that development should incorporate local social infrastructure such as public toilets where appropriate and given the new public realm being created and the location adjacent to a transport interchange further discussion on this aspect is deemed appropriate. The applicant has responded by referring to public toilets in the surrounding area including in Kilburn Library on Salusbury Road less than 800m from the site and in Queens Park.

The Mayor needs to be convinced that the proposed level of affordable housing represents the maximum reasonable amount that can be delivered and that the tenure mix reflects local needs. These issues are discussed in some detail above however the applicant is progressing this matter with the GLA with the understanding that it will be resolved. Any further update will be provided in a supplementary report.

The treatment of Claremont Road at ground floor and the concentration of servicing frontages was discussed. Officers have considered this point above, attractive treatments are proposed to the servicing entrances and further consideration is to be given to the prominence of residential entrances, the arrangement remains a significant improvement on the existing streetscape on the eastern side of Claremont Road.

The provision of Children's play space is a point raised by the Mayor which has been discussed in the report above. A condition will ensure that the quantity and quality of provision is appropriate to the child yield requirements in accordance with London Plan policy 3.6 (a minimum of 200sqm of the communal space).

Officers are satisfied that an acceptable number of the proposed units are capable of providing wheelchair accessible accommodation however the Mayor notes that the units are design to be adaptable to this standard and it is required that a commitment be made to providing some of these units as wheelchair accessible from the outset to comply with policy 3.8 of the London Plan. This can be required by condition.

The Mayor has made comments regarding climate change mitigation in the scheme particularly relating to some of the calculations provided, this should be easily clarified by the applicant. Otherwise the measures proposed are acceptable and will be secured by a legal agreement.

A number of minor alterations to the proposed junction have been suggested by the Mayor in line with comments from TfL, while the Council's highways officer was generally happy with the proposal consideration of these points is required and will be reported on in a supplementary. In addition this it is noted that replacement train crew accommodation is required to safeguard London Underground's operation. Officers have confirmed that this is reprovided on site.

Officers expect that these elements will each be satisfactorily addressed by further clarification or conditions.

S106 AGREEMENT & CONCLUSION

The development proposal has wider implications for the locality that cannot, or are unlikely to, be addressed within the application site. As a result, a Section 106 agreement controlling the benefits and financial contributions that might be required in relation to the proposed development would be required. As these are fundamental issues, the scheme would be rendered unacceptable if they were not adequately dealt with. Many of these issues have been expanded upon in the above report. There is an increase of 46 bedrooms in affordable units and 166 bedrooms in private units so the total contribution (£2.4/£3k) is £608,400.

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

The principle of the redevelopment of the site as a mixed use development including housing is considered to be acceptable in policy terms. The proposals are considered to accord with the policies set out within the Brent UDP 2004 and it does not conflict with the South Kilburn SPD and Masterplan, and on this basis, it is recommended that planning permission is granted, subject to the legal agreement referred to above.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

Relevant policies in the Adopted Unitary Development Plan are those in the following

chapters:-

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

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

Site-Specific Policies

CONDITIONS/REASONS:

(1) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works of the non-public areas of the development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

(a) proposed walls and fences including between private garden areas indicating materials and heights;

(b) screen planting along the boundaries of the first floor residential units;

(c) details of drainage, irrigation and water points.

(d) areas of hard landscape works and proposed materials;

(e) details of the tree pits to ensure suitable soil depth (minimum of 600mm)

(f) details of the childrens play space (at least 200sqm) with equipment age range 3- 8 years, play animals, surfacing in play areas, details of new proposals for fixed equipment which may include netting, omission of the large expanse of blackbird netting.

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

(h) trees within communal courtyard to be planted at size 10-12 cm girth

(i) omission of purple moor grass and inclusion of wildflower meadow or other flowering plants appropriate to size and scale of the courtyard.

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

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

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

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

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

MLA/295/L/001

MLA/295/L/010

MLA/295/L/011

MLA/295/L/020

MLA/295/L/100

MLA/295/L/101

MLA/295/L/102

MLA/295/L/103

MLA/295/L/104
MLA/295/L/105
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MLA/295/L/MA/500
MLA/295/L/MA/501
MLA/295/L/MA/502
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MLA/295/L/MA/504
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MLA/295/L/MA/507
MLA/295/L/MA/508
MLA/295/L/MA/509
MLA/295/L/MA/510
MLA/295/L/SR/520
MLA/295/L/SR/521
MLA/295/L/SR/522
MLA/295/L/SR/523
VO-QP-200-1
VO-QP-sect250-3-a
VO-QP-sect250-3-b
1627/10/001 C
1627/10/002 C
1627/10/003 A
1627/10/004
1627/20/003

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

- (4) The commercial premises (A1, A3, A4) shall not be used except between the hours of:-

0700 hours and 0000 hours Mondays to Saturdays
0900 hours and 2300 hours on Sundays and Bank Holidays

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

- (5) The areas approved by the Local Planning Authority for car parking, loading, unloading and

parking of service vehicles; vehicle turning space; and parking and access provision for disabled persons shall be used only for those purposes.

Reasons: To ensure that these areas are permanently retained for these uses in compliance with the Council's parking and servicing standards, in the interests of the general amenities of the locality and in the interests of the free flow of traffic and conditions of highway safety within the site and on the neighbouring highways.

- (6) During demolition and/or construction works on site:-
- (a) the operation of site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Monday - Friday, 0800 - 1300 Saturday and at no time on Sunday or Bank Holidays;
 - (b) vehicular access to the adjoining and opposite premises shall not be impeded
 - (c) all plant and machinery associated with such works shall at all times be situated and operated within the curtilage of the site;
 - (c) no waste or other material shall be burnt on the application site;
 - (d) all excavated topsoil shall be stored on the site for reuse in connection with the landscape works scheme.
 - (e) a barrier shall be constructed around the site, to be erected prior to demolition
 - (f) a suitable and sufficient means of suppressing dust must be provided and maintained
 - (g) the best practical means available in accordance with BS5228: 1984 shall be employed at all times to minimise the emission of noise from the site
 - (h) all construction vehicles used during construction must meet European Emission Standards of Euro 3 during any works on site.
 - (i) all non-road mobile vehicle with compression ignition engines used on the site shall comply with the emission standard contained in EC Directive 97/68/EC.
 - (j).any diesel powered machines used on or otherwise serving the site shall be operated on ultra-low sulphur diesel meeting the specification BSEN950

Reason: To limit the detrimental effects of noise and disturbance from construction works on adjoining residential occupiers.

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

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

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

- (a) A scheme for the landscape works adjacent to the walkway at the northern end of the site (including species, plant sizes and planting densities).
- (b) Omission of Gleditsia and Acer campestre as the tree type in the public space and replacement with Prunus mackii 'Amber Beauty' (single stem) planted at 18-20cm girth.
- (c) Omission of cast iron tree grilles and replacement with tree pits is permeable resin bound gravel, including full specification of tree pit.
- (d) Submission of further design detail including samples of materials for public space.

NOTE - Other conditions may provide further information concerning details required.

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

- (9) Prior to the commencement of the development the applicant shall provide details of the predicted Carbon Monoxide levels in the underground car park shall not exceed 30 ppm averaged over any 8-hour period and shall also not exceed 90ppm averaged over 15 minutes.

If the forecast does not achieve acceptable levels, mechanical ventilation will be needed. This information shall be submitted to and approved in writing by the LPA prior to commencement, and the development shall be undertaken in accordance with the approved detail.

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

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

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

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

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

- (12) Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. The written report is subject to the approval in writing of the Local Planning Authority.

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

- (13) Any remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

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

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

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

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

(14)

- (15) The demolition/building works hereby approved shall not commence until vehicle wheel washing facilities have been provided on site in accordance with details submitted to and approved in writing by the Local Planning Authority. 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 that the construction of the proposed development does not prejudice conditions of safety and cleanliness along the neighbouring highway.

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

(a) sustainable drainage system to attenuate additional run off from site

NOTE - Other conditions may provide further information concerning details required.

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

- (17) The car park access from Claremont Road shall be increased in width to a minimum width of 6.1m (including 300mm margins).

Reason: To ensure adequate space is provided to accommodate two cars passing one another.

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

(a) further architectural detail of corner element of building

(b) detail of proposed window system and depth of reveals

(b) architectural detail to create more distinction between commercial units and residential uses above including a scheme to provide designated locations for any future signage for the commercial units.

(c) further detail of design cycle/bin stores and residential entrances on Claremont Road to create visual interest at street level.


NOTE - Other conditions may provide further information concerning details required.

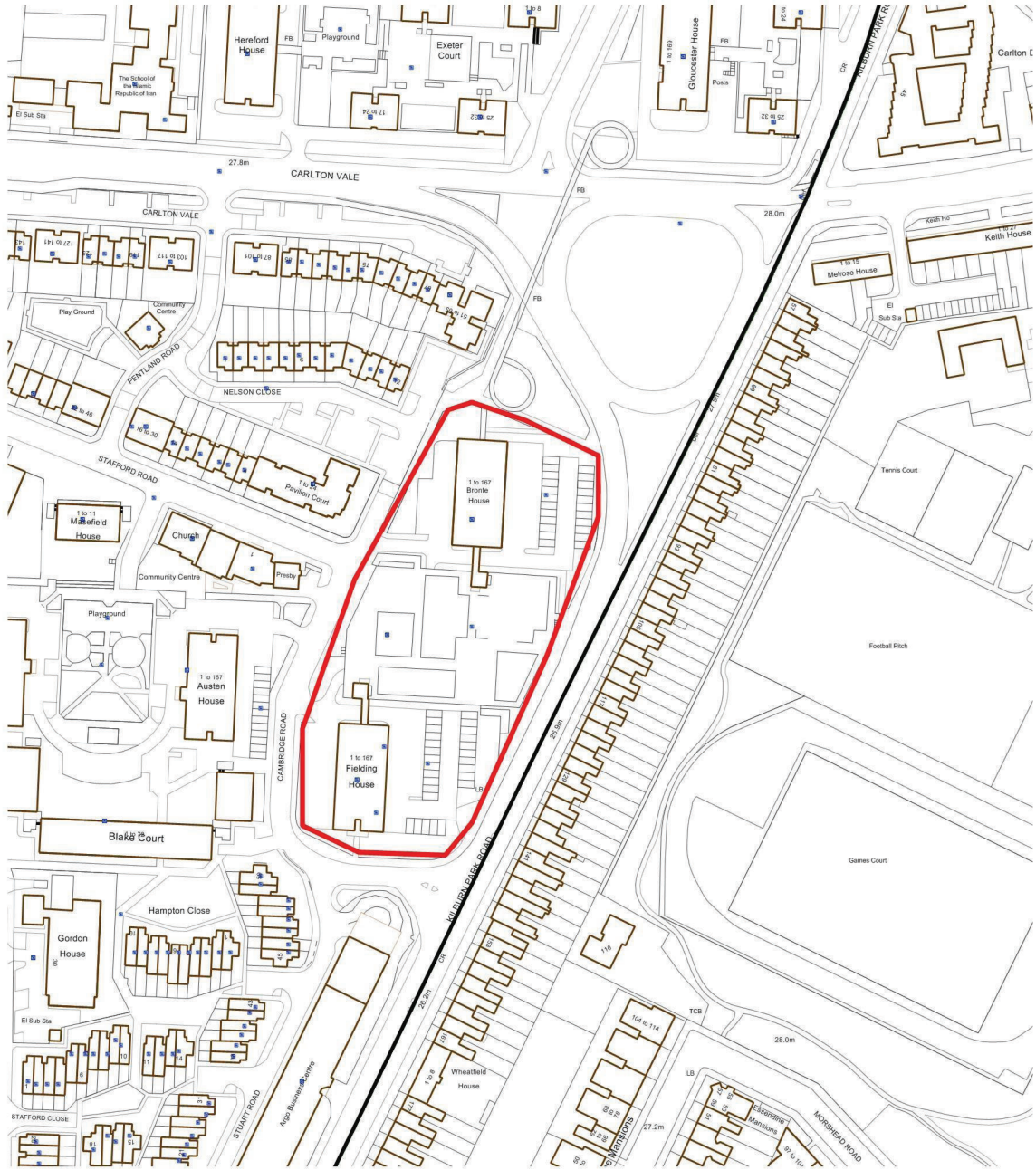
Reason: These details are required to ensure that a satisfactory development is achieved.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (2) The applicant is advised that the provision of any water tank, air-conditioning or ventilation plant, extraction equipment or other roof structure (other than those shown on the drawings hereby approved) would require a separate grant of planning permission.

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

 **Planning Committee Map**
Site address: Bronte House & Fielding House, Cambridge Road, London, NW6
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This map is indicative only.

RECEIVED: 20 February, 2012

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Bronte House & Fielding House, Cambridge Road, London, NW6

PROPOSAL: Demolition of buildings on Bronte House and Fielding House site and erection of 229 flats (126 market/103 social rented) together with associated landscaping, private & communal amenity space, car parking, new public pedestrian route & square. Development includes the stopping up of Cambridge Road and the formation of a new access road through the rearrangement of existing Cambridge Road/Kilburn Park Road junction

APPLICANT: London Borough of Brent.

CONTACT: Lifschutz Davidson Sandilands

PLAN NO'S:
see condition 2

RECOMMENDATION

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Affordable Housing (45%)
- A contribution of £18 000 (£3k per additional bedroom) for Education, Sustainable Transportation and Open Space & Sports in the local area, due on Material Start, which will include £60,000 dedicated to improving play provision for older children, with the remainder of the contribution not limited to works to children's play facilities in the local area. index-linked from the date of Committee.
- A contribution of £824 400 (£3.6k per unit) to be used for Sustainability measures to enable the development to reach Code 4 and provide 17% of the site's energy use through renewable energy measures including connections to a Decentralised Energy Network, or retrofitting the proposed development or retrofitting surrounding properties to mitigate the energy impact of this development. Due 1 year after Material Start.
- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 3 in addition to adhering to the Demolition Protocol, with compensation should it not be delivered.
- Tree survey upon Material Start, 4:1 trees replacement prior to Occupation for any reduction in the number of Trees.
- Join and adhere to the Considerate Contractors scheme.
- Part Permit Free- Remove the rights of residents to apply for parking permits in accordance with a scheme to be agreed.
- Notwithstanding submitted draft Travel Plan, a framework Travel Plan shall be submitted and approved within three months of the commencement of works and a full Travel Plan shall be submitted and approved prior to first occupation.
- To notify "Brent In2 Work" of all job vacancies, including those during construction and operation of the building.
- To sign up Registered Social Landlords to the measures in the local employment/ training scheme.
- And, to authorise the Director of Environment and Culture, 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.

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.

A Mayoral CIL contribution of £32,000 as a result of the 920sqm increase in floor space as a result of the proposed development.

EXISTING

The existing site has an area of 1.22 hectares and is currently occupied by two 18 storey 1960s tower blocks with an undercroft parking area with playspace above at a half storey level.

The site is within the Village Quarter of the South Kilburn Master Plan Area. The eastern boundary is formed by Kilburn Park Road on the opposite side of which are two/three storey terraced Victorian residential building within the borough of Westminster.

To the south is the junction of Cambridge Avenue with Kilburn Park Road. On the opposite side of this is the two-storey Argo Business Centre. Planning permission has been granted earlier this year for the demolition of this and the construction of a mixed use commercial and residential scheme. To the west of the site is Cambridge Avenue on the opposite side of this is the high rise Austen House, the Mariam community centre and the 1980s Pavillion Court residential development. These sites all fall within the regeneration area.

PROPOSAL

See description above.

HISTORY

No relevant planning history

POLICY CONSIDERATIONS

National Planning Policy Framework

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

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

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

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

This applies to relevant developments from 01/04/2012

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

- London Borough of Brent Core Strategy 2010
- London Borough of Brent Unitary Development Plan 2004 (UDP)
- Supplementary Planning Document (SPD) for South Kilburn (Adopted April 2005).
- Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"
- Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"

- The Masterplan for the Regeneration of South Kilburn (2004)
- Supplementary Planning Document: Planning Obligations

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

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

BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area.

BE3 Proposals should have regard to the existing urban grain, development patterns and density in the layout of the development sites, and should be designed to ensure that spaces are satisfactorily enclosed by the built form; its layout is defined by pedestrian circulation; emphasis is placed upon prominent corner sites, entrance points etc; it respects the form of the street of which it is part by building to established frontages unless there is a clear urban design justification; connections are established where appropriate to open space.

BE4 Access for disabled people.

BE5 Development shall be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.

BE6 High standards of landscape design is required as an integral element of development schemes.

BE7 A high quality of design and materials will be required for the street environment.

BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

BE13 Particular regard will be had to the design and attractiveness of all development proposals in Areas of Low Townscape or Public Realm Quality (such as the majority of South Kilburn).

H7 In the Major Estate Regeneration Areas, refurbishment and/or redevelopment is sought and supported, and should; demonstrate the full involvement of local residents; be according to the masterplan; involve the minimum loss of existing affordable housing; include a mix of house types and tenures; ensure through an overall landscape design framework; be exemplars in terms of their approach towards design, energy/renewables and water use, re-use of materials and measures to reduce the use of the car.

H9 Requires a mix of family and non-family units on sites capable of accommodating 10 units or more, having regard to local circumstances and site characteristics.

H12 Seeks to ensure that all residential development has a high quality layout, has an appropriate level of car parking and features housing facing onto streets.

H13 The density of development is design led, where higher density developments are more appropriate in areas where there is very good public transport accessibility. Surrounding densities should be at least matched unless this would harm residential amenity.

TRN3 Environmental Impact of Traffic

TRN10 Walkable Environments

TRN23 Parking Standards – Residential Developments

TRN35 Transport Access for Disabled People and others with Mobility Difficulties

PS14 Car Parking Standards – Residential Development □ PS15 Parking for Disabled People

PS16 Bicycle Parking

Core Strategy

CP 19 Brent Strategic Climate Change Mitigation and Adaptation Measures

CP 21 A balanced Housing Stock

SUSTAINABILITY ASSESSMENT

CODE FOR SUSTAINABLE HOMES & ENERGY ASSESSMENT

The application is accompanied by a completed Brent Sustainability Checklist, Code for Sustainable Homes report, environmental and sustainability report and a site waste management plan prepared by consultants PRP Environmental.

The reports conclude that the following is achievable:

- Achieves the Code for Sustainable Homes Level 3 and will meet Level 4 if it is connected to the area wide decentralised energy network. Therefore it will meet the Code for Sustainable Homes Level 4 requirement in the Core Strategy Policy CP19 for growth areas.
- All proposed blocks apart from the East block which falls short by less than 2% will meet the CO₂ emissions target for Part L Building Regulations of a 25% reduction in CO₂ emissions. To further reduce the CO₂ for the East block, photovoltaics panel array on the roof will be included to provide 0.3% reduction in total CO₂ emissions for the development. This ensures each block can comply with Part L Building Regulations 2010 before the CHP system is commissioned.
- Includes the use of CHP and connection to the South Kilburn District-wide CHP system. This would provide approximately 46% CO₂ emission reduction on regulated load. However this might not be delivered before the completion of the development. To ensure that appropriate measures are implemented a clause has been inserted within the section 106 for a contribution towards connecting up to the district wide system or for suitable remediation measures should this not be achieved.
- Achieves sustainability checklist list scoring of 50.5%.

ENVIRONMENTAL IMPACT ASSESSMENT

The screening opinion was provided having taken account of the Government's guidance on the types of case in which an EIA is likely to be required. This is contained within Annex A of Circular 2/99, Environmental Impact Assessments.

It is clear from this that only where potential impacts are judged to be significant, especially very large schemes in particular circumstances, require an EIA. Section A18 states that:

“EIA is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use or the types of impact are of a markedly different nature...”

The guidance provided by section A19 is even more pertinent which states that:

Development proposed for sites which have not previously been intensively developed are more likely to require EIA if:

*the site area of the scheme is more than 5 hectares; or
it would provide a total of more than 10,000 m2 of new commercial floorspace; or
the development would have significant urbanising effects in a previously non, urbanised area
(e.g. a new development of more than 1,000 dwellings*

As the proposal is for the redevelopment of an existing housing site which will result in a net decrease of dwellings, then this proposal, even when taken cumulatively with permissions already granted in South Kilburn, is unlikely to give rise to the level of impact where it is considered that an EIA is necessary.

DRAINAGE & FLOODING

The entirety of the subject site is located within a Flood Risk Zone 1 area where there is a low probability of flooding due to its proximity to any waterway. As the site area of 1.22ha hectares triggers the requirement for a Flood Risk Assessment (FRA) an assessment has been submitted as part of the application documents. This concludes that the proposed development does not increase flood risk on site or off-site. The proposals are therefore robust in terms of flood risk and comply with PPS 25 and the SPD

CONSULTATION

A comprehensive external consultation procedure has been undertaken for this application. This has included notifying over 900 local properties and businesses by letter, installing 4 site notices around the site and serving notice in the local press.

As a result of this consultation 4 comments have been received from members of the public.

The objections raised are summarised as follows:

- The proposed buildings fronting onto Kilburn Park Road are not in keeping with the character of the surrounding area and will create a poor visual outlook for residents on the opposite side of the road.
- The proposed buildings are of a height that will have a detrimental impact on the daylight and sunlight through to the properties on the opposite side of the road.
- There will be overlooking of neighbouring properties on Kilburn Park Road.
- The proposed development will have a detrimental impact on traffic conditions on roads in the local area during construction and once the development is occupied.

The Council also notified the following consultees of the planning application. Their comments are summarised under each heading:

GLA

The GLA have submitted a Stage 1 report on the proposed development they state that the application is broadly acceptable in strategic planning terms but that, on balance, the application does not comply with the London Plan. However changes to matters relating to affordable housing provision, provision of children's play space, energy and climate change mitigations and transport would overcome these concerns.

City of Westminster Council

Object to the proposal on the following grounds:

1. A construction management plan should be required to indicate what mitigation measures will be undertaken to reduce the exposure of current residents in adjacent residential areas to noise and air pollution in accordance with our policies ENV5, ENV6 of our Unitary Development Plan that we adopted January 2007 and CS28, CS30 and CS31 of our Core Strategy adopted in 2011
2. The City Council considers that the proposed development, when considered in combination with other redevelopment sites identified within the South Kilburn Supplementary Planning Document, represents development requiring an Environmental Impact Assessment (EIA) under the Environmental Impact Assessment under Town and Country Planning (Environmental Impact Assessment (England and Wales) Regulations 2011. Brent Council are urged to seriously re-consider the conclusion of their screening opinion that an EIA is not required before proceeding to determine this planning application.

Transportation

Subject to a Section 106 Agreement to secure:-

- (a) A 'car-free' agreement removing the right of future residents of the development (excepting the southern block (25 units) and the social rented units at the southern end of the eastern block, accessed through entrance E5 (15 units)) to on-street parking permits in the vicinity of the site;
- (b) Implementation of the submitted Framework Travel Plan, amended to include details of car park management and support for local Car Clubs;
- (c) An agreement under S38/S278 of the Highways Act 1980 to incorporate:- (i) realignment of the northern kerbline of Cambridge Road at its junction of Kilburn Park Road to meet the major road at a 90° angle with a reduced 6m kerb radius, including *either* removal of the existing pedestrian refuge in the junction *or* provision of a speed table entry treatment (dependent upon whether similar works have already been undertaken on the southern side of the junction); (ii) widening of the southern length of Cambridge Road to a minimum width of 7.3 metres; (iii) widening and repaving of public footways adjoining the site; (iv) construction of a new crossover to the basement car park (which may be provided with reduced 2m kerb radii) and reinstatement of all redundant crossovers onto Cambridge Road to footway including associated amendments to the adjoining parking bays, all in general accordance with planning application drawing 0865/P0101; and
- (d) A financial contribution towards non-car access/highway safety improvements and/or parking controls in the vicinity of the site;

together with a condition requiring submission and approval of further details of the proposed bicycle storage systems for the site, there would be no objections on transportation grounds to this proposal.

Landscape Design

No objection in principle to the proposed development but require further details of landscaping proposals by condition.

Urban Design and Regeneration

The scheme now incorporates a lot of the improvement that planning officers have requested. Further consideration could be given to emphasise the proposed entrances to the buildings.

Environmental Health

No objection to the proposed development but recommend that conditions are attached to the proposed development to ensure that there is no unacceptable environmental impact on neighbouring residential and prospective residents. The conditions relate to construction method statements, contaminated lands with remediations, best practice during construction and ventilation for the basement car park.

Policy and Research

No objections.

REMARKS

APPLICATION BACKGROUND

This proposal forms part the ongoing attempts on behalf of the Council to regenerate the South Kilburn Estate. The New Deals for Communities (NDC) programme is no longer in existence and an alternative approach to regeneration is being progressed by the Council. An update is provided below, by way of background.

SOUTH KILBURN CURRENT PLANNING CONTEXT

The original South Kilburn Masterplan SPD was adopted in 2005, based on a strategy of comprehensive redevelopment of 1400 dwellings, subsidised by the delivery of 1500 private dwellings. The Council appointed a consortium of housing organisations, which included Hyde Housing, Bellway and Taylor Wimpey, to redevelop South Kilburn. The business case was predicated on the consortium running the whole redevelopment from start to finish. In 2007 the Council submitted a bid to Central Government for £100m to fund the project, but was awarded only £50m. This lack of funding, coupled with the impact of the housing recession meant the Consortium was no longer able to deliver the regenerative development programme. As a result, the Council itself has been leading the regeneration programme bringing individual sites forward with a number of different partners with a wide range of different funding opportunities, but the key objective is delivery of the overall regeneration programme.

In 2012 the South Kilburn redevelopment is going well; the first phase of over 350 homes has or will be completed this year, 208 further homes have been approved and will start on site this summer. A planning application for a mixed use scheme with 137 units has been submitted on the Queens Park Station site, another mixed use scheme with 93 residential flats was approved subject to the signing of a legal agreement on the neighbouring Argo Business Centre site to the south (this is an entirely private site) and the council is considering how it can bring forward the redevelopment of the Stuart Road block immediately to the south of the Argo site. This would mean an almost complete transformation of the outward face of the South Kilburn estate along Kilburn Park road and send a strong signal of the council's firm intent to provide high quality homes set in a first class public realm.

MASTERPLAN & PRINCIPLE OF REDEVELOPMENT

The proposed redevelopment of the Bronte and Fielding House site is within Phase 2 of the South Kilburn Masterplan. The site proposals include the provision of 229 residential units with a split of 45% social rent and 55% market housing. The accommodation is arranged within 4 separate mansion block 2 and long six storey blocks fronting onto Kilburn Park Road and Cambridge Road and two 7 storey blocks on the north and south parts of the site. The masterplan anticipated the buildings being between 4-5 storeys along Kilburn Park Road and between 6-7 storeys on the corners. The height of the Kilburn Park Road and Cambridge Road frontages may appear as a departure from the masterplan however the design of the proposed buildings is such that there are set backs from the pavement edge of between 5-12m which limits their relationship to the immediate public realm and any detrimental impact on the amenity of neighbouring residential units while also helping to fit with the general character of the area. The anticipated density within the masterplan was between 750-900hrh. The proposal has a density of 571 hrh fitting with the design approach of optimization rather than maximisation of development provides further justification for the scale of the development proposed.

HOUSING ISSUES

EXISTING & PROPOSED HOUSING

The existing residential Bronte & Fielding House blocks contain only one bed and two bed dwellings, the vast majority of which are affordable dwellings. In total there are 271 residential units on the site. 256 units are affordable units, of which 131 are one bed units and 125 are two bed units. The remaining 16 units are privately owned, of which 7 are one bed units and 9 are 2 bed units.

The proposed development will result in the provision of 229 new dwellings. Thus the proposal will result in the net loss of 42 units. However, this net loss of housing units results from the provision of 3-bed and 4-bed dwellings, so that while there is a decrease in the number of dwellings there is still a net increase in the number of habitable rooms as a result of the proposed development. Policy 3.14 of the London Plan states that loss of housing should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floor space. The existing buildings provide an estimated 16323sqm of residential floorspace while the proposed development will provide 17243sqm of residential floorspace.

The proposed unit mix for the affordable and the private units is set out in the table below.

	Unit Size				
Tenure	1-bed	2-bed	3-bed	4-bed	Total
Affordable	49	38	12	4	103
Private	47	52	25	2	126

Of the 229 proposed units, 103 units (45%) are to be affordable and will be offered to existing South Kilburn tenants under the new homes target rent regime. These provide a mix of housing types including 49 x 1-bed, 52 x 2-bed, 12 x 3-bed and 4 x 4-bed homes. The remaining 126 units (55%) will be available for market sale.

There will therefore be a net loss of 155 affordable units, although there will be a provision of a wider mix of units sizes within the affordable provision. The proposals should however be considered within the wider

context of the South Kilburn Regeneration programme which will involve the demolition of very poor quality 1960s council blocks to deliver a mixed and sustainable neighbourhood. The loss of affordable housing units is justified on the basis that the proposal is part of the South Kilburn Regeneration programme that proposes to approximately double the number of homes within the Growth Area. The South Kilburn Supplementary Planning Document sets out the regeneration proposals for South Kilburn and plans for the re-provision of the existing 1,200 affordable homes in the area through the delivery of an additional 1,200 private homes.

This development should also be seen in the context of other sites within the masterplan area where there has been a significant increase in the number of units proposed. The nature of the regeneration programme is such that there will be times when there is an increase in dwelling and occasions when this will not be the case. This site is within phase 2 of the regeneration programme. Phase 1, of which all sites are currently under construction or have completed, provided the following net change of dwellings, with Bronte and Fielding development added to these totals in brackets underneath:

	Previous	New	Net change
Total homes	150 (421)	494 (723)	+ 344 (+302)
Affordable Housing	108 (363)	310 (413)	+ 202 (+50)
Private Housing	42 (58)	184 (310)	+ 142 (+252)

When viewed within the context of phase 1 development the proposal still results in a net increase of 302 homes and a net increase of 50 affordable units. Of these 57.1% are affordable and 42.9% are private units.

LOCAL HOUSING NEEDS

The proposed housing mix of this application has been determined to ensure that the pipeline supply of new homes meets the needs of the existing tenants within the programme. This housing need is determined by assessments carried out by housing allocations officers who seek to understand the needs of tenants well in advance of the process of moving house so that the design process can be informed. Whilst the unit size mix proposed for Bronte & Fielding House fall short of the overall targets for family sized homes set out in the London Housing Strategy, consideration should be given to the local needs of the South Kilburn regeneration programme as follows:

- The existing baseline of 1 and 2 bedroom households within South Kilburn
- That the overwhelming majority of South Kilburn tenants wish to stay within South Kilburn and the council has committed to accommodating residents wishes
- The programme must ensure that it continues to provide an appropriate ‘profile’ of housing mix to ensure the programme can continue

It should also be noted that currently no larger family sized homes are provided on the existing site, whilst the proposed new development provides 28% three and four bedroom homes on habitable room basis, including 24% three and four bedroom homes within the affordable element of the scheme,

New affordable homes within South Kilburn area offered to tenants under the new homes Target Rent regime. This is in line with the position of paragraph 4.20 of The Homes and Communities Agency Affordable Homes Programme 2011 – 2015 which identifies that “social rent provision will only be supported in limited circumstances. For example, social rent could be considered in regeneration schemes where decanting existing social tenants into new homes is necessary.” Paragraph 7.11 states that “Providers will be expected to deliver a range of rents across their development proposals from homes let at target rents up to a maximum of 80% of the market rent. In order to maximise the number of new homes, it is expected that most will be let at, or close to, the 80% limit. However, there will be circumstances where rents may need to be set at lower levels. This may include areas where market rents are exceptionally high, in the provision of supported housing or in regeneration schemes where there is a clear pre-existing commitment to the re-provision of homes at target rent levels.”

The South Kilburn Regeneration Programme sets a commitment to provide new homes to tenants at rents that they can afford. Development Agreements with developer partners are engrossed on the basis of the South Kilburn tenancy and rent assumptions based upon the new homes target rent regime and this was agreed by the Council's Executive in February 2012 due to the particular circumstances for South Kilburn, those being that the programme is decanting tenants on a social rent regime to new homes; there has been a commitment to residents; local market rents are very high. One should also note that no GLA grant funding is currently assumed to subsidise the development of Bronte & Fielding House.

ECONOMIC VIABILITY

A Three Dragons toolkit has been prepared and this is considered to demonstrate that the proposed level of affordable housing is the maximum reasonable level of affordable housing that can be viably delivered by the scheme within the context of the wider regeneration programme, with any surplus generated by this scheme to be re-invested into the programme to ensure the delivery of the next phases. It is considered that this is in general accordance with London Plan policy 3.12 which states that the maximum reasonable amount of affordable housing should be sought on individual residential schemes, having regard to current and future requirements for affordable housing at local and regional levels, affordable housing targets, the need to encourage rather than restrain residential development, the need to promote mixed and balanced communities, the size and type of affordable housing in the location and the specific circumstances of individual sites.

URBAN DESIGN

LAYOUT & ACCESS

All buildings on the site will be demolished. The proposed development will be laid out to re-inforce the traditional street pattern that existed prior to the 1960s redevelopment with buildings arranged to address the relevant streets in a perimeter block design which also improves permeability and linkages with the wider South Kilburn Area.

The proposed development will consist of four separate buildings. The east block will front onto Kilburn Park Road this is set back 12m from the pavement edge and has a length of 114 m. This block is opposite the Victorian terraced residential properties on Kilburn Park Road which are within the Borough of Westminster. The front elevation of the proposed building will be 31m from the existing front elevation of the properties opposite. This block contains 75 units, split between affordable and market housing, and has 5 cores with pedestrian entrances from Kilburn Park Road.

The south block addresses the bend in Cambridge Road opposite the Argo Business Centre this has an irregular hexagonal shape and is more of tower shape than the other blocks which are standard perimeter blocks to an internal area of communal space. This block provides 24 units which are all accessed from a single central core with an entrance on the eastern elevation from Cambridge Road.

The west block fronts onto Cambridge Road opposite Austen House (a 18 storey tower block) and the more recent 1980s residential development. It is set back 5m from the pavement edge and has a frontage length of 95m. The proposed block contains 83 units with a mix of affordable and market housing. It is accessed from four residential cores from Cambridge Road. To the north of east and the west blocks there is a public pedestrian pathway linking Cambridge Road with Kilburn Park Road.

The north block is on the opposite side of the access way from these blocks and contains 46 market residential units accessed from to cores. The main elevations front to the north and south with a length of 47m. However the pedestrian entrances to the block are from the flank elevations fronting onto the public open space to the south and Cambridge Road to the north. To the north of the block there is an area of communal amenity space which acts as a buffer between the block and the neighbouring car park for the site 3c development currently under construction.

To the north of the east block and to the east of the north block there is an area of public open space within the development site adjacent to the junction of the access road to site 3c and Kilburn Park Road. The main area of amenity space is provided in the form of communal amenity space between the east and west blocks. This has a depth of 33m between the rear elevations of the two main blocks. This distance is similar to that found on other buildings in the area. There is also an area of amenity space separating the north block from the adjacent car park. A proposed basement level car park is also situated under the proposed central amenity space, this is to be accessed from Cambridge Road. To ensure that there is adequate headroom for

vehicles using the car park the roof of the access partly protrudes into the rear amenity space.

SCALE, MASSING & ELEVATIONAL TREATMENT

The east and west blocks are both 6 storeys in height with the south and north blocks being 7 storeys in height. The east and west blocks which are the most prominent blocks within the proposed development, are of considerable length and therefore it has been important design consideration as to how to break down the massing of these blocks.

A *mansion block* approach, which draws on the design characteristics of the mansion blocks of neighbouring Warwick Avenue and Maida Vale, has been taken towards the design of the proposed buildings. On the Kilburn Park Road frontage the enforced set back as a result of the mains sewer running under this part of the site, has ensured there is an appropriate setting for the scale of development when viewed from the main thoroughfare of this part of South Kilburn. The features that they have sought to replicate of the mansion block typology include the use of prominent communal front entrances accentuated by roof detailing, projecting bays and balconies and smaller upper floor detailing in proportion to the larger lower floor openings to reduce the impact of the upper floors. The next section will consider the scale and massing of each block and the means by which it is proposed to break this down.

East Block

The east block has a main four storey frontage with an additional two floors above this as a mansard roof type feature with five pairs of projecting roof bay features. These are positioned symmetrically at the roof level either side above the main two-storey front entrance. Projecting two storey bays linking second and third, first and second and ground and first floors are used in an irregular pattern along this frontage. It is considered that these features serve to break down the overall scale and massing of the building when viewed from Kilburn Park Road.

Given the prominence of Kilburn Park Road as a prominent route the treatment of the corners/wings of the proposed buildings is also important when considering the massing and appearance. On the south flank of the building is a projecting wing with a two-storey inset balcony at the roof level and inset horizontal balconies on each of the floors below. Irregularly positioned window are used to add further interest to this elevation which fronts the junction of Cambridge Road with Kilburn Park Road.

The west and north elevations of this building are given a more conventional treatment. The north flank wall is broken down through the use of fenestration with a vertical emphasis again set out in an irregular pattern. The roof level of the proposed building is arranged with recessed two-storey sections and full height six storey elements used to emphasis the rear entrance to the cores. A range of materials are proposed to break up the appearance of the rear elevation. A brick finish is proposed for the four-storey sections around the rear entrances. A metal rainscreen cladding is proposed for the two storeys directly above the brick for the part of the building where the upper floors are flush with the lower floors. The rains screen cladding is also proposed on the four storeys below the recessed upper floors. The recessed upper floor is then to be clad in a glazed coloured brick. Variation in the size and materials of balconies is also used break down the massing at the rear.

West Block

The western block is designed by Lifchutz Davidson and Sandilands architects. A different approach has been adopted in relation to the treatment of the different elevations of this building. The main frontage onto Cambridge Road is defined by the *mansard roof* used for the upper four storeys and four projecting six storey bays arranged around each core with an additional projecting two storey bay on the upper two floors to further accentuate each entrance. Also in contrast to the east block a strong rhythm runs along this frontage creating 4 distinct symmetrical blocks around each core entrance defined by the prominent entrances and arrangement of lantern windows which also have a vertical emphasis. The material pallet for this building also serves to break down the massing of this six storey block. The inclined roof will have a clay tile cladding while the groundfloor will have a stock brick. The projecting lantern windows will have a acoustically enhanced anodized aluminium framed top hinged dormer window with fixed zinc pane reveal component. To the rear a more conventional approach is used with a similar strong symmetrical rhythm created by prominent six storey bays for each rear entrance and balconies arranges around this. The rear elevation will have a stock brick finish with the rear projecting balconies have galvanized steel railings painted black. The north flank is a six storey brick wall punctuated with an irregular pattern of vertically emphasized windows. The southern flank has a projecting four storey element and is also finished in brick with an asymmetrical arrangements of

windows on the four storey element but none on the upper fourth and fifth floors.

North and South Blocks

The north and south blocks are smaller in footprint than the east and west blocks but are both 7 storeys in height. The south block is hexagonal in shape with some inverted walls. This layout and the use of inset balconies for each flat ensure that the building has a slender design and appearance in contrast to the larger east and west perimeter blocks. The north block adopts a standard apartment block design with the main elevations fronting north and south. The main entrances are in the flank elevations fronting onto the public square to the east and Cambridge Road to the West. The east flank is set back 22m from Kilburn Park Road and views from this road will be limited as a result of the proposed east block and the development currently under construction at site C3. The elevations on this building are treated similarly to the other block using the projections and recesses in the building line along variations in window design and balconies to create visual interest in the longer north and south elevations. The entrances on the flank walls are also emphasized by the use of double storey projecting windows on the top two floors.

MATERIALS

The success of the individual buildings in design terms will be significantly influenced by the quality of the proposed materials. A detailed approach has been taken by the Council towards the materials for the proposed development within the South Kilburn Regeneration Area. The predominant material for the proposed development is traditional stock brick although glazing with aluminium and zinc frames, rain screen cladding, glazed bricks and ceramic tiles are used frequently to break up the massing and to define parts of the building. Full details of the specified materials will be sought by condition.

SECURED BY DESIGN

The proposed development is considered to provide improvements to security and safety with the South Kilburn Area. Opportunities have been taken to introduce active frontages with entrances at the groundfloor level. The proposed layout in block forms addressing the main streets and pedestrian routes along with the high concentration of windows and balconies next to these results in a significant increase in informal surveillance of both public and private areas and particularly along the main Kilburn Park Road frontage which currently has very poor levels of informal surveillance.

OPEN SPACE

AMENITY SPACE & CHILDREN'S PLAY AREA

Detailed landscape drawings showing the design of the private, communal and public amenity areas have been provided. The main amenity provision for residents is in the form of a large communal garden, with childrens play space, between the west, east and south blocks and the pedestrian pathway from Cambridge Road to Kilburn Park Road to the north. Around this space there will be private gardens for the groundfloor residential units to ensure that each unit has access to private amenity space and also that there is an appropriate buffer to ensure the privacy of each resident.

The amenity space is laid out so that it is in the main divided between the private and the affordable units with a shared childrens play space in between the separate gardens. While the separation of amenity space between private and affordable housing is not always desirable it is often considered to be the most effective means of controlling and maintaining such space within a mixed development due to the maintenance charges and the separate management contracts of housing associations.

The proposed development will meet SPG17 requirements for 20sqm of amenity space per flat and 50sqm of amenity space for family units. This is provided in the form of private gardens, roof terraces and balconies and the provision of the communal amenity space in between the blocks and to the north of the north block.

A green roofs are proposed for each of the residential blocks which should also contribute to the ecological diversity of the proposed development.

The proposed development results in a significant improvement in the quality of public realm and amenity space in comparison to the existing proposals. Further details will be sought by condition to ensure that the proposals are of an acceptable quality.

TREES

Over 40 new trees are proposed in both the private and public realm of the proposed development. The Council's Landscape Design Team are satisfied that the locations of the proposed trees are acceptable however further details of the species proposed and a detailed planting schedule will be required by condition. Within the existing site there are 15 trees. 14 of these will be removed prior to developments as there are positioned within the development site. The proposed development will increase the provision of trees with the Regeneration Area which will improve the character and appearance of the development within the surrounding area. A clause has been included in the section 106 Heads of Terms which requires a 4:1 trees replacement strategy to offset the loss of any trees on site.

RESIDENTIAL AMENITY

DAYLIGHT/SUNLIGHT & OUTLOOK

A daylight and sunlight study was undertaken by PRP Environmental on behalf of the applicant to assess the potential impact of the proposed development on daylight and sunlight access to that currently experienced by surrounding adjacent properties and the levels within the proposed development.

Neighbouring Properties

Daylight

To assess the impact on daylight through to neighbouring properties three types of analysis were undertaken. The first method of analysis was the 25 degree line. Only on one property, the Western Block at Site 3C, complied with this. As such all properties that were non-compliant were then assessed in relation to the Vertical Sky Component (VSC). Most of the windows assessed had VSC values of more than 27% or the reduction in daylight compared to existing conditions were within allowable tolerances.

Where the windows did not comply with this they were assessed against the Average Daylight Factor (ADF). The only windows that required this analysis were the lower windows on the development on Kilburn Park Road. For the windows with the worst VSC an ADF of 2.26% was achieved. This exceeded the minimum ADF of 2% required under BRE guidelines. Therefore all neighbouring properties were considered to comply with BRE standards and will have acceptable levels of daylight.

All windows of neighbouring properties comply with BRE criteria while it should also be noted that with the demolition of the existing buildings there will be a beneficial impact on a number of buildings particularly in relation to VSC.

Nevertheless to ensure that the proposed development can be considered to be a full BRE study a full no sky line assessment is also required. As full compliance has been required of other sites within the regeneration area most notably on the redevelopment of the neighbouring ARGO development it has been requested in this instance. This study has been undertaken but full details are yet to be received. However the findings of the study have concluded that all rooms will comply with No Sky Line Parameters.

Sunlight

All of the properties were analysed in terms of Annual and Winter Probable Sunlight Hours (APSH & WPSH). The results show that all surrounding properties experience adequate sunlight access during the summer winter periods in accordance with the BRE criteria. As such the proposal will have an acceptable impact on levels of sunlight to the neighbouring properties.

Within the Development

Daylight

Within the development 483 windows had a VSC below 27%. Of these 9 do not meet ADF values (1.3%). This is considered to be a minor figure and is an acceptable percentage for a development.

Sunlight

91.7 % of windows comply with AP SH criteria. 8.3% fail to comply as a result of the geometry, orientation and massing of proposed buildings. This percentage, according to the lighting engineers is considered to be acceptable within a dense urban location. In terms of WPSH 93.3% of windows comply. Of the 6.7% that do not comply the main reason for this is due to their situation under balconies on the upper levels. Again this percentage of non-compliance is considered to be unfortunate but not unacceptable given the dense urban location while the proposed balconies provide further benefits in the form of additional amenity space for prospective residents and help prevent the risk of summer overheating.

The proposed development is considered therefore to have an acceptable impact in terms of the daylight and sunlight on neighbouring properties and also internally in terms of the proposed residential properties.

PRIVACY

There are no direct facing habitable room windows within 20m of each other to rear of the proposed blocks while there is also adequate separation distances between the frontages of each proposed block and the neighbouring developments. As such there will be no detrimental impact on the amenity of neighbouring residents in terms of privacy.

The nearest facing balconies are those on the rear elevation of the proposed east block and those on the east elevation of the south block with a separation distance of 16m. These are not directly facing balconies and within an urban environment such as the South Kilburn Regeneration Area it is considered that they are within what would be acceptable within such a location and thus in compliance with SPG 17 requirements. Notwithstanding this the benefit of each unit having its own private amenity space significantly outweighs the negligible impact of the distance between the balconies.

All the groundfloor residential units have their own private rear or front gardens. There is a suitable buffer zone of over 2m on all frontages and 5m on the rear to ensure that the privacy of the ground floor units is of an acceptable level. Full details of the boundary treatments will be sought by condition to ensure that each unit is effectively screened.

NOISE AND AIR QUALITY

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

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

TRANSPORTATION

HIGHWAY WORKS

The proposed development includes the provision of a basement car park the access for which is off Cambridge Road under the west block. The access to this is sufficiently set away from the junction with Stafford Road and has adequate sightlines. The basement layout is fine in terms of layout, with dimensions of spaces and aisle widths meeting standards and columns shown set back to ease manoeuvring into spaces. The access ramp is shown to an acceptable width and gradient (subject to the provision of 300mm margins on either side to protect the building structure).

The proposed widening of Cambridge Road is welcomed in principle and the proposed carriageway width of 7.3m will allow greater scope to accommodate parking along both sides of the street as mentioned above (although care will be needed to ensure that any new parking bays close to the bends in the road do not obstruct delivery vehicle access). The plans show a minimum footway width of 2m being retained (as required) to the rear of this widened stretch, but please bear in mind that this may require the dedication of

part of the site as highway through a S38 Agreement or a land transfer from Brent Housing Partnership.

Similarly, a future footway width of 4.5-4.8m is shown along the Kilburn Park Road frontage of the site, with a 2.8m verge behind. This contrasts with the existing footway, which varies in width from 3m to 6m. Clarification is therefore sought on where the future highway boundary will sit – if it is to lie along the rear of the new footway then an area of highway will need to be stopped up, whereas if it is to include the grass verge, then part of this area will need to be dedicated as highway under a Section 38 Agreement or land transfer.

With regard to the junction of Cambridge Road and Kilburn Park Road, the proposed reduction in its width is welcomed in terms of enhancing pedestrian safety and allowing the provision of additional landscaping. Similar treatment is also proposed on the southern side of the junction in connection with the redevelopment of Argo Business Centre (ref: 11/2403). It is therefore essential that the two application proposals are compatible with one another and it is confirmed that this is the case.

In terms of the undertaking of the works, it is considered preferable for construction to be carried by the developer(s) under Brent Council's supervision through a S278 Highway Agreement. In order that the works are fairly apportioned between each development (i.e. such that the first developer does not end up footing the bill for the entire works, to the benefit of the other development), it is suggested that each development is responsible for the altering of the kerbline adjoining their own development site. In this way, the junction will be narrowed in two stages, so will have a lop-sided arrangement for a temporary period. The first developer will need to arrange for the removal of the traffic island in the centre of the junction, whilst the second developer will need to install a new speed table as an entry treatment (not shown on the application drawings). In this way, the costs will be fairly evenly divided. The associated S106 Agreement will need to be carefully worded to this effect.

Once the works are undertaken, there would be no objections in principle to the redundant area of highway to the rear being stopped-up and incorporated into the landscaping of the site, subject to the necessary diversion of any affected statutory undertakers' equipment within this area of highway. However, it is essential that the proper stopping-up procedure is followed through S247 of the Town and Country Planning Act 1990 and that full consultation is carried out with all statutory undertakers' companies in the area. To speed the process up, it is recommended that this consultation exercise commences as soon as possible.

Ordinarily, it would be expected that this development also undertakes traffic calming/ streetscape improvement works along Cambridge Road, in line with Masterplan proposals. However, the Masterplan aspirations for the street network in this area remain a little unclear at present and will only become clear as proposals for site 2 come forward. It may therefore be preferable to simply secure a sum of money for future works at this stage and the usual calculation would suggest a figure of £250,000, although an allowance can be made for the highway works that are proposed around the site as part of the development.

The provision of a new east-west pedestrian/cycle route across the site is welcomed in terms of maintaining good permeability, but it is not anticipated at this stage that this route would be adopted as public highway – clarification on this matter is also sought.

CAR PARKING

Car parking allowances for residential use are set out in standard PS14 of the adopted UDP 2004. As the site has very good access to public transport services and is located within a Controlled Parking Zone, a reduced allowance of 0.7 spaces per 1-/2-bed flat and 1.2 spaces per 3-/4-bed property applies to this development. As such, up to 181 car parking spaces would be allowed for this proposal and the proposed overall provision of 120 basement spaces would comply with standards.

Of these 120 spaces, 90 are proposed to be allocated to the 126 private housing units, with the remaining 30 allocated to the 103 social rented housing units. This ratio of spaces between private and affordable units is considered appropriate, although further details of how the spaces will be allocated to individual properties and managed would be required as a condition of any approval (n.b. annual leasing of spaces would offer the greatest flexibility, so would be preferred).

Policy TRN23 nevertheless requires consideration to be given to the impact of any overspill parking on the free and safe flow of traffic in the area and in order to keep the amount of overspill parking to an acceptable level, it is recommended that a 'car-free' agreement be applied to the development, thereby ensuring that not all of the future residents of the development may apply for permits. This will help to prevent the parking spaces alongside the site being swamped and overspilling onto surrounding streets, which would jeopardise

parking provision for future phases of the South Kilburn development.

However, it is recognised from the submitted parking beat surveys that Cambridge Road and Kilburn Park Road do offer some limited spare parking capacity (currently up to 16 spaces, but with the proposed widening of Cambridge Road to 7.3m potentially allowing up to 20-24 spaces in the future), so there is scope to allow some of the units in this development to apply for permits (although not all of the 103 social rented units, as suggested by the applicant). Exemption for up to about 45 units would best match parking supply and demand, given current average car ownership in the area of about 0.5 cars/ household. To ensure this process can be easily administered by the Council's parking contractors though, it is essential that any exemption to the 'car-free' agreement is limited to easily identifiable blocks. In this respect, the southern block of 25 affordable flats, plus the 15 affordable units at the southern end of the eastern block (accessed via entrance core E5) would most closely match the above criteria in terms of size and location and it is therefore recommended that these blocks be exempted from the proposed 'car-free' agreement.

Standard PS15 requires at least 10% of the proposed parking spaces for the affordable units and 5% of the spaces for the private units to be widened and marked for disabled parking. Eleven such spaces have been indicated within the basement, which is sufficient to satisfy this requirement. The headroom within the basement is also sufficient to accommodate 'high-top conversion' vehicles, ensuring spaces are accessible to all disabled drivers.

The accompanying Transport Assessment states that at least 20% of spaces will be provided with electric vehicle charging points, with a further 20% having the ability to be provided with such facilities in the future. This will satisfy the requirements of the London Plan.

SERVICING

With regard to servicing, refuse stores are located to the front of all of the units, allowing easy access from the adjoining highways (only the southern block would significantly exceed the maximum wheeling distance of 10m for Eurobins). Similarly, the entrance cores to all units are easily accessible from the adjoining roads for fire access.

TRAVEL PLAN

A framework Travel Plan has been prepared by Motion Transport Planning and submitted with the application. This sets out a range of measures aimed at minimising car use to the site, with the success of these measures being monitored over a five year period under the remit of a Travel Plan Co-ordinator. The initial targets will be to reduce car/van driver trips from 26% (as gleaned from 2001 Census data) to 24% over three years and 21% over five years. These targets will be reviewed once initial baseline survey data has been gathered though (following occupancy of 75% of the units).

The Travel Plan has been assessed using TfL's ATTrBuTE programme and has scored a PASS rating. That said, a number of minor shortcomings could usefully be addressed to improve the Travel Plan, including the absence of details of how on-site car parking will be managed (even though a permit system is currently used) and how this (along with the car-free agreement) will be communicated to future residents, the absence of mention of how local Car Clubs might be promoted and the absence of details of the funding that will be provided to support the Travel Plan (such as subsidies for Car Club membership).

Nevertheless, it would be acceptable to append this Travel Plan in its current form to the proposed S106 Agreement and require its implementation, with the above points added in as the Travel Plan is developed.

CYCLE STORAGE

Standard PS16 requires the provision of at least one secure bicycle parking space per unit. A total of 272 such spaces are proposed within a double-deck system adjacent to building entrances, all of which will be secure and covered. As such, standards are more than satisfied, although further details of the precise bicycle parking system to be used would be welcomed.

Views of the London Mayor

The Council has now received the Mayor of London's Stage 1 response to the application. He is largely supportive of the application, save for four changes that he states are needed in order to lead to the

application being compliant with the London Plan. The four changes relate to affordable housing provision, children's play space, energy – climate change mitigation and transport.

The Mayor of London requires additional information on affordable housing to demonstrate that the proposed development provides the maximum reasonable amount of affordable housing and a tenure mix that are in compliance with London Plan Policies 3.4, 3.12 and 3.14. A Three Dragons Toolkit has been prepared and will be submitted to the Mayor to demonstrate that the proposed level of affordable housing provision is the maximum reasonable amount of affordable housing that can be viably delivered by the scheme within the context of the wider regeneration programme.

The Mayor of London also requires the applicant to provide additional information to show that the play space allocated will meet the child yield requirements. A different means of calculating child yield from that used by the GLA was used by the applicants. They have now sought to demonstrate how the proposed development meets the Mayor child play space provision standards using the recommended means of calculating child yield. The proposed development results in a shortfall of 160sqm. This however is off-set by the provision of private amenity space allocated to families, which reduces the shortfall to 94sqm, and the proximity of existing and proposed Locally Equipped Areas for Play (LEAPs). The proposed LEAPs within the Regeneration Area are identified at South Kilburn Open Space and as part of the redevelopment of Wordsworth House and Hampton close in later phases. These spaces are to be funded and delivered by new developments coming forward or will be paid for by pooled section 105 receipts secured from developments.

The Mayor requires more information on how the existing block will be switched over to a new district heating system and this will be provided as part of the Stage 2 referral to the Mayor if Members are minded to approve this application. A contribution of £824 400 is proposed as part of the section 106 to go towards measures to enable the development to reach Code 4 and provide 17% of the site's energy use through renewable energy measures including connections to a Decentralised Energy Network, or retrofitting the proposed development or retrofitting surrounding properties to mitigate the energy impact of this development.

The Mayor also wants the applicant to address the matters raised in relation to parking, improvements to the pedestrian and cycling environment, travel plan and construction logistics plan to ensure accordance with London Plan Policies 6.2, 6.3, 6.9, 6.10, 6.11, 6.13 and 6.14. The proposed parking provision complies with the Council's parking standards and works out at approximately 0.5 spaces per unit. A travel plan is also to be secured through the section 106 agreement. Further details of how the proposal improves pedestrian and cycle links through the regeneration area have also been provided..

As things stand the Mayor considers that the application does not comply with the London Plan for the reasons set out above. He states that there are remedies that could address these deficiencies. If the Council decides to make a decision on this application it must consult the Mayor, once again, and give him a period of 14 days within which to allow the draft decision to proceed unchanged, to direct the Council to refuse the application or to issue a direction that he is to act as the Local Planning Authority and proceed to determine the application. Officers are optimistic that having considered the proposal and the responses that have been made to the specific points of detail raised that the Mayor would allow the Council to issue the relevant decision.

Section 106 Agreement and Conclusions

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

As part of the site is currently Council owned, the Council has more control over the matters set down in the proposed Heads of Terms than it otherwise would and will be able to ensure that the agreement is adhered to. The precise details over what goes into the agreement is set down at the head of this report. Highway works are also required to be agreed with the Highway Authority as part of the development proposal and they should be included in any agreement.

The principle of the redevelopment of the site for housing is considered to be acceptable in policy terms. The proposed development is considered to provide an interesting series of buildings in a prominent location. . The site is one of the key opportunities to provide an impetus to the wider proposals for the South Kilburn regeneration area. It can play a key role in instigating the regeneration of the former NDC area and for this reason there are a number of specific points

where flexibility needs to be applied to the form of this scheme, particularly as far as the development relates to existing residents within the South Kilburn Estate. However, the wider strategic matters serve to help justify the application proposal and the design, form, materials and height of the development are considered to be in accordance with the standard of architecture that has been sought so far during the regeneration project and that is expected within the South Kilburn area. The quality of accommodation is also considered, as explained above, to be very good, given the internal dimensions of each unit, as is treatment of external space and it will continue accord with the high standards sought for proposals within the area.

The proposals are considered to accord with the policies set out within the Brent UDP 2004, South Kilburn SPD and Masterplan, and on this basis, it is recommended that planning permission is granted, subject to the legal agreement referred to above.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance
Council's Supplementary Planning Guidance 17

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
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
Design and Regeneration: in terms of guiding new development and Extensions

CONDITIONS/REASONS:

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

0865 P0101 Demolition Site Plan; 0865 P1061; 0865 P0101 Proposed Site Plan; 0865 P0102; 0865 P0160; 0865 P0161; 0865 P0110; 0865 P0111; 0865 P0112; 0865 P0113; 0865 P0114; 0865 P0115; 0865 P0116; 0865 P0117; 0865 P0118; 2333 PL(-)01; 2333 PL00; 2333 PL01; 2333 PL02; 2333 PL03; 2333 PL04; 2333 P005; 2333 PL06; 2333 PL07; 0865 P0150; 0865 P0165; 0865 P0166; 2333 EL01; 2333 EL02; 2333 EL03; 0865 P1601; 0865 P1602; 0865 P1603; 0865 P1604; 0865 P1605; 0865 P1606; 0865 P1607; 0865 P6001; 0865; P6002; 2333 EL04; 2333 EL05; 2333 EL06; 2333 EL07; 0865 P1001; 0865 P1002; 0865 P1003; 0865 P1004; 0865 P1005; 0865 P1006; 0865 P1007; 0865 P1008; 0865 P1009; 0865 P1010; 0865 P1011; 0865 P1012; 2333 PL08; 2333 PL09

Planning Application: Technical considerations and appendices Vol 3 dated February 2012
Design and Access Statement Vol 1 dated January 2012

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

(2) The areas approved by the Local Planning Authority for car parking, loading, unloading and parking of service vehicles; vehicle turning space; and parking and access provision for disabled persons shall be used only for those purposes.

Reasons: To ensure that these areas are permanently retained for these uses in compliance with the Council's parking and servicing standards, in the interests of the general amenities of the locality and in the interests of the free flow of traffic and conditions of highway safety within the site and on the neighbouring highways.

- (3) During demolition and/or construction works on site:-
- (a) the operation of site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Monday - Friday, 0800 - 1300 Saturday and at no time on Sunday or Bank Holidays;
 - (b) vehicular access to the adjoining and opposite premises shall not be impeded
 - (c) all plant and machinery associated with such works shall at all times be situated and operated within the curtilage of the site;
 - (c) no waste or other material shall be burnt on the application site;
 - (d) all excavated topsoil shall be stored on the site for reuse in connection with the landscape works scheme.
 - (e) a barrier shall be constructed around the site, to be erected prior to demolition
 - (f) a suitable and sufficient means of suppressing dust must be provided and maintained
 - (g) the best practical means available in accordance with BS5228: 1984 shall be employed at all times to minimise the emission of noise from the site
 - (h) all construction vehicles used during construction must meet European Emission Standards of Euro 3 during any works on site.
 - (i) all non-road mobile vehicle with compression ignition engines used on the site shall comply with the emission standard contained in EC Directive 97/68/EC.
 - (j).any diesel powered machines used on or otherwise serving the site shall be operated on ultra-low sulphur diesel meeting the specification BSEN950

Reason: To limit the detrimental effects of noise and disturbance from construction works on adjoining residential occupiers.

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

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

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

- (a) proposed walls and fences indicating materials and heights;
- (b) screen planting along the boundaries of the ground floor residential units;
- (c) details of drainage, irrigation and water points.
- (d) areas of hard landscape works and proposed materials;
- (e) details of the tree pits to ensure suitable soil depth
- (f) details of the childrens play space
- (g) details of the proposed arrangements for the maintenance of the landscape works.

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any

variation.

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

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

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

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

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

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

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

- (9) The demolition/ building works hereby approved shall not commence until vehicle wheel washing facilities have been provided on site, in accordance with details of such facilities to be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be used by all vehicles leaving the site and no work shall take place at any time the said facilities are not present or are otherwise incapable of use.

Reason: To ensure that the construction of the proposed development does not prejudice the conditions of safety and cleanliness along the neighbouring highway.

- (10) Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. The written report is subject to the approval in writing of the Local Planning Authority.

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

- (11) Any remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).


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

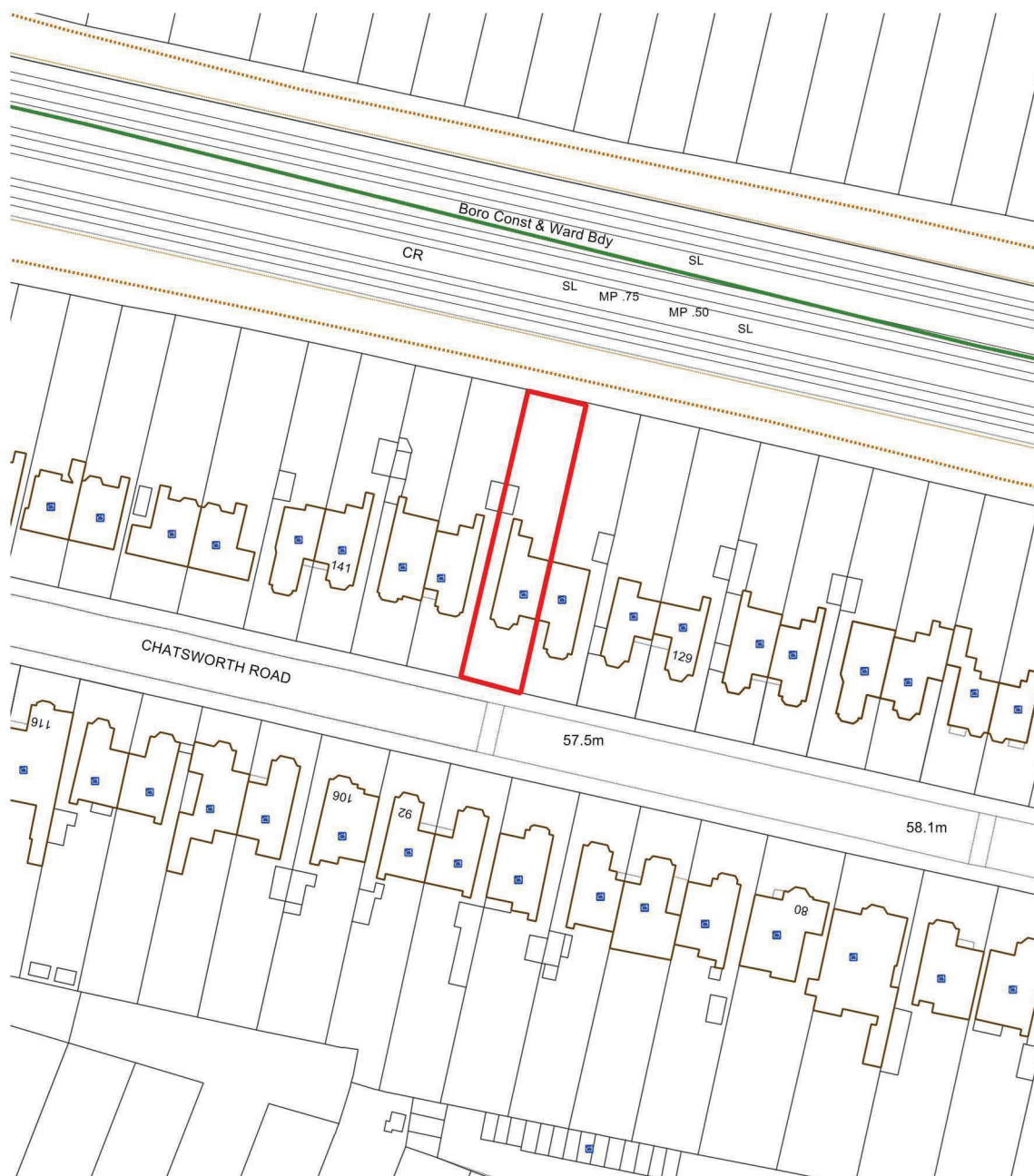
INFORMATIVES:

- (1) The applicant's attention is drawn to the need to stop-up areas of existing highway under Section 247 of the Town & Country Planning Act 1990. The applicant is therefore advised to contact the Head of Highway & Transport Delivery at the earliest opportunity to agree a detailed 1:200 survey plan showing the areas of highway that are to be stopped up and to request that this process is pursued on their behalf. The applicant is also advised to consult all statutory undertakers in the area on the stopping-up proposals at the earliest opportunity."

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

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	Planning Committee Map
	Site address: 135 Chatsworth Road, London, NW2 5QT
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This map is indicative only.

RECEIVED: 9 May, 2011

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 135 Chatsworth Road, London, NW2 5QT

PROPOSAL: Erection of a two storey side extension, single storey rear extension, rear roof dormer and installation of two rear roof lights and two side roof lights to dwellinghouse

APPLICANT: Mr Vekaria

CONTACT:

PLAN NO'S:
110304/01/P5, 110304/02/P1, 10304/00/P1

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

Cllr Kansagra
Cllr Colwill
Cllr BM Patel

Date and Reason for Request

24/05/2012

The reasons for this are that the adjoining property appears to be an unauthorised HMO and an unauthorised conversion to 2 flats and as such should not be a reason to disprove what otherwise appears to comply with all guide lines.

RECOMMENDATION

Refuse

EXISTING

The property is a 2 storey semi detached dwelling house on Chatsworth Road. The property is not in a Conservation Area nor is it listed.

PROPOSAL

See above

HISTORY

00/1524 Certificate of lawfulness granted for proposed single storey side extension, use of garage to habitable room.

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 – Townscape; Local Context & Character

BE9 – Architectural Quality

SPG

SPG 5 – Altering and Extending Your Home

Considerations;

Design & appearance of extension
Effects on neighbouring properties
Character of existing dwellinghouse and streetscene

CONSULTATIONNeighbours/Representees

8 neighbouring owner occupiers consulted 23/05/2011. Following the submission of revised plans 14/06/2011 a further round of consultation was undertaken. To date one representation has been received which reiterated previous objection from no 137. Main points raised are;

- a) Loss of light to habitable rooms
- b) Effect on character of the area
- c) Loss of privacy
- d) noise and dust
- f) discrepancy on the plans regarding labeled neighbouring property
- g) overbearing scale
- h) planned internal alterations to separate the ground floor kitchen so that it will have only a single flank elevation window, potentially obstructed by the planned extension.

Officers response

- a) See report below
- b) The application complies with the Councils adopted guidance for two storey side extensions in relation to providing a set back in order to retain the detached character. However the following report will demonstrate that the extension results in loss of amenity to an adjoining habitable room flank window
- c) See report below
- d) In the event of a permission being granted, an informative would be added reminding the owner of their obligations under the relevant construction regulations concerning hours of work.
- f) Officers have noted the discrepancy on the plan and acknowledge that where the plans refer to no 133 on the side extension boundary, the correct property is actually no 137.
- g) See report below
- h) The Council cannot base assessment on planned works

As referred to above, Cllr Kansagra, Cllr Colwill and Cllr BM Patel have called this application into committee.

REMARKS**BACKGROUND**

In relation to the proposed 2 storey side extension at no 135 Chatsworth Road, during original consideration of the scheme it transpired there is a first floor Kitchen habitable room window in the flank elevation of the neighbouring property no 137, directly opposite the proposed extension. This arrangement is fairly uncommon but is not unique. As such Officers requested the proposed extension be set back away from the window so as to safeguard its amenity. Applicant in response indicated to Officers that the property itself was an unlawful HMO, the implications of this being that Planning should not require the extension to be set back as the window should be treated as it would be before the change, which served a bathroom. Accordingly Enforcement Officers investigated the property at no 137 and found that it was functioning as a lawful HMO within the use Class C4, ie it was considered that no more than 6 people permanently lived there.

As the use of the no 137 CR was lawful, it therefore fell to consider the status of the side facing window. This is expanded upon below. The report will firstly deal with the two storey side extension and then address other aspects of the scheme.

Two storey side extension

The extension is proposed up to the boundary with no 137. The ground floor is set back from the front elevation by 1.5m, whilst the 1st floor is set back by 3.650m. This is in accordance with SPS5 which requires the first floor to be set back by at least 2.5m if the extension is proposed on the boundary whilst the ground floor element can be flush with the front of the house.

On its ground floor, it runs the entire length of the property and projects a further 3m into the garden - then wrapping around the rear elevation to form a ground floor rear extension

Impact to neighbouring Amenity

As discussed above, Officers have assessed the impact of the extension on the amenity of neighbouring property no 137. In relation to the ground floor flank kitchen window, the room is also served by a large rear window so provides reasonable light and outlook.

In relation to the first floor Kitchen window, the proposed extension would be directly in front of it, and significantly impact on its outlook and light. To be precise, the flank wall of the extension would be sited 2.3m from the kitchen window. The outlook from the mid point of the window would be restricted by 4.95m looking out to the right and by 6.75m looking out to the left, a total of 11.7m. This is considered to be a significant impact.

Where the two storey side extension projects beyond the rear building line of neighbouring property no 137, its impact on neighbouring rear windows is negligible given the small level of projection - according with the Council 2:1 guidelines. However as set out above, the length of the extension serves to worsen the conditions for the first floor flank kitchen window.

Enforcement context

Enforcement Officers investigated the alleged breach of planning and concluded the property was functioning as a lawful HMO under Use Class C4. On the 14th March 2012, Planning Enforcement wrote to the complainant stating the following;

"I visited the property on 7th March 2012. The premises is clearly being occupied as a Class C4 House in Multiple Occupation. As you are no doubt aware planning permission is not required to change from C3 Dwellinghouse to a C4 HMO. The maximum number of residents in a C4 HMO is 6 as there are insufficient bed spaces.

The ground floor is not self contained. Whilst it is possible to close the living room and bedroom off from the rest of the house, the kitchen would have to be accessed via a communal area.

Having fully investigated the matter, it is clear the premises are operating in a lawful manner and the Council does not intend to pursue any further action in respect of this case."

Single Storey rear extensions on boundary with no 133

the proposed rear extensions are pitched roofed and have an average height of 2.980m and 2.765 respectively, and both have a depth of 3m. These dimensions are in accordance with the Councils guidelines relating to single storey rear extensions. The full height glazed doors on the side of the extension are set off the boundary significantly so are not of concern with regard to amenity, providing they were conditioned as obscure glazed in the event of planning permission being granted.

Dormer/roof light

A rear dormer window is proposed on the existing rear facing roof plane. Its width is 2.5m, less than half the width of the roof which has an average width of 5.15 and it is set down from the ridge by 1m and up from the eaves by 0.8m. These proportions are in accordance with SPG5 so is acceptable. Also the rooflights on the front elevation are acceptable whilst the side elevation roof lights have been specified as obscure glazed.

Conclusion

The proposal complies with the normal design guidance in all respects bar its relationship with the first floor window of no 137 which is in use as a kitchen and so is habitable. Where habitable rooms exist in adjoining flank walls, the normal approach has been to reduce the extension to limit the impact. While the window may not have been designed to serve an original habitable room, the investigation has revealed that the use is not unauthorised. It is therefore considered that the normal approach of seeking to limit the impact on this room should apply.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

Document Imaged

*DocRepF
Ref: 11/1208 Page 2 of 5*

- (1) The proposed two storey extension, by virtue of its height, bulk and siting directly opposite first floor habitable room window of adjoining occupiers at no 137 Chatsworth Road, would have a detrimental impact toward the amenity of these said occupiers, contrary to saved Unitary Development Plan Policies BE9 and the advice of Supplementary Planning Guidance 5 *Altering and Extending your Home*.

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 Willesden New Social Club, Rucklidge Avenue, London, NW10 4PX

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This map is indicative only.

RECEIVED: 5 April, 2012

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

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

PROPOSAL: Erection of a four and five storey building accomodating 22 flats, ground floor A1, A2 and/or D1 floorspace and retention of electricity sub station.

APPLICANT: MA Estates & Development and Radha Investments Limited

CONTACT: PPM Planning Limited

PLAN NO'S:
See condition 2.

RECOMMENDATION

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

SECTION 106 DETAILS

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

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Provision of affordable housing: two bed flats will be provided as intermediate affordable units (units 3 and 4 as shown on drawing 287 AP/101 REV04) plus a financial contribution of £150,000.
- (c) A contribution of £3,000 per bedroom/£2,400 per affordable housing bedroom, index-linked from the date of committee, for Education, Sustainable Transportation, Open Space and Sports in the local area.
- (d) A contribution of £12,951 to offset the developments short fall of external amenity space.
- (d) Sustainability – Code for Sustainable Homes Level 4 and Breeams 'Excellent' rating Post Construction Assessment and Certificate shall be submitted prior to occupation; achieve 50% on the Brent Sustainable Development Checklist, demonstrated through submission of a Detailed Sustainability Implementation Strategy prior to construction; compliance with the ICE Demolition protocol, demonstrated by submission of an independent report detailing demolition and new build material use and recycling; and details of any renewable technologies required to supplement any passive measures in order to achieve a minimum 25% reduction above the CO2 target emission rate required by the Building Regulations Part L 2010, to be submitted, approved and maintained throughout the lifetime of the development.
- (e) Prior to Practical Completion enter into a s278/s35 for any required highways works.
- (f) Join and adhere to the Considerate Constructors scheme
- (f) The development shall be entirely "car-free".

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

MAYORS COMMUNITY INFRASTRUCTURE LEVY

The Developer will be liable for £79,590 on the basis of 2274m² of new floorspace.

EXISTING

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

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

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

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

PROPOSAL

See above

HISTORY

Ref 08/0296 (undetermined)

Demolition of existing building and erection of 5-storey building comprising 11 x one-bedroom and 11 x two-bedroom self-contained flats for affordable housing, including retail space at ground floor with provision of cycle and refuse storage, servicing bay and amenity area at first-floor level.

Note: There has been no appetite to progress the 2008 application on behalf of the applicants and it remains undetermined. The buildings on the site have been long demolished and the site has been the subject of environmental complaints to Environmental Health Officer's since then due to dumping, etc. Ward Councillor Powney keen to see something happen on the site.

POLICY CONSIDERATIONS

POLICY CONSIDERATIONS LDF Core Strategy 2010

CP1 - Spatial Development Strategy

CP2 - Population and Housing Growth

CP17 - Protecting and Enhancing the Suburban Character of Brent

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

CP19 - Brent Strategic Climate Change Mitigation and Adaptation Measures

CP21 - A Balanced Housing Stock

Brent Saved policies Unitary Development Plan 2004

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

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

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

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

STR13 - Environmentally sensitive forms of development will be sought.

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

STR15 - Major development should enhance the public realm.

BE2 - Townscape: Local Context & Character

BE3 - Urban Structure: Space & Movement

BE4 - Access for disabled people

BE5 - Urban clarity and safety

BE6 - Public Realm: Landscape design

BE7 - Public Realm: Streetscene

BE9 - Architectural Quality

BE12 - Sustainable design principles

EP3 - Local Air Quality Management

EP6 - Contaminated land

EP10 - Protection of Surface Water

H4 - Off-Site Affordable Housing

H11 - Housing On Brownfield Sites

H12 - Residential Quality; Layout Considerations

H13 - Residential Density

TRN1 - Transport assessment

TRN3 - Environmental Impact of Traffic

TRN4 - Measures to make transport impact acceptable

TRN10 - Walkable environments

TRN11 - The London Cycle Network

TRN14 - Highway design

TRN23 - Parking Standards – residential developments

TRN24 - On-Street Parking

TRN34 - Serving for New Development

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

PS14 - Residential Parking Standards

PS15 - Parking for disabled people

PS16 - Cycle parking standards

Brent Council Supplementary Planning Guidance and Documents

SPG12 - Access for disabled people □

SPG17 - Design Guide for New Development □

SPG19 - Sustainable design, construction and pollution control

SPD - Section 106 Planning Obligations

Mayor of London

The London Plan 2011 Mayor of London Supplementary Planning Guidance

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

National Planning Policy Framework

SUSTAINABILITY ASSESSMENT

Energy

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

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

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

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

Code for Sustainable Homes

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

Terms.

BREEAM

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

CONSULTATION

Neighbours/Representees

letters sent to 154 neighbouring Owner/Occupiers, advert placed in local paper 19/04/2012 and site notices put up 30/04/2012. To date the Council have received 16 letters in favour of the development and 23 letters objecting.

Main points in favour are as follows;

- Happy to see high quality development in Harlesden
- Site has been vacant for years and is an eyesore - problems with pests and dumping
- Attractive building, will raise profile of Park Parade and bring more people to Town Centre

Main points not in favour are as follows;

- Increased demand on parking in the area and cause traffic congestion
- Lack of infrastructure to support development
- Community use should be retained
- Unclear about ground floor use.
- Overly dense scheme, building line forward of properties on Willows Terrace and is too high.
- Scheme is not in character
- Retail use is edge of Town Centre, already high retail offer in Harlesden
- lack of external amenity
- Plot should provide greenery for local residents
- Existing Design Works Commercial use on Rucklidge is problem

Statutory Consults

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

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

In addition Environmental Health Officers have considered the electricity sub station and note that the applicants have correctly interpreted the ICNIRP guidelines.

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

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

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

REMARKS

Principle of Development

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

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

The proposal envisages a mix of residential on the upper floors with a flexible commercial/non residential use on the ground floor. The ground floor uses will be restricted to those that are orientated toward visiting members of the public to satisfy town centre policy requirements. This mix is considered to reflect the corner location and be sympathetic toward the residential area of Willows Terrace/Rucklidge Avenue, whilst the non residential ground floor use ties in with the Harlesden District Centre Location, specifically the town centre uses along its Park Parade boundary.

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

Amendments

In response to concerns expressed by Officers and residents, the scheme has been revised since its submission with the following amendments

- The vertical and horizontal elements framing the roof have been reduced and the amount of glazing increased.
- In part, the building has been pushed back further on Rucklidge Avenue and part of a roof top wall serving unit 19 has been removed.
- The corner of the commercial unit has been set back further in order to increase the width of the pavement and soften the corner
- The ground floor units are now wheelchair accessible and the plans now show an access from the service bay directly to the commercial unit.

Density and Mix

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

9x2-bed (3 person) flats

9x2-bed (4 person) flats

4x3-bed (5 person) flats

This equates to a density of 636 habitable rooms per hectare (hr/ha) or 200 units per hectare (u/ha). This density falls within the relevant density range set out in the Mayor's London Plan which for urban areas with a good PTAL (4-6) is 200-700 hr/ha or 45-260 u/ha. 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 18% 3 beds. In terms of tenure, The applicant initially proposed that two of the twenty two flats be delivered as affordable housing, that is 9% affordable housing, and below the Local Development Framework Core Strategy policy CP2 target of 50% affordable housing on sites with the capacity to deliver ten or more homes. The applicant submitted a GLA Three Dragons Toolkit in order to demonstrate that this lower than policy target level represented the maximum reasonable amount of affordable housing that could viably be delivered by the scheme.

Officers have examined the Toolkit, together with detailed supporting evidence on build cost and sales values assumptions, and have identified only limited scope for the scheme to viably deliver additional affordable housing beyond the proposed two affordable units. Given the relatively modest size of the scheme and only marginal identified capacity to viably delivery additional affordable housing, agreement has been reached with the applicant that a commuted sum of £150,000 will be paid to deliver affordable housing off-site and in addition to the two affordable units to be delivered on-site, which is considered reasonable in this particular case only.

Design, Appearance and Character of the Area

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

On the Park Parade elevation, the proposal follows the recognised building line of the road thus providing a wide footpath (approximately 4 metres), which continues around the corner onto Rucklidge Avenue. For approximately half the buildings length on Rucklidge Avenue, the façade is set 4 metres back from the road. It is then set back a further 2 metres for a length of 11 metres and then set back an additional 2 metres for the final 5 metres of the building. At this point, the building follows the same line as the adjoining Willows Terrace. At the request of Officers, architects omitted a third floor external window onto the balcony serving unit 19 and a ground floor protruding element on the ground floor serving unit 1.

In terms of the buildings overall massing and form, Officers consider it to be in keeping with its surroundings which are a combination of two storeys on Willows Terrace, three storeys across the road on Rucklidge Avenue and four storeys at the Park Parade end. Through stepping back the third floor (unit 19) where it adjoins the neighbouring property at Willows Terrace, and ensuring a gradual increase in scale both upwards and outwards as you move toward Park Parade, with the fourth floor flat set back 14m from no 1 Willows yard and a minimum of 1.9m on its other boundaries, the development achieves a reasonably comfortable transition between the residential buildings on Willows Terrace and the more built up Park Parade end.

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

Electricity Sub Station

Applicants have considered the Electricity substation in terms of Electro Magnetic Field exposure (EMF). Environment Health Officers confirm that they have correctly interpreted the ICNIRP guidelines (adopted by both the UK and the EU) on exposure to non-ionising radiation and confirm the substation will not expose adjoining residents to EMFs in excess of these guideline values. It is noted that these guideline values are set deliberately low as a 'precautionary' level at which further investigation may be required, not a level where nerve effects are expected. The ICNIRP review of the available studies in 2010 concluded that the evidence for a link between long term exposure and cancer is too weak to set guidelines, especially as a mechanism has not been identified.

As a precautionary measure however, given the proximity of the substation to residential uses, it is recommended a condition requiring further detail of reinforcements to the outer shell to contain fire between the substation and the residential uses be included.

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

Quality of Residential Accommodation

All of the units have been designed to the London Plan minimum space standards and are Lifetime Homes compliant. Daylight and sunlight considerations meet the appropriate BRE guidance. The London Plan requires 10% of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair adaptable. It also requires all new homes to be built to 'Lifetime Home' standards. Policy H26 of Brent's Unitary Development Plan advocates a similar approach. The drawings confirm that the two

ground floor flats are adaptable for wheelchair users and all of the units will be built to 'Lifetime Home' standards. Additionally the units have taken account of stacking considerations.

External amenity Space

SPG17 advises that amenity space should usually be provided at a rate of 50m² per family unit, and 20m² for others. Where there is a short fall, the guidance allows some flexibility providing units are over sized, development is in town centre location and/or a contribution can be secured for additional landscaping in the locality. In this instance, every flat has access to its own private balcony, garden or terrace, with the two three bed ground floor flats each with a private garden in excess of 50m². In addition, all of the flats have generous internal floor areas. Given the District Centre location and the generous flat sizes, it is considered on balance that the current external amenity offer is acceptable in this instance, subject to additional contribution to offset this shortfall toward landscape improvements in the area. The standard charge of £3000 per bedroom includes a provision of £907 towards open space, based on this amount, the under provision of amenity space and the proportion of different unit sizes in the development, a contribution of £12,951 will be secured through the Section 106 Agreement to mitigate the impact of the development.

Impact upon neighbouring properties

Habitable room windows on the proposed building are a minimum of 20 metres from the nearest habitable room window on adjoining buildings. A minimum of 10 metres between proposed habitable room windows and the rear boundaries is achieved. The proposal complies with the 45 degree rule in respect to the relationship between the building height and the rear garden boundary of no 1 Willows Terrace. The 30 degree guidance does not apply in this instance.

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

Commercial Unit

The ground floor unit provides approximately 160m² of floorspace. It is proposed that this could accommodate any use within classes A1 (retail), A2 (financial and professional services) and/or D1 (non-residential institutions). As the site is within the Harlesden District Centre, such uses are acceptable as they will contribute to the vitality and viability of the Centre. With regard to D1, this class covers many uses, some of which are likely to give rise to planning concerns such as traffic generation. As such, it is proposed to add a condition limiting the D1 use to certain activities.

Highways

Rucklidge Avenue is a local access road which is defined as being heavily parked, whilst Park Parade is a local Distributor road. The site lies within CPZ "HW" which operates 08:00 – 18:30 Monday to Saturday, and has excellent accessibility with a PTAL rating of level 6. Willesden Junction Station (Bakerloo tube & 2 Overground rail routes) is within walking distance of the site, and ten bus routes are locally available.

The proposed dwellings are predominantly 2-bed flats which can be permitted a maximum of 0.7 car parking spaces each, while the 3-bed flats can be allowed a maximum of 1.2 car spaces each. These are the stricter standards set out in PS14 of the UDP-2004, which can be applied when a site lies within an area with good PTAL ratings and a CPZ. Two of the proposed flats are intended for shared-ownership. These do not trigger the 50% reduction in the parking standard mentioned in PS14 for socially rented housing only. In total, the proposed 22 no. flats can be permitted a maximum of 17.4 car spaces.

The site cannot provide off-street car parking for the proposed flats, and the street is already defined as being heavily parked and cannot therefore provide on-street parking in fulfilment of the maximum standard. Transportation will welcome a "car-free" agreement for the proposed dwellings secured through a Section 106 agreement, and this has been agreed to by the applicant.

In term of the ground floor flexible use (A1/A2/D1), some of these uses are more acceptable than others to Transportation, given the location of the site. The potential impact of the proposed uses can be laid out as follows:

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

A2 Financial/Professional Services: One car space per 300sqm (PS6) and requires servicing by an 8m rigid vehicle (PS19, units between 100sqm and 280sqm).

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

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

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

D1 (Community Centre): There is a need to control this use more tightly, given that some are de facto places of worship, others provide advisory services, some provide cafes, all with different highways implications.

It can be seen that the various possible uses under the classes sought in this application present a variety of different challenges. In order to safeguard highway safety it seems reasonable to restrict the use granted for this space, and Transportation will advise only the types of D1 use such as healthcare or community facilities are permitted. Whilst this serves to limit the impact on visitor parking provisions, in addition the ground floor use will be subject to a car free agreement so as to mitigate demand on permanent parking.

The existing 5m wide crossover is of more than suitable width for the servicing usage proposed. This will mean no need to reinstate the foot way in this location.

Bicycle Parking/Refuse

The amount and location of cycle parking is acceptable for both the residential and commercial elements of the scheme – 22 no. residential cycle spaces accords with 1 per dwelling, and these are secure and covered. An additional 2 no. cycle spaces for the ground floor premises will be secured through condition. The refuse and recycling store for both elements of the development is well placed to ensure ease of waste collection, which is also acceptable.

Air Quality

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

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

Developer Contributions

The following contributions will be secured through the Section 106 Legal Agreement. Provision of affordable housing: two bed flats will provided as intermediate affordable units (units 3 and 4 as shown on drawing 287 AP/101) plus a financial contribution of £150,000 and a contribution of £3,000 per bedroom/£2,400 per affordable housing bedroom, index-linked from the date of committee, for Education, Sustainable Transportation, Open Space and Sports in the local area. In addition a landscape contribution will be sought for works in the surrounding area.

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). The development proposes 2274m² GIF, amounting to a contribution of £79,590.

Consideration of objections

Concerns of neighbouring residents have been acknowledged and taken into account when determining this application. It is considered that many of the concerns raised have been addressed in the final scheme. This report has demonstrated the measures have been taken to ensure high standard of development that will enhance the built environment. Design considerations have sought to step back the building, providing the additional scale further away from the more sensitive residential boundaries whilst the Council have conditioned materials and landscaping, with an additional financial contribution toward landscaping, to ensure the scheme has a satisfactory presence in the context. Compliance with SPG17 to safeguard neighbouring amenity and privacy has been demonstrated whilst the entire scheme will be subject to a car free agreement in order to safeguard existing parking provision. Additionally a financial contribution to support infrastructure affected by the development will be secured through a Section 106 Agreement.

Conclusion

This report has demonstrated that a high quality mixed use scheme is offered and its delivery will provide a much needed redevelopment of a site which has numerous environmental problems associated with it in its current form. A consideration of all the relevant planning policies has been demonstrated and as such the scheme is in general conformity with relevant chapters of the Councils 2004 Unitary Development Plan and supplementary Guidance, the Councils 2010 Adopted Core Strategy and in broader policy terms, the 2011 London Plan and the National Planning Policy Framework. As such the application is recommended for approval subject to legal agreement.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004

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

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

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

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

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

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

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

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

Transport: in terms of sustainability, safety and servicing needs

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

CONDITIONS/REASONS:

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

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

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

287 A010 REV01, 287 AP/050 REV01, 287 A011 REV01, 287 AP/100 REV04, 287 AP/101 REV04, 287 AP/102 REV04, 287 AP/103 REV04, 287 AP/104 REV04, 287 AP/105 REV04, 287 AE/203 REV01, 287 AE/202 REV01, 287 AE/200 REV04, 287 AE/201 REV04

and the following supporting documents:Reason:

Willesden - Willows Yard Sustainability

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

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

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

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

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

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

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

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

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

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

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

- The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site.
- The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 0800 – 1800 Mondays-Fridays, 0800 -1300 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the

Local Planning Authority.

- Vehicular access to adjoining and opposite premises shall not be impeded.
- All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only. A barrier shall be constructed around the site, to be erected prior to demolition.

Reason

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

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

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

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

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

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

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

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

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

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

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

- (12) 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:-

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

Such scheme shall also indicate:-

(i) Walls and fences

Proposed walls and fencing, indicating materials and heights.

(ii) Screen planting on boundary

Screen planting along the Willows Terrace boundary.

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

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

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

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

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

Reason: To obtain required sound insulation and prevent noise nuisance

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

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

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

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

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

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


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 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: 1A Elmside Road, Wembley, HA9 8JB

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This map is indicative only.

RECEIVED: 18 April, 2012
WARD: Preston
PLANNING AREA: Wembley Consultative Forum
LOCATION: 1A Elmside Road, Wembley, HA9 8JB
PROPOSAL: Erection of two additional floors of office accommodation.
APPLICANT: Mr S Homsy
CONTACT: Mr J Benaim

PLAN NO'S:
SB/B372/1; SB/B372/2; Design and Access Statement

RECOMMENDATION

Refusal

EXISTING

The application site comprises single storey commercial premises, within use class B1 office uses, located on Elmside Road, Wembley. The site is adjacent to residential properties on Elmside Road, and also flats at Wayside Court, Oakington Avenue. To the south are commercial shops, located on Wembley Park Drive. The site is not a listed building and is not located within a conservation area

PROPOSAL

Erection of two additional floors of office accommodation.

HISTORY

There is no recent planning history for this site. The last planning application for this site dates from 1990:

Ref 881738 – Erection of 1st floor extension to office – *Refused but allowed on appeal on 04/04/1990*. This application is considered of limited relevance to the current proposal, due to it dating back over 22 years ago. Differences in design, and changed local circumstances.

POLICY CONSIDERATIONS

London Plan 2011

Brent Core Strategy 2010

CP17 – Protecting and Enhancing the Suburban Character of Brent

London Borough of Brent Adopted Unitary Development Plan 2004 (UDP)

BE2 – Townscape: Local Context and Character
BE3 – Urban Structure: Space & Movement
BE4 - Access for disabled people.
BE5 – Urban Clarity & Safety
BE6 – Public Realm: Landscape Design
BE7 – Public Realm: Streetscape
BE9 – Architectural Quality
TRN3 – Environmental Impact of Traffic
TRN10 – Walkable Environments
TRN22 – Parking Standards – Non Residential Developments
TRN34 – Servicing in New Development

Parking Standards

PS6 – Parking Standards for Use Class B1 (maximum 1 space per 300m²)
PS15 – Standard for Disabled People (minimum 1 space for B1 use)
PS16 – Cycle Parking (minimum 2 spaces for B1 use)
PS19 – Service Parking Standards (loading bay that can accommodate at least an 8m rigid vehicle for units between 100m² - 280m²)

London Borough of Brent's Supplementary Planning Guidance

Supplementary Planning Guidance Note 17 - Design Guide for New Development

Provides comprehensive and detailed design guidance for new development and seeks to raise the design quality of buildings, and to protect the character of properties and streets.

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

Consultation letters, dated 2nd May 2012, were sent out to 47 neighbouring properties and Ward Councillors for Preston Ward.

External

4 letters of objection have been received to date, raising the following issues:

- The immediate neighbours at no 1B The Links, Elmside Road, object to the application for the erection of two additional floors to the building.
- Elmside Road is a small cul de sac, and a quiet residential area. The business is already causing noise and parking problems
- Additional space will increase these existing problems by 400%.
- The applicant's property has already damaged their gate by their pillar and heavy delivery vehicles
- Furthermore the proposed development will reduce our natural light and view.
- Other neighbours on Elmside Road object to the proposal due to the loss of light to their properties, exacerbation of existing parking problems
- The commercial property should be limited to the stadium area and industrial estate. There is no reason why a small residential cul-de-sac has to be turned commercial.
- Noise levels would increase.
- A resident from the block of flats at Wayside Court, Oakington Avenue, has also objected. This resident has highlighted that the plans are inaccurate and out of date, as they do not show Wayside Court, and therefore do not clearly show the proximity of this new development and the aspect to which the two new floors face these flats.
- The 2-storey extension will be directly opposite the living room, kitchen and bedroom windows of the flat of the resident at 17 Wayside Court.
- The proposed development would also block out light to flats 1, 2 and 16 as well as 17 Wayside Court.
- The development will also block out light to and be an intrusion on the shared garden area for all the Wayside court flats, as it is south facing, and the building will be directly in the way.
- Making this a bigger commercial property will increase the noise levels in what is currently a solely residential cul-de-sac.
- The new extension will obscure the views from the living room, kitchen and bedroom windows at 17 Wayside Court – in particular it will be right in the way of their view of Wembley Stadium, which was one of the attractions of buying the flat.

No letters of representation have been received from Ward Councillors consulted on this application.

Internal

It should be noted that the following comments from the Transport Officer are based on plans submitted by the applicants, which your Officers consider are inaccurate. Further details of the inaccuracy of these plans are discussed in the 'Remarks' section of this report.

Transportation – The Transportation Officer has made the following comments:

- The site has good access to public transport services (PTAL 4) – with close access to 5 bus routes as well as Wembley Park station (Metropolitan and Jubilee lines).
- There are pay and display parking bays on Elmside Road. Otherwise, on street parking in the area is generally restricted from Monday to Saturday, between 8am-9.30am to deter commuter parking.
- As the site is located adjacent to a district centre with good access to public transport services, a reduced parking allowance of one space per 300m² applies to this site. As such the existing office standard would normally be no more than one parking space, the proposed extension would not alter the current provision of 4 spaces, although the plans need to be amended to retain as a wide bay to allow use by disabled persons as and when required, in accordance with standard PS15.
- The proposed car parking layout is not in any case feasible, due to the lack of turning space for a number of the parking spaces.
- The present servicing requirement for the single storey office is for loading by a transit sized vehicle, as the floorspace is below 100m². This is available in the yard area. With the extension to the building, this requirement will increase to an 8m rigid lorry. Sufficient space is available within the yard to accommodate this requirement and a suitable bay (3.5m x 8.0m) should be marked out and kept clear for this purpose. In addition, the crossover and opening into the yard should be widened to 4.5m to ease reversing into and out of the yard.
- The cycle parking requirement for the extending office is 1 space per 125m², with a minimum provision of 2 spaces. As such, a suitable bicycle stand should be provided within the site as a condition of any approval.
- The proposal can be generally supported on transportation grounds, subject to amendments to the service yard and access to show no more than one car parking space, an 8 long loading bay, two bicycle parking spaces and a widened crossover.

Tree Officer

The Council's Tree Officer has stated that the proposed development is not likely to have an harmful impact on existing trees on, or in proximity to, the application site. However, it is not clear on the submitted plans, whether any replacement hard-surfacing is likely to be carried out on the site as part of the development. If such works are proposed, then further details of trees, including tree protection measures, shall be required.

Environmental Health

- No objections.

REMARKS

Summary

The application proposes to extend an existing single storey building to provide an additional two storeys for office use, located on Elmside Road, Wembley. The current use of the building is B1 office use. The site shares a side boundary with a residential property at 1B Elmside Road to the north, and a residential block of flats, known as Wayside Court, are located to the north-west. To the south of the site are commercial properties located on Wembley Park Drive.

According to the submitted plans, the proposed extensions to the building would provide approximately 100m² of additional new office space (gross internal floors pace), in addition to the existing 61m². This would comprise of approximately 60m² at first floor and approximately 40m² on the second floor, if the plans are accurate.

The main considerations for the proposed development are the principle of the increase in office space provision in this location; the impact on the character and appearance of the area and streetscene; the impact on neighbouring residential properties; and the impact of the development on parking and servicing for the site.

Existing premises

The application site comprises a single storey flat roofed building located on the western side of a residential cul-de-sac, Elmside Road, Wembley. The site is adjacent to the rear of a parade of shops located on Wembley Park Drive; more directly to the rear of the commercial property at 97 Wembley Park Drive.

Properties on Wembley Park Drive are located within a Secondary Shopping Parade (within Brent's Unitary Development Plan), and Wembley Park District Centre (Brent Core Strategy 2010). However, the application

site is outside this designated area.

The site shares a side boundary with a 2-storey detached dwellinghouse, 1B Elmside. To the north-west of the site is a block of flats, known as Wayside Court, accessed from Oakington Avenue. The existing use of the application premises is office use.

The existing site has off-street parking provision accessed from Elmside Road, adjacent to the dwelling at no. 1B Elmside Road. This would also allow access for servicing provision to the site.

Proposed Development

Proposed extensions

- The application proposes an additional 2 storeys (including with the roof space) to the existing single storey office building.
- The proposed roof includes a rear dormer.
- Car-parking provision for 4 off-street car parking spaces is shown on the submitted plans
- The extensions would result in additional gross internal floor space of approximately 100m², over the proposed new first and second floors, as shown on the submitted plans.

Appraisal

Principle of Proposed Development

It is considered an extension to these commercial premises may be supported in principle. There is no change of use proposed, and the use of the premises is considered appropriate in this location. The main considerations for the proposal is therefore the impact on the character and appearance of the area and streetscene; the scale of the development, impact on neighbouring properties and impact on parking and servicing.

Inaccurate Plans

It is considered that the submitted plans do not accurately reflect the application site. There are a number of inaccuracies, and also lack of information, which include the following:

- The plans submitted do not show that there is a second building, located towards the western boundary of the site, and it is not clear on the drawings whether this building is to be retained, or removed.
- The size and scale of the existing site, and existing single storey building (proposed to be extended), do not appear to be the same as that which currently exists. Specifically the location of the existing building within the application site, and its footprint, including the scale of the footprint. The proximity of the building to site boundaries also does not appear to be accurate on initial inspection of plans, compared to records of the site, and its boundaries held by the Council.
- The floor plans also appear to be inaccurate in terms of the dimensions do not appear to be consistent with each other. Such as, the external width of the building measures 7.4m on the ground floor plan of the scaled drawings, and that of the first and second floors measures 7.3m
- The site location plan submitted is out of date, and therefore does not show that there is a 2-storey detached dwellinghouse, known as 1B Elmside, situated along the northern boundary. It also does not show the existing residential development, comprising of 17 flats/maisonettes, located to the north-west of the application site, known as Wayside Court, accessed from Oakington Avenue.

Your Officers consider that the above inaccuracies within the submitted plans result in the failure to demonstrate that the proposed development complies with relevant planning policies and guidances. The following section relates the outcome of the Officer's site visit, during which dimensions were taken.

Officer's Site Visit (and measurements taken)

Due to the inaccuracy of the plans submitted, measurements have been taken by officers on site in order to accurately assess the impact of the development on adjoining boundaries. Distances to boundaries were measured, as well as the existing porta cabin with canopy, attached to the application building. The majority of the measurements, in relation to the existing building, and distances to boundaries, appeared to be accurate, with on average the difference in measurements being to the nearest 0.05m. However, the area beyond the rear of the existing porta cabin, which is shown on the submitted plans (both existing and

proposed plans) to be within the boundary of the site, as shown on the existing floor plans, is not in reality within the application site. This area is actually within the adjacent site at Wayside Court, and forms part of the communal amenity area of this development.

On closer inspection of the plans, however, it appears as though the submitted site location plan, shown on the same drawing no. SB/B372/1, is accurate, and correlates with records of the site held by the Council, as well as what appears to be the case in reality.

In conclusion, whilst the submitted site location plan (red line boundary ordnance survey plans) appears to be correct, and correlates with Council records, the existing and proposed ground floor layout, which also show the boundaries of the site, are inaccurate. This is misleading, as it appears as though the communal garden area for residents of Wayside Court is further away than that which is the case in reality. Officers could not get precise measurement to the boundary at the rear of the site, adjoining Wayside Court, due to the existing porta cabin, but were able to determine the proposal clearly will not comply with the 45 degree rule as set out in Brent's SPG17 (see section below on Impact on neighbouring boundaries) In any case, it is Officer's belief that measurements taken reveal that this difference is approximately 4.5m. This extra 4.5m in length is in reality within the boundary of the adjacent Wayside Court site, and not within the application site.

Design Considerations

The proposed extensions would essentially result in a 3-storey building, including a pitched roof. The rear roof slope is also to have a dormer. This design approach is not in keeping with the design and character of the other properties on Elmside Road. The properties located on Elmside Road are characterised by residential properties with hipped roofs. As the application site is located at the end of a row of residential properties, the design and scale of the development should follow this character. However, it is also considered that due to the commercial nature of the application site, this design approach is not appropriate. The application site marks a separation between the commercial properties located on Wembley Park Drive, and the residential dwellings on Elmside Road, and it may be inappropriate to introduce a commercial building which attempts to imitate the design of the dwellings on Elmside Road. In any case, the proposed extensions to this building result in a development with a design, scale and height which is out of keeping with the surrounding properties and character of the streetscene.

Existing Trees on site

The applicants have stated on their submitted application form that there are no trees on the application site, or in proximity to the site. However, an Officer's site visit has revealed that there are trees on site which may or may not be affected by development, which are not shown on the submitted plans. The Council's Tree Officer, however, is not concerned about the impact on the trees on or in proximity to the site, unless there are works to be done to the hard-standing areas within the site boundaries. If any such works were to be carried out, then tree protection would be required during construction works.

Highways issues

The Council's transportation officer has been consulted on this application, and his detailed comments are related in the 'Consultations' section of this report.

The B1 use would require parking provision for an 8m long service vehicle, as well as one parking space to meet the Council's parking standards for the site and use. The car-parking space should be wide enough to meet the standards of a disabled bay. However, the submitted plans are considered to be inaccurate, and therefore the applicants have not demonstrated whether the site can accommodate an 8m long service vehicle which is able to safely enter and reverse out of the site. Therefore, despite the transportation officer's comments, the submitted plans do not demonstrate that the application site can accommodate sufficient off-street parking provision which meet the Council's parking standards, including car parking, service vehicle parking and cycle-parking. The proposal is therefore contrary to policies TRN11, TRN22, TRN34 of Brent's Unitary Development Plan 2004, as well as London Plan Policies 6.9 and 6.13 and table 6.3 of the London Plan 2011, in relation to cycle parking.

Impact on neighbouring properties

The proposed 2-storey extension, resulting in a 3-storey building would be close to adjoining neighbouring boundaries, and in particular to the boundary with flats and maisonettes at Wayside Court. At its closest point, the building will be less than 4.0m from the rear boundary (shared boundary) with Wayside Court.

Brent's Supplementary Planning Guidance 17 on Design Guide for New Development (SPG17), deals with impact of new development on neighbouring residential gardens. The proposed extension does not comply with the 45 degree rule set out in this guidance in relation to the communal garden of residents of Wayside Court. Officers therefore consider that the development would have a harmful impact on the residential amenities of neighbours at in terms of loss of light and outlook. It is also considered that even an additional storey, (which would result in a 2-storey building) may not comply with the 45 degree rule set out in Brent's SPG17 in relation to the communal gardens of Wayside Court.

CIL Liability (Community Infrastructure Levy)

Due to inaccurate plans submitted for this application, it is possible that the proposed new/additional gross internal floor space could exceed 100m². If this is the case, then the development would qualify for the Community Infrastructure Levy (CIL) imposed by the Mayor of London. This came into effect on 01 April 2012. This levy is applicable to all eligible development across London and is primarily intended to raise contributions towards the funding of cross rail. The rate of Mayoral CIL for Brent is charged at £35 per square metre of gross internal floor space and will be collected by the Council on behalf of the Mayor.

Given the plans submitted for this application that the proposed additional gross internal floor area would be 100m², and that the plans submitted are proven to be inaccurate, it appears that the development may exceed the CIL threshold. This is being pursued with the applicant.

Response to objections (not discussed elsewhere in this report)

This section of the report will discuss any matters raised by objections not already discussed elsewhere in this report. Objections in relation to the loss of views to Wembley Stadium cannot be considered as there are no relevant policies which protect this view from this location.

Officers do not consider that the proposal would result in undue increase in noise disturbance to neighbouring properties. This is due to the nature of the proposed use not likely to lead to high levels of noise disturbance. Should officers have been minded to support the application, relevant conditions restricting hours of use, including delivery times for service vehicles, would have been attached to the decision.

With regard to the intensification of the existing use of the premises; the existing use of the building is B1 office use, and is located between commercial properties on Wembley Park Drive, and residential properties on Elmside Road. It may therefore be considered appropriate to allow the extension to the existing premises in principle. However, due to the transitional nature of the location of the site, it may also be considered appropriate not to allow any significant further intensive use of the application site.

On balance, Officers consider that a modest extension may be supported to the application site. However, in this particular case, it has not been possible to accurately assess whether the proposal results in too great an intensive use of the site to warrant a refusal for that reason (intensification of the use of the site), due to the significantly inaccurate plans submitted. In this case, Officers would recommend refusal for the reason of inaccurate plans leading to the failure to demonstrate the impact of the proposal.

Conclusion

The existing plans submitted for this application do not accurately reflect the size and layout of the application site, and therefore they fail to demonstrate that the proposed development would not have a harmful impact on the residential amenity of adjoining neighbouring properties. The development is therefore not in accordance with Brent's Core Strategy Policy CP17, Brent's Unitary Development Plan policies BE2, BE9, TRN11, TRN22 and TRN34 of Brent's Unitary Development Plan and guidance contained within Brent's Supplementary Planning Guidance 17 on Design Guide for New Development.

Despite the inaccuracy of the plans submitted, your Officer's consider it likely that the proposed development is likely to have a harmful impact on the residential amenities of the surrounding area, as well as the character and appearance of the streetscene. Officers therefore recommend that the application be refused.

RECOMMENDATION: Refuse Consent


CONDITIONS/REASONS:

- (1) The proposal, by reason of its design and appearance, its excessive size and scale and proximity to site boundaries, is an overbearing and obtrusive form of development, harmful to the amenities of the occupiers of neighbouring residential properties, and out of keeping with the character of the surrounding residential area, and is therefore contrary to Policy CP17 of Brent's Core Strategy 2010, policies BE2 and BE9 of Brent's adopted Unitary Development Plan 2004 and guidance within Brent's Supplementary Planning Guidance 17 on Design Guide for New Development.
- (2) The proposal, by reason of the failure to demonstrate the ability to provide adequate servicing for the site, in line with Brent Council's Standards, results in increased pressure for parking in the area, prejudicial to the free-flow of traffic and general highway safety in the area, contrary to policies TRN22 and TRN34 and Parking Standard PS19 of Brent's Unitary Development Plan 2004.
- (3) The proposal, by reason of the failure to demonstrate the adequate provision of secure, weatherproof cycle store, constitutes an unsustainable form of development that is contrary to Policy TRN11 and Parking Standard PS16 of the Brent Unitary Development Plan 2004 and Policies 6.9, 6.13 and table 6.3 of the London Plan 2011.
- (4) The submitted plans are significantly inaccurate, such as incorrect distances of the existing building to site boundaries shown and size of the application site, and therefore they fail to demonstrate that the proposed development would have a satisfactory relationship with neighbouring properties, nor not have an harmful impact on the residential amenity of neighbouring properties, and the development would comply with relevant Council policies. The development is therefore contrary to Brent's Core Strategy Policy CP17, Brent's Unitary Development Plan policies BE2, BE9, TRN22 and TRN34 of Brent's Unitary Development Plan, and guidance within Brent's Supplementary Planning Guidance 17 on Design Guide for New Development.

INFORMATIVES:

None Specified

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

 **Planning Committee Map**
Site address: Crown House, 43-51 Wembley Hill Road, Wembley, HA9 8AU
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This map is indicative only.

RECEIVED: 15 February, 2012

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Crown House, 43-51 Wembley Hill Road, Wembley, HA9 8AU

PROPOSAL: Erection of two additional storeys on top of existing building to create 8 self contained flats and the re-cladding of the whole building.

APPLICANT: Wembley Hill Properties LTD

CONTACT: Eyal Moran Architects

PLAN NO'S:
See condition 2

RECOMMENDATION

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

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) A contribution of £3000 per bedroom, due on material start and, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- (c) An additional contribution of £10,000 for improvements to open space in the area.
- (d) Parking permit free - remove the rights of new residents to apply for parking permits
- (e) 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.

Community Infrastructure Levy – CIL

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

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

Mayoral CIL has been set at £35 per sqm on developments involving the creation of new residential units, and this proposal would qualify as chargeable development on the basis of the additional floorspace being created for the 8 new units proposed, resulting in a minimum 672.5sqm (based on calculation of net additional residential floorspace - see remarks section for breakdown of areas).

Accordingly the scheme would attract a minimum CIL amount of £23, 537.50 (672.5sqm x £35 per sqm).
N.B. This is based on minimum residential floor area calculations, and further clarification of the total amount of floorspace being added, is being pursued with the applicant. Any changes will be reported in the

EXISTING

Crown House is located on the southwestern corner of the junction of Wembley Hill Road with Linden Avenue. The kerblines at this junction have recently been modified in conjunction with the replacement of the gyratory system at Wembley Hill Road/Empire Way with a roundabout.

The building comprises a vacant retail/food and drink unit (226m²) on the ground floor (consented under application 11/0473), with 3-storeys of office space (810m²) above. There are also nine 1-bedroom flats along the rear wing of the building, fronting Linden Avenue.

Vehicular access is from Linden Avenue, with a gate at the entrance behind which sits a bin store. Vehicular egress is available onto Mostyn Avenue to the rear of 33-35 Wembley Hill Road. The earlier approval showed 13 car parking spaces (incl. one disabled), ten bicycle parking spaces and a transit sized loading bay to the rear of the premises.

The site is located within the Wembley Growth Area.

PROPOSAL

This application seeks the erection of two additional storeys on top of the existing building in order to provide 8 additional self-contained flats (4 x 1-bed, 2 x studios, 1 x 3-bed & 1 x 4-bed) and the re-cladding of the whole building. No alterations to off-street parking or access arrangements are proposed.

HISTORY

The building was originally granted planning permission in 1975. Since which time the following planning application have been submitted:

- | | |
|------------|--|
| 18/04/2011 | Planning permission granted for the change of use of part of the lower-ground floor storage and undercroft areas into a retail unit (use class A1) or restaurant/cafe (use class A3), including internal alterations to reduce the floor level to match the street level at the front and insertion of rear flue (Ref: 11/0473). |
| 16/03/1998 | Planning permission granted for the change of use of third-floor office to self-contained flat (Ref: 97/2473). |

POLICY CONSIDERATIONS

National Planning Policy Framework

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

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

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

LDF Core Strategy 2010

- CP1** - Spatial Development Strategy
- CP2** - Population and Housing Growth
- CP7** - Wembley Growth Area
- CP17** - Protecting and Enhancing the Suburban Character of Brent
- CP19** - Brent Strategic Climate Change Mitigation and Adaptation Measures
- CP21** - A Balanced Housing Stock

Brent Unitary Development Plan 2004

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

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

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

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

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

STR13 - Environmentally sensitive forms of development will be sought.

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

STR15 - Major development should enhance the public realm.

BE2 - Townscape: Local Context & Character

BE3 - Urban Structure: Space & Movement

BE4 - Access for disabled people

BE5 - Urban clarity and safety

BE6 - Public Realm: Landscape design

BE7 - Public Realm: Streetscene

BE9 - Architectural Quality

BE12 - Sustainable design principles

TRN4 - Measures to make transport impact acceptable

TRN23 - Parking Standards – residential developments

TRN24 - On-Street Parking

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

PS14 - Residential Parking Standards

PS15 - Parking for disabled people

PS16 - Cycle parking standards

Brent Council Supplementary Planning Guidance and Documents

SPG12 - Access for disabled people

SPG17 - Design Guide for New Development

SPG19 - Sustainable design, construction and pollution control

SPD - Section 106 Planning Obligations

Mayor of London

The London Plan 2011

Mayor of London Supplementary Planning Guidance

(a) Sustainable Design and Construction (May 2006)

(b) Planning for Equality and Diversity in London (October 2007)

(c) Accessible London: Achieving an Inclusive Environment (April 2004)

(d) The Mayor's Housing Design Guide (2010 interim addition)

SUSTAINABILITY ASSESSMENT

The site is classed as a minor application and therefore the requirements of policy CP 19 of the Council's Core Strategy does not apply, as the proposal is for less than 10 flats. So although located within the Wembley Growth Area current policy does not require the scheme to achieve the Code for Sustainable Homes Level 4 required of major schemes. The new build elements of the development will still have to meet the requirements of Part L of the Building Regulations 2010 which is equivalent to Level 3 of the Code for Sustainable Homes.

As a minor scheme the requirements of Brent's SPG19 'Sustainable Design & Construction' also do not apply and the proposal has therefore not been assessed against the Council's Sustainability Check List.

CONSULTATION

111 properties have been notified in writing of this application. Ward Councillors were also notified.

An objection has been received from the occupiers of 1 Linden Avenue which is the closest adjoining property to the application site. The concerns can be summarised as:

- Overdevelopment .
- Impact o traffic and parking.
- Loss of light.
- Impact on privacy.

2 occupiers from existing flats in Crown House have commented that while they don't object to the proposal they would like to know if the freeholder proposes to address the damp problem in existing flats, when works are expected to commence and will owners/lease holders of flats be expected to contribute towards the cost of the works. These queries have been directed towards the applicant.

Highway & Transport Delivery: This proposal can be supported on transportation grounds, subject to a financial contribution of £9,000 towards sustainable transport improvements and the following conditions:

1. Prior to occupation of the development, further details of car park management arrangements shall be submitted to and approved by the LPA, setting out the means by which car parking spaces shall be allocated to specific users at various times of the week and the means by which this will be enforced.
2. The car parking spaces within this development site shall not be made available for commercial parking to Wembley Stadium visitors on stadium event days, unless otherwise agreed in writing with the LPA.
3. Prior to occupation of the development, further details of bicycle parking and refuse storage arrangements for the additional flats shall be submitted to and approved by the LPA. These details shall thereafter be approved.

Environmental Health: Further details will be required of the extract duct and associated mechanical plant and filtration system for the A3 use on the ground floor of the building granted permission last year (Ref: 11/0473) but not yet implemented.

REMARKS

Principle of development.

The site is located within the Wembley Growth Area which is identified in policy CP 7 of the Core Strategy as being expected to deliver at least 11,500 new homes by 2026. The additional floors and the new residential units in them are therefore considered to be acceptable in principle.

Quality of residential accommodation

8 new residential units are proposed comprising 2 studio flats, 4 one-bed flats, 1 three-bed maisonette and 1 four-bed maisonette are proposed. All the flats meet the minimum floor area standards set out in the London Plan.

All the new flats will be located within the new 4th and 5th floors. All have an uninterrupted outlook and meet BRE guidelines for daylight. None of the units have a solely northern aspect and will therefore all enjoy some direct sunlight during the day. The scheme has been redesigned to reduce direct overlooking between the flats and are now considered to enjoy an acceptable level of privacy. The existing office accommodation does have windows that allow some overlooking of the windows of exiting flats. The proposed extension and refurbishment of the building allows this problem to be rectified through the introduction of obscure windows to this elevation of the existing offices to be secured by condition.

The site faces a busy road (Wembley Hill Road). A condition is proposed requiring the applicants to demonstrate that they have considered local road traffic noise, and if necessary implement any special measures needed to satisfactorily mitigate noise and attenuate the proposed residential units to a satisfactorily level.

The adverse stacking of rooms between the existing and proposed flats has largely been avoided. The toe larger maisonette units are sited over the existing office accommodation however floor insulation levels required for Building Control are normally considered sufficient to prevent noise nuisance between floors. However in order to ensure the satisfactory level of insulation is used Environmental Health have requested a

condition requiring post-completion testing of noise levels prior to occupation.

The site is not capable of accommodating any communal amenity space, however all the new flats will have balconies ranging in size from 2.9 sqm to 11.7 sqm. The Council's SPG17 Design Guide for New Development recommends that new flatted housing should ideally have 20 sqm of communal amenity space per flat. However it is accepted that this can't always be achieved, particularly on the more constrained sites typically found in and around Wembley Town Centre. In such situations, provided that in all other respects the proposal is achieving an appropriate standard of accommodation and subject to there being a suitable public amenity space within walking distance, an additional s106 contribution is sought to offset the lack of amenity space within the scheme. This approach has been applied to other recent schemes in Wembley - Rosemead Hall, Juniper Close etc. In the case of this current application the site is less than 500 metres from King Edward Park. It therefore recommended that an additional £10,000 contribution be sought for improvements to this public park in order to offset the significant shortfall in amenity space within the scheme.

In addition 3 of the existing flats will each gain a 4.7 sqm balcony. Currently none of the existing flats have any external amenity space.

Flat	Type	Applicants stated Floor Area (sqm)	Net Internal Floor Area (sqm)	London Plan Standard (sqm)	Balcony (sqm)
F1	1-bed	50.3	49	50	4.7
F2	1-bed	50.7	45	50	7.0
F3	studio	37.8	36	37	2.9
F4	3-bed	181	187	96	10.6
F5	4-bed	204	225	107	11.7
F6	1-bed	48.5	48.5	50	4.7
F7	1-bed	45.2	46	50	7.0
F8	studio	38.2	36	37	2.9

Total internal floor space based on net internal floor area calculations listed above = 672.5 sqm.

Total internal floor area based on applicants stated floor area = 655.7 sqm.

As there are discrepancies between the applicants stated internal floor areas and Officer's own calculations the applicant has been asked to provide further clarification of the floor areas proposed, per flat. This will be reported further in the Supplementary Report to Committee.

Design of the proposal

The existing building is a rather dull and tired looking brick building. The proposal is to add two new floors and re-clad the whole extended building in new white and grey panelling. New glazing is to be introduced to the existing building along with new balconies. These improvements to the existing building together with projecting elements and balconies proposed in the new upper floors help to break up the form of the building and creates visual interest. This approach is considered acceptable and if completed in materials of a sufficient quality and finished to an appropriate standard should give the impression of being an entirely new building.

On the other side of Linden Avenue is Cotterell House which at 7 storeys will still be a storey higher than the extended Crown House. In terms of its scale therefore the extended building is comparable with other buildings located along this stretch of Wembley Hill Road. The existing building already has a slightly awkward relationship to the much lower scale housing in Linden Avenue and the smaller adjoining office building on Wembley Hill Road. However the proposed extension and refurbishment of Crown House will make for a more attractive and interesting building that despite being larger will make a more positive contribution to the street scene than the existing building does.

Access

Policy 3A.5 of the London Plan specifies that all new housing should be built to Lifetime Homes standard. Lift access is provided to all residential floors. While the main front door to the residential core is accessed by an existing set of steps level access is provided to a secondary residential entrance to the parking area, and a disabled lift is proposed from Linden Avenue to the entrance.

Parking/ Servicing

The site has good access to public transport services (PTAL 4). Wembley Stadium station (Chiltern line) is

close by, as are bus routes 18, 79, 83, 92, 182, 204, 223, 224 and 297. There is a long bus stop clearway with a shelter and seat along the Wembley Hill Road frontage of the site.

The site is within Controlled Parking Zone "W", which is in operation from Monday to Saturday between 8am to 6.30pm. The site is also within the Wembley Stadium Event Day Protective Parking Zone, on which days restrictions extend from 8am to Midnight. As such, parking in Linden Avenue and Mostyn Avenue (both local access roads) is generally restricted to residents' permit holders only, although there is also pay and display available at their eastern ends.

Car parking allowances for residential use are set out in the standard PS14 of the UDP. As the site has good access to public transport services and is within a Controlled Parking Zone, reduced allowances apply.

The parking and servicing allowances for the commercial uses within the building are set out in standards PS6, PS7, PS9, PS17, PS19 and PS20.

Disabled and bicycle parking requirements are set out in standards PS15 and PS16 respectively.

Existing floor space

The existing retail/food and drink unit, having a gross floor area of below 400m, is permitted a maximum of one car parking space. The existing office floorspace is permitted 1 space per 300m as the site has good access to public transport services and is on the edge of Wembley town centre, giving a further allowance of two spaces. The nine existing 1-bedroom flats are each permitted 0.7 spaces, giving a maximum allowance of 6.3 spaces. The current total parking allowance for the site is therefore in the order of 9 spaces and the existing provision of 12 standard width spaces exceeds standards.

Proposed floor space

The proposal will add an additional eight flats to the building (6 x 1-bed/studio and 2 x 3-/4-bed). These will be permitted a total of 6.6 spaces (0.7 per 1-bed flat & 1.2 per larger unit) thereby taking the total parking allowance for the building to 15.9 spaces.

Parking provision

The existing car parking provision (13 spaces incl. one disabled) would therefore accord with standards and indeed, this proposal will eliminate the existing overprovision of parking for the building. However, consideration also needs to be given to the impact of any overspill parking from the site on parking conditions in the area. To this end, it is recommended that all of the parking spaces are made available to residents, at least at evenings and weekends, although there may be some scope to allow dovetailing of spaces with the other uses (particularly the offices) during the day. A car park management plan to set out proposed arrangements is therefore conditioned. However, in view of the increase in the number of flats and the local on-street parking situation, it is proposed to restrict the new flats to not be eligible for parking permits.

The car parking area for this building has been observed as being hired out as pirate parking for spectators on Wembley Stadium event days. This undermines the attempts to minimise traffic associated with the Stadium and adds to the difficulties in managing traffic movements away from the Stadium after events, when Wembley Hill Road is closed to through traffic, aside from the issue of utilising spaces that should be kept available for residents. A planning condition is therefore recommended on any planning approval preventing the use of this car park for visitor parking on Wembley Stadium event days, in order to allow enforcement action to be taken in future.

Disabled parking

At least 5% of the spaces (1 minimum) should be marked and dedicated for disabled use and the proposed provision of one such space is sufficient to satisfy this requirement.

Servicing

The existing retail/food and drink unit requires servicing by a transit sized vehicle, whilst the offices require servicing by 8m rigid vehicles. A transit sized bay was approved on the earlier application for the ground floor unit and whilst there is no specific 8m bay available for the offices, this is a historic situation which is not worsened by this proposal. Such vehicles would if necessary be able to stand temporarily within the central aisle of the car park.

Bicycle parking

Standards require at least one secure bicycle parking space per flat, alongside about eight more publicly accessible spaces for the commercial uses, giving a total requirement for about 25 spaces. Ten spaces were previously approved within the car park, although these have not actually been provided. As a minimum, a

further eight spaces within a secure, lockable and covered store are required for these additional flats. A condition is recommended to detail future bicycle parking provision within the site, showing a minimum of 18 (and preferably 25) spaces.

Emergency access and refuse collection:

The site has frontages onto two streets, so is easily accessed by fire appliances. No details of refuse storage arrangements have been shown for the new flats though and this may require the enlargement of the existing refuse storage area. All storage must be provided within 10m of a location that a refuse vehicle can access and as long as the additional bins can be accommodated behind the boundary wall along Linden Avenue, this requirement will be met. Further details are sought as a condition of any approval.

Flood Risk

The site is within Flood Zone 1 and is less than 1 hectare in size; therefore no detailed flood risk statement is required.

Density

The proposal is sited within an urban area with a PTAL of 4. The proposed density of the development equates to 1231u/ha and 503 hr/ha. This is within the tolerances normally permitted within the London Plan: (70 – 260 u/ha for an “urban” designated area and 200 – 700 hr/ha.) The proposal complies with the recommended density levels set out in the London Plan.

Impact on existing residents.

The proposal is adjoined by residential properties in Linden and Mostyn Avenue. The scheme has been amended to ensure that the scheme is considered to meet the relevant guidelines for preserving neighbouring residential amenity set out in SPG17. All new residential windows facing towards neighbouring properties are located at least ten metres from the sites boundaries with neighbouring properties and over 20 metres from any directly facing habitable room windows. The 45 degree set down requirement has largely been met. The rear garden of the neighbouring property at 1 Linden Avenue has an existing 3.8 metre high boundary wall between it and the site. The 45 degree line has therefore been taken from the top of this wall. This demonstrates that the additional floors only marginally encroach upon this line. This failure is not considered significant enough to justify a reason to refuse the application. Furthermore the introduction of obscure glazing to the existing office accommodation improves the privacy of existing neighbours.

The Building Research Establishment Guide to Good Practice 2011 makes recommendations for the retention of daylight and sunlight in existing buildings adjacent to new developments. A daylight & sunlight report has been carried out on the proposed extension that demonstrates the proposal will have a limited effect upon the availability sunlight and daylight to rooms in the adjacent house at 1 Linden Avenue and to the commercial building called Cottrell House on the north side of Linden Avenue. The analyses given in this report show that the reductions will be within the limits recommended in the Guide to Good Practice.

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 housing within the Wembley Growth area. Despite the fact that the scheme does not provide the levels of external amenity space normally sought, overall the quality of accommodation proposed is considered acceptable. The lack of amenity space can be offset by seeking additional s106 contributions for open space improvement in the locality.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent's adopted Core Strategy 2010
Brent's Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17 - Design Guide for New Development
Supplementary Planning Document - S106 Planning Obligations.

CONDITIONS/REASONS:

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

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

- (2) Details of materials for all external work with samples, (including but not limited to cladding, roof materials, window details, balcony details) shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing and those details, once approved, shall be fully implemented.

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

- (3) Detailed drawings at a scale of 1:5, or an alternative scale that has been agreed in writing by the Local Planning Authority, including, where necessary, sections and detailed elevations, of the various elements of the facades of the building, detailing the junctions between different elements of the building, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and the development shall be carried out in full accordance with the approved details.

Reason: To ensure the design detail for this prominent site results in a high-quality development in compliance with the requirements of Built Environment policies within the Unitary Development Plan and Supplementary Planning Guidance 17 "Design Guide for New Development"

- (4) Prior to development commencing, further details of
 - a) the proposed refuse and recycling areas
 - b) a minimum 18 secure bicycle parking spacesshall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out and completed in all respects in accordance with the details so approved before the proposed flats are occupied.

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

- (5) Prior to the occupation of the proposed flats the applicants shall submit an acoustic report that shall demonstrate that they have undertaken tests of internal noise levels in each of the flats living rooms and bedrooms post-completion of the building works and that "reasonable" resting levels of noise attenuation have been achieved in accordance with standards set out within BS8233:1999 "Sound insulation and noise reduction for Buildings."

If "reasonable" noise levels have not been achieved the report will detail what additional measures will be undertaken to ensure that they are achieved and the timescale that these additional measures shall be implemented within and thereafter the works shall be undertaken in accordance with the details so approved.

The report shall be submitted to and approved in writing by the LPA prior to the occupation of the units.

Reason: To ensure satisfactory noise levels within the proposed development in order to safeguard the amenities of future occupiers.

- (6) Details of any new plant machinery and equipment (including air conditioning systems/mechanisms for mechanical ventilation) associated with the proposed development and the expected noise levels to be generated, shall be submitted to and agreed in writing by the Local Planning Authority prior to development commencing and thereafter shall be installed in accordance with the approved details and maintained in accordance with the relevant manufacturer's guidance.

The noise level from this plant together with any associated ducting, shall be maintained at a level 10 dB (A) or greater below the measured background-noise level at the nearest noise-sensitive premises. The method of assessment should be carried out in accordance

with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas".

Should the predicted noise levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: In order to ensure adequate insulation and noise mitigation measures and to safeguard the amenities of adjoining occupiers and future occupiers

- (7) Notwithstanding the drawings and documents hereby approved, further details of the measures to mitigate the impact of noise on future residents, which shall include details and technical specifications of the glazing and ventilation systems, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The approved details shall be implemented in full and thereafter shall be maintained in accordance with the manufacturers' specifications.

Reason: To ensure a satisfactory standard of residential accommodation for future occupants.

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

PL-2
PL3-A
PL-4-A
PL-5
PL-6
PL-7
PL-9
PL-10
PL-11

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

- (9) Details of obscure and restricted opening glazing to be fitted to the western elevation of the existing office accommodation and to the north western corner of Flat F5 shall be submitted to and in writing by the Council prior to the commencement of work. The approved glazing shall be installed and maintained at all times unless the Council agree otherwise in writing.

Reason: To protect the amenities of existing residents

- (10) No area of flat roof shall be used as a terrace or balcony (unless indicated as being such on the approved plans) unless the Council agree otherwise in writing.

Reason: To protect the amenities of existing residents.

- (11) Prior to occupation of the development, further details of car park management arrangements shall be submitted to and approved by the LPA, setting out the means by which car parking spaces shall be allocated to specific users at various times of the week and the means by which this will be enforced.

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

- (12) The car parking spaces within this development site shall only be used by occupants of the residential units or commercial floorspace or for servicing directly associated with these units.

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

- (13) In order to mitigate against the possibility of numerous satellite dishes being installed on the

buildings hereby approved, details of communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of the development. The approved details shall be fully implemented.

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

- (14) Details of the proposed new disabled access from Linden Avenue shall be submitted, agreed in writing by the Local Planning Authority and installed prior to the occupation of the new accommodation.

Reason;- To ensure that adequate access for all new users of the building has been provided.

INFORMATIVES:

None Specified

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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Received PLANNING Appeals between 1-May-2012 and 31-May-2012

Planning Committee: 20 June, 2012

Application Number: 11/2298 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 10/05/2012 **Appeal Against:** Refusal of planning permission
Location: 293-301 Kilburn High Road, London, NW6 7JS
Proposal:

Proposed third floor extension at 293-301 Kilburn High Road, Kilburn, London NW6 7JR

Application Number: 11/2534 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 30/05/2012 **Appeal Against:** Refusal of planning permission
Location: Garages rear of 426-444, High Road, Wembley
Proposal:

Demolition of existing workshops and lock up garages to the rear of 426-444 High Road and the erection of a three storey block of nine flats (three 1-bed, six 2-bed)

Application Number: 11/2791 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 25/05/2012 **Appeal Against:** Refusal of planning permission
Location: Land rear of 12-14, St Andrews Avenue, Wembley
Proposal:

Erection of four 3-storey terraced dwelling houses on land at rear of 12-14 St. Andrews Avenue

Application Number: 11/2934 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 25/05/2012 **Appeal Against:** Refusal of planning permission
Location: 6 Highmeadow Crescent, London, NW9 0XH
Proposal:

Erection of two-storey side extension to No. 6 and and the division of the property to form two three-bed self-contained dwellinghouses with associated hard and soft landscaping and reduction in width of existing crossover.

Application Number: 11/2959 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 10/05/2012 **Appeal Against:** Refusal of planning permission
Location: 123 & 125 Preston Hill, Harrow, HA3 9SN
Proposal:

Demolition of existing two bungalows and erection of six x four-bedroom two-storey detached dwellinghouses with accommodation in the roof and associated changes to existing two vehicular crossovers, new access road, twelve off-street parking spaces and hard and soft landscaping accompanied by Design & Access Statement and completed Brent Sustainable Development Checklist

Application Number: 11/3127 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 03/05/2012 **Appeal Against:** Refusal of planning permission
Location: 80 Uxendon Hill, Wembley, HA9 9SL
Proposal:

Retrospective application for front porch and replacement of garage front door to dwellinghouse

Application Number: 11/3307 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 09/05/2012 **Appeal Against:** Refusal of planning permission
Location: 29 Charterhouse Avenue, Wembley, HA0 3DD
Proposal:

Demolition of existing rear extension, replacement single storey rear extension and creation of first floor to convert bungalow to a two storey dwellinghouse

Received PLANNING Appeals between 1-May-2012 and 31-May-2012

Planning Committee: 20 June, 2012

Application Number: 12/0118 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 01/05/2012 **Appeal Against:** Refusal of planning permission
Location: 40 Donaldson Road, London, NW6 6NG
Proposal:

Demolition of garage and erection of single storey rear extension to facilitate change of use of rear of laundrette to self-contained studio flat, installation of front door fronting Lonsdale Road, new upvc windows and doors in flank wall of opposite elevation and removal of existing external extractor ducts.

Application Number: 12/0120 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 15/05/2012 **Appeal Against:** Refusal of planning permission
Location: 27 Brooksville Avenue, London, NW6 6TH
Proposal:

Single storey side infill extension with lightwell to dwellinghouse

Application Number: 12/0209 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 29/05/2012 **Appeal Against:** Refusal of planning permission
Location: 36A Belton Road, London, NW2 5PE
Proposal:

Retrospective application for erection of a single storey side infill extension to ground floor flat

Application Number: 12/0237 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 24/05/2012 **Appeal Against:** Refusal of planning permission
Location: 96 Harrow Road, Wembley, HA9 6PN
Proposal:

Retrospective application for the retention of 2 air conditioning units on the front elevation and one air conditioning unit on the rear elevation of the dwellinghouse, with one additional proposed air conditioning unit on the rear elevation

Application Number: 12/0518 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 08/05/2012 **Appeal Against:** Refusal of planning permission
Location: 343 Harlesden Road, London, NW10 3RX
Proposal:

Change of use of ground floor from residential (Use Class C3) to a religious place of worship (Use Class D1)

Received ENFORCEMENT Appeals between 1-May-2012 and 31-May-2012

Planning Committee: 20 June, 2012

Application Number: E/09/0355 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 23/05/2012

Location: 21 St Annes Road, Wembley, HA0 2AW

Description:

Without planning permission, the erection of a single storey rear extension onto the existing rear extension, rear canopy infill extension and a building in rear garden of the premises.

("The unauthorised development")

Application Number: E/10/0175 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 10/05/2012

Location: 130 Vivian Avenue, Wembley, HA9 6RT

Description:

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

("The unauthorised development")

Application Number: E/10/0365 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 18/05/2012

Location: 30 Second Way, Wembley, HA9 0YJ

Description:

Without planning permission, the material change of use of the premises from a bakery (since demolished) to a mixed use as a builder's yard, commercial storage (including but not limited to skips, tyres and vehicles) and the erection of ancillary buildings and fences.

("The unauthorised development")

Application Number: E/11/0103 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 03/05/2012

Location: Flats 1-7, 237A Kilburn High Road, London, NW6 7JN

Description:

Without planning permission, the change of use of the premises from the upper floor maisonette to seven self-contained flats.

("The unauthorised change of use")

Application Number: E/11/0106 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 23/05/2012

Location: 6 and 6A Nicoll Road, London, NW10 9AB

Description:

The change of use of the main building in the premises from a Hotel to twenty-six self-contained flats.

("The unauthorised change of use")

The erection of a plastic clad building in the rear garden and its use as a two bed self-contained flat.

("The unauthorised development")

Received ENFORCEMENT Appeals between 1-May-2012 and 31-May-2012

Planning Committee: 20 June, 2012

Application Number: E/11/0448 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 10/05/2012

Location: 70A and B Lancaster Road, London, NW10 1HA

Description:

Without planning permission, the change of use of the premises into two self-contained flats.

("The unauthorised change of use")

Application Number: E/11/0459 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 17/05/2012

Location: 36A Kings Road, London, NW10 2BP

Description:

Without planning permission, the erection of a part timber-framed and part brick single storey infill side rear extension at the premises.

("The unauthorised development")

Application Number: E/11/0566 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 08/05/2012

Location: Flats 1-5, 76 Donnington Road, London, NW10 3QU

Description:

Without planning permission, the erection of a single storey extension to existing outbuilding in rear garden of the premises.

("The unauthorised development")

Application Number: E/11/0578 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 08/05/2012

Location: 43 Clifford Way, London, NW10 1AP

Description:

The erection of a rear canopy extension to the house and the erection of a building in the rear garden of the premises.

("The unauthorised development")

Application Number: E/11/0801 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 14/05/2012

Location: 19 Chadwick Road, London, NW10 4BS

Description:

The erection of a single storey rear extension to the premises.

("The unauthorised development")

Received ENFORCEMENT Appeals between 1-May-2012 and 31-May-2012

Planning Committee: 20 June, 2012

Application Number: E/11/0805 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 16/05/2012

Location: 17 Bramshill Road, London, NW10 8AE

Description:

The erection of a timber-framed gate and fence panels on top of bricked front and side boundary wall as an enclosure of the front garden of the premises.

("The unauthorised development")

Application Number: E/11/0833 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 08/05/2012

Location: 263 High Road, London, NW10 2RX

Description:

Without planning permission, the installation of a replacement shopfront and the erection of a single storey timber-framed structure to the rear of the premises.

("The unauthorised development")

Application Number: E/12/0035 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 16/05/2012

Location: 74 Hardinge Road, London, NW10 3PP

Description:

Change of use from one dwelling to two dwellings, involving the conversion of the single storey side extension to side and rear bordering 76 Hardinge Road into a separate self-contained flat.

("The unauthorised change of use")

Application Number: E/12/0041 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 09/05/2012

Location: Ground Floor entrance and corridor, and First and Second Floors, 6A Furness

Description: Road, London, NW10 4PP

The change of use of the premises from one to six self-contained flats.

("The unauthorised change of use")

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Decisions on PLANNING Appeals between 1-May-2012 and 31-May-2012

Planning Committee: 20-Jun-2012

Application Number: 11/1422 **PINSRefNo** A/11/2164391 **Team:** Northern Team
Appeal Decision: Appeal part dismissed / part allowed **Appeal Decision Date:** 09/05/2012
Location: 78B Ivy Road, London, NW2 6SX
Proposal:
Erection of a rear dormer window, insertion of 3 front rooflights and 1 rear rooflight to 1st floor flat

Application Number: 11/1465 **PINSRefNo** X/11/2163866 **Team:** Western Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 28/05/2012
Location: 1 Fernbank Avenue, Wembley, HA0 2TT
Proposal:
Certificate of lawfulness for proposed rear dormer window and 1 rear rooflight to dwellinghouse

Application Number: 11/2475 **PINSRefNo** D/12/2171444 **Team:** Southern Team
Appeal Decision: Appeal Allowed **Appeal Decision Date:** 14/05/2012
Location: 78 Christchurch Avenue, London, NW6 7PE
Proposal:
Erection of a two storey side extension, re-cladding of dormer window and re-tiling of roof of dwellinghouse

Application Number: 11/2580 **PINSRefNo** D/12/2171951 **Team:** Northern Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 15/05/2012
Location: 15 Redhill Drive, Edgware, HA8 5JL
Proposal:
Erection of a single storey front extension to existing attached garage to dwellinghouse

Application Number: 11/2620 **PINSRefNo** D/12/2171331 **Team:** Western Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 11/05/2012
Location: 15 Lantern Close, Wembley, HA0 2JT
Proposal:
Retrospective application for erection of rear boundary wall to dwellinghouse

Application Number: 11/2834 **PINSRefNo** D/12/2170598 **Team:** Northern Team
Appeal Decision: Appeal Allowed **Appeal Decision Date:** 14/05/2012
Location: 4 Tracey Avenue, London, NW2 4AT
Proposal:
Erection of a first and second floor rear extension to dwellinghouse

Application Number: 11/2921 **PINSRefNo** H/12/2171412 **Team:** Western Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 15/05/2012
Location: UNIT 1,2 & 3, CELLPHONE HOUSE, North Circular Road, Stonebridge, London, NW10 7SH
Proposal:
Installation of banner for the display of x1 illuminated banner advertisement sign measuring 8m x 30m on the front elevation (southern) of Cellphone House

Application Number: 11/3209 **PINSRefNo** D/12/2171534 **Team:** Southern Team
Appeal Decision: Appeal Allowed **Appeal Decision Date:** 14/05/2012
Location: 15 Donaldson Road, London, NW6 6NA
Proposal:
Erection of a single storey rear extension to dwellinghouse

Decisions on PLANNING Appeals between 1-May-2012 and 31-May-2012

Planning Committee: 20-Jun-2012

Application Number: 11/3336 **PINSRefNo** D/12/21722322 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 14/05/2012

Location: 12 Alington Crescent, London, NW9 8JN

Proposal:

Rebuild of outbuilding in rear garden by reducing the roof height as revised by plans received 01/02/2012

Decisions on ENFORCEMENT Appeals between 1-May-2012 and 31-May-2012
 Planning Committee: 20 June, 2012

Application Number: E/08/0282 **PINSRefNo** C/11/2163888

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 03/05/2012

Location: 235 The Mall, Harrow, HA3 9TX

Proposal:

The erection of a building in the rear garden of the premises.

("The unauthorised development")

Application Number: E/09/0041 **PINSRefNo** C/11/2160981

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 11/05/2012

Location: 90 Wembley Park Drive, Wembley, HA9 8HW

Proposal:

Without planning permission, the material change of use of the premises from a single family dwellinghouse into a House in Multiple Occupation (HMO) and the erection of two buildings in the rear garden of premises.

("The unauthorised change of use and development")

Application Number: E/10/0610 **PINSRefNo** C/11/2167247

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 03/05/2012

Location: 1 Glendale Gardens, Wembley, HA9 8PR

Proposal:

Without planning permission, the erection of a boundary fence to the front and side of the premises

AND

The breach of Condition 5 of Planning Permission No. 87/0815 dated 23rd June, 1987(a copy of which is attached to this notice) for "Erection of two storey side extension and conversion into two self-contained flats"

("The unauthorised development and the breach of condition")

Application Number: E/10/0806 **PINSRefNo** C/11/2161587

Team: Southern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 30/05/2012

Location: 10 Kilburn Square, London, NW6 6PT

Proposal:

The erection of a single storey structure to form an enclosed additional room to the rear of the first floor maisonette.

("The unauthorised development")

Application Number: E/11/0262 **PINSRefNo** C/12/2170619

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 23/05/2012

Location: 44 Blenheim Gardens, Wembley, HA9 7NP

Proposal:

Without planning permission, the erection of a front boundary wall, pillars, railings and sliding gates, and the installation of doors to front elevation of premises.

("The unauthorised development")

Decisions on ENFORCEMENT Appeals between 1-May-2012 and 31-May-2012
Planning Committee: 20 June, 2012

Application Number: E/11/0500 **PINSRefNo** C/11/2166478

Team: Southern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 01/05/2012

Location: 158 Doyle Gardens, London, NW10 3SS

Proposal:

The erection of metal railings on top of a single storey rear extension to form a roof terrace to the rear of the premises

AND

The breach of Condition 4 of Planning Permission No. 10/1386 dated 20 August 2010 which required that no access shall be provided to the roof of the extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting out area.

("The unauthorised development and breach of condition")

Application Number: E/11/0507 **PINSRefNo** C/11/2160726

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 11/05/2012

Location: 38 Roe Lane, London, NW9 9BD

Proposal:

Without planning permission, the erection of a single storey side extension and the erection of a fence in the rear garden of the premises.

("The unauthorised development")

Application Number: E/11/0511 **PINSRefNo** C/11/2165970

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 03/05/2012

Location: 42 Park Road, Wembley, HA0 4AT

Proposal:

Without planning permission, the erection of a gable end roof extension, a rear dormer window extension and a two-storey side and part rear and single-storey rear extension to dwellinghouse.

("The unauthorised development")

Application Number: E/11/0524 **PINSRefNo** C/11/2167713

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 04/05/2012

Location: Generay, Fifth Way, Wembley, HA9 0JD

Proposal:

Without planning permission, the erection of a building incorporating a trommel to the rear of the premises as shown circled on the attached photograph to the notice.

("The unauthorised development")

Application Number: E/11/0564 **PINSRefNo** C/12/2167988

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 25/05/2012

Location: 152 Carlton Avenue West, Wembley, HA0 3QX

Proposal:

Without planning permission, the erection of a timber and plastic lean-to canopy extension to rear of premises.

("The unauthorised development")

**PLANNING SELECTED appeal DECISIONS between
1-May-2012 and 31-May-2012
Planning Committee: 20 June, 2012**

Introduction

In order to keep Members fully informed of Planning Appeal decisions, copies of Inspector's decision letters concerning those applications that have been allowed or partly allowed on appeal, are attached to the agenda. These include the following:

Our reference: 11/1422 **Appeal Decision:** Appeal part dismissed / part allowed **Appeal Decision Date:** 09/05/2012
Team: Northern Team
Location: 78B Ivy Road, London, NW2 6SX
Proposal:
 Erection of a rear dormer window, insertion of 3 front rooflights and 1 rear rooflight to 1st floor flat

Our reference: 11/2475 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 14/05/2012
Team: Southern Team
Location: 78 Christchurch Avenue, London, NW6 7PE
Proposal:
 Erection of a two storey side extension, re-cladding of dormer window and re-tiling of roof of dwellinghouse

Our reference: 11/2834 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 14/05/2012
Team: Northern Team
Location: 4 Tracey Avenue, London, NW2 4AT
Proposal:
 Erection of a first and second floor rear extension to dwellinghouse

Our reference: 11/3209 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 14/05/2012
Team: Southern Team
Location: 15 Donaldson Road, London, NW6 6NA
Proposal:
 Erection of a single storey rear extension to dwellinghouse

Our reference: 11/3336 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 14/05/2012
Team: Northern Team
Location: 12 Alington Crescent, London, NW9 8JN
Proposal:
 Rebuild of outbuilding in rear garden by reducing the roof height as revised by plans received 01/02/2012

Background Information

Any persons wishing to inspect an appeal decision not set out in full on the agenda should check the application details on our website or contact the Technical Support Team, Planning and Development, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email tps@brent.gov.uk

Chris Walker, Assistant Director - Planning and Development

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**ENFORCEMENT SELECTED appeal DECISIONS between
1-May-2012 and 31-May-2012**

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Appeal Decision

Site visit made on 21 February 2012

by **Peter D Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 May 2012

Appeal Ref: APP/T5150/A/11/2164391
78B Ivy Road, London NW2 6SX

- 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 Peter-John Gilbert against the decision of Brent Council.
 - The application Ref 11/1422, dated 31 May 2011, was refused by notice dated 27 July 2011.
 - The development proposed is converting existing loft space into a bedroom and bathroom by adding a rear dormer and three front rooflights. The scheme also includes the addition of a small rooflight over the existing kitchen.
-

Decision

1. The appeal is dismissed insofar as it relates to the conversion of the existing loft space into a bedroom and bathroom by adding a rear dormer and 3 front roof lights.
2. The appeal is allowed insofar as it relates to the addition of a small rooflight over the existing kitchen. Planning permission is granted for the addition of a small rooflight over the existing kitchen at 78B Ivy Road, London NW2 6SX in accordance with the terms of the application, Ref 11/1422, dated 31 May 2011 and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P002 and P003.

Procedural Matter

2. The National Planning Policy Framework ('the Framework') was published in March 2012, after the appeal was made. The appellant and the Council have been given the opportunity to comment on the relevance of the Framework to their cases. I have had regard to their responses and to the Framework in determining the appeal.

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of 78 Ivy Road and of the surrounding locality.
-

Reasons

4. Ivy Road and the surrounding streets form a residential area of small terraced housing in regular street blocks. The area has an attractive character and appearance derived from a uniform scale of housing and use of complementary materials and interesting detailing. The terraces are predominantly two storey but it is evident that some houses have accommodation in the roof space as is proposed at the appeal property.
5. I accept from the evidence in aerial photographs supplied and from viewing roof extensions at 61 Ivy Road, 79 and 81 Olive Road and 96 Mora Road that, in some cases, the conversion of the loft space has involved the use of large box dormers. Notwithstanding these particular examples, from my observation during the site visit, the conversion of roof spaces has, for the most part, been achieved discretely and the incidence of full-width dormers is still the exception rather than the rule. It is certainly too small a number to suggest that these roof forms are part of the area's character or that a precedent has been set. Consequently, the existence of similar dormer windows in the area would not provide a robust justification for the appeal proposal.
6. In respect of the proposals at No 78B, the rear dormer would extend across the full width of the property and would cover the whole slope of the roof from eaves to ridge. The reason given for this is to enable a full staircase access to be accommodated. However, the result would be a bulky dominant structure at the top of the house completely obscuring the characteristic sloping roof plane and significantly changing the character and appearance of the house. In addition, the scale and form of the proposed sliding doors and glazed Juliette balcony of the dormer would be out of proportion with the sash windows on the lower floors.
7. The impact of the full-width dormer would not be restricted to the property itself. There are inward views from the rear of properties in Olive Road and, more importantly, an open view of the rear of No 78 and neighbouring roof scape from Agave Road. From this viewpoint the proposed full-width dormer would appear unduly dominant and would significantly and adversely alter the attractive appearance of the roofscape along the rear elevation of properties in Ivy Road. I understand that permission has been given for a loft extension at No 76. Nevertheless, in this case, and for the reasons given above, the rear dormer elements of the proposed loft extension would be unacceptable.
8. Saved Policy BE9 of the *London Borough of Brent Unitary Development Plan* (UDP) seeks alterations to existing buildings that embody a creative and appropriate design solution. Whilst the loft conversion at No 78 could be described as a creative design, for the reasons above, it would not be an appropriate design in terms of the policy, in particular criteria a), b) and c). Moreover, *Supplementary Planning Guidance 5 - Altering and Extending Your Home* (SPG5) states that rear roof dormers should be no more than half the width of the roof and be set up from the eaves and down from the ridge line, with windows in proportion to originals below. None of these design principles would be followed in the appeal proposal and as such the proposed roof conversion and rear dormer would be contrary to policy.

9. It has been put to me that the extension is necessary to accommodate the needs of a young family and avoid the need to find alternative affordable accommodation elsewhere. However, whilst I understand the objective, I am not persuaded that it outweighs the harm to the character and appearance of the property and its surroundings. Moreover, the fact that permission has now been granted for an alternative design of roof extension demonstrates that the need for additional space can be met in other ways, although I accept this does not achieve the full internal stair the appellants seek.
10. Regarding the front rooflights proposed to light the loft extension, elevation drawings were not provided with the planning application. Nevertheless, the neighbouring property has an identical arrangement of rooflights to that proposed at no 78B and it is therefore possible to visualise the appearance of the proposed windows. I am satisfied that, due to their size and siting, they would not have any significant adverse effect on the property and streetscape.
11. Similarly, in respect of the small rooflight over the kitchen, the design and positioning behind the chimney stack on the rear offshot roof would be an acceptable addition to the property and would be entirely unobtrusive.
12. The proposed roof light to the existing kitchen is clearly severable both physically and functionally from the loft conversion works. However, the roof lights towards the front of the building are clearly an integral part of the proposed loft conversion. I will, therefore, issue a split decision allowing the appeal insofar as it relates to the kitchen roof light but dismissing it in relation to the loft conversion, rear dormer and the three front roof lights.
13. In coming to a view on this proposal, I have had regard to the recently issued Framework. The UDP was adopted in 2004 and SPG5 in 2002. Whilst neither document is particularly recent, neither the relevant saved UDP policy nor SPG5 are at odds with the Framework which promotes good design and visually attractive developments. I accept that the appellants, in proposing the roof extension, are seeking to make sustainable and effective use of their existing home, an objective which is encouraged by the Framework. However, the Framework attaches great importance to seeking a high quality of design. At Paragraph 64 it states that "*..permission should be refused for development of poor design that fails to take the opportunities available to improve the character and quality of an area..*" Whilst paragraph 65 goes on to say that permission should not be refused for development which promotes sustainability because of concerns about incompatibility with existing townscape; it qualifies this by saying "*..if those concerns have been mitigated by good design*". I am not persuaded that in this case such mitigation would be achieved.

Conclusion and Conditions

14. For the reasons given above, I conclude that the appeal should be dismissed in relation to the loft conversion and rear dormer. However, in relation to the installation of a rooflight over the existing kitchen, the appeal should succeed and planning permission be granted.
15. I have considered the conditions suggested by the Council against the advice in Circular 11/95 and for their clarity. In respect of the kitchen rooflight element, a condition requiring development to be carried out in accordance with the

submitted plans is necessary for the avoidance of doubt and in the interests of proper planning. Whilst the Council proposes a condition requiring matching materials, I do not propose to attach this as it would only be necessary in the context of permission being granted for the rear dormer element of the proposal.

P. D. Biggers

INSPECTOR



Appeal Decision

Site visit made on 13 April 2012

by Gary Deane BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 May 2012

Appeal Ref: APP/T5150/D/12/2171444
78 Christchurch Avenue, London NW6 7PE

- 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 and Mrs Mark Barnett against the Council of the London Borough of Brent.
 - The application Ref 11/2475, dated 18 October 2011, was refused by notice dated 13 December 2011.
 - The development proposed is the erection of a 2-storey side extension, stripping existing dormer and re-tiling complete roof with tiles to match.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2-storey side extension, stripping existing dormer and re-tiling complete roof with tiles to match at 78 Christchurch Avenue, London NW6 7PE in accordance with the terms of the application Ref 11/2475, dated 18 October 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs PMB/11/115/1, PMB/11/115/2, PMB/11/115/3, PMB/11/115/4A, and the Site Plan which shows the site's boundaries.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural matters

2. The name of the appellant is given as Mr M Barnett on the planning appeal form, whereas the names appearing on the application form lodged with the Council are Mr and Mrs Mark Barnett. As the right of appeal rests solely with the original applicant(s), I have proceeded on the basis that Mr and Mrs Mark Barnett are the appellants in this case.
 3. On 27 March 2012, the Government issued the National Planning Policy Framework (the Framework), which sets out planning policies for England and how these are to be applied. At the heart of the Framework is a presumption
-

in favour of sustainable development. The Framework replaces, amongst other things, national guidance in Planning Policy Statement 1, *Delivering Sustainable Development*, to which both main parties have referred. As the Framework is a material consideration and was issued after the submission of evidence, both main parties were given the opportunity to submit further representations in the light of its publication. I have taken into account those representations and the NPPF itself in my assessment of the proposal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the appeal property and the local area.

Reasons

5. The appeal property is a semi-detached house located in a predominantly residential area, in which buildings vary in scale, type, design and appearance. Although significant in size and bulk, the proposed 2-storey side extension has been carefully designed to reflect the style and proportions of the existing house. The ground and 1st floor elements would be set back from the main front wall of No 78, thereby keeping the attractive bay windows and projecting gable as prominent features of the house. The proposed hipped roof form, pattern of fenestration and external materials would all complement the host building. Overall, I consider that the proposal would relate well to the appeal building. It would be subordinate to, and harmonise with, the existing dwelling, in accordance with the advice in the Council's Supplementary Planning Guidance 5, *Altering and Extending Your Home* (SPG).
6. The existing dormer extension in the side roof slope of No 78 would be largely hidden from public view by the new addition. This is because it would sit behind the roof of the proposed extension and be set back from the new sidewall. Glimpse views of this dormer would be possible on the approach to No 78 along Christchurch Avenue from the northeast. From this direction, the dormer would be seen through a narrow gap between No 78, as proposed to the extended, and the adjacent house. Such fleeting views would be at an oblique angle and against the backdrop of the built form of No 78. Since the dormer would be re-clad in tiles to match the remainder of the roof, its general appearance would be unlikely to draw the eye in the same way as the existing feature does with its panels contrasting markedly with the darker tiles of the roof. Although positioned close to the proposed extension, the dormer would visually read as part of the profile of the new roof when viewed from the adjacent highway. By largely shielding the existing dormer extension from public view, and re-cladding it in more sympathetic materials, the proposal would, in my opinion, significantly improve the appearance of the appeal property and enhance its contribution to the local street scene.
7. For all of these reasons, I conclude that the proposal would be in keeping with the character and appearance of the appeal property and the local area. It would comply with policies BE2 and BE9 of the London Borough of Brent Unitary Development Plan and the Council's SPG. These policies, to which I attach significant weight, seek to ensure that proposals are designed to a high standard with regard to its local context and make a positive contribution to the character of the area.

Conditions

8. I have attached a condition requiring that the proposed development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. To ensure the satisfactory appearance of the new addition, a condition is imposed which requires that that the external materials of the proposal match the existing dwelling.

Conclusion

9. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR



Appeal Decision

Site visit made on 13 April 2012

by Gary Deane BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 May 2012

Appeal Ref: APP/T5150/D/12/2170598

4 Tracey Avenue, London NW2 4AT

- 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 Daniel Green against the Council of the London Borough of Brent.
 - The application Ref 11/2834, dated 27 October 2011, was refused by notice dated 30 November 2011.
 - The development proposed is the erection of a 1st and 2nd floor extension and internal alterations.
-

Application for Costs

1. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for the erection of a 1st and 2nd floor extension and internal alterations at 4 Tracey Avenue, London NW2 4AT in accordance with the terms of the application Ref 11/2834, dated 27 October 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 01B, 101, 102, 103B, 104, 105, 106, and 05.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural matters

3. The name of the appellants is given as Ms Emma J Goodrick and Mr Daniel D Green on the planning appeal form, whereas the name appearing on the application form lodged with the Council is Mr Daniel Green. As the right of appeal rests solely with the original applicant, I have proceeded on the basis that Mr Daniel Green is the appellant in this case.
-

4. On 27 March 2012, the Government issued the National Planning Policy Framework (the Framework), which sets out planning policies for England and how these are to be applied. At the heart of the Framework is a presumption in favour of sustainable development. As the Framework is a material consideration and was issued after the submission of evidence, both main parties were invited to submit further representations in the light of its publication. I have taken into account those representations and the NPPF in my assessment of the proposal.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the appeal property and the local area.

Reasons

6. The appeal property is a detached house that sits towards the head of a cul-de-sac in a predominantly residential area. Like several houses nearby, No 4 has been externally altered and extended. Although the highway frontage of the site is modest in width, the site widens markedly at the rear of the dwelling to provide a large garden. The layout of the house, with its single storey rear projections, takes advantage of this splayed shape.
7. The proposal would be a 2-storey addition above an existing single storey building to create extra living accommodation at 1st and 2nd floor levels. Although significant in scale and bulk, the proposal has been carefully designed to reflect the style of the existing house. It would be set back from the front elevation of No 4 by some distance. The height of part of the existing roof would be increased but the new ridgeline would remain noticeably below that of the main house, in accordance with the guidance in the Council's Supplementary Planning Guidance 5, *Altering and Extending Your Home* (SPG). These features, coupled with its appropriate design and use of external materials to match the existing dwelling, would cause the proposal to relate well to the host building. In my opinion, it would appear subservient to, and in keeping with, the scale, height, and proportions of the existing dwelling.
8. Glimpse views of part of the new addition would be possible from a limited number of public vantage points along Tracey Avenue. These views would be primarily through a narrow gap between No 4 and the adjacent dwelling, 3 Tracey Avenue. From this direction, part of the new wall would be visible along with the new sloping roof and that part of the existing roof which would be raised in height. To my mind, the new addition would not draw the eye since the amount of additional built form visible from Tracey Avenue would be modest and it would be in scale and proportion to the host building. For these reasons, and given the generous set back from the highway and front elevation of No 4, the proposal would not be obtrusive or overbearing in the local street scene.
9. The proposal would also be evident when viewed from the rear garden of No 4. Nevertheless, the proposed extended house would sit comfortably within the generous plot. The large rear garden would be retained. Consequently, the spacious feel at the rear of No 4 and the visual separation between it and neighbouring properties would be maintained.

10. A core planning principle of the Framework is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of buildings. For the reasons given, the proposal would accord with that principle.
11. Therefore, I conclude that the proposal would be in keeping with the character and appearance of the appeal property and the local area, in accordance with Policies BE2 and BE9 of the London Borough of Brent Unitary Development Plan and the Council's SPG. These policies, to which I attach significant weight, seek to ensure that proposals are designed with regard to its local context and make a positive contribution to the character of the area.
12. An interested party raises additional objections to the proposal. The proposed extension would include windows that face the rear of 5 Tracey Avenue. However, due to the considerable distance between the new addition and this adjacent property, and the screening provided by the extensive vegetation along their shared rear boundary, any loss of outlook or privacy through overlooking would not be significant.

Conditions

13. I have attached a condition requiring that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. To ensure the satisfactory appearance of the new addition, a condition is imposed which requires that the external materials of the development match the existing dwelling. Given my findings with regard to No 5, a condition that removes permitted development rights to insert further openings into the southwest-facing elevation of the new addition is unnecessary.

Conclusion

14. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR



Appeal Decision

Site visit made on 13 April 2012

by Gary Deane BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 May 2012

Appeal Ref: APP/T5150/D/12/2171534

15 Donaldson Road, London NW6 6NA

- 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 Afonso Reis E Sousa against the Council of the London Borough of Brent.
 - The application Ref 11/3209, was refused by notice dated 27 January 2012.
 - The development proposed is the erection of a single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension at 15 Donaldson Road, London NW6 6NA in accordance with the terms of the application Ref 11/3209, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs E 0.1, E 1.0 Revision A, E 2.0 Revision A, E 2.1 Revision A, P 1.0 Revision B, P 2.0 Revision B, P 2.1 Revision B, and P 3.0 Revision B.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural matter

2. On 27 March 2012, the Government issued the National Planning Policy Framework (the Framework), which sets out planning policies for England and how these are to be applied. At the heart of the NPPF is a presumption in favour of sustainable development. As the Framework is a material consideration and was issued after the submission of evidence, both main parties were invited to submit further representations in the light of its publication. I have taken into account those representations and the Framework itself in my assessment of the proposal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the appeal property and the local area.

Reasons

4. The appeal property is a Victorian end of terrace, 2-storey house that occupies a prominent corner plot at the junction of Donaldson Road and Victoria Road. It lies within a tightly knit built up area in which rows of largely 2-storey residential terraces, of similar scale, age and appearance, create some sense of uniformity in the local street scene. Nevertheless, I saw several examples of properties close to the site that had been externally altered and extended.
5. The proposal would introduce a single storey rear extension that would effectively fill the gap at the back of the house between its substantial 2-storey outrigger, the rear wall of the main house, and the brick boundary wall that fronts Victoria Road. In doing so, a much larger house would be created that would be considerable in length and extend across the width of the plot. Nonetheless, it has been carefully designed to complement the general style of the house. The proposed flat roof form would step down in height and the new parapet wall would also visually 'break up' the scale and bulk of the new addition. These features, coupled with the appropriate design and use of external materials to match the existing dwelling, would cause the proposal to relate well to the overall scale and proportions of the host building. In reaching this conclusion, I have taken into account the existing single storey side extension. Consequently, it would accord with the advice in the Council's Supplementary Planning Guidance, *Extensions 5: Altering and Extending Your Home* (SPG).
6. The proposal would extend the existing building closer to, and along a major part of, the highway frontage of the site to Victoria Road. The proposed building would project just above this boundary wall, which would be slightly raised in height along part of its length. Consequently, the upper part of the proposed extension would be visible from public vantage points along the adjacent highways. However, the top of the new addition would sit comfortably below that of the existing side extension and the contrasting pitched and flat roof forms would ensure that these parts of the dwelling would be seen as distinct entities. The 'tiered' roof profile of the new addition, with the wall of the proposed higher section set back from the highway, would also help diminish its visual impact in the local street scene. As both the lower and higher sections of the new addition would project to the rear building line of No 15, the former would not appear to uncharacteristically wrap around the house, as the Council suggests. It is my view that the proposal, when taken together with the existing side extension, would not unduly dominate the host building.
7. The Council indicates that the resultant width of the appeal property would exceed the threshold identified in the SPG. In my opinion, the main of this guidance is to ensure that extensions are not overly large, bulky or inappropriately located. As that would not be the case with the proposal, a conflict with this threshold is, in my opinion, insufficient reason to dismiss the appeal.

8. The Council appears not to raise an objection to the changes proposed to the boundary wall along Victoria Road including the removal of a brick pier and gates, and the insertion of a new gate for pedestrian access. I, too, find these elements of the appeal scheme acceptable since they would be appropriate in design and appearance.
9. I therefore conclude that the proposal, taken individually and cumulatively with the side extension to No 15, would be in keeping with the character and appearance of the appeal property and the local area. It would comply with Policies BE2 and BE9 of the London Borough of Brent Unitary Development Plan and the Council's SPG. These policies, to which I attach significant weight, seek to ensure that proposals are designed with regard to its local context and the character of the area.

Other matters

10. The Officer's report refers to the potential loss of an off-street vehicle parking space although the appellant contests this because it is not possible to use the space at the rear of the house for that purpose given the difference in ground levels. Even if that was not the case, in the absence of detailed evidence to indicate what harm would result from this potential loss of parking space, I consider that planning permission should not be withheld on this ground.

Conditions

11. I have attached a condition requiring that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. To ensure the satisfactory appearance of the development a condition is imposed which requires that that the external materials of the extension match the existing dwelling.

Conclusion

12. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR



Appeal Decision

Site visit made on 24 April 2012

by Alan Woolnough BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 May 2012

Appeal Ref: APP/T5150/D/12/2172232
12 Alington Crescent, London NW9 8JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr Q Ibrahimi against the decision of the Council of the London Borough of Brent.
 - The application ref no 11/3336, dated 16 December 2011, was refused by notice dated 9 February 2012.
 - The development is described on the application form as: 'retention of existing store with reduced height and vegetation at the rear elevation'.
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Formal Decision

1. The appeal is allowed and planning permission is granted for the erection of an outbuilding to be used as a store and gymnasium ancillary to the domestic occupation of the main dwellinghouse at 12 Alington Crescent, London NW9 8JN in accordance with the terms of the application, ref no 11/3336 dated 16 December 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Before any works are undertaken pursuant to this permission, details of the external finish of the rear elevation of the building shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the details thus approved.

Procedural Matters

2. I have noted the comments made by a local resident concerning the manner in which the planning application form was completed. However, I am satisfied that both application and appeal were validly made.
3. The existing building on the site is unlawful. Therefore, notwithstanding the description of development set out in the above bullet heading, the proposal is in part retrospective and thus more properly described as 'the erection of an outbuilding to be used as a store and gymnasium ancillary to the domestic occupation of the main dwellinghouse', rather than as the adaptation of an existing structure. There is no prejudice to the interests of any party in determining the appeal on this basis and I will therefore do so.
4. Following my site visit, the main parties were invited to comment on the implications for the determination of the appeal of the recently published National Planning Policy Framework (NPPF) and the relevance of permitted

development rights available to the Appellant pursuant to the Town and Country Planning (General Permitted Development) Order 1995 as amended (the GPDO). Responses were received from both parties in relation to the latter topic and I have taken these into account in reaching my decision. I am satisfied that, having regard to paragraphs 214 and 215 of the NPPF, the development plan policies cited in this case may be given full weight insofar as they are relevant to the appeal.

Main Issues

5. The main issues in determining this appeal are:
- the effect of the proposal on the living conditions of neighbouring residents, with particular reference to outlook; and
 - whether any harm arising from the above issue is outweighed by any lawful fallback position available to the Appellant.

Reasoning

6. The building as proposed would be an adaptation of an existing unlawful structure already used as a domestic store and gymnasium. This lies at the bottom of the rear garden of the appeal property, abutting the boundaries of 14 Alington Crescent and 31 & 33 Mallard Way. An appeal against an enforcement notice issued in relation to the structure as built was dismissed and planning permission refused on the associated deemed application in October 2011 (APP/T5150/C/11/2155158).
7. The Appellant now seeks to address the concerns expressed by the previous Inspector by lowering the height of the building and reducing it in depth such that the rear elevation would be some 0.5 metres away from the rear gardens of Nos 31 & 33. In addition, a 1.8 metre high close-boarded fence would be installed on the boundary with the latter.

Living conditions

8. The Council's refusal of planning permission focuses on the impact of the proposal on 41 Mallard Way, whereas the Appellant considers that the intention was to refer to No 44. However, neither shares a boundary with the appeal property and it is clear that the principal impact to be assessed is that likely to be experienced by the occupiers of 31 Mallard Way.
9. I viewed the appeal building from the rear garden of that property and was struck by the considerable difference in levels between the two sites. Although the outbuilding is too distant from the windows of No 31 to cause any discernible detriment to internal living conditions, it looms large over the rear garden and is oppressive and obtrusive in relation thereto. It is far higher than any means of enclosure conventionally found in a residential context and presents an unsightly brick façade to the neighbouring garden, thus detracting markedly from the outlook enjoyed therefrom.
10. Although the structure as amended would be a little lower and slightly further away from the rear boundary, it would still be sufficiently high above the level of No 31's garden and in close enough proximity thereto to have an overbearing effect. The proposed fence would do nothing of significance to reduce this impact, merely replacing one form of solid high level boundary treatment with another. Notwithstanding the reference to vegetation on the application form, it is unlikely that such a narrow margin between fence and

building would be sufficient to sustain robust screen planting. In any event, soft landscaping is by its very nature impermanent and could not therefore provide long term mitigation.

11. I acknowledge that the fence might well amount to permitted development pursuant to the GPDO and, as such, would not require express planning permission. However, the building as proposed would still exceed by some margin the maximum height of any means of enclosure that might be erected as permitted development. In my assessment, any projection over and above that threshold in such close proximity to No 31 would be likely to have an unacceptably adverse impact on amenity.
12. I conclude that the proposal would continue to cause harm to the living conditions of the occupiers of 31 Mallard Way. I find neither of the saved policies of the London Borough of Brent Unitary Development Plan 2004 cited by the Council to underpin its concerns in this regard. However, the appeal scheme is clearly contrary to one of the core planning principles set out in paragraph 17 of the NPPF, to the effect that planning should always seek to secure a good standard of amenity for all existing occupants of land and buildings.

Fallback position

13. The decision maker, whether at the application stage or on appeal, is obliged to have regard to any lawful fallback position that might apply. In this case, this requires consideration of what might be achievable with the benefit of deemed planning permission pursuant to the GPDO. Adaptation of the existing unlawful building could not be undertaken in accordance with these provisions, as the permitted development rights thus conveyed do not apply to development retrospectively. However, it is also necessary to establish whether, if the existing structure were to be demolished in accordance with the extant enforcement notice, a replacement building of similar use, design and siting as that now proposed could be erected in accordance with those rights.
14. Article 3 of and Class E of Part 1 of Schedule 2 to the GPDO grant deemed permission for the provision within the curtilage of a dwellinghouse of any building required for a purpose incidental to the enjoyment of the dwellinghouse as such. The building as proposed would comply with all the locational and size limitations to which Class E rights are subject. However, the Council takes the view that as the Appellant has not provided supporting information as to why this particular building is required for incidental purposes, an equivalent new-build structure could not be accepted as permitted development.
15. I find no sound basis for such reservations. There is no requirement in law for the incidental nature of an intended use to be demonstrated by means of supporting information. This would only be appropriate in circumstances where the structure appeared so large that its use for the purpose specified might materially change the overall use of the planning unit, which is not the case here. The building as proposed would, self-evidently, be small enough to be used for domestic storage, as a garden room or as a personal gymnasium on a scale genuinely incidental to the use of No 12 as a dwellinghouse.
16. Consequently, I find that a replacement of identical design and proportions to the proposal could be erected pursuant to Class E permitted development

rights if the existing unauthorised structure were to be removed. Such rights are not affected by the existing enforcement notice and thus provide the Appellant with a lawful fallback position. Moreover, it is highly probable that, in the event that this appeal was dismissed and the building demolished in compliance with the notice, the Appellant would then exercise those lawful rights.

17. The fallback position thus established is therefore an important material consideration in my determination to which substantial weight must be attached. There is little point in refusing planning permission and thus endorsing complete demolition of the existing structure in circumstances where, in all likelihood, it would be rebuilt in the revised form now proposed without the need for express permission. In conclusion, I find that this consideration clearly outweighs the harm that would continue to be caused to the neighbours' living conditions and so justifies a departure from the relevant policies.

Other Matters

18. I have considered all the other matters raised, including those referred to by the occupier of 31 Mallard Way. However, neither these nor any other matters are of such significance as to outweigh the considerations that have led to my conclusions on the main issues.

Conditions

19. I have considered the conditions suggested by the Council, having regard to the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. The proposal is effectively for the adaptation of an existing structure. Nonetheless, it could potentially take the form of a complete demolition and rebuild should the Council enforce the terms of the extant enforcement notice. This being so, a standard three year time limit on the implementation of the permission is appropriate. This does not preclude the Council from seeking implementation much earlier, bearing in mind the requirements of the notice.
20. A requirement for screen planting along the rear boundary cannot be justified. As the Council acknowledges, it is doubtful that this could be accommodated successfully within the narrow gap at the rear of the building. However, there is clearly scope to secure a rear elevational treatment that would be easier on the eye than that of the existing building and therefore, in the interests of the amenity of the occupiers of 31 Mallard Way, this should be addressed by a condition.

Conclusion

21. For the reasons given above I conclude that the appeal should be allowed and planning permission granted.

Alan Woolnough

INSPECTOR

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