



Planning Committee

Wednesday 19 June 2013 at 7.00 pm

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

Membership:

Members

Councillors:

Ketan Sheth (Chair)
John (Vice-Chair)
Aden
Baker
Cummins
Hashmi
Kabir
Kataria
CJ Patel
Powney
Singh

first alternates

Councillors:

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

second alternates

Councillors:

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

For further information contact: Joe Kwateng, Democratic Services Officer
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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.		
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Extract of Planning Code of Practice		
NORTHERN AREA		
3. 10 Rushout Avenue, Harrow, HA3 0AR (Ref. 13/0794)	Northwick Park	15 - 26
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6. 24 Crawford Avenue, Wembley, HA0 2HT (Ref. 13/0575)	Sudbury	55 - 64
7. Land rear of 12-14 St Andrews Avenue, St Andrews Avenue, Wembley (Ref.13/0471)	Northwick Park	65 - 74
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PLANNING APPEALS		
9. Planning appeals monitoring		91 - 98
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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 15 JUNE 2013

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
13/0471	Land rear of 12-14 St Andrews Avenue, St Andrews Avenue, Wembley	7	Northwick Park	9:40	65 - 74
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13/1055	117 Preston Hill, Harrow, HA3 9SN	4	Kenton	10:50	27 – 38
13/0891	1A-C, 3 & 5A-D INC, Deerhurst Road & Shree Swaminarayan Temple, 220-222 Willesden Lane, Willesden, London, NW2	5	Tokyngham	11:20	39 - 54

Date of the next meeting: Wednesday 17 July 2013

Venue: Brent Civic Centre, Engineers Way, Wembley HA9 0FJ

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



Please remember to ***SWITCH OFF*** your mobile phone during the meeting.

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

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Wednesday 22 May 2013 at 7.00 pm

PRESENT: Councillor Ketan Sheth (Chair) and Councillors Aden, Baker, Cummins, Hashmi, Kabir, Long (in place of Kataria), Ogunro (in place of John) and Singh

Also present: Councillors Adeyeye, Kansagra and BM Patel

Apologies for absence were received from Councillors John, Kataria, CJ Patel and Powney

1. Membership

The Chair welcomed the following new members to the Committee; Councillors Kabir, Kataria and Powney. He also paid tribute to former members of the Committee; Councillors Daly, RS Patel and Krupa Sheth for their contributions during their term of office on the Committee.

2. Declarations of personal and prejudicial interests

None declared.

3. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 17 April 2013 be approved as an accurate record of the meeting.

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

PROPOSAL:

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

RECOMMENDATION:

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

Rachel McConnell, Area Planning Manager in reference to the tabled supplementary report, informed the Committee that additional issues raised including loss of playspace and loss of soft landscaping had been addressed in the main report. She then reported on the view from the Council's Transportation officers in relation to the level of congestion during the peak rush hour and the number of vehicles that the proposed drop-off could accommodate as amplified in the supplementary report. Members heard that on balance, it was considered by the Council's Transportation officers that any off-street drop-off facility would help to reduce instances of on-street parking on yellow lines around the Ridgeway/Draycott Avenue junction. She therefore reiterated the recommendation for approval subject to conditions.

In accordance with the Planning Code of Practice, Councillor Kansagra, ward member stated that he had been approached by residents about the application. Councillor Kansagra stated that the loss of playground to accommodate the proposal would not only have a detrimental impact on the education of the school pupils but also give rise to traffic congestion as parents drove in and out of the school. He added that as Draycott Avenue was heavily parked, the traffic conditions in the area including The Ridgeway would worsen as a result of the proposal. Councillor Kansagra felt that the traffic management plan would not be able to resolve the situation that would ensue.

In response to members' questions on how best to address the situation, Councillor Kansagra expressed a view that the imposition of parking controls principally, an 'unhappy hour' between 10:00-11:00 and 15:00-16:00 hours would assist in resolving the traffic conditions.

In accordance with the Planning Code of Practice, Councillor BM Patel, ward member stated that he had been approached by residents about the application. Councillor Patel spoke in endorsement of the views expressed by Councillor Kansagra.

In the discussion that followed, Councillor Cummins stated that the proposal which would lead to loss of play space would not only result in traffic congestion but also a detrimental impact on the children's education. He added that the Council's standards on nursery play areas could be applied. This view was also shared by Councillor Baker.

In responding to concerns raised, Rachel McConnell stated that as it was a private nursery the Council was limited in what it could do as there are no planning standards for nursery play space. She added that although The Ridgeway was heavily parked, the safety aspects of the proposal identified meant that the proposal would provide a safer environment. Steve Weeks, Head of Area Planning added that each specific issue raised had been tested with advice from Transportation and reported to Committee.

DECISION: Planning permission granted as recommended.

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

PROPOSAL:

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

RECOMMENDATION:

- (a) Grant planning permission subject to conditions, informatives, Section 106 legal agreement and Heads of Terms as set out in the supplementary report.
- (b) Grant delegated authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission if within a reasonable period the applicant fails to demonstrate the ability to provide for the terms and meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

Andy Bates, Area Planning Manager informed the Committee that since the last meeting when the application was deferred, officers had continued to negotiate on the financial appraisal to support the affordable housing that was being proposed. He added that as a result, the applicants had now agreed to offer an additional affordable rent 2 bedroom unit which had brought the total number of affordable units to 7, accounting for 35% of the development. He added that the applicant had also submitted revised plans to confirm that the two proposed affordable 3 bedroom units would each have an additional toilet. Andy Bates continued that having discussed the results of the negotiations with Housing colleagues, Officers were satisfied that the level of affordable housing achieved was reasonable. He therefore amended the recommendation from refusal to approval subject to conditions, Section 106 legal agreement and Heads of Terms and informatives as set out in the tabled supplementary.

In accordance with the Planning Code of Practice, Councillor Adeyeye, ward member stated that he had been approached by residents about the application. He spoke to thank both officers and the applicant for efficiently reaching a satisfactory agreement which would enable the proposal to progress.

Both the applicant and the agent also thanked the officers for the amended recommendation for approval subject to a legal agreement and informatives.

DECISION: Granted planning permission as recommended.

6. Former Oriental City, 399 Edgware Road, Kingsbury, London, NW9 (12/2166)

PROPOSAL:

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

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

RECOMMENDATION:

- (a) Grant planning permission subject to conditions, incorporating revisions to conditions 3, 6, 10, 19, 21, 37 and 40, additional condition relating to community use of school, additional Head of Term requiring link between the retail element of the scheme and housing and referral to the Mayor of London and the Secretary of State as a departure from the development plan and subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

Rachel McConnell, Area Planning Manager in reference to the tabled supplementary report informed members about additional concerns raised on traffic, lack of public green space/children's play, the size of the proposed community space and inadequate consultation with the Chinese community. She informed members that apart from consultation, those issues raised had been dealt with in the main report.

In respect of consultation, she stated that letters were sent to those who commented on the previous planning application and in addition to local consultation site notices and publication of press notices were posted. A Statement of Community Involvement which set out the consultation carried out prior to submission of the planning application was also submitted by the applicant as part of the planning application. Rachel McConnell then referred to the issues raised in the two petitions submitted as well as issues raised by Robert Dunwell of Queensbury Area Residents' Association (QARA) and drew members' attention to officers' responses as set out in the supplementary report.

Rachel McConnell then reported on further comments provided by Transportation on Capitol Way/Stag Lane Junction adding that it was proposed to widen the approach by 1.0m to provide a two lane entry lanes on to Stag Lane (north) arm of the mini-roundabout. Funding for these works would be secured as part of the Section 106 contribution towards highway improvements. Members also heard that due to viability constraints of the scheme, Transport for London (TfL) had welcomed the applicant's contribution of £20,000 to carry out feasibility study improvements after the development was open for business. In reiterating the recommendation for approval, the Area Planning Manager drew members' attention to revised conditions 3, 6, 10, 19, 21, 37 and 40, additional condition on community use of school, further revision to Condition 19 to amend hours of delivery to between 06:00 and 22:00 hours and amended Heads of Terms as set out in the supplementary report.

Mr Seb Malde, Chair of Grove Park Residents' Association whilst welcoming the proposed development in respect of its reduced size, provision of housing and education, emphasised the need for a health facility to cater for the additional residents. He also urged the Committee for major traffic improvements to be made to the junctions of Capitol Way and Grove Park with Edgware Road. Mr Malde also highlighted the need for community use of the proposed school. In response to members' questions, Mr Malde stated that although he had seen the traffic management plan, he still had concerns on traffic congestion to which the development could give rise. He expressed a view for community space within the development to be increased from 28sqm to 35sqm. In respect of health service provision, Mr Malde responded that as the health centre facility which was supposed to be built for the Roberts Court development had not been delivered, the Stag Lane clinic which had only two General Practitioners (GPs) would be inadequate to meet the needs of the residents for the proposed development.

Mr David Ho, Chair of North London Chinese Association stated that the applicant's provision for 28sqm of office space and a space to celebrate the Chinese New Year and New Moon Festival was inadequate to meet the needs of the Chinese community. In response to a member's question, Mr Ho stated that his community would prefer 4,000sq feet of free office space.

Mr Shun Au speaking on behalf of the Chinese Mental Health Association (CMHA) welcomed the principle of the development but added that in order to meet the needs of the community the CMHA would require office space of 400sqm instead of 28sqm to be provided by the applicant. In responding to members' questions, Mr Au stated that due to the reduced size of the development, his community would accept 200sqm to enable it to open its services to everyone within the community. He clarified that although CMHA was based in Hackney and had not previously operated in the former Oriental City site, most of their clients lived in the North and North West London areas and principally in Barnet and Brent.

Robert Dunwell Chair of QARA Group of Associations though welcomed the proposed development in general, he raised the following matters:

- Request a meaningful increase in proposed Chinese/Oriental community space.
- Request 'no cost usage' of school amenity space.
- Clear signage to distinguish 'Oriental' part of the building development.
- Request re-instatement of provision of 'temporary' cultural community space in the locality with costs met by the developer.
- The need to address traffic flows in the vicinity of the development.

Mr Jabez Lamb, who alleged that he coordinated the 'Save the Oriental City campaign' and advised the applicant on security issues, spoke in support of the application. Mr Lamb stated that at the time of closure of the former Oriental City site, a community centre or space was not available on site. He continued that within the current economic climate he felt it would not be viable for the applicant to offer 4,00sqm for a scheme that had been heavily reduced.

Mr Ben Ford, the applicant's agent stated that although the scheme had been reduced by about 50% from the original scheme that was previously granted planning permission, it would deliver Brent's Core Strategy and provide a catalyst for economic and social regeneration in addition to infrastructure provision including a school and a nursery development. He added that access to the school for community usage would be made available.

In response to members' questions, Mr Ford stated that the scheme which was scheduled for opening in December 2014 would make land available for school development and that there would be no limitation on any party or group taking community space including the frontage for market stalls at the prevailing market rent. He continued that the applicant would make a financial contribution of £150,000 as part of the Section 106 legal agreement towards the provision of a health facility. In respect of community floor space, Mr Ford confirmed that the applicant would accept an increase from 28sqm to 35sqm and that he would submit a revised plan to reflect that.

The legal representative advised members that decisions on this and all other applications should be based on planning merits and that if any member felt that their judgement would be compromised or impaired due to their involvement in any application then they should refrain from voting on it. Councillor Hashmi confirmed that whilst he had visited the former Oriental City complex, he had no interest to declare. Councillor Kabir also confirmed that she had met with Mr Ho and discussed the need for a community centre prior to her membership of the Committee but she had no interest to declare.

DECISION: Granted planning permission as recommended with further revision to Condition 19 to amend hours of delivery to between 06:00 and 22:00 and increase in community floorspace from 28sqm to 35sqm.

7. Church Road Car Park rear of 189-203, Church Road, London, NW10 (11/1458)

PROPOSAL:

Renewal of temporary planning permission 05/3523 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Granted planning permission as recommended.

8. 126 Acton Lane, London, NW10 8TX (12/2636)

PROPOSAL:

1 x 3-bed units), erection of rear dormer window, replacement of rear windows and doors at ground and first floors, alteration to single storey rear extension to accommodate cycle store with retention of existing commercial unit at ground floor (as amended by plans received 04/04/2013).

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

DECISION: Granted planning permission as recommended.

9. 249 Kilburn High Road, London, NW6 7JN (12/2394)

PROPOSAL:

Erection of first floor rear extension to take-away restaurant.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Granted planning permission as recommended.

10. Flat 2, 2 Buxton Road, London, NW2 5BJ (13/0435)

PROPOSAL:

Single storey rear extension to ground floor flat.

RECOMMENDATION: Refuse planning permission.

Andy Bates, Area Planning Manager, informed members that following the site visit officers had taken the opportunity to review the merits of the scheme and had picked up additional factors in sufficient detail. These included the specific relationship of the proposed extension to the shared use of the existing outside space between the two ground floor residential units. He clarified that the

submitted plans failed to represent the existing boundaries and would thus result in the loss of virtually all valuable outside space to the application flat and also relate poorly to the outside space currently assigned to the other ground floor unit. As a result, the proposal would lead to an unacceptable quality of environment for occupiers of both ground floor flats. As a result of this review and for reasons set out in the tabled supplementary report, he amended the recommended to refusal.

Debbie Leonard, speaking on behalf of her parents (adjoining occupiers) objected to the proposed development on grounds of over-development of the property and loss of sunlight. She also expressed concerns about the impact of the proposed extension on drainage and residential amenities for a property that was originally built as a 3-bedroom family home but currently had a certificate of lawfulness for four flats.

DECISION: Planning permission refused as recommended.

11. GRATTON GUEST HOUSE, 147 Wembley Hill Road, Wembley, HA9 8DU (13/0539)

PROPOSAL:

Demolition of existing detached guesthouse and erection of part two-storey, part three-storey 15-bedroom residential care/supported living accommodation (Use Class C2) with associated off-street parking.

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

Steve Weeks, Head of Area Planning, in reference to the tabled supplementary report addressed the issues raised by members at the site visit. Members heard that the grassed strip of land outside of the boundary wall did not form part of the application site and that the existing trees including those with preservation orders (TPOs) would be retained. Steve Weeks drew members' attention to condition 9 which required the applicant to submit for approval, a detail tree survey.

DECISION: Granted planning permission as recommended.

12. First Central, Coronation Road/Lakeside Avenue, Park Royal, NW10 (13/0552)

PROPOSAL:

Reserved matters application for the erection of a 9 storey residential building comprising 139 flats (Block D of outline planning permission granted 28 March 2012). Matters to be considered in the reserved matters application are the appearance and landscaping of Block D only.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Granted planning permission as recommended.

13. PORTLAND HOUSE, 69-71 Wembley Hill Road, Wembley, HA9 8BE (13/0559)

PROPOSAL:

Demolition of existing office building and the erection of a new part 4 and part 5-storey office building with associated off-street parking.

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

DECISION: Planning permission granted as recommended.

14. Basement Developments in Brent - Proposed additional planning application validation requirements

Members gave consideration to a report which reviewed Brent's approach to basement developments and proposed some measures to assist the assessment of applications. Steve Weeks, Head of Area Planning highlighted the principal concerns that had been raised in conservation Areas which included the following and drew members' attention to officer responses as set out in the report;

- a) Design/Landscape impact – including impact on front and rear gardens where basements are not a feature of the local area.
- b) Structural Damage –due to construction method leaving adjoining, often attached properties on their original shallow foundations.
- c) Hydrological or geological considerations including fears of particular impacts on water courses, ground water levels or the safety of substrata.
- d) Construction nuisance and amenity – noise and mess during excavation, obstruction and inconvenience due to the number of skips required, inconvenience to neighbours – including occupiers of upper floors.

In order to address the above issues and concerns, the Head of Area Planning proposed the alteration to Brent planning application validation requirements to require additional information when applications involving basements were submitted which would inform planning assessment and also support local statutory planning consultation. This requirement may be varied when any basement development was outside the notification area for the Party Wall Act. He continued that the requirements would entail more detailed plans and the submission of a report by a qualified structural engineering company detailing the proposed construction and build methodology and how it would relate specifically to the site. The Head of Area Planning anticipated that the new requirement would

involve a detailed site survey of buildings, levels and landscaping. It would also require a desk study of any site specific geological or hydrological considerations with appropriate site investigations.

With respect to concerns about noise nuisance, he proposed that applicants be required to indicate that they would employ a contractor who was part of the Considerate Contractor Scheme (CCS) as well as providing an indicative construction programme. He also proposed to refer potential issues relating to skips to Safer Streets with any formal response to this consultation in order to assist them in deciding on the need for any review of current practices.

Robert Dunwell, Chair of QARA informed members that the Department of Communities and Local Government (DCLG) were currently in the process of drawing up policies on basements including technical and cost implications. With that in view, Mr Dunwell urged members to defer the report until the DCLG report had been released.

In response to members' query, the Head of Area Planning stated that whilst he was aware of the DCLG report, he had no knowledge as to its completion or release dates. He added that other local authorities had adopted policies similar to those he had proposed. He advised members that through the use of electronic means, consultation would not involve a major cost exercise.

RESOLVED

that the proposals set out in paragraphs 3.14 and 3.16 of the report be endorsed for consultation with local residents groups and industry representatives with a view to reporting back prior to formal adoption.

15. Planning Appeals - April 2013

RESOLVED:

that the planning appeals for April 2013 be noted.

16. Date of next meeting

It was noted that the next meeting will take place on Wednesday 19 June 2013 at 7:00pm.

The meeting ended at 9:00pm

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: 10 Rushout Avenue, Harrow, HA3 0AR	
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This map is indicative only.

RECEIVED: 25 March, 2013

WARD: Northwick Park

PLANNING AREA: Wembley Consultative Forum

LOCATION: 10 Rushout Avenue, Harrow, HA3 0AR

PROPOSAL: Demolition of detached garage and erection of a detached four storey, four bedroom dwellinghouse including basement level, relocation of the vehicular crossover, formation of 1 off street parking space and associated landscaping in accordance with revised plans received 05/06/2013

APPLICANT: Mr A Shah

CONTACT: Construct 360 Ltd

PLAN NO'S:
See Condition 2.

RECOMMENDATION

To:

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

SECTION 106 DETAILS

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

- a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- b) A contribution of £3,000 per bedroom (totalling £12,000) index-linked from the date of committee and due on Material Start for Transportation, Education, Air Quality and Open Space in the local area.

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be is £8,587.20is £0.00.

EXISTING

The application site is located between number 10 and number 12 Rushout Avenue; No. 10 Rushout Avenue to its north, a detached inter-war two storey dwellinghouse with a hipped roof, and No. 12 Rushout Avenue to its south, also a detached two storey dwellinghouse with a hipped roof of a similar age to No. 10. The site measures approximately 8 metres in width and 50 metres in depth and contains a single storey dual pitched garage. The garage and associated land previously part of the curtilage of 10 Rushout Avenue and has been subdivided as a separate plot.

The wider area of Rushout Avenue comprises predominantly of inter-war semi detached and detached properties of varied architectural form and detailing. The original plot of number 10 Rushout Avenue, including the subject site, has previously had planning approval for an additional infill dwellinghouse (see planning history for more information).

The site is not located within a Conservation Area, and there are no Listed Buildings within the vicinity of the site.

DEVELOPMENT SCHEDULE

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

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
1	dwelling houses	

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	0	0	0	294	294

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0	0	0	294	294

PROPOSAL

Demolition of detached garage and erection of a detached four storey, four bedroom dwellinghouse including basement level, relocation of the vehicular crossover, formation of 1 off street parking space and associated landscaping in accordance with revised plans received 05/06/2013

HISTORY

12/3022: Demolition of detached garage and erection of a four storey four bedroom dwellinghouse including basement, formation of 1 off street parking space and associated landscaping in accordance with revised plans received 15/01/2013 and 03/01/2013 - Members resolved to grant planning permission pending legal agreement at Committee on 16/01/2013. Withdrawn by applicant 05/03/2013

11/2832: Demolition of detached garage and erection of a four storey five bedroom dwellinghouse including basement, formation of 2 off street parking spaces within garage and driveway to front, associated landscaping and reposition of vehicle crossover - application withdrawn, 24/02/2012

09/0626: Demolition of detached garage and erection of a two storey dwellinghouse, formation of 1 off street parking space to front and associated landscaping and subject to a Deed of Agreement dated 18th May 2009 under Section 106 of the Town and Country Planning Act 1990, as amended – Granted, 19/05/2009

08/0679: Demolition of existing 2 storey dwelling and detached garage and erection of 3 storey building comprising 8 self contained flats with balconies at front and rear at 2nd floor level and balcony to rear at 1st floor level, installation of vehicle crossover and hardstanding with 1 car park to front, 7 car parks and cycle store to rear, refuse storage to side and associated landscaping to site – refused and dismissed at appeal, 19/11/2008

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF)

- *Delivering a wide choice of quality homes*
- *Requiring good design*

Brent Core Strategy 2010

- CP17 Protecting and Enhancing the Suburban Character of Brent
 CP18 Protection and Enhancement of Opens Space, Sports and Biodiversity

Brent UDP 2004

BE2	Townscape: Local Context and Character
BE3	Urban Structure: Space & Movement
BE7	Public Realm: Streetscape
BE9	Architectural Quality
BE12	Sustainable Design Principles
BE29	Areas of Distinctive Residential Character
H12	Residential Quality – Layout Considerations
H13	Residential Density
H22	Protection of Residential Amenity
TRN2	Public Transport Integration
TRN3	Environmental Impact of Traffic
TRN11	The London Cycle Network
TRN23	Parking Standards – Residential Developments
PS14	Parking Standards – Residential Developments
CF6	School Places

Supplementary Planning Guidance

SPG17	Design Guide for New Development
SPG5	Altering and Extending your Home

CONSULTATION

Northwick Park Ward Councillors and eighteen residents were consulted by letter on 25/03/2013 alongside the Council's Landscape, Transportation, Design and Environmental Health departments.

Seven residents have objected to the scheme on the following grounds:

- A contemporary design would be out of character with the existing dwellings and wider area;
- Lack of car parking on site, resulting in on-street parking and exacerbating congestion;
- The new dwellinghouse is too deep and would result in loss of light and outlook at the adjoining properties;
- The top floor rear window would result in high level overlooking adjoining the gardens of 12 and 10 Rushout Avenue;
- The house is set too close to either boundary with 10 and 12 Rushout Avenue and should maintain a gap either side of the boundary by 1.8m to allow side access and maintenance;
- The dwellinghouse fails to respect the front property lines of its adjoining dwellings;
- The guttering is not contained within the site boundary and would overhang its neighbouring properties;
- Any construction works should not result in any impacts to neighbouring boundaries, fences or walls as this would compromise security to these properties;
- The application is for a house however the proposed layout could easily lead to a future change of use to flats;
- The design fails to comply with SPG17 and SPG5;
- Lack of front landscaping increasing runoff, which should be provided at 50% of the total garden;
- Noise insulation which exceeds current Part E of Building Regulations should be conditioned;
- The proposal would result in the re-location of the crossover and the loss of a street tree;
- The proposed building proposes to have a balcony at the rear resulting in overlooking and privacy to the property's adjoining gardens;
- The construction of the basement would cause subsidence at the adjoining properties;
- The construction of the dwelling would result in disruption to nearby residents including traffic congestion, noise, dust and dirt;
- A right to light solicitor should be appointed to ensure the proposal does not result in a statutory loss of light to the adjoining properties.

Sudbury Court Residents' Association

The Sudbury Court Residents' Association have objected to the proposal for a basement in consideration of the problems arising from subsidence given that the soil is clay within this location.

Environmental Health

No objections raised subject to conditions; see remarks section for further details.

Transportation

No objections raised subject to the retention of the existing crossover and a proportion soft landscaping retained to the front boundary.

Landscape

No representations have been received from the council's Landscape Team.

However, the following representations were made on the previous application (LPA Ref: 12/3022) and it is noted no objections were raised subject to the following being provided:

- A good proportion of soft landscaping is retained to forecourt.
- Provision for covered cycle storage meeting the council's cycle parking standards, screened as necessary.
- A bin store, suitably and attractively screened.
- All plant species, pot size, numbers and location to be provided across all elevations.
- All hard materials and boundary treatments including types, colours and finishes to be provided.

Permeable paving.

REMARKS

Key considerations

The key considerations are as follows:

1. Principle of Development;
2. Massing, form, design and materials;
3. Standard of proposed accommodation;
4. Impact on neighbouring residents;
5. Trees and landscaping;
6. Transportation and highway safety;
7. Other considerations;
8. Response to objections;
9. Conclusion.

1. Principle of Development

The site has been the subject of four previous planning applications, three of which were to erect a new dwellinghouse and one of which was to erect flats. The proposal for 8 flats (LPA Ref: 08/0679) was refused by the Council and subsequently dismissed at appeal in 2009.

The most recent application (LPA Ref: 12/3022) for a new four storey four bedroom detached dwellinghouse was approved by the Planning Committee on 16/01/2013, but was later withdrawn by the applicant on 05/03/2013. The application which is being considered by the Planning Committee is similar to application reference 12/3022, although there are some modest changes principally to design which are considered in sections 2 to 8 of the report below.

A previous application for a dwellinghouse was submitted in 2011 but was refused because of detailed design issues (LPA Ref: 11/2832).

The principle of a new dwellinghouse on the site was accepted by the extant planning permission for a two storey five bedroom dwellinghouse with the formation of one off-street parking space in 2009 (LPA Ref: 09/0626). The proportions of the plot were considered to replicate the general pattern of development in the area in compliance with Policy CP17 of the Core Strategy which seeks to protect the suburban character of Brent.

2. Massing, form, design and materials

The proposed dwellinghouse would be four storeys in height including the basement level. It would sit on the same property line as No. 12 Rushout Avenue providing sufficient front garden space to allow for a parking space, bin storage, path to the front entrance and the provision of soft landscaping.

The proposed house is of a modern design but does take reference from the more traditional character of neighbouring dwellings. The proposed dwellinghouse comprises a dual pitched roof which would match the height of its neighbouring dwellings at both eaves and ridge height. The front elevation is stepped with the projecting element 4.2m wide matching the front property line of No. 12 to the south east, comprising flashed black brick, which would continue around the southern flank of the property to a depth of 2.3m and would also have a dual pitched roof to its frontage. Beyond this, the house would be white rendered. Within the front elevation of the dwellinghouse, two large windows at ground and first floor are proposed within the projecting front wall of the house.

At a width of 4.2m, the front property line would step back by 1.2m to the north east to match the property line of No. 10, and a further recessed porch is proposed with a supporting a brick pillar to the right hand side of the door constructed with the same brick used for the main dwelling. The first floor element of the property would match the line of that of No. 10 and is considered acceptable, with the porch element stepping back a further metre. Above the porch, the right hand first floor part of the dwellinghouse would be white rendered with an additional long, narrow window. To the front elevation at second floor, changes to the proposal now incorporate a more defined gable frontage which removes the roof overhang which was part of the previous scheme.

Although the proposed dwellinghouse has three storeys of residential accommodation above ground level, it has the proportions of a two storey property with additional accommodation provided in the gable roof. The design of the dwellinghouse would not replicate that of its neighbours but is well considered, and is an appropriate balance between respecting the existing character of the area whilst proposing attractive contemporary features; the proposed changes to front gable and porch are considered acceptable. Full section and elevation details will be required of the new dwelling's constructional junctions to ensure appropriate quality is maintained.

As per application reference 12/3022, the proposed dwelling would maintain a distance of 1m between the boundaries of both No. 10 and No. 12.

Material details have been provided for the dwelling itself and are considered acceptable. The proposed brick would be a Weinerberger flashed black brick with a Redland Duoplain tile in charcoal grey. The windows would be made with aluminium in the colour of grey.

Some details have been provided for the front hard and soft landscaping, however based on internal consultee's comments further details of these materials will be required.

3. Standard of proposed accommodation

The proposed unit has a gross internal floor area of just over 240 sqm, which is in excess of the minimum required for a 4-bed three storey plus house as set out in the London Plan (113 sqm), and it is noted all of the rooms meet the minimum floorspace standards as required within the Interim London Housing Design Guide.

The new dwellinghouse would be dual east/ west aspect with no north facing rooms and its sunlight would therefore be of an acceptable level. It is noted the basement contains no habitable rooms and would have a 2.4m deep, 5.7m wide lightwell to its rear and is therefore considered acceptable. To the habitable room windows on the upper floors, the outlook at the new dwellinghouse would be acceptable as it allows for a minimum of 10m between the rear wall of the dwellinghouse and site boundary as required in SPG17, and more than 20m to two directly facing habitable rooms.

The proposed amenity space would significantly exceed the Council's minimum requirements as set out within SPG17, totalling more than 200sqm located to the rear of the property.

4. Impact on Neighbouring Residents

The proposed house has been designed to ensure that the impact on the neighbouring properties is within reasonable limits. The single storey element of proposed house will extend approximately 3.2m rearwards of the neighbouring dwelling at 10 Rushout Avenue and 4m rearwards of 12 Rushout Avenue; this is a relationship generally accepted when single storey rear extensions to detached properties are proposed and is considered appropriate as a guide in this context. The single storey rear element would have a height of 3.8m sloping to 2.65m at its eaves and would be just over an average of 3m in height and therefore acceptable in terms of its impact on amenity, particularly as this element of the building would be set off either

boundary by 1m. The covered lightwell extends further rearwards into the garden though is not considered to give rise to any amenity impacts.

The first and second floors of the new dwelling would project 1.4m beyond the rear wall of number 12, thus complying with SPG5's 2:1 guideline in consideration that the nearest sole habitable room window is over 4.5m away from the side of the second floor element of the new dwelling. Whilst it is noted SPG5 is used to assess the impacts of household extensions, in this case it gives as useful guide as to a relationship of the development which would generally be considered acceptable. When considering the relationship with a neighbouring property which has a habitable room window in the flank elevation that is secondary (not sole window), limited weight when assessing the need to protect outlook. On the northern boundary, the dwelling would project 0.55m beyond the rear wall of number 10 with the middle of the nearest habitable room window being more than 3m away and as such complies with SPG5's 2:1 guideline.

SPG17 states that the building envelope of any proposed new development should be set below a line of 30 degrees from the nearest rear habitable room window of an adjoining existing property, measured 2m above ground level, and that where the proposed development adjoins private amenity/ garden areas the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. It is noted these policies are complied with to the front and rear elevations.

5. Trees and landscaping

The site currently contains a good proportion of soft landscaping and there is a large tree lying on the boundary No. 12 Rushout Avenue to the south.

Suitable replacement hard and soft landscaping would be required including permeable paving, a screened bin store, hard landscaping materials and soft landscaping including plant species, pot sizes, numbers and locations are provided alongside a bin store that is suitably and attractively screened. These has been provided, although comments have been received by the council's Landscaping Team, suggesting an increase in the proportions/ densities in soft landscaping. Furthermore, the applicant was requested to retain the existing crossover however this has been resisted as it would obstruct the proposed front entrance. The case officer has received representations from the council's Tree Officer who stated that the re-location of the existing crossover is acceptable where a suitable tree is proposed to replace the existing Laurel.

An Acer Japonicum is proposed; no size has been specified and it is not considered to adequately compensate for the loss of the Laurel. The Tree Officer has stated that a suitable species of tree would be an Amelanchier, Crab Apple or Cherry Tree 14-16cm girth. A condition will be included to ensure further details of the front landscaping and replacement tree is provided.

6. Transportation and highway safety

Rushout Avenue, a local access road, is unrestricted and as such there is resident parking along both sides of the road. Night time parking on the road is low, but the road has high daytime on-street parking as a result of its proximity to stations and consequent commuter parking.

The site has good access to public transport services (Public Transport Accessibility Level 4), with close access to Kenton station (London Overground and Bakerloo lines) and Northwick Park station (Metropolitan line). There is also close access to the bus routes Nos. 114, 183, 223, H9/H10 and H18/H19 on Kenton Road. Rushout Avenue is enroute to bus route No H9.

Car parking allowances for dwellinghouses are given in standard PS14 of the UDP. Policy BE7 and Brent's Crossover Policy are also applicable. The parking allowance for the new 4 bedroom house is up to a maximum of 2 spaces. One off-street parking space is proposed to be provided on a new driveway on the southern side of the front garden.

In consideration that Rushout Avenue is a wide road that can safely accommodate on-street parking along both sides and as is not heavily parked at night, the second space can be acceptably provided on-street. Transportation have raised concerns over the re-location of the crossover which would result in the loss of an existing street tree, contrary to Brent's crossover policy. However, as this would be replaced the re-location of the crossover is considered acceptable.

Two cycle parking spaces are required as part of the application. Further details will be secured through condition.

7. Other considerations

The case officer has consulted the Environmental Health department on the proposal, who have requested that some additional conditions are included in consideration that the site is in an Air Quality Management Area and that part of the site may be contaminated. These conditions are the same as were requested under application reference 12/3022 and include:

- Measures to mitigate dust and fine particles to be submitted
- A site investigation to determine the nature and extent of any soil contamination
- An appraisal of remediation options should any contamination be found that presents an unacceptable risk to future site users.
- 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.

These conditions will be included as part of any approval.

8. Response to objections

The Officer has responded to each of the objections as set out in the table below:

Objection	Officer's response to objection
A contemporary design would be out of character with the existing dwellings and wider area, and would be incongruous with the character of the rest of the street	See Section 2. 'Massing, form, design and materials' above. Conditions will be included to ensure that high quality materials are used.
There is a lack of car parking on site in comparison to the size of the proposed dwellinghouse which would result in more on street parking, exacerbating congestion. This could also potentially cause an obstruction to the existing bus route.	See Section 6. 'Transportation and highway safety' above. The extension is not considered to impact on the bus route in consideration that the street is not heavily parked, nor would it be expected to restrict bus route access more than any other parked vehicles on the surrounding roads.
The new dwellinghouse is too deep and would result in loss of light and outlook at the adjoining properties, particularly to the flank windows of the adjoining properties. The facing flank windows/ doors should be obscure glazed.	The house is considered to comply with the general principles of SPG5 "Altering and Extending your Home" (used as a guide as this is for residential extensions) and SPG17 "Design Guide for new Development" in terms of the impact on sole habitable rooms. The council uses these policies to assess applications to ensure no unacceptable loss of light and outlook occurs to neighbouring properties. A condition will be included to ensure any flank windows/ doors are obscure glazed.
The 3D images fail to show the flank windows within the proposal.	These details are shown within all of the proposed plans, and are for illustrative purposes only. However, it is noted all rooflights affecting the front elevation are shown within the CGIs.
The top floor rear window would result in high level overlooking adjoining the gardens of 12 and 10 Rushout Avenue	The second floor of the new dwelling complies with the requirements of SPG5's 2:1 rule and it is not considered to result in any additional impact on amenity that would normally be expected from an extension, such as a rear dormer window
The house is set too close to either boundary with 10 and 12 Rushout Avenue. SPG17 states a minimum	The house has been set in from either boundary by 1m. This complies with SPG17 for non-habitable room windows.

distance of 5m.	
The dwellinghouse fails to respect the front property lines of its adjoining dwellings	The dwellinghouse would generally match the property lines of both Nos. 10 and 12 Rushout Avenue, and its recessed porch would be set back slightly compared to the front property line of No. 10 Rushout Avenue and is therefore considered acceptable.
The guttering is not contained within the site boundary and would overhang its neighbouring properties	The house has been set in from either boundary by 1m and is therefore considered acceptable.
Any construction works should not result in any impacts to neighbouring boundaries, fences or walls as this would compromise security to these properties	The house has been set in from either boundary by 1m and is considered acceptable. The owner of the site will be reminded of their Party Wall Act requirements within an informative.
The application is for a house, however the proposed layout could easily lead to a future change of use to flats	Any change of use from one single family dwellinghouse to flats would require planning permission.
The proposed building proposes to have a balcony at the rear resulting in overlooking and privacy to the property's adjoining gardens	No balcony is proposed to the second floor, and it is not considered that a three storey dwellinghouse would result in any additional problems than a rear dormer window would.
The construction of the basement would cause subsidence at the adjoining properties in consideration of the nature of the soil type	The excavation of any basement would have to comply with Building Regulations and is outside the control of the planning system. However, the applicant will be reminded of the Party Wall Act as an informative.
The proposal fails to provide 50% landscaping to the front boundary and would result in increased run-off, increasing flood risk. The proposal would result in the loss of a tree with the re-location of the crossover.	A condition will be included to ensure suitable replacement soft landscaping is provided. All of the surfaces will be required to be permeable thus reducing run-off. A revised landscaping plan will be required ensuring that a replacement tree is provided.
No consideration has been given to high levels of noise insulation above Part E Building Regulations	The proposal is not considered to result in considerably higher noise levels to warrant this requirement given that it is a small scale residential development.
The construction of the dwelling would result in disruption to nearby residents including traffic congestion, noise, dust and dirt	Any disruption would be required to comply with environmental health legislation, and a condition has been included to ensure that fine dust/ particles arising from the development are kept to a minimum.
A right to light solicitor should be appointed to ensure the proposal does not result in a statutory loss of light to the adjoining properties	The right to light issues falls outside of the jurisdiction of the planning system. However, it is noted that the proposal complies with the council's Planning Guidance.

9. Conclusion

Subject to conditions and a signed S106 agreement, approval is recommended in accordance with the above policies of the UDP, Core Strategy and relevant SPGs.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17 - Design Guide for New Development
§ § Conservation Area Design Guide

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

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

CONDITIONS/REASONS:

- (1) The development 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):

RA10A-2002A; RA10A-2001; RA10A-2003A; RA10A-2004A; RA10A-2005; RA10A-2006

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

- (3) No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Classes A & B of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reasons: To prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- (4) No windows, rooflights or glazed doors (other than any shown in the approved plans) shall be constructed in the flank walls of the building as extended without the prior written consent of the Local Planning Authority. Those window(s) and door(s) shown in the approved plans shall be permanently glazed with obscure glass. The window(s) shall open at high level only (not less than 1.8m above floor level) and top hung and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

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

- (5) Except as may be agreed in writing by the Local Planning Authority, there shall be no obstruction over 850 mm in height within the site within a visibility splay either side of the vehicular access defined by lines joining points on the edge of the public highway at a distance of 2.4m from the edge of the access to a point on the centre line of the access way 2.4m back from the public highway.

Reason: To ensure that the front boundary treatment and landscaping does not prejudice conditions of safety for pedestrians on the public highway.

- (6) Any part of the existing vehicular access that will become redundant due to the new access for the houses shall be reinstated at the applicant's own expense.

Reason: In the interests of highway and pedestrian safety

- (7) The proposed materials to the dwellinghouse hereby approved shall be carried out in accordance with those specified within the application unless otherwise agreed in writing by the local planning authority, and shall be maintained as such for the lifetime of the development. Such details shall include:

- Weinerberger flashed black brick;
- Redland Duoplain tile in charcoal grey;
- Grey aluminium windows.

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

- (8) Notwithstanding the approved plans, further details of materials for all external work, including samples and elevations/sections of the constructional junctions of the property, 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.

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

(a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained, and suitable replacements to those which will be lost and in particular the existing Laurel tree;

(b) proposed means of enclosure (e.g. walls, fences) indicating materials and heights to include the boundary of No. 10 Rushout Avenue;

(c) screen planting along the west, east and south boundary to include the boundary with the garden of No. 10 Rushout Avenue;

(d) areas of hard landscape works including permeable paving and proposed materials including samples where necessary;

(e) 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.

- (10) The development is within an Air Quality Management Area and construction and demolition works are likely to contribute to background air pollution levels. The applicant must employ measures to mitigate the impacts of dust and fine particles generated by the operation, the details of which must be submitted to the Local Planning Authority for approval, prior to commencement of the development.

Reason: To minimise dust arising from the operation.

- (11) a) Prior to the commencement of building works, a soil contamination report shall be submitted to and approved in writing by the local planning authority. The site investigation shall be carried out by such competent persons who shall be experts in their particular field and carry the appropriate qualifications to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011 and include the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination, and an appraisal of remediation options should any contamination be found that presents an unacceptable risk to future site users. Any remediation measures required by the Local Planning Authority shall be carried out in full accordance with the approved details.

b) 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) prior to occupation of the development.

Reason: To ensure the safe development and secure occupancy of the site

- (12) Prior to occupation, details of the provision of two cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle-parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

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 Laura Jenkinson, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5276

 **Planning Committee Map**
Site address: 117 Preston Hill, Harrow, HA3 9SN
© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

RECEIVED: 3 May, 2013

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 117 Preston Hill, Harrow, HA3 9SN

PROPOSAL: Demolition of detached garage and erection of a detached bungalow with one street parking space, and construction of new vehicular access and provision of 2 car parking spaces for No. 117 Preston Hill (revised description)

APPLICANT: Mr P Patel

CONTACT: Kevin D'Austin

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

To:

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £6,000 (£3,000 per bedroom), due on material start and, index-linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports and environmental improvements in the local area.

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be is £2,182.58.

EXISTING

The application site comprises a semi detached two storey dwellinghouse located on Preston Hill. The property has a detached garage located next to the boundary with No. 119 Preston Hill.

The application site is not located within a conservation area nor is it a listed building. The surrounding uses are predominantly residential.

DEVELOPMENT SCHEDULE

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

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
--------	-------------	---------

1	dwelling houses	
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FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1				61	61

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
				61	61

PROPOSAL

Demolition of detached garage and erection of a detached bungalow with one street parking space, and construction of new vehicular access and provision of 2 car parking spaces for No. 117 Preston Hill.

HISTORY

13/0127: Full Planning Permission sought for demolition of detached garage, erection of a 2 storey detached dwellinghouse, provision of 2 car parking spaces and construction of a new vehicular access on land adjacent to 117 Preston Hill - Withdrawn, 10/04/2013.

POLICY CONSIDERATIONS

National Level

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was adopted in March 2012. It establishes a presumption in favour of sustainable development: local planning authorities should plan positively for new development, and approve all individual proposals wherever possible. 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.

Paragraph 53 of the NPPF resists inappropriate development of residential gardens, for example, where this would cause harm to the local area.

Regional Level

London Plan 2011

The London Plan 2011 forms the spatial development strategy for London and was adopted in July 2011. The following policies are considered relevant to this application:

Policy 3.5 - Quality and Design of Housing Development
Policy 8.3 - Community Infrastructure Levy

Housing Supplementary Planning Guidance - adopted November 2012

Provides supplementary guidance to support the housing policies set out in the London Plan.

Local Level

Brent's Core Strategy 2010

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

CP17: Protecting and Enhancing the Suburban Character of Brent
CP18: Protection and Enhancement of Open Space, Sports & Biodiversity

CP 21: A balanced housing stock

Brent Unitary Development Plan 2004.

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

BE2: Townscape - Local Context & Character
BE5: Urban Clarity & Safety
BE6: Public Realm - Landscape Design
BE7: Public Realm - Streetscape
BE9: Architectural Quality
BE25: Development in Conservation Areas
H12: Residential Quality - Layout Considerations
TRN10: Walkable Environment
TRN11: The London Cycle Network
TRN23: Parking Standards - Residential Developments

SPG5 "Altering and Extending Your Home", adopted 2002.

Provides guidance on alterations and extensions to residential properties, including factors such as residential amenity.

SPG17 – "Design Guide for New Development" adopted October 2001

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

SPD "Section 106 planning obligations" October 2007

Provision for a standard charge for planning obligation contributions.

CONSULTATION

Consultation Period: 09/05/2013 - 30/05/2013

Additional Consultation Period: 13/05/2013 - 03/06/2013

Site Notice Displayed: 16/05/2013 - 06/06/2013

Public Consultation

14 neighbours consulted - one letter of objection and one petition received with 9 signatures objecting to the proposal on the following grounds:

- Gross overdevelopment
- Change of street view
- No privacy to the neighbouring properties and gardens
- Increase amount of traffic on the bend of Preston Hill
- Busy bus route
- Loss of sunlight to rear garden of neighbouring property.

Internal Consultation

Transportation - Proposal can be supported on Transportation grounds subject to a financial contribution of £1000 towards non-car access improvements in the vicinity of the site.

External Consultation

Objections raised by Councillor Colwill, Councillor Patel and Councillor Kansagra (Kenton Ward Councillors) on the following grounds:

- Gross overdevelopment of the site.
- New building will overlook neighbouring properties and gardens and restrict privacy
- The new property will detrimentally affect both the streetscene and the view of the surrounding houses
- The new house will generate an increased amount of traffic which is particularly problematic on the bend

in the road where there is a prominent bus route. Extra cars parked on the road would create access problems.

REMARKS

Site and Surroundings

The application site comprises a triangular site with a wide open frontage that narrows towards the rear. It currently contains a two storey semi detached dwellinghouse and a detached garage at the northern end of the site next to No. 119 Preston Hill. The existing dwellinghouse (No. 117 Preston Hill) has not been extended.

The other pair of the semi, No. 115 Preston Hill, has not been extended. The other neighbouring property, No. 119 Preston Hill, is a detached bungalow. It has two detached garage along the boundary with the application property. connected by a plastic roof canopy. There was an enforcement investigation at this property in relation to the use of the site as a place of worship and flue and extension (LPA Ref: E/06/0803). It was concluded following investigation from officers within the Planning Enforcement Team that a breach of planning had not occurred.

Design and siting

Policy CP17 of Brent's Core Strategy seeks to protect the suburban character of Brent from inappropriate development, including the development of garden space and infilling of plots with out of scale buildings that do not respect the settings of the existing dwellings. In this case, the site contains a very wide open frontage that is significantly wider than other corner properties in the vicinity of the site. The greenery in the form of the front garden and hedgerow contributes towards the character of the dwellinghouse and the streetscene.

This application seeks to demolish the existing detached garage and build a detached bungalow in its place. The main element of the new bungalow is no wider than the existing dwellinghouse with a subservient side feature. A hipped pitched roof is proposed. The eaves and ridge of the new bungalow are at the same height than the existing bungalow at No. 119 Preston Hill. The scale and height of the bungalow is in keeping with the general form of buildings in the locality and is considered acceptable.

A gap of approx. 8m will be maintained between the new bungalow and the existing dwellinghouse when measured from the front wall of the bungalow. This gap is similar to gaps between properties in the immediate locality.

The new bungalow will be set back 6m from Preston Hill. It will follow the building line of No. 119 Preston Hill. Although the application will be subdivided into two plots, a large extend of the front garden will still remain. This will allow the green character of the site to be retained which will maintain the character of the site.

Quality of proposed residential accommodation

Unit Size

The proposed bungalow will have an internal floor area of 61.3sqm. The London Plan requires a two bed 3 person dwellinghouse to have a minimum internal floor area of 61sqm. The proposal therefore complies with policy.

Outlook and privacy

The level of outlook from habitable rooms is considered acceptable. The bungalow benefits from dual aspect and a minimum distance of 10m is maintained from the rear kitchen/living room area to the rear boundary.

In terms of privacy, SPG17 requires rear habitable room windows to maintain a minimum distance of 10m to the boundary with neighbouring properties. In this case, a minimum of 10m is maintained to the rear boundary. No windows are proposed on the flank walls of the bungalow and it is recommended that a condition is secured to restrict any windows being inserted in the flank walls in the future without the benefit of planning permission.

External Amenity Space

The bungalow will have direct access to approx. 80sqm of private external amenity space. This exceeds the

minimum requirements as set out in SPG17 which requires 50sqm for a ground floor unit.

Quality of accommodation for the existing dwellinghouse

Outlook and Privacy

Good levels of outlook will still be retained from the rear and flank wall habitable rooms of the existing dwellinghouse. A distance of 10m will be retained to the rear boundary and 5m to the side boundary as a result of the subdivision of the site.

The existing dwellinghouse will not overlook the rear garden of the new bungalow as a distance of 10m is maintained.

External Amenity Space

The existing dwellinghouse will have direct access to approx. 65sqm of private external amenity space. This exceeds the minimum requirements as set out in SPG17 which requires 50sqm for a ground floor unit.

Impact on surrounding residential properties

The proposed bungalow is no deeper than the neighbouring bungalow at No. 119 Preston Hill. As such it is not considered to have an adverse impact upon the amenities of No. 119 Preston Hill through loss of light or outlook.

Highway considerations and front garden layout

Car parking for the new bungalow

The existing detached garage within the application site is accessed via a shared crossover with No. 119 Preston Hill. Car parking allowances for residential use are set out in standard PS14 of Brent's UDP 2004. The new two bedroom bungalow requires one off street parking space. This off street parking space will be provided within the front garden of the new bungalow accessed via the existing shared crossover with No. 119 Preston Hill.

Car parking for the existing dwellinghouse

The existing dwellinghouse attracts car parking standards of 1.6 spaces. As it already has two off street parking spaces (within the detached garage and in front of the garage), it is acceptable for two spaces to be retained. The two spaces will be located side by side within the front garden of the existing dwellinghouse accessed via a new 4.2m wide crossover. Officers in Transportation have confirmed that the siting of the new crossover is acceptable.

Refuse facilities and cycle parking

There is sufficient room within the front gardens to accommodate refuse facilities for both the existing dwellinghouse and proposed bungalow. Details of which are recommended to be secured as part of any forthcoming planning consent.

One cycle space is required per unit. This can be accommodated within both the existing dwellinghouse and proposed bungalow without the need to secure a separate covered cycle store.

Front garden layout

The front gardens for both the existing dwellinghouse and new bungalow will be predominantly soft landscaped with the exception of an area of hard surfacing for off street parking, refuse store area and pathways to both properties. The existing hedge will be retained apart from the openings for vehicular accesses. Full details of the front gardens for both properties are recommended to be secured as a condition to any forthcoming planning consent.

Removal of permitted development rights

To ensure that any future extensions do not compromise the privacy of neighbouring properties, have a harmful impact on the streetscene or result in a significant reduction in the rear garden area, it is recommended that

the following classes of permitted development rights from Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order, 1995, as amended are removed:

Existing dwellinghouse

Class A - Enlargement, improvement or alterations to a house such as rear or side extensions as well as general alterations such as new windows and doors

Class E - Provision of buildings and other development on land surrounding the house

Class F - Provision of hard surfaces on land surrounding the house such as driveways

New bungalow

Class A - Enlargement, improvement or alterations to a house such as rear or side extensions as well as general alterations such as new windows and doors

Class B - Additions or alterations to roofs which enlarge the bungalow such as lofty extensions involving dormer windows

Class D - Erection of a porch outside an external door

Class E - Provision of buildings and other development on land surrounding the house

Class F - Provision of hard surfaces on land surrounding the house such as driveways

Response to objections raised

A number of objections have been raised. These are discussed below:

Objection	Response
Gross overdevelopment of the site	<p>It is not considered that the proposal represents a gross overdevelopment of the site. The reasons are as follows:</p> <ul style="list-style-type: none"> • new bungalow is of an appropriate size that is in keeping with the scale of surrounding buildings • new bungalow meets the minimum internal floor area requirements as set out in the London Plan • Sufficient external amenity space is provided for both the existing dwellinghouse and new bungalow • The proposal does not result in a loss of outlook or privacy for either existing or proposed occupiers • Front garden will remain predominantly soft landscaped with sufficient off street parking
New building will overlook neighbouring properties and gardens and restrict privacy	<p>As discussed above, the new bungalow will not overlook neighbouring properties and rear gardens and result in a loss of privacy. A distance of 10m will be maintained to the rear boundary, complying with SPG17.</p>
New bungalow will adversely affect the character of the streetscene	<p>As discussed above, the new bungalow is considered to be in keeping with the character of the streetscene. It provides a satisfactory relationship with the neighbouring bungalow at No. 119 Preston Hill, as the height of the eaves and ridge is no higher than No. 119 Preston Hill. Furthermore, the bungalow is of an appropriate design and scale that contains windows and a front door that face onto Preston Hill.</p>

<p>Increased amount of traffic close to the bend on Preston Hill, which is used as a busy bus route</p>	<p>Off street parking will be provided for both the existing dwellinghouse and new bungalow that meet the Council's parking standards. The new crossover for the existing dwellinghouse is considered to be in an appropriate location sufficient set away from the bend in Preston Hill.</p> <p>The existing and proposed properties are not considered to result in any more visitors or coming and goings of vehicles as any other house along Preston Hill.</p> <p>It should also be noted that the Council have recently put down double yellow lines on Preston Hill around the area with the bend in the road (outside Nos.119 to 125 Preston Hill). This will prevent vehicles from parking along this section of the road.</p>
<p>Loss of sunlight to rear garden of neighbouring property.</p>	<p>The rear garden in question (No.2 Bush Hill Road) is located to the north of the application property and rear garden. Due to its orientation and location of the north of No. 117 Preston Hill and the new bungalow, it will continue to enjoy sunlight throughout the day.</p>

Section 106 Agreement and CIL

This application will be subject to a legal agreement that will secure a contribution of £3000 per bedroom (total contribution of £6000). This contribution will go towards building new school classrooms or associated facilities, local highway improvements or sustainable transport improvements, and enhance of public open spaces or improvements to the environment.

The application involves a new dwelling and thus is liable for the Mayor's CIL charge.

Conclusions

The proposal is considered to be an appropriate development that does not erode the suburban character of the area or have a harmful impact upon the character of the streetscene. It will contribute towards the Borough's housing stock. The scheme meets the current relevant standards and policies in terms of parking provision, residential amenity and the protection of adjoining residents.

The proposed scheme is in accordance with local and regional policies, and therefore is recommended for approval, subject to a Section 106 Agreement.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

National Planning Policy Framework
London Plan 2011
Housing Supplementary Planning Guidance - adopted November 2012
Brent's Core Strategy 2010
Brent Unitary Development Plan 2004

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

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

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):

117PH/P100
117PH/P101

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

- (3) No extensions or buildings shall be constructed within the curtilage of the existing dwellinghouse subject of this application, notwithstanding the provisions of Classes A, E and F of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: To prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- (4) No extensions or buildings shall be constructed within the curtilage of the proposed bungalow subject of this application, notwithstanding the provisions of Classes A, B, D, E and F of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: To prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- (5) Further details of the windows and doors to the new bungalow hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and thereafter built in accordance with the approved details. Such details shall include:

- (a) details of the materials for the windows and doors
(b) an elevation plan of each window type and doors at a scale of 1:10
(c) Cross section through each window type at a scale of 1:5 with all dimensions clearly annotated through the transom, showing the relationship of fixed and opening lights including the use of dummy frames to provide even sight lines between fixed and opening lights.

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

- (6) Notwithstanding the submitted plans otherwise approved, further details of the rear garden layout for both the existing dwellinghouse and the proposed bungalow shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on

site. The hard landscape works for both the existing dwellinghouse and proposed bungalow shall be completed prior to first occupation of the proposed bungalow hereby approved and the soft landscape works for both the existing dwellinghouse and proposed bungalow shall be completed within six months of the first occupation of the proposed bungalow hereby approved. The landscaping works shall be carried out in accordance with the approved scheme.

Such details shall include:-

- (i) Patios and pathways (including details of materials, finishes and height of patio).
- (ii) Details of existing and proposed boundary treatments (including materials and height).
- (iii) All existing planting to be retained and proposed planting (including location, species, size, density and number).

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.

- (7) Notwithstanding the submitted plans otherwise approved, further details of the front garden layout for both the existing dwellinghouse and the proposed bungalow shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The hard landscape works for both the existing dwellinghouse and proposed bungalow shall be completed prior to first occupation of the proposed bungalow hereby approved and the soft landscape works for both the existing dwellinghouse and proposed bungalow shall be completed within six months of the first occupation of the proposed bungalow hereby approved. The landscaping works shall be carried out in accordance with the approved scheme.

Such details shall include:-

- (i) Areas of hardstanding for off street parking and pedestrian pathways (including details of materials and finishes which shall be of a permeable construction).
- (ii) Details of the extent of the existing hedgerow along the frontage to be retained.
- (iii) All existing planting to be retained and proposed planting (including location, species, size, density and number).

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.

- (8) Prior to any works commencing on site, a plan shall be submitted to and approved in writing by the Local Planning Authority, showing the extent of the existing hedgerow along the boundary of Nos. 38 and 40 Roe Lane which is to be removed as a result of this proposal together with a Construction Protection Statement in accordance with BS5837 (2005) describing how the remaining extent of the hedgerow will be protected throughout the construction works. This should include a Root Protection plan and methods to protect the root zones around the hedgerow during construction.

The approved tree protection measures shall be in place throughout the construction period

and if any of the remaining hedgerow dies within five years following the construction of the rear extension, it should be replaced with the same species.

Reason: In the interests of the amenities of the locality.

- (9) The proposed vehicular crossover to serve the existing dwellinghouse shall be carried out at the applicants expense in compliance with a scheme to be submitted to and approved in writing by the Council's Highway Authority. The works shall be carried out and completed in accordance with these approved details prior to first occupation of the bungalow hereby approved.

Reason: In the interests of highway conditions within the vicinity of the site.

INFORMATIVES:

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

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

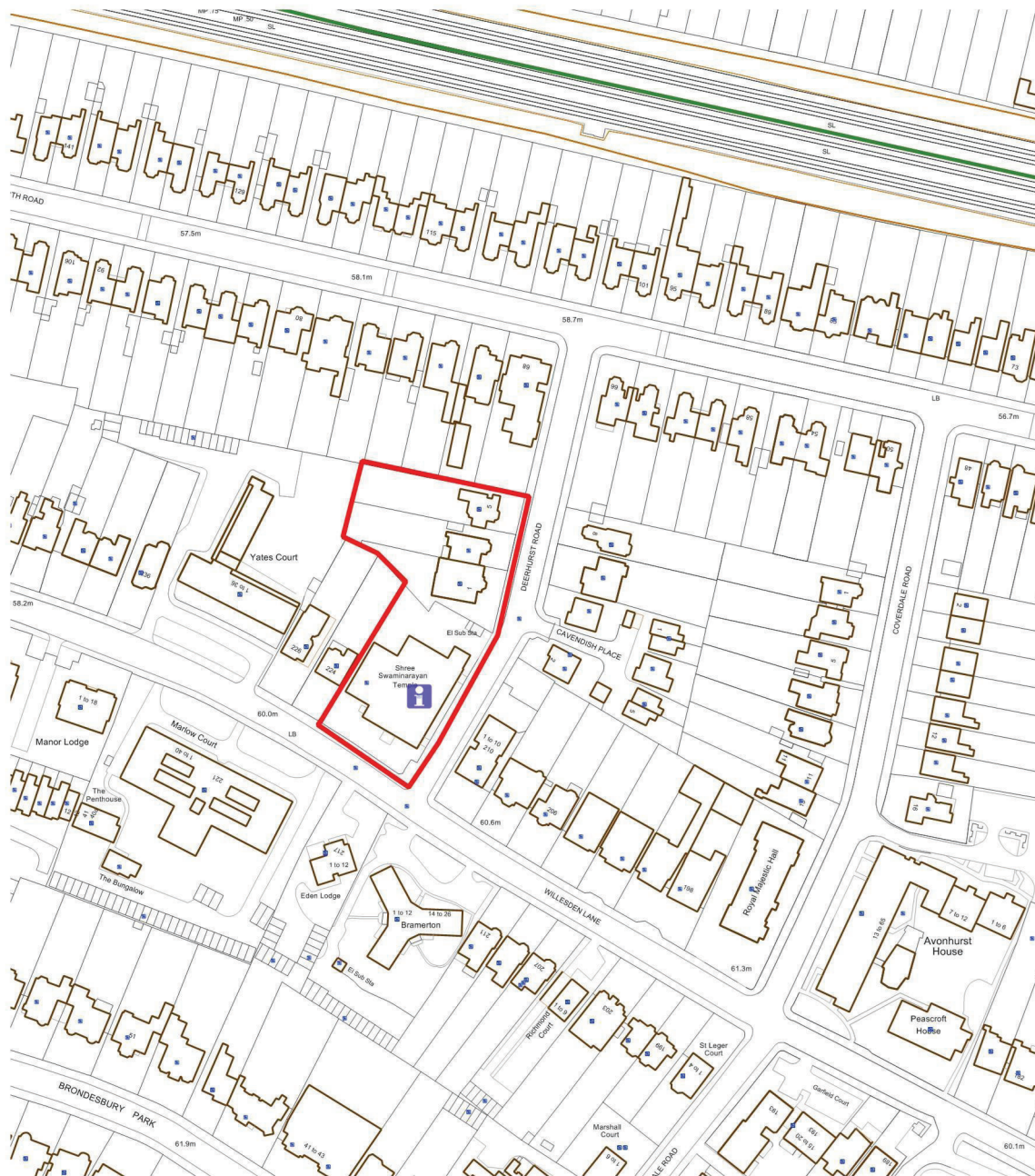
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Planning Committee Map

Site address: 1A-C, 3 & 5A-D INC, Deerhurst Road & Shree Swaminarayan Temple, 220-222 Willesden Lane, Willesden, London, NW2

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This map is indicative only.

RECEIVED: 8 April, 2013

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 1A-C, 3 & 5A-D INC, Deerhurst Road & Shree Swaminarayan Temple, 220-222 Willesden Lane, Willesden, London, NW2

PROPOSAL: The erection of a rear extension to the temple, the demolition of 1, 3, 5 Deerhurst Road and the erection of 14 care home units, 6 elderly and visitor accommodation units, and 14 self contained flats and two storey basement parking area with associated landscaping to the site

APPLICANT: Shree Swaminarayan Temple, Willesden

CONTACT: Studio V architects

PLAN NO'S:
PL01 - PL24
Ecology Report
Acoustic Report
Daylight Sunlight Report
Energy Statement
Planning Statement
Travel Plan
Travel Assessment
Statement of Affordable Accommodation to Ethnic Community

EXISTING

The application site is located to the Northern side of Willesden Lane, and to the Western side of Deerhurst Road. The site currently comprises a Temple complex, with a floor area estimated at circa 2565sqm. Parking is available for 48 vehicles in a gated part-surface part-basement car park accessed from Deerhurst Road.

In addition, 3 Deerhurst Road is a detached family dwellinghouse which benefits from a detached single garage and driveway (providing up to three car spaces total). 1a-c and 5a-d Deerhurst Road were also detached dwellings which have been converted to form seven flats.

No part of the application site is considered to be located within a Conservation Area, nor is any part of the property considered to be a listed feature. The temple site is located on the Junction of Deerhurst Road and Willesden Lane.

PROPOSAL

As above

HISTORY

Temple

A planning application (Ref No: 01/1678) for the erection of a single story rear extension was granted permission on 14 March 2002.

A planning application (Ref No: 00/1726) for the erection of a single story front extension was granted permission on 15 October 2000

A planning application (Ref No: 00/0755) for the formation of a vehicular crossover was granted permission on 31 May 2000

A planning application (Ref No: 99/14/53) for the erection of roof extension to Hindu temple comprising 6

classrooms was granted permission on 24 February 2000

1 Deerhurst Road, London, NW2

Planning application (Ref No: 94/1462) for the retention of 3 flats was granted permission in November 1994.

3 Deerhurst Road, London, NW2

The Council is currently investigating the change of use of the property from a single family dwellinghouse to a hostel (Ref No: E/10/0235). As the use has only commenced in the last three years, it is understood the lawful use to be a single family dwellinghouse.

5 Deerhurst Road, London, NW2

The property is in use as 4 self contained units. These units do not benefit from express planning permission but are considered to be older than 10 years and are therefore immune from express planning permission.

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF)

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

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

The recommendation here is considered to comply with the 12 Core Principles set down in the NPPF:

- Planning should be genuinely plan led empowering people to shape their surroundings. Plans should be kept up-to-date and provide a practical framework within which decisions on planning applications can be made.
- Creation of the opportunity to be creative in finding ways to enhance and improve places in which people live their lives.
- Proactively drive and support sustainable economic development to deliver homes, business and industrial units, and thriving local places that the country needs. Plans should set out a clear strategy for allocating sufficient land which is suitable for development in their area taking account of the needs of the residential and business communities.
- Secure a high standard of design and levels of amenity.
- Promote the vitality of the main urban areas whilst protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside.
- Aim for a low carbon future in a changing climate and encourage the use of renewable resources.
- Conserve and enhance the natural environment and reduce pollution. Allocations of land for development should prefer land of lesser environmental value.
- Encourage the use of brownfield land provided it is not of high environmental value.
- Promote mixed use developments.
- Conserve heritage assets in a manner appropriate to their significance.
- Manage patterns of growth to make the fullest use of public transport, walking and cycling focussing significant development on locations which are or can be made sustainable.
- Support strategies which encourage health, social and cultural well being for all and deliver community and cultural facilities and services to meet local needs.

The relevant issues set down in the London Plan, and identified by the GLA, are as follows:

- Social Infrastructure
- Mix of Uses
- Housing
- Affordable Housing
- Density
- Historic Environment
- Urban Design
- Inclusive Access
- Sustainable Development
- Transport
- Crossrail.

Also relevant is Brent Core Strategy policy CP17 on Protecting and Enhancing Suburban Character in Brent. In terms of density, the number of units proposed is appropriate for the site as it is within a range considered by the London Plan to be appropriate for this type of location (urban) and which benefits from very good public transport accessibility.

Adopted in July 2010, the Core Strategy has 12 strategic objectives:

- Objective 1: to promote economic performance & regeneration
- Objective 2: to meet employment needs and aid the regeneration of industry and business
- Objective 3: to enhance the vitality and viability of town centres
- Objective 4: to promote the arts and creative industries
- Objective 5: to meet social infrastructure needs
- Objective 6: to promote sports and other recreational activities
- Objective 7: to achieve housing growth and meet housing needs
- Objective 8: to reduce the need to travel and improve transport choices
- Objective 9: to protect and enhance Brent's environment
- Objective 10: to achieve sustainable development, mitigate & adapt to climate change
- Objective 11: to treat waste as a resource
- Objective 12: to promote healthy living and create a safe and secure environment

The following spatial policies are considered relevant to this application:

- 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
- CP17 Protecting and Enhancing Suburban Character in Brent.
- CP18 Protection and enhancement of Open Space, Sports & Biodiversity. Protects open space from inappropriate development.
- CP 19 Brent strategic climate mitigation and adaptation measures. Highlights the need for new development to embody, or contribute to, climate mitigation objectives, especially in growth areas
- CP 23 Protection of existing and provision of new community and cultural facilities. Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

Unitary Development Plan 2004

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 that reduces the need to travel, especially by car, will be achieved.
 - STR11 Seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.
 - 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.
 - STR19 New housing developments should provide adequate amenity, reduce need for car travel and improvement to public infrastructure.

Built Form

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

Environmental Protection

- EP3 Noise and vibration
- EP3 Requires developments within Air Quality Management Areas to support the achievement of National Air Quality Objectives.

Housing

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

opportunities of the site.

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN4 Measures to make transport impact acceptable
- TRN10 Walkable environments
- TRN11 The London cycle network, schemes should comply with PS16
- TRN12 Road safety and traffic management
- 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.
- TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.
- TRN27 Loss of existing off-street parking
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS12 Car parking standards – Class D1
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards
- PS19 Servicing standards

Tourism, Entertainment & the Arts

- TEA2 Location of small-scale tourist, visitor and arts, culture and entertainment facilities.

Community Facilities

- CF5 Location of large scale community facilities
- CF4 Community facilities capable of holding functions should have an acceptable transport impact. Where the number and/or scale of functions could have an unacceptable impact on residential amenity these will be limited by condition.
- CF14 Places of worship permitted where there would be no loss of residential amenity or unacceptable transport impact.

Brent Council Supplementary Planning Guidance and Documents

SPG 17 "Design Guide for New Development"

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

SPG19 "Sustainable Design, Construction & Pollution Control"

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

The Council has previously received a request for an Environmental Impact Screening (EIA) on the site. It assessed other possible impacts and effects of the development, and on 31 January 2012 determined that it considered that there were none that were significant enough to warrant an EIA.

CONSULTATION

External

Neighbouring properties and Ward Councillors were consulted on 30 April 2013. A site notice was placed outside the property on 1 May 2013 and an advert was placed in the Local Press on 9 May 2013. In response the Council has received 167 objections 3 representations in support and a petition of support signed by of 1350 people. Cllr Shaw has expressed an objection scheme.

The objections are outlined as:

- The proposed 4-storey block will have a detrimental impact on character of the streetscene, by reason of its scale, mass, design and siting.
- No justification for the loss of much needed family size homes
- The proposed 4-storey block will create an over-bearing impact on the street.
- The proposal will result in a loss of light
- The proposal will result in a loss of privacy
- The introduction of additional residents will increase congestion in the area
- Increasing the number of car parking spaces from 44 to 133 will almost treble the number of vehicle movements into and out of the site, adding to the congestion Deerpark Road, Willesden Lane and Chatsworth Road
- The temple extension will result in the temple being 4x as large as the pre-existing chapel it replaced.
- The creation of the three winged/blocked residential block will reduce the open character defined by large gardens in the area.
- The proposed building works will create a great deal of disturbance to neighbouring properties
- The use of the temple currently causes detrimental harm to neighbouring amenity, increasing its size will increase the level of activity and cause further harm
- The extension of the temple will dominate the street
- Increase CO2 emissions
- Increase in Noise and disturbance
- Gross over-development on the site
- The basement car park will impact on the underground water table and streams, and this could impact hugely on the local ecology
- Mature trees will be jeopardised during construction works
- Building over residential gardens are contrary to aspirations of the NPPF
- The sunlight assessment confirms loss of light
- The proposed care home is of poor design failing to provide adequate nursing care, lifting, bathing etc
- No supporting evidence that the care home will home Brent Residents
- No details on allocation of car parking proposed
- No need for small flats in the Borough
- The fact that the rear garden has been neglected, is not justification in itself for the loss of the gardens in the sub-urban area. More especially as neighbouring gardens have won awards.
- A number of local precedents for the refusal of this scheme exist, i.e. Planning Ref No: 10/3080
- The extension to the temple that have been previously allowed have resulted in the loss of neighbouring amenity. Further extensions will have a similar effect.
- No assess on the noise and vibration of the car park has been made
- The submission makes assertions that are not supported by facts. For example it says there will be no increase in the number of visitors to the Temple as a result of the enlargement of the Temple. This does not seem credible. A 46% increase in floor area and a large expansion of facilities must be aimed at increasing usage. Several statements are made in the application that are contradictory depending of what the applicant wants to support eg transport is good or moderate (planning statement or transport assessment), the distance to tubes is +/- 200m (600m or 800+m) depending on which policy they wish to support.
- A similar religious institute exists 2.5 miles away. This facility could be extended if need be.
- The presence of kitchens and no extraction systems could result in nuisance to neighbouring residence.

Support outlined as:

- The temple has provided accommodation for the homeless and the elderly

- The proposal will result in a new character in the street
- The proposal will not result in a loss of wildlife
- The proposed developments are not large
- The proposed gardens will be of a high modern specification
- The proposal will reduce congestion on the street

Internal

Highway Engineer:

Transportation cannot support the proposal in its current form, on the grounds that too many issues remain unsatisfactory, as follows:

- The size of the Temple extension remains unclear from the differing measurements given in the various application documents and plans.
- The submitted Travel Plan does not at this time provide a robust document which Transportation can be confident will mitigate the impact of the uses at the site.
- There is no indication of how basement car parking spaces will be allocated between temple visitors, residents and care home staff, and Car Parking Management considerations are not included as part of the submitted Travel Plan.
- Parking space "127" in the proposed basement car park is not usable and should be removed from plans.
- Remaining ramp gradients should be detailed in full, including section drawings showing that clearance heights are maintained along their whole length.
- Allocation of cycle parking spaces between visitors and residents will be needed.

Housing Officer:

The scheme can not be supported as the applicant has failed demonstrate justification for the viability of the scheme

Design Officer

The proposal is considered to be an over-development on the site, which will have a significant impact on the character of the area. It would be unlike any form of development nearby and would fail to respond to its setting. The new residential building competes visually with the Temple building. The proposal can not be supported in its current form

Environmental Health:

Members will be briefed on officer comments in the supplementary report

REMARKS

PRINCIPLE OF DEVELOPMENT

Temple

The application seeks planning permission for the The demolition of 1, 3, 5 Deerhurst Road and the erection of 14 care home units, 6 elderly and visitor accommodation units, and 14 self contained flats. The erection of a rear extension to the temple and a two storey basement parking area with associated landscaping to the site

The size of the actual extension proposed at the site remains entirely unclear from the submitted information. The application form states that 103.4m² of additional D1 floor area will be created, while the Transport Assessment states that the floor area will increase from 2557m² to 3701m². Meanwhile the submitted plans show an increase of 38m² for each of the ground, mezzanine and first floor (at least 114m² plus the second floor) but at the scale specified measure 385m² per floor (total of 1155m² plus the second floor), as such some confusion as to the extent of the extension occurs.

Housing and Viability

Nos 1, 3 and 5 were originally constructed as single family dwellinghouses. As detailed in the 'History' Section of this report Nos 3 is still lawfully considered to be a single family dwellinghouse. The proposed development will result in the existing 3(+) bedroom unit being lost.

Policy CP21 of the Council's Core Strategy seeks to redefine the UDP definition of family sized accommodation to units containing 3-bedrooms or more. The UDP definition considered units with two or more bedroom to be suitable for family occupation. This change in definition is intended to assist the Council in addressing the identified shortage of housing for the unusually high number of larger households within the Borough. The loss of a family unit of which there is an acute demand in general is not considered to be adequately compensated for through the proposed development.

As such, the proposed development is not considered to comply with the aspirations of policy CP21 which seeks to achieve a balanced housing stock for the Borough.

The proposal seeks permission for the erection of three blocks of residential accommodation in the form of:

- A - Care Home
- B – Elderly and visitor accommodation
- C – Residential Block

CP21 seeks to make locally appropriate provision or Brent's wide range of specific and special housing needs, as required by London Plan Policies 3a.5 and 3a.13, including family homes, sheltered housing for older persons, non self contained accommodation, such as hostels for households without children, housing providing support (including extra accommodation for older persons) and residential care homes. Indeed the applicants statement titled 'Providing affordable accommodation for ethnic community is clear in demonstrating that residents have been relocated internationally (Kenya). The applicant has failed to demonstrate the new sheltered housing will meet the local needs of Brent and therefore in principle objection is raised.

Further issue is taken with the provision of sheltered accommodation proposed in the forms of 'Elderly and visitor accommodation and a 'Care Home'. Specifically, the basis on which a care home in the form of self contained single bedroom units with additional study areas, in conjunction with self contained single bedroom self units and 'bedrooms' with en-suits are being proposed. This approach would differ to that which is normally taken with proposals of this kind and despite making numerous requests to understand the basis of the submission, the applicants have failed to provide clarity on the matter. Members will be aware this is not the sort of accommodation that is required by the Local Authority.

The London Plan is clear in requiring major developments (Minimum 10 unit) would require the maximum reasonable level of affordable housing (50%). As detailed in CP2, the Brent also seeks to deliver 50% affordable housing across the Borough. Whilst the applicant has submitted a financial appraisal to seek to demonstrate the scheme cannot feasibly deliver affordable housing, your officers considers the submission to provide insufficient evidenced to demonstrate the applicants argument. In the absence of a robust toolkit that confirms viability, the proposal can not be supported

CHARACTER OF THE AREA

Although Willesden Lane is a busy road, once off the Willesden Lane, Deerhurst Road is characterised by traditional terraced houses. The character of this street is not only defined by the buildings themselves but also by the space around them. The site is currently occupied by three, two-storey buildings. Whilst they are not protected they do contribute to the character of the locality which, with some exceptions, consists of residential dwellings in their own particular setting.

Their replacement by two blocks of this size, height and siting along the street frontage is unacceptable and would have a significantly detrimental impact on the established streetscene. The building would be far closer to the back of the footpath than the existing buildings and would, obviously, be far higher. This continuous frontage (with secondary break), along with the overall width of the building and the lack of space around it, fails to provide the necessary quality of development that the Council would be seeking in schemes of this nature.

The provision of a separate building (Block B) to the rear also has a significant impact on the character of the area. It would be unlike any form of development nearby and would fail to respond to its setting. Given the siting of the building it seems likely that there would be little scope for any planting of any significance and what exists would undoubtedly be lost. There are also obvious issues about how the building relates to those people who live next to it which, will be dealt with below.

The new building competes visually with the Temple building and fails to be similar in scale with the flatted development to the north on the corner of Chatsworth Road and Deerhurst Road. As detailed at length at pre-application discussions, any building here should appear subsidiary in the streetscene and would need to sit within its own landscaped setting.

The dominance of the new residential blocks are further amplified by the narrow separation (5.6m – at its closest point) from the proposed temple extension. The gap between temple extension and frontage block is also considered to be far too small to retain a sense of space along Deerhurst Road (particularly when considered alongside the forward projection of the frontage block) and the setting of any building would need to be, as explained, far better than currently proposed.

There are a number of other secondary design issues such as, proposed balconies, poor quality materials, cornice detailing etc, that will require further attention in the event of a resubmission. However owing to the principle objections raised above, these are considered to be secondary. Overall, the nature of the local character and the constraints of the site mean that a building on this plot would have to be significantly smaller than the one proposed to enable it to compliment its locality, sit comfortably on the site and allow a building that provides an appropriate level of amenity and successful circulation.

The extension is supported in principle and if it were submitted on its own without the residential it would have been viewed on favourable however to does form a part of a wider submission that, the proposal fails to comply with requirements of scale, bulk, mass and size set out in SPG17.

IMPACT ON NEIGHBOURING AMENITY

Notwithstanding the comments made above, regarding the impact that this scheme has on the character of the area, it is also necessary to consider the physical impact on neighbours, both in terms of overlooking/loss of privacy but also overbearing and over dominance. Unfortunately, the proposed Temple extension and residential development continues to relate poorly to people living nearby as evident in its failure to comply with requirements set out in SPG17.

Of particular concern is the impact of the temple extension on the residential garden at 224 Willesden Road. The continuous flank wall fronting the afore mentioned garden is considered to be wholly unacceptable by reason of creating an over- bearing impact on the garden as evident in its failure to comply with SPG17.

Further issue is raised with the hard impact of the residential scheme on the residential gardens at (No 68-72) Chatsworth Road. SPG 17 requires envelope of the proposed building to be set below a 45 degree angle at the edge of a neighbouring garden. The proposal fails to comply with this requirement, resulting in an overbearing impact on neighbouring residential gardens.

Further issue is taken with the presence of balconies and habitable windows overlooking neighbouring gardens in particular those gardens in Chatsworth Road. Your officers consider, the loss of neighbouring amenity, is considered to be reason in itself to refuse the application.

The applicant has provided lighting, noise and ecological studies. Members will be briefed on their acceptability in a supplementary report

QUALITY OF ACCOMMODATION

Whilst it is accepted, future occupiers at the care home will be affiliated with the temple, it still remains the responsibility of the Local Authority to ensure the quality of accommodation provided is of an appropriate standard. To this end, the proposal seeks permission for a rear 'Care home garden. Whilst SPG17 encourages higher density development, it is important that the relationships created between buildings, and between buildings and private amenity spaces, does not become detrimental by being over-dominant or overbearing. The proposed temple extension fails to comply with requirements set out in SPG17 and is considered to have an overbearing impact on the gardens of the 'Care home garden

All units are considered to be large enough to comply with London Plan standards, which is a welcomed approach. However some concern as to how the proposed external amenity space will be utilized is raised. With regards to Blocks C and A, Two ground floor flats (Block C) will benefit from private gardens of a suitable size, whilst all other flats or care home units will benefit from private balconies and a communal garden. The communal garden relating to Block C appears to be shared with the sheltered accommodation. No further details on allocation or usability has been provided.

Some concern is also raised with the useability of the care home in the absences of meeting life times home standards. For example with the absence of lifts, it is unclear how vulnerable persons could be mobile or nursed suitably.

HIGHWAYS

Members will note that from many of the comments made by objectors, it is clear that residents are already concerned about the highway impact that the existing use already has at certain times and days. Part of this concern could arise from the CPZ being in place from which operates 10:00 – 15:00 Monday to Friday, but has moderate accessibility with a PTAL rating of level 3

Parking is available for 48 vehicles in a gated part-surface part-basement car park on the temple, which is accessed from Deerhurst Road. In addition, 3 Deerhurst Road is a detached family dwellinghouse which benefits from a detached single garage and driveway (providing up to three car spaces total). 1a-c and 5a-d Deerhurst Road were also detached dwellings which have been converted to form seven flats. 5 Deerhurst Road also has off-street car parking for one vehicle. The proposed extended car park will provide 136 car spaces. A Transport Assessment and Full Travel Plan have been submitted in support of this application.

The Temple: Impact

Parking Standards for D1 (faith site) uses are based on the maximum visitor capacity, with up to 2 car spaces permissible for every 5 visitors. The existing visitor capacity is provided in the submitted Transport Assessment. The largest number of visitors that can be expected on a weekly basis will be 600 for early-evening services on a Sunday, whereas from Monday to Friday attendances of around 80 for morning services and 50 for evening services can be expected. Other than these services, the temple also offers other activities, of which the most highly-attended is the Gujarati School on Saturdays and Sundays, when up to 125 pupils attend each day in the later afternoon. This means that a regular attendance of up to 725 people can be expected to be the maximum attendance. Special events also attract up to 600 people, and exceptionally up to 1000 attendees may be expected during Diwali.

Based on these figures, on a typical Sunday up to 290 car spaces could be permitted, and during Diwali up to 400 spaces could be permitted. However, on most weekdays no more than 32 car spaces would be needed to fulfil maximum standards.

At present, the Temple car park provides 48 car spaces, and so can provide sufficient on-site car parking for general Monday-to-Friday use. However clearly this is not enough to accommodate the level of parking demand which may be expected at weekends and major festivals.

Furthermore, since the Transport Assessment states that frequently at least 200 people are on-site even during the working week, this figure would produce a standard of up to 80 car spaces. Your Officers can understand the impetus to extend car parking facilities on this basis.

The Transport Assessment includes the result of surveys undertaken in December 2012, on a day when 400 women and 311 men attended the site. This is comparable in visitor numbers to the busiest "normal" days at the Temple. These surveys found that overall 86% of visitors travel to the site by car, leading to 353 vehicles requiring parking in the local area, or requiring a pick up/drop off. The survey also found that 118 vehicles parked in the on-site car park, which is 2.5 times the car park capacity. It must be presumed that there is a high turnover at services, otherwise these levels of attendance would simply not be possible.

The survey also found that 154 cars park on-street on Deerhurst Road. The on-street capacity of Deerhurst Road is at most 58 car spaces, and so again the numbers found parking or stopping are over 2.5 times the capacity. The size of the actual extension proposed at the site remains entirely unclear from the submitted information (as detailed above).

The Transport Assessment does specify however that the extended facilities within the Temple are not intended to lead to an increase in visitors to the site, but rather to improve facilities for the existing community.

There will be some increase in pupils attending the educational classes offered at the site, however the Transport Assessment specifies that these pupils universally will be children accompanied by adults who are already visiting the Temple, and that on this basis there will not be an increase in trips. Owing to the increase in numbers, it is evident this will bring about in journeys. However in the absence of information, your officers can not support the development.

The Temple: Mitigation

The Temple intends to provide additional off-street car parking, by extending the existing part-basement car park in order to provide a two-level underground car park which will lie beneath virtually the entire application

site, including the new residential and sheltered accommodation discussed later in this report. The new car park is intended to accommodate 136 car spaces, which is an increase of 88 car spaces over the existing provision.

The maximum permissible amount of car parking assessed above is 290 car spaces, with the exception of Diwali celebrations. 136 spaces represents 47% of the assessed maximum parking standard. However, the existing provision of 48 spaces represents 17% of the assessed maximum standard. Your Officers accept that there needs to be a balance between provision of additional car parking to relieve the burden on the highway network and discouraging drivers from accessing the site.

The data from the surveys undertaken noted that 353 cars arrived at the Temple site for a Sunday event. 136 spaces would represent provision for 38% of these vehicles, with the remainder needing to park on-street. It is therefore concluded that congestion will remain an issue at this site unless a Travel Plan is produced which is robust and effective.

Transport for London (TfL) guidance for Travel Planning at Faith sites (*Travel Planning for New Development in London*, TfL, 2010) recommends the production of a "Local Level Travel Plan" for Faith sites with more than 20 staff but fewer than 200 worshipers, and a "Strategic Level Travel Plan" for those which have more than 200 worshipers. The Temple exceeds both thresholds at its busiest times, and so the production of a full Travel Plan has been encouraged during pre-application discussions.

The submitted "Interim Travel Plan" has been assessed using the ATTrBuTe methodology and has failed. The reasons for this are primarily the lack of clearly defined objectives and targets which link with each other and with the proposed measures. For the Temple use, cycle parking at a rate of 1 space per 8 staff or visitors should be provided. This would mean that for the largest services, a provision of 75 cycle spaces would be required. However, based on the average attendance, for 200 visitors 33 cycle spaces would be needed. The extended basement provides up to 100 secure cycle spaces which are welcomed, as this should cover all predicted needs.

The Residential Development:

Each 1-bed flat can be permitted 1.0 car space and each 2-bed flat can be permitted 1.2 car spaces. This gives an overall residential parking standard of up to 15.6 no. car parking spaces.

There is no indication as to how many of the basement car parking spaces are to be allocated to the proposed residential dwellings. At the time of the busier Temple services there is a risk that residential parking will overspill onto Deerpark Road and the locality. However, during these busy periods there is also a lack of on-street parking availability, and so the likelihood of unsafe and/or illegal parking behaviour is increased.

A car-free agreement for the flats can not be accepted as, firstly as the PTAL rating is not sufficiently high, but also because there is a lack of separation between the residential accommodation and the other types of housing at the site, which would be likely to cause confusion and error in administration.

The Care Home and Sheltered Housing:

Given that the category of sheltered housing is not set out, your Officers will err on the side of caution and apply the Category 1 (highest) standard. As such, the 6 flats for the elderly can be permitted 3 car spaces for residents. The 14-bedroomed care home meanwhile can be permitted up to two car spaces.

As with the general C3 housing, there is no indication as to how many of the basement car parking spaces are to be allocated to the proposed sheltered housing and care home.

Basement Car Park Geometry:

During pre-application discussions, your Officers requested details of levels, ramp gradients and clearance heights to be provided, in order to assess properly the validity of the proposed basement car parking facilities.

Tracking diagrams have been provided in the annexes to the Transport Assessment, which show cars successfully accessing, manoeuvring and parking within the proposed basement car parks. These are acceptable.

One car space still appears to be unusable, namely space "127" on basement Level 2 due to its awkward angle and relationship to the nearby space "126". Transportation strongly suggest that this space should be removed from the plans.

Ramp gradients are specified as 1:10 on the Basement Level 1 Plan, but other ramps are not labelled and once again, the assessment can not be completed.

The height from the 1st basement level to the ground floor is 3.1m and the height from the 2nd basement level from the 2nd basement level to the 1st basement level is 2.6m. These clearance heights and levels are acceptable in themselves, however as the ramp gradients are not taken into account with due care, the proposal can not be considered to be acceptable.

Other Issues:

100 no. cycle parking spaces are shown within the basement car park. However no allocation of the facilities have been provided. The Councils standards require each proposed residential dwelling to be provided with a single secure and covered space unit, and this should also be applied to the proposed staff accommodation listed in the development schedule. These should be guaranteed independently from cycle parking which may be used by Temple visitors.

Bin stores for the proposed care home and residential flats are shown on the Deerhurst Road frontage, which are acceptable in terms of their location.

In Highway terms, the scheme cannot be support in its current form, on the grounds that too many issues remain unsatisfactory, as follows:

- The size of the Temple extension remains unclear from the differing measurements given in the various application documents and plans.
- The submitted Travel Plan does not provide a robust document which your Officers can be confident will mitigate the impact of the uses at the site.
- There is no indication of how basement car parking spaces will be allocated between temple visitors, residents and care home staff, and Car Parking Management considerations are not included as part of the submitted Travel Plan.
- Parking space "127" in the proposed basement car park is not usable
- Insufficient detail on ramp gradients, including section drawings showing that clearance heights have been maintained.
- Details of allocation of parking bays (including cycles) between visitors, staff and residents has not been provided

In the absence of conclusive information, the proposal can not be supported

TREES

Three trees located at 224 and 226 Lincoln Court, Willesden Lane, NW2 benefit from Tree Preservation Orders (TPO). The tree preservation order protects a sycamore and two large mature black poplar trees, the root systems of all these trees will encroach some way into the application site and could be seriously damaged by construction activities, specifically the construction of the basement.

There are no trees of any note anywhere else on the site although a single mature Pear tree grows on the western boundary in Yates Court. Officers consider that the root system of this tree would be re-directed back into the garden of Yates court due to the substantial boundary wall.

A group consisting of Pear, Goat willow and Cypress grows on the northern boundary, again off site, some of these trees (specifically the root systems) could, if not carried out with care be damaged during construction activities. The applicant has produced at a late stage an arboricultural assessment. Having assessed the report the tree officer is satisfied the proposal is in accordance with BS5837:2012.

SUSTAINABILITY

The Council's Sustainability Checklist has not been completed, the Core Strategy states that major developments should complete and submit a checklist so to demonstrate how the expected level of performance will be achieved.

The Planning Statement makes a commitment to achieve Code for Sustainable Homes Level 3 and makes reference to the inclusion of solar panels however there is an absence of information to demonstrate how this will be achieved.

A 'Regulations Compliance Report' has been submitted for 9 self contained units, this is a document to show compliance with Part L of building regulations and does not represent achievement of Brent's or the London Plans Sustainability requirements. There is no information relating to the other residential accommodation or to the Sustainability credentials of the extension to the temple.

The proposal does not comply with London Plan Policy 5.2 which requires the submission of a detailed energy assessment and compliance with the energy hierarchy. It does not demonstrate compliance with the cooling hierarchy or the requirement to integrate green infrastructure into the development.

The Sustainability requirements include:

- Code for Sustainable Homes level 3
- BREEAM 'Excellent for non-residential
- A 25% carbon emissions reduction over Building Regulations Part L 2010
- Provide a reduction in expected carbon emissions through the use of onsite renewable generation (presumption of 20%)

FINANCIAL CONTRIBUTIONS

S106

If your officers were minded to approve the submission, the proposal would have been required to contribute towards education, sustainable transport, open space and sports provision in the local area, the affordable housing as detailed in the Council's SPD on Planning Obligations.

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

CONCLUSION

Officers have commented on the development of this site on a number of occasions over the last year and have provided comprehensive comments on those occasions. The application proposal is virtually the same as the pre-application submission that was considered at the end of 2012 and it is evident that comments have unfortunately not been addressed. It is on that basis that the application is now to be reported to the Planning Committee.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed development, by reason of the design, overall size, siting, bulk, proximity to side/rear boundaries and its prominence on the street would constitute an unacceptable form of development, detracting from the character of the locality and relating poorly to surrounding forms of development. The proposal would thus result in a development that is to the detriment of the visual character and appearance of this area. As a result, the proposal would be contrary to policies BE9 and H12 of the adopted Brent Unitary Development Plan 2004.
- (2) The proposed development would, by reason of its height, size and siting, be detrimental to the amenities of adjoining occupiers, in particular residents of Chatsworth Road, by reason of loss of outlook from, and the creation of an overbearing impact on, the existing gardens. The proposal would be contrary to policies BE9 and H16 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance SPG17: "Design Guide for New Development."


- (3) The proposal results in poor quality external amenity space, contrary to policies BE2, BE9 of the Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17.
- (4) The level of provision of parking within the site would result in overspill parking on Deerhurst Road, Willesden Lane and Chatsworth Road, this unrestricted increase in demand for parking cannot be accommodated and would be detrimental to the free flow of traffic and pedestrians and highway safety, in a location where a 'car-free' agreement cannot be implemented as access to public transport is insufficient to result in a sustainable 'car-free' scheme. The proposal fails to comply with TRN2, TRN4, TRN23 and TRN24 and PS14 and the National Planning Policy Framework.
- (5) The proposed development would result in the loss of family accommodation for which there is an identified need within the Borough and as such the proposal would be contrary to policy CP21 London Borough of Brent Core Strategy (Proposed Submission June 2009)
- (6) The applicant fails to demonstrate that the proposed 'Care Home' and 'Elderly Persons Shelter with Visitor Accommodation' will serve the local population Brent for which there is an identified need within the Borough or that there is an established need for form of accommodation being proposed and as such the proposal would be contrary to policy CP21 London Borough of Brent Core Strategy 2010
- (7) The proposal, by reason of the scale, bulk and dominance of buildings across the site and density of the development in general and the massing, height and scale of the residential blocks in particular, is disproportionate to and detrimental to the site and context of 2-storey houses. The proposal therefore represents an overdevelopment within this constrained plot. The proposal is contrary to policies BE2, BE9 and H15 of Brent's UDP 2004 as well as *SPG17: Design Guide for New Development*
- (8) In the absence of a legal agreement to control the matter, the proposal fails to comply with the principles of sustainable development and would be harmful to the aims and objectives of the Council, which seek to ensure that new development and land uses achieve sustainable development, and is therefore contrary to Policies STR14 and BE12 of the Brent Unitary Development Plan 2004 and the guidance contained within Supplementary Planning Guidance SPG19: "Sustainable Design, Construction and Pollution Control
- (9) In the absence of a legal agreement to control the matter, the development would fail to provide an acceptable mix and quantity of affordable housing, it would result in additional pressure on transport infrastructure, without a contribution to sustainable transport improvements in the area, an increased pressure for the use of existing open space in an area of open space deficiency, without contributions to enhance open space, an increased pressure for public sports facilities, without any contribution to the provision of sports facilities, and an increased pressure on education infrastructure, without any contribution to education improvements. As a result, the proposal is contrary to policies STR19, TRN4, TRN23 and OS7 of the adopted London Borough of Brent Unitary Development Plan 2004, policy CP2 of the adopted Core Strategy 2010, the Mayors London Plan and the Councils' Supplementary Planning Document;- s106 Planning Obligations
- (10) The application is not supported by a sufficiently robust and detailed Travel Plan to demonstrate that the proposed development will not lead to increased traffic congestion and unsafe car parking to the detriment of highway and pedestrian safety, contrary to Policies TRN1 and TRN4 of the UDP-2004.
- (11) The proposed basement car park, by virtue of the insufficient vertical clearance height within the structure will have a detrimental impact on vehicular access to the facility and the proposed car parking space numbered "127" in the submitted basement plans, by

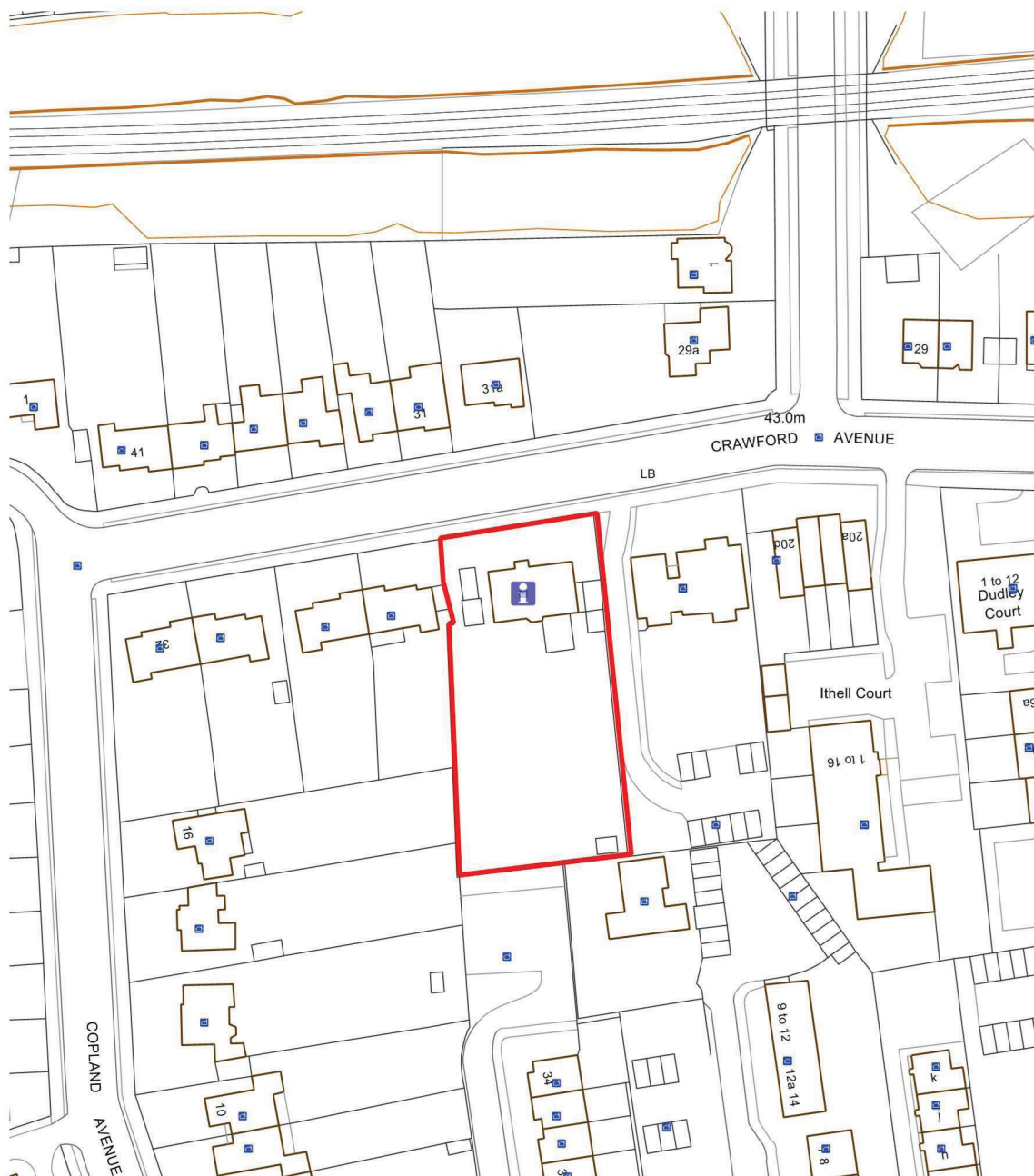
virtue of its alignment and relationship to adjacent car parking spaces, will not provide a safe means of car parking, contrary to Policy TRN22 of the UDP-2004. In the absence of details of gradients for some of the ramps within the car park, the proposed basement also fails to provide safe access for vehicles and pedestrians contrary to Policies TRN10 and TRN14 of the UDP-2004.

INFORMATIVES:

None Specified

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

 **Planning Committee Map**
Site address: 24 Crawford Avenue, Wembley, HA0 2HT
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This map is indicative only.

RECEIVED: 5 March, 2013

WARD: Sudbury

PLANNING AREA: Wembley Consultative Forum

LOCATION: 24 Crawford Avenue, Wembley, HA0 2HT

PROPOSAL: Demolition of existing dwelling and detached structures and erection of a new detached dwellinghouse with associated hard and soft landscaping and new front boundary wall with gates.

APPLICANT: Mr Dilip Raithatha

CONTACT: Mr Ajay Modhwadia

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

Section 106

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £18,000 (£3,000 per bedroom) towards education, sustainable transportation, open space and sports in the local area.

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

Community Infrastructure Levy (CIL)

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

The Planning Act 2008 gave powers to the Mayor of London which allows a London wide CIL to be charged on eligible developments in order to help fund strategic infrastructure projects. The Mayor has 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. As such all eligible developments granted planning permission from 1st April 2012 will be liable to pay Mayoral CIL.

Mayoral CIL has been set at £35.78 per sqm on developments involving the creation of new residential units. The proposal would qualify for this charge with a total of 747.21m² of new floor area.

Accordingly, the proposal would attract a minimum CIL amount of £26,735.17 (747.21m² x £35.78 per sqm).

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be is £26,735.17.

EXISTING

The subject site, located on the southern side of Crawford Avenue, contains a two storey detached building with various associated outbuildings. The building, with a footprint of approximately 185m², was run by the

London Borough of Brent as an under five children's respite care centre until January 2012. Although the property has been vacant since January 2012, the lawful use of the site remains as a children's home (Use Class C2). The building is in a poor state of repair.

The buildings are clustered at the front of the site, with the majority of the large site (approximately 1800m²) being grassed. A number of mature trees are located in the back garden. Trees that were within the front garden have recently been felled.

Two vehicle crossings at either end of the sites frontage serve the property.

The property is not situated within the Conservation Area nor does it contain a Listed Building.

Number 22, to the east of the site, contains a three storey block of nine flats. The driveway for the flats runs along the common boundary between the flats and the subject site. Number 26, to the west, contains a two storey semi-detached dwelling with extensive additions which sit approximately 1m off the common boundary. The properties on the opposite side of Crawford Avenue are more modest in scale. Crawford Avenue is made up of a mixture of different building types and does not have a prevailing character in terms of design.

DEVELOPMENT SCHEDULE

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

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
1	residential institutions	
2	dwelling houses	

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	332	0	332	-332	0
2	0	0	0	747	747

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	332	0	332	415	747

PROPOSAL

Demolition of existing dwelling and detached structures and erection of a new detached dwellinghouse with associated hard and soft landscaping and new front boundary wall with gates.

Up until January 2012, the site was occupied and run by the London Borough of Brent as an under five children's respite care centre. The existing care centre building and all associated outbuildings on the site are proposed to be demolished. Once demolished a new detached family dwelling house with a footprint of approximately 300m² is proposed to be constructed.

The house layout would consist of a ground floor, first floor and loft space level. An attached integral double garage with loft space is proposed for the western flank of the building. A secondary staircase will provide independent access to and from the loft space above the garage, which is proposed to be used as a music room.

The design features bay windows and balconies at front and rear. Front and rear dormer windows are proposed for the main house as well as the garage.

The applicants are proposing to construct with red stock facing brick and will employ either real or

re-constituted quoins, cill headers, string courses and other facing embellishments. The roof is to be tile (no further details given). Doors are proposed to be from wood with windows being UPVC.

One vehicle crossing will provide access to the double garage on the western side of the site. A large portion of the frontage of the site is proposed to be in soft landscaping and a detailed planting schedule has been provided. It is not clear if any of the existing mature trees on the site are proposed to be retained. A brick-metal-timber fence and associated gates with a maximum height of 1.0m is proposed for the front boundary.

The application originally proposed to construct a 50m² games room at the rear of the site which was to house a Jacuzzi, sauna, store and gym. Following the consultation period this aspect of the proposal was removed from the application.

HISTORY

The most recent applications are as follows:

04/0595 Granted.

Details pursuant to conditions 3 (window details) and 4 (arched window details) of full planning permission 03/2935 dated 27/11/2003 for installation of replacement double-glazed timber casement windows to elevation of children's home.

03/2935 Granted.

Installation of replacement double-glazed timber casement windows to elevations of children's home.

830995L Granted.

Use of ground floor rooms for playgroup.

Other applications on the site date back to the 1950's and 1960's.

POLICY CONSIDERATIONS

The London Plan 2011

London Borough of Brent Local Development Framework Core Strategy 2010

CP17 Protecting and Enhancing the Suburban Character of Brent

CP21 A Balanced Housing Stock

CP23 Protection of Existing and Provision of New Community and Cultural Facilities

Brent's Unitary Development Plan 2004

BE2 Townscape: Local Context & Character

BE6 Public Realm: Landscape Design

BE7 Public Realm: Street scene

BE9 Architectural Quality

EP13 Water Run Off – Source Control

TRN3 Environmental Impact of Traffic

TRN23 Parking Standards - Residential Developments

TRN34 Servicing in New Development

Supplementary Planning Guidance

SPG5 Altering and Extending Your Home

SPG17 Design Guide for New Development

CONSULTATION

26 neighbouring properties were notified regarding the proposal. At the close of the consultation period on 4 April 2013 three submissions had been received in opposition to the proposal. The submissions are from Flat 4, 22 Crawford Avenue, 30 Crawford Avenue and 14 Copland Avenue. The concerns outlined within the submissions have been summarised as follows:

Flat 4, 22 Crawford Avenue

- The footprint of the dwelling will be increased from 332m² to 747m².
- The proposal creates an additional storey to the property which is not in keeping with the existing houses in the road. It will dwarf the other properties in the street including the block of nine flats at 22 Crawford Avenue.

- The views, privacy and enjoyment that the residents of 22 Crawford Avenue currently have will be restricted.
- The current house clearly shows the year it was built, 1925, which may hold some historical significance to this area.
- This area suffers from inadequate drainage. On a number of occasions the garden at number 22 has been flooded with water and sewage from the subject site.
- Trees in the garden will have to be felled in order to accommodate the outbuilding. Trees in the front yard have already been felled by the current owner.
- A six bedroom property with all the facilities proposed will also require more than two parking spaces.

30 Crawford Avenue

- The existing building retains the period charm and character of a 1920s property that was part of the initially property development in the area and could therefore be considered to be of historical architectural merit. There is a duty to the future generation to preserve what little historical domestic architecture there is in Brent.
- The proposal is an overdevelopment of the site, particularly as a loft conversion and rear dormer windows are proposed.
- If the proposal extends beyond the extended rear building line of 26 Crawford Avenue, the submitters garden will be overlooked and their privacy compromised.
- The size of the proposed outbuilding is alarming given that the proposed dwelling will be more than double the footprint of the existing building on the site.

14 Copland Avenue

- The three storey building is disproportionately large for the area and will tower above the other houses.
- It is unclear how far the rear balconies or upper floor will overlook 14 Copland Avenue.
- The new dwelling should be kept to the height of the existing house.
- The outbuilding is both too large and too near the boundary with 14 Copland Avenue. The submitters suggest a reduction in size and that it is moved away from the common boundary.
- The building will potentially be unsightly, having a blank wall that towers above the existing fence.
- The outbuilding will block light from our garden.

It is not clear what the building will be used for. The submitters are apprehensive that it will be used as living premises or that it may be used for parties which could be a source of annoyance.

REMARKS

Principle of development

Until January 2012, the site was occupied and run by the London Borough of Brent as an under five children's respite care centre. Although the property has been vacant since January 2012, the lawful use of the site remains as a children's home (Use Class C2).

In support of the proposal, the applicant has provided a copy of the Executive Report from the Director of Children and Families dated 23 May 2011 which details the reasons for closing the care centre. Among the reasons given for the closure were that the building is no longer fit for purpose and due to its age and condition has become expensive to maintain. Furthermore, it had previously been decided by the Executive on 12 April 2010 that the services provided by the care centre would be replaced by the construction of a new short break centre to be located on the Grove Oak/Hay Lane site.

Given this decision by the Executive it is considered that it is not necessary to seek to retain the care centre and that therefore there is no in principle objection to the proposal in this regard.

The proposal would see the creation of an additional family sized dwelling. It has been recognised through the Council's policy documents that there is a specific need for additional family sized accommodation in the borough and as such the principle of the development is supported by CP 21 of Brent's Core Strategy.

However this must be considered in conjunction with CP17 of Brent's Core Strategy which seeks to ensure that "*the distinctive suburban character of Brent will be protected from inappropriate development*". Whether the proposed development is inappropriate and erodes the character of the surrounding suburban area is discussed in the sections below.

The principle considerations for the assessment of this application are as follows:

- Scale, design and character;
- Standard of accommodation;
- Transportation and servicing;

- Effects on neighbouring properties;
- Other issues raised within submissions; and
- Financial contributions.

Scale, design and character

Height

Concerns have been raised by each of the submitters regarding the scale of the proposed building, particularly regarding the height and footprint.

The house is proposed to have a height of approximately 8.9m which is less than that of the existing building which has a height of approximately 9.7m. The block of flats at number 22 has a height of approximately 9.4m and the semi-detached dwellings at number 26 and 28 have a height of approximately 8.5m. The proposed new dwelling will therefore be of a similar height to other properties within the immediate vicinity and will not be out of character.

Similar to the concerns regarding the buildings height, concerns have been raised regarding the development in the roof space/creation of a third storey. It is noted that the block of flats at number 22 is three storeys high and the flats at number 20 are designed so as to provide accommodation in the loft space. It is also noted that the dwelling could be constructed without accommodation in the roof space and would maintain the same bulk, or that the roof space could later be converted to habitable rooms and rear dormer windows could be constructed without requiring planning permission. The provision of accommodation in the loft space is therefore considered acceptable.

Footprint/bulk

The existing building on the site has an extended footprint of approximately 185m² with outbuildings on either side of the building having an area of approximately 70m². An approximate total for built area on the site is 255m².

The applicant is proposing a dwelling with a footprint of approximately 309m² including the integral garage. This is an undeniably large dwelling however considered in the context of the site, at around 1800m², it is not considered excessive or an overdevelopment.

The building will be similar in scale to other buildings in the vicinity of the site. The building at number 22 has a footprint of approximately 270m² and the extended semi-detached building at numbers 26-28 have a footprint of approximately 340m². While these properties each provide multiple residential units, the buildings provide a scale which is reflected by the scale of the proposed dwelling. Furthermore, when viewed from Crawford Avenue the proposed dwelling will have a width of 22m, similar to the 20m width of number 22 and less than the width of the building at numbers 26-28. The building has been sufficiently articulated along its front façade through the use of bay windows, the stepped back main entrance and the setback of the garage to break up the bulk of the building and to provide interest to the elevation.

The rear building line will extend approximately 0.9m past the rear building line of number 22. Given the separation distance of over 9m any dominance effects will be avoided. The rear building line of the garage will extend approximately 1.3m past that of number 26. There is a separation distance of approximately 3.8m between these two buildings. The 1:2 rule of SPG5 is referred to as a guide and is met. As such any impact related to the depth of the rear building line on number 26 is within that considered acceptable by the Council.

Design

When considering the design of a building it is important to consider whether it respects and is in keeping with the character of the surrounding area, not whether it is to an individual's personal taste.

Crawford Avenue is made up of a mixture of different building types and does not have a prevailing character in terms of design. Given the variety in building stock the proposed design, which is appropriately articulated and which will employ the use of high quality materials, is considered to contribute positively to the streetscape.

The front boundary fence is proposed to have a height of 1.0m. This falls within the permitted development limits and can be supported.

Standard of accommodation

The proposed dwelling is clearly well above the floor space requirements of The London Plan. A good level of natural light and outlook is provided to all habitable rooms and there is a large area of private amenity space in the back garden.

A secondary staircase will provide independent access to and from the loft space above the garage, which is proposed to be used as a music room. Such an arrangement would not generally be considered acceptable as a second entrance could facilitate the use of part of the building as an additional self contained unit. The applicants have made clear through the pre-application process that this is not their intention and that instead it will provide direct access to and from the music room as well as an informal way of accessing the first floor.

Transportation and servicing

Parking

The six bedroom house can have a maximum of two on site car parks pursuant to PS14 of the UDP. This has been provided within the integral garage. Additional car parking can be accommodated within the hard standing in front of the garage without dominating the frontage of the site or requiring the removal of any landscaping.

Cycle parking

Suitable bike storage for the house could be accommodated on the site should the applicant wish to provide such a facility.

Refuse storage

No details of a bin storage area have been provided for the new dwelling however this could be easily accommodated within the frontage of the site.

Effects on neighbouring properties

All three submitters have raised concerns regarding their properties being overlooked by the proposed development.

The guidance within SPG17 states that flank wall windows that serve habitable rooms should be 5m from the boundary. If the flank wall window is the sole window for the habitable room a distance of 10m is required. Non-habitable room windows should be 1.0m from the side boundary.

The flank wall windows at ground floor level on the western side of the house (facing number 26) serve the garage, shower room and store and are 1.01m from the boundary at the closest point. They will face the windowless flank wall of number 26 and given their utility uses are not considered to provide overlooking or affect privacy.

On the eastern side of the dwelling, ground floor flank wall windows serve the lounge and the living room but are not the main windows for either of these rooms. These windows are located 4.2m from the boundary. While this is slightly less than the required 5m there is a distance of approximately 9.5m between the windows and the flats at number 22 due to the driveway running between the two buildings. The driveway does not provide private amenity space and as such it does not need to be protected from overlooking. The privacy of the flats at number 22 will be maintained by the 9.5m separation distance between the two buildings.

The windows on the rear elevation are approximately 39m from the rear boundary of the site. This exceeds the 10m standard that SPG17 requires in order to protect privacy. A distance of over 30m is also maintained between the rear windows and balconies and the common boundary with 14 Copland Avenue who have objected on privacy grounds.

2.0m high obscure glass screens are proposed to be installed on the sides of both the balconies proposed for two of the first floor bedrooms. These balconies are only 0.6m deep and do not provide a space on which people are likely to gather. The obscure glazed screens are considered sufficient to prevent overlooking from these spaces.

Given the proposed buildings relationship with the neighbouring properties in terms of its bulk, building lines and positioning, it is not considered to prevent the adjoining sites from maintaining sufficient levels of sunlight as outlined by SPG17.

Other issues raised by objectors

Historical significance

Two objectors raised concerns that the building to be demolished, which was constructed in 1925, could hold historical architectural merit/significance and that it should be preserved for this reason.

The property is not a statutory or locally listed building, it is not within a Conservation Area nor is it within an Area of Distinctive Residential Character. Given this the Council has limited control over the retention of the building.

Removal of trees

Trees in the front yard have already been felled by the current owner. As the trees were not the subject of Tree Protection Orders there was no mechanism for the Council to have these retained. However the proposed scheme presents the opportunity to provide significant new tree planting to the sites frontage.

Flood risk

The site is not identified as being within a flood risk zone by the Environment Agency.

The Building Control process will ensure that the new dwelling will be supported by adequate drainage and servicing.

Conclusion

The proposed dwelling is considered to have a design that respects the characteristics of the adjoining dwellings, is appropriate to the streetscene and avoids unacceptable adverse effects on the amenity of adjoining properties. A good standard of accommodation is provided within the new dwelling which can be supported by adequate servicing. As such the proposal is considered to comply with the relevant Council policies and is accordingly recommended for **approval subject to the completion of a S106 agreement and conditions.**

RECOMMENDATION: Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-
The London Plan 2011
London Borough of Brent Local Development Framework Core Strategy 2010
Brent's Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 Altering and Extending Your Home
Council's Supplementary Planning Guidance17 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
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):

- 2599-05/FP, revision G, dated 05/02/2013.
2599-06/FP, revision G, dated 05/02/2013.
2599-07/FP, revision G, dated 05/02/2013.
2599-08/FP, revision G, dated 05/02/2013.
2599-09/FP, revision G, dated 05/02/2013.
2599-11/FP, revision G, dated 05/02/2013.
2599-12/FP, revision I, dated 05/02/2013.
2599-013F/FP, revision B, dated 05/02/2013.

2599-14/FP, revision G, dated 05/02/2013.

Proposed planting plan prepared by Tims Landscaping Garden and Property Maintenance, dated 18/01/2013.

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

- (3) The landscape works and planting shown on the approved plans shall be carried out within the first planting season following the occupation of the proposed dwelling.

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

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

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


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

INFORMATIVES:

- (1) The applicant is reminded that the proposed dwelling will be within planning Use Class C3, whereby up to 6 unrelated residents may live together as a single household. Any increase in residents above 6 people living together, other than as a single family, is likely to constitute a material change of use which would require the grant of a further planning permission from the Local Planning Authority.
- (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) During construction on site:-
- (a) The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site.
 - (b) The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays.
 - (c) Vehicular access to adjoining and opposite premises shall not be impeded.
 - (d) All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only.
 - (e) No waste or other material shall be burnt on the application site.
 - (f) All excavated topsoil shall be stored on the site for reuse in connection with landscaping.
 - (g) A barrier shall be constructed around the site, to be erected prior to demolition.
 - (h) A suitable and sufficient means of suppressing dust must be provided and maintained.

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

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 **Planning Committee Map**
Site address: Land rear of 12-14 St Andrews Avenue, St Andrews Avenue, Wembley
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This map is indicative only.

RECEIVED: 11 March, 2013

WARD: Northwick Park

PLANNING AREA: Wembley Consultative Forum

LOCATION: Land rear of 12-14 St Andrews Avenue, St Andrews Avenue, Wembley

PROPOSAL: Erection of three two-storey terraced dwelling houses on land at the rear of 12-14 St. Andrews Avenue

APPLICANT: Mr Taher Abbasi

CONTACT: Kevythalli Design Ltd

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning 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 Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- A contribution of £3000 per bedroom (total £27,000, due on material start and, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- 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 258sqm (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 £9,030 (258 sqm x £35 per sqm).

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be is £9,231.24.

EXISTING

The subject site comprises the rear gardens of Nos. 12-14 St Andrews Avenue which lie adjacent to the end of Lothain Close which comprises a 1980s housing development of terraced and semi-detached houses. To the rear is the parking area of Elmwood Court within which are a large number of trees. The surrounding area is residential. The site is not within a Conservation Area or the curtilage of a Listed Building.

DEVELOPMENT SCHEDULE

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

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
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FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
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TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
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PROPOSAL

The erection of a terrace of three 2-storey terraced houses and associated soft and hard and soft landscaping works is proposed.

The houses are arranged over 2-storeys within a staggered terrace and comprise living spaces at ground floor level and three bedrooms at first floor level.

Four parking spaces are proposed within an area to the side of the proposed dwellings, adjacent to the Elmwood Court garage block. Vehicular and pedestrian access to the proposed development is via Lothian close.

HISTORY

- 19/10/2012 Appeal against the Council's decision to refuse planning permission for the erection of 4x3-storey houses dismissed (Ref: 11/2971).
- 09/11/2009 Enforcement Action against the conversion of 12 St Andrews Avenue without planning permission of property into two self-contained flats (LPA Ref: E/09/0767). Breach established but enforcement action not pursued as case not considered a priority.

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.

The NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

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 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.

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

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

H12 - Residential Quality - Layout Considerations

H15 - Backland Development

EP10 - Protection of Surface Water

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

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

PS14 - Residential Parking Standards

PS15 - Parking for disabled people

PS16 - Cycle parking standards

Brent Council Supplementary Planning Guidance and Documents

SPG12 - Access for disabled people

SPG17 - Design Guide for New Development

SPG19 - Sustainable design, construction and pollution control

SPD - Section 106 Planning Obligations

Mayor of London

The London Plan 2011

Mayor of London Supplementary Planning Guidance

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

SUSTAINABILITY ASSESSMENT

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 units. Therefore 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.

CONSULTATION

Letters were sent to 71 adjoining and nearby residents.

7 letters of objection were received noting some or all of the following issues:

- The area is characterised by brick built two storey sub-urban houses and the introduction of this terrace of three storey houses will because of their height, design and materials will harm the character of the area.
- The buildings because of their height will result in the loss of light to neighbouring properties.
- Loss of privacy to neighbouring properties.
- Local roads are already congested and this proposal will add to the problem.
- The proposed level of parking is inadequate and parking in Lothian Close is already a problem.
- Construction will cause disruption and construction traffic will endanger the children who live in Lothian Close.
- There was no consultation with the residents of Lothian Close, which is a private road, prior to the application being submitted.

The applicant has already converted 10-12 St Andrews into flats without planning permission.

REMARKS

Background

In considering the appeal against the Council's decision to refuse the earlier application for 4 three-storey houses on this site the Planning Inspector considered the principle of development in this location to be acceptable and the proposed sustainability measures incorporated into that scheme to be a material consideration in its favour proposal. However the inspector considered there to be a number of unacceptable impacts that outweighed the benefits of the scheme and the appeal was dismissed. Those unacceptable impacts were:

1. The scheme by reason of its bulk and height of the proposed buildings would unacceptably dominate this rear garden environment to the detriment of the character and appearance of the area. They would not be subsidiary to the host dwellings or respect the setting of those in Lothian Close. They would therefore have an adverse impact on the character and appearance of the area.
2. The size, scale and layout of the development would result in a level of activity that would have an adverse effect on the living conditions of occupiers of nearby properties with particular reference to noise, disturbance and visual impact.

The revised application seeks to overcome these issues through:

- a) A reduction in the proposed number of dwellings from four to three houses.
- b) A reduction in the bulk and height of the building, with the houses being reduced from three to two storeys and a reduction in the foot print of each house. The result is a reduction in total combined floor space from the 560 sqm proposed in the original scheme to 258 sqm in the current revised proposal.
- c) A reduction in the density of the scheme. The number of habitable rooms has been reduced from 24

in the appeal scheme to 15 in the current proposal. This results in a reduction in density from 308 habitable rooms per hectare to 192 habitable rooms per hectare.

- d) Amendments to the design.
- e) Relocation of the proposed parking spaces away from the sensitive boundary with the retained rear gardens of properties in St Andrews Avenue to an area adjacent to the communal garage block used by the residents of the neighbouring Elmwood Court flats.
- f) Additional landscaping – the reduction in the scale of the scheme allows more of the gardens to the host dwellings to be retained and to allow more amenity space and landscaping to be provided within the new development.

Layout

The opportunity has been taken to increase the amount of garden space retained for the curtilages of 12-14 St Andrews Avenue. The current scheme continues the building line created by existing dwellings in Lothian Close as this is considered the best urban design solution. However, the reduction in the number of dwellings enables the proposed car parking to be relocated to the north east corner of the site. In this location, it is the furthest away from existing dwellings, and it adjoins existing car parking/garaging facilities for the flats immediately to the north (Elmwood Court). It also allows the proposed refuse/recycling storage facility to be relocated next to the eastern boundary at the entrance into the site as required by the Council's Transportation Officer and a substantially increased landscape buffer along the southern boundary.

The layout provides for the necessary building to building and building to boundary distances as required by the Council's SPG17 Design Guide. All habitable room windows are at least 10 metres away from boundaries with adjoining gardens and the closest direct window to window distance is 24 metres. The revised scheme easily meets the relevant SPG17 advice relating to privacy, outlook and daylight/sunlight. The scheme also meets the SPG17 30 and 45 degree set down guidelines.

Scale

The opportunity has been taken wherever possible to maintain existing ground levels rather than to raise levels as was proposed in the appeal scheme. When combined with the proposed design changes to the dwellings and the reduction in height from three to two storeys this result in a scheme that reflects the scale and form of development in Lothian Close. The reduction in scale also results in the new proposal being subservient to the existing frontage development along St Andrews Avenue.

Appearance

Whilst the revised scheme remains a contemporary development the window design and proportions and external materials reflect those of Lothian Close to a far greater degree than in the previous scheme. This along with the reduction in mass and scale discussed helps the scheme to assimilate with its surroundings. In particular the large amount of glazing that was proposed to the front of the earlier scheme has been reduced which as well reflecting the more traditional form of housing in the area also addresses the Inspector's concern that the previous scheme would when illuminated at night could result in light pollution to the detriment of the visual amenities of neighbouring occupiers.

Landscaping

Reducing the density has allowed more space for landscaping at sensitive locations. A significant landscape buffer is now proposed straddling the southern boundary. The boundary itself will comprise a brick wall with trees and shrubs planted on both sides. As well as providing an effective screen between the new development and the existing frontage housing on St Andrews Ave it also provides an attractive setting.

Shrub and tree planting will also be provided along the eastern boundary to give a sense of containment to the site and to protect the setting of the adjoining back garden.

Existing mature trees along the northern boundary will not be affected by the proposed buildings and the proposed car parking will be constructed in a way that does not damage tree roots and will be surfaced in permeable material. A condition requiring details of tree protection measures is proposed.

Parking

The car parking allowance for this area is up to a maximum of 1.6 spaces for each of the three 3-bed houses, giving a total of 4.8 spaces. The proposed provision of four spaces is therefore acceptable, whilst being close

enough to the maximum allowance to allay any fears that the development will generate overspill parking beyond the site boundary.

Adequate aisle area has been indicated for cars to be able to reverse and leave the site in forward gear, with Autotrack runs having been provided to demonstrate this.

At least one cycle space should be provided for each dwelling house and this can be provided within each back garden.

Access

As before, pedestrian and vehicular access to site are proposed as an extension from Lothian Close, which is not an adopted road. The applicant therefore needs to reach agreement with the owners of Lothian Close (believed to be Metropolitan Housing Trust) to secure access to the site from that street. This has yet to be done and the applicant has still not provided any confirmation that they have even been properly notified of the application.

To address this, the applicant has suggested that a 'Grampian-style' condition be attached to the permission, requiring details of the access to be secured prior to a material start being made on the site. This will be the absolute minimum requirement before any development can commence and this will also need to include details of works to improve access, particularly for pedestrians (such as through a footway extension or resurfacing of the end of Lothian Close in block paving), beyond the site boundary. This will also need to detail alternative parking arrangements given the loss of parking spaces from outside 18-19 Lothian Close.

Within the site, the general carriageway width is fine, but the footway width is narrower than necessary to ensure free access by wheelchair and pushchair users. Given the limited number of houses to be provided, it is instead suggested that a shared surface be provided, surfaced in coloured block paving. Details of drainage within the site, to a sustainable design, will also be required.

Servicing

Refuse vehicles need to be able to gain access to within 20m of the bin store for this development and in this respect should generally reverse no more than 12m on road safety grounds. The proposed bin store has now been relocated on the western side of the plot alongside the access, allowing refuse to be collected from Lothian Close without refuse vehicles needing to enter the site and this is confirmed as being acceptable. For emergency access, fire appliances should be able to access within 45m of all dwelling entrances and this requirement would be met by the existing turning area of Lothian Close.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

National Planning Policy Framework
London Plan 2011
Housing Supplementary Planning Guidance - adopted November 2012
Brent's Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17 - Design Guide for New Development
SPD "Section 106 planning obligations" October 2007
Brent's Domestic Vehicular Crossover Policy

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

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

CONDITIONS/REASONS:

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

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

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

113/6001
113/6002
113/6003
113/6004
113/6005

Design & Access Statement

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

- (3) Details of measures to mitigate the impacts of dust and fine particles generated during construction of the development must be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. Thereafter the approved measures will be employed at times during construction until the development is completed.

Reason: To minimise dust arising from the operation.

- (4) No extensions or buildings shall be constructed within the curtilage of the proposed houses subject of this application, notwithstanding the provisions of Classes A, B, D, E and F of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: To prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- (5) All roadways, footways, parking spaces and turning areas shall be constructed and permanently marked out prior to commencement of use of any part of the approved development unless otherwise agreed in writing and, approved by the Local Planning Authority. Such works shall be carried out in accordance with a scheme to be approved by the local planning authority prior to the commencement of work on site.

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.

- (6) Prior to the commencement of works on site details of all necessary agreements to enable the development to connect to and be accessed from Lothian Road.

Reason: To ensure that the site can be properly accessed and serviced.

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

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

- (8) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement

of any demolition/construction work on the site. Such landscaping work shall be completed prior to occupation of the building(s).

Such scheme shall also indicate:-

- (i) Proposed walls and fencing, indicating materials and heights.
- (ii) Details of trees to be retained on site.
- (iii) Details of tree protection measures during and after construction to protect existing trees on and adjacent to the site.
- (iv) Screen planting along site boundaries.
- (v) Existing contours and any alteration of the ground levels, such as earth mounding and details of any retaining walls.
- (vi) Details including materials of all foot ways, access roads and other paved pedestrian and vehicle parking areas.
- (vii) Details of the proposed arrangements for maintenance of the landscaping.

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

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

- (9) Details of all external lighting, baffled so as to avoid glare, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The approved details shall be fully implemented.


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

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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Planning Committee Map

Site address: 128 Windermere Avenue, Wembley, HA9 8RB

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This map is indicative only.

RECEIVED: 31 January, 2013

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 128 Windermere Avenue, Wembley, HA9 8RB

PROPOSAL: Change of use of mini cab office (Sui Generis) to Islamic Culture and Education Community Centre (Use Class D1) (**Please note this is a re-submission following withdrawal of previous application Ref: 12/1667**).

APPLICANT: Mr Hanafi

CONTACT: MCS Design

PLAN NO'S:

LMCRC/PLAN/01
LMCRC/PLAN/02
Windermere Avenue Travel Plan (Dec 2011)
MCS Design & Access Statement

RECOMMENDATION

Approve

EXISTING

The application site is an end of terrace property within a shopping parade on the western side of Windermere Avenue. The ground floor was previously in use as a mini-cab office, this use ceased approximately two years ago. There are two separate flats on the upper floors, with access to these gained from Windermere Avenue, or via the rear. A rear service road to this unit is shared by the rest of the parade is accessible via Windermere Grove.

The area is mixed in character, within the parade (defined as a Local Centre in the Council's UDP) there are a range of commercial uses including a post office, pharmacy and a public house (The Windermere) which is just outside of the designated parade. Otherwise the area is predominantly residential, with streets of typical suburban housing. South Kenton rail station is immediately to the rear of this parade.

The property is not within a Conservation Area, nor is the building Listed.

Members should be aware that the previous mini-cab operation Capital Cars moved to No's 108-110 further along the parade, Members granted permission (ref; 11/0894) for this use at Committee on 03/08/11, however officers understand that Capital Cars have now moved to Kenton Road and these units have are now vacant.

The application site has already been used by the applicants, London Muslim Cultural and Recreational Charity (LMCRC) as a place of worship without planning permission. For the last 6 months the premises has not been used for Friday prayers.

PROPOSAL

Change of use of mini cab office (Sui Generis) to Islamic Culture and Education Community Centre (Use Class D1) (**Please note this is a re-submission following withdrawal of previous application Ref: 12/1667**).

HISTORY

12/1667 - Application withdrawn

Change of use of existing mini cab office (Sui Generis) to Islamic Culture and Education Community Centre (Use Class D1) (re-submission following withdrawal of previous application Ref: 11/1590).

N.B> please note that the application was withdrawn after it came to light that again the application had been submitted without correctly serving notice on all parties with a known interest in the land, to which the application relates. Legal Officer's advised that this mistake could not be rectified by retrospectively serving notice. As the application was invalid at the time of submission this invalidated the application. The application was subsequently withdrawn.

11/1590 – Application withdrawn

Change of use of existing mini-cab office (*Sui Generis*) to Islamic Culture and Education Community Centre (Use Class D1).

N.B > please note the application was withdrawn after it came to light that the application had been submitted without serving notice on all those with a known interest in the land, to which the application relates. Following Legal advice which confirmed the application as invalid because of the procedural failure the application was withdrawn.

11/0409 – Refused under delegated powers on 19/05/11

Change of use of existing mini-cab office (*Sui Generis*) to community centre (Use Class D1)

Reasons:

The applicant has failed to demonstrate that adequate measures will be in place to mitigate the impact of the proposed use of the premises as a community centre, in terms of the likely increased demand for on-street parking and increased traffic congestion on surrounding roads, which cannot be accommodated locally without being to the detriment of pedestrian & highway safety, the amenities of local residents and the quality of the local environment. As a result, the proposal is contrary to policies TRN3, TRN4, TRN22 and TRN24 of the London Borough of Brent Unitary Development Plan 2004.

The proposed use would be likely to result in significant harm to neighbouring amenities, by reason of increased noise, disturbance and associated activity that will be generated by the proposed use of the premises as a community centre. As a result, the proposal is contrary to policies H22, EP2 and CF2 of Brent's UDP 2004.

The proposed main pedestrian access by reason of it being to the rear of the premises, accessed via the rear service road/yard would not be easily and safely accessible to pedestrians in contravention of policy TRN3 of the London Borough of Brent Unitary Development Plan 2004.

02/2616 - Variation of condition 3 (hours of opening) of planning permission (ref. 99/0862) dated 07/06/1999 to allow the existing use of the ground floor as a radio-controlled mini-cab office to operate on a 24-hour basis. **Granted**

99/0862 - Renewal of full planning permission reference 98/0223 dated 08/04/98 for continued use of ground floor as a radio-controlled minicab office. **Granted**

Planning Enforcement summary:-

An initial complaint was received reporting the erection of a marquee type structure in the rear yard (E/10/0896). The unauthorised structure was removed and the case closed.

Following on from this a complainant notified the Council that the centre was being used as a place of worship, for Friday prayer. At this time the premises were also still operating as a mini-cab office in part. Your Enforcement Officer's first observed this unauthorised use in July 2011. No further action has been pursued as Enforcement have been awaiting the outcome of a succession of applications, two of the most recent one's were withdrawn are referred to above.

POLICY CONSIDERATIONS

National Planning Policy Framework (2012)

London Plan 2011

3.1 - Ensuring Equal Life Chances for All

Unitary Development Plan [UDP] 2004

BE2 – Townscape- Local Context and Character

BE4 – Access for Disabled People

EP2 – Noise & Vibration

H22 – Protection of Residential Amenity
TRN3 – Environmental Impact of Traffic
TRN4 – Measures to Make Transport Impact Acceptable
TRN22 – Parking Standards Non-Residential Developments
TRN24 – On-street Parking
TRN34 – Servicing in New Development
TRN35 – Transport Access for Disabled People
SH16 – Local Centres
SH19 – Rear Servicing
CF2 – Location of Small Scale Community Facilities
CF14 – Places of Worship

Brent Core Strategy – July 2010

CP16 – Town Centres & the Sequential Approach to Development
CP23 - Protection of Existing & Provision of new Community & Cultural Facilities

Main Considerations;-

Principle of D1 use in this location
 Transportation impacts associated with the proposed change of use
 Parking provision
 Impact on amenity of nearby residents

CONSULTATION

Consultation letters were sent out on the 7 February 2013, a total of 215 individual properties were consulted. In addition Ward Councillor's, Transportation, Environmental Health, Sudbury Court Residents Association (SCRA) and the South Kenton & Preston Park Residents Association (SKPPRA) were consulted on the proposal.

To date a total of 28 objections have been received, and a petition objecting to the application which is signed by 6 flats in Station Court, Windermere Avenue. A total of 21 expressions of support for the proposed use have also been received (please note where multiple responses have been received from a single address these are counted as one only).

Summary of nature of objections:-

Grounds of objection	Number of times issue raised
There is a lack of parking proposed	5
Will worsen parking problems in the local area	15
The use will add to traffic congestion in the local area & make access difficult for the 223 bus route	13
The use is exclusive & not for the benefit of the local community	7
This is an inappropriate location	2
The use will cause noise disturbance	5
The premises are already in use without permission. Why has this been allowed?	6
These premises are too small to support the range of uses proposed	3
This use does not serve the needs of local residents	3
This will place added pressure on the local sewer network	1
Since Friday prayer has ceased vehicle traffic & congestion has improved	1
There are already a significant number of Islamic centres in the local area. There is no need for another in this location.	5
This is an unsuitable location, directly	1

opposite a public house	
If the local school also extends this will add further to parking problems in the area	2
It will be difficult to make sure that nobody attends for Friday lunchtime prayer	2
The applicants should not be allowed to repeatedly apply for this use.	1

Summary of responses in support of the proposal:-

Reasons for support	Number of times raised
The use will serve a local need	10
There will be no noise disturbance	3
Will be a benefit for local children & elderly persons	2
Increased footfall will benefit the local parade	1
Will result in more social cohesion	1
The Travel Plan will help to address concerns about parking & traffic	
Users will be predominantly local & encouraged to walk to the premises	1

South Kenton Preston Park Residents Association (SKPPRA)

No comments have been received directly in response to this application. Representation was made in respect of previous applications. The comments submitted in relation to 12/1667 objected to the proposed use on the following grounds;-

- The proposal will increase demand for on-street parking and increase traffic congestion on surrounding roads. There is no capacity to accommodate this locally.
- The centre's use causes conflict with local residents due to the parking and traffic impacts created.
- The use has continued uninterrupted and unlawfully since January 2010.
- The Travel Plan misrepresents the present traffic and parking conditions in the vicinity of the site and is based on unreliable data/information. The proposal remains contrary to UDP policy TRN3.
- The existing building is unsuitable for use as a place of worship or community centre.
- The external treatment of the premises is contrary to Council policy on shopfronts.
- The proposal is harmful to residential amenity in the local area, caused by the intensification of use.
- The applicants conduct in terms of the existing unlawful use of the building makes it impossible to determine the real nature of the use.
- The application form had been completed with false and misleading information.

Photographic evidence has also been presented by SKPPRA to demonstrate the parking and traffic problems associated with the use of the building for Friday prayer, these can be found on file.

Previous grounds for objection raised on the basis that the application submitted was invalid as the correct notices to all those with an interest in the land were not served, are now considered to have been resolved through this submission.

Sudbury Court Residents Association (SCRA)

Objection has been raised on the grounds that the premises are unsuitable for the intended use, for the following reasons;-

- The premises is not sufficient in size for the number of attendees.
- There is no proper fire escape provision.
- Toilet accommodation is less than satisfactory & the unit will be poorly ventilated.

Met Police - Preston Safer Neighbourhood Team

It is expressed on behalf of other businesses in the parade that the proposed use will worsen the parking conditions in the local area.

Ward Councillor's

No responses received to the current application.

Brent Transportation

No objection raised subject to a restriction on the maximum number of attendees to the premises at any one time, and to the Travel Plan (which has received a PASS mark using TfL's ATTrBuTE programme) being secured.

Environmental Health

Officer's recognise that there is potential for noise disturbance with such a use. The sound insulation scheme proposed would need to be implemented in full to ensure residents directly above are adversely affected. A condition is recommended which shall require further details of a proposed scheme of sound insulation measures.

REMARKS

Overview of site planning history;-

This is the fourth application submitted for the proposed use. The earliest application (11/0409), submitted in March 2011 was refused permission for reasons relating to (i) a failure to demonstrate that the use would not be detrimental to highway safety through increased traffic and parking; (ii) harm to residential amenity and (iii) sub-standard pedestrian access proposed. Following this a revised application (11/1590) was submitted in June 2011. The application was withdrawn after it became known that the applicants had failed to serve notice on all those with an interest in the land to which the application relates. Only the freeholder had been notified.

Application 12/1667;-

The third application (12/1667) submitted in June 2012 was also withdrawn after it came to light that the applicants had again failed to serve notice correctly. The applicant, by serving notice on the freeholder and the leaseholders of flats 128A and 128B understood, as did Officer's that they had fulfilled their obligations under Article 11 of the Town & Country Planning (Development Management Procedure Order 2010). The Council subsequently learned that the applicants by serving notice on 'the owner' of 128A and 128B had failed by not obtaining the name(s) of those with a known leasehold interest, nor had they placed a notice in the local press which is a requirement if the name(s) of those with an interest cannot be obtained. The Legal advice your Officer's received initially was for the application to be deferred from Planning Committee on 21 Nov 2012 to allow the applicants an opportunity to serve the notices correctly before reporting back. Post Committee Legal Officer's reviewed this position, their advice subsequently changed, your Officer's were further advised that the failure to serve notices correctly at the start invalidated the application, and that the only remedy was to submit a fresh application. Based on this advice the application was withdrawn.

Although the applicant was advised to resubmit the application with the correct notices after the last meeting, further legal advice has been sought on this issue for clarity in the future. Counsel's opinion had advised that the Pridmore case turned on deliberate failure by an applicant and prejudice to an interest. However, highlighting other case law, the advice is that the risk of a successful challenge would be unlikely if, prior to a decision, a process failure was corrected and full consideration given to any representations made in response to this. This would therefore support the previous approach adopted by the Planning Service. However the application was withdraw on the basis of the legal advice at that time. A new application has now been submitted with the correct notices served and the normal statutory consultation has been carried out.

Members are reminded that this last application was initially recommended for refusal because of traffic and parking problems that were linked to the scale and intensity of the use observed. Your Officer's primary concern was related to the centre's use for Friday lunchtime prayer (Zohar). Over a prolonged period of time Officer's observed the centre's use at Friday lunchtime's, and this has developed a good understanding of the scale of the use, with clear evidence that visitor numbers were increasing, on occasions exceeding 100 people. The results of these Friday surveys are presented in the table below.

Date of site visit	Total number attending
22 July 2011 (1pm – 1.30pm)	0 (Centre was not in use)
10 Feb 2012 (1 – 2pm)	40
17 Feb 2012 (1 – 2pm)	67
10 Aug 2012 (1 – 2pm)	121
26 Oct 2012 (12:50 – 2pm)	84
2 Nov 2012 (12:30 – 2pm)	108
8 Feb 2013 (12:30 - 2pm)	0 (Centre was not in use)

The results of these visits do show quite clearly that the Centre's use significantly increased over the parameters set out in the applicants earlier D&A statement. The applicant's original assumptions of visitor numbers were based on maximum occupancy levels of 80 persons, at the peak time of the week. The busiest time witnessed, when 121 visitors were observed attending Friday prayer on 10-08-12 equates to operating levels at 67% above those stated by LMCRC.

Due to the proportion of visitors arriving by car, this contributed to a significant increase in parking on surrounding roads during this peak time. There was also evidence that this increased parking demand was resulting in conflict with residential parking locally, including some illegal parking that was detrimental to the free flow and safe movement of traffic in the area.

In direct response the applicants amended the application and the proposed use of the centre for Friday lunchtime prayer (Zohar) was withdrawn. Following this commitment the recommendation to refuse was reconsidered, particularly the traffic and parking impacts. Based on the information presented in their Design & Access statement it was accepted that outside of peak Friday lunchtime prayer the centre would be used to a much lower level of intensity, and it follows that the number of visitors arriving by car would be reduced. With this reduction in visitor numbers and car trips then it is also considered that the problems that have been reported and observed involving inconsiderate parking, blocking of private driveways and parking on double yellow lines would be far less likely to occur.

With conditions recommended to control the use and to limit the parking and traffic impacts, including granting of a temporary 1 year permission initially to allow the position to be monitored your Officer's changed the recommendation to approve. However for the reasons set out above relating to the incorrect servicing of notices and the Legal advise the application was later withdrawn.

Update on serving of notices;-

The names and address of all those with an interest, either freehold or leasehold have since been obtained, and the requisite notice served on them prior to this application being submitted. Officers are satisfied that the applicants obligations under Article 11 of the DMPO have now been satisfied.

The applicants have also been asked to explain why they made these repeated failures leading to two previous applications being withdrawn. They have responded, admitting that this was simply done in error.

Current proposal (13/0166):-

The proposed Islamic Culture and Education Community Centre is for occupation by the London Muslim Cultural & Recreational Charity (LMCRC), who are a registered Islamic cultural and recreational charity previously based in West London and North-West London. They have stated the their reason for re-locating is to meet the demands of the local Muslim community in South Kenton, Preston Road, North Wembley and surrounding areas and to establish a permanent base.

LMCRC have advised what activities would take place over the course of a typical week were the centre to be fully operational, these are set out in full in the supporting D&A Statement, and summarised below:-

Activities & Opening Times;-

Fixed daily prayer times, seven days a week

- Prayer Fajar (morning 7am to 7.30am) / 5-10 persons expected to attend
- Prayer Zohar (midday 1pm to 1.30pm) **(EXCEPT FRIDAY)** / 15-20 persons expected to attend
- Prayer Asr (mid afternoon 2.45pm to 3.00pm) / 10 to 20 persons expected to attend
- Prayer Magrib (dusk 3.45pm to 4.15pm) / 15 to 30 persons expected to attend
- Prayer Isha (evening 7.00pm to 7.30pm) / 20 to 30 persons expected to attend

Besides the religious worship aspect it is also proposed that the centre will run social, recreational and educational activities. The range of activities that are expected over the course of a typical week are set out below;

- Monday to Friday – Islamic Studies and Quran classes for children, between 4.15pm and 6.30pm / 30 to 50 children expected to attend.
- Monday & Wednesday – Community, welfare and social advice session, between 10am and 12pm / between 5 and 20 persons expected to attend.
- Wednesday – Ladies only education classes in Arabic and English language, between 10am to 12pm / 10 to 20 persons expected to attend.
- Sunday – Community and welfare advice session between 11am and 12pm / 15 to 40 persons expected to

attend

-Saturday – Childrens support school teaching English, science & mathematics between 9.30am and 12.00pm / 15 to 40 children expected to attend.

-Daily – Library use between 5pm and 8pm / 15 to 20 persons expected to attend.

With the firm commitment to withdraw Friday lunchtime prayer (Zohar) estimated visitor numbers for people attending, based on the figures provided by LMCRC, indicate that the centre will be used far less intensively in comparison to when it was observed at its busiest, when Friday lunchtime prayer was recorded attracting visitor numbers in excess of 100.

Prior to the cessation of Friday services Officer's had over a long period been monitoring the impact of Friday prayer on the local area. Beginning July 2011 officer's have undertaken a series of site visits, to witness the use first hand, and in response to the objections received. This exercise has provided evidence of how the centre operated during this peak time, figures have been recorded of numbers of visitors and a better understanding of the parking and traffic impacts associated at this peak time has been gained. The last of these visits was carried out in Feb 2013, and the centre was not in use on this day. These observations will be discussed further on in this report where the transport impacts of the use are considered in detail.

The applicant has confirmed that LMCRC now carry out Friday lunchtime prayer at Preston & Mall Youth & Community Centre, May Lane, The Mall. This hall is hired out specifically for this use every Friday lunchtime, and has been since 7 December 2012. This alternative would explain why there have been no recent reports of use of 128 Windermere Avenue for Friday lunchtime prayer, and the availability of alternative premises nearby significantly reduces the prospect of 128 Windermere Avenue being used for Friday lunchtime prayer at some point in the future. The Ealing Road Mosque and Harrow Central Mosque are listed as other alternative places where the local community can attend Friday prayer.

Building layout;-

The ground floor has an area of approximately 90 sqm. To the largest space with an area of 60 sqm is located at the front of the unit and is used as the main congregation prayer hall. With removable partitions this space will also double up as a multi purpose room outside of prayer times to accommodate the range of social, recreational and educational activities set out above. Behind this a smaller ladies only prayer room is proposed, partitioned off from the main congregation area. Toilets and a washroom are located at the back of the unit.

Shopfront;-

The existing shopfront, with solid roller shutters permanently down has a negative impact on the general appearance of the property, as well as the parade of shops.

Principle of D1 use;-

Policy CP23 of the Council's LDF Core Strategy , Adopted in 2010 seeks to ensure that the continuing needs of Brent's diverse communities are met through the protection of existing, and the provision of new, community and cultural facilities, across the Borough.

The application site is situated within a designated Local Centre and UDP policy CF2 states that proposals for small scale community facilities should be located in or adjoining town or local centres subject to the use not having a negative impact on local amenity. The application premises has residential flats above and dwellinghouses opposite and immediately outside of the designated parade the surrounding area is almost entirely residential in character.

Brent's population is ethnically diverse and UDP policy CF14 which relates to places of worship, states that the provision of religious meeting places for all denominations will be supported provided there will be no significant loss of residential amenity or unacceptable transport impact. Applicants should address how traffic problems will be managed as part of the application.

Policy SH16 states that within local shopping centres non-retail uses will be permitted where the proposed use is considered appropriate, as identified by Policy SH6 (Uses A2, A3 or Libraries), or provides an essential service to visiting members of the public, and will result in no more than 35% of the shop units being in non-retail use. Where vacancy rates are 10% of units, or more, further appropriate non-retail uses may be allowed up to a maximum of 50% of units. Exceptions may be allowed where the proposed use will extend the range of local services available. There are a number of examples of such uses operating from former retail and business premises in parades and town centres across Brent. Such facilities have proved valuable in meeting the demand for these type of D1 uses.

The most recent survey of uses within the Windermere Avenue Local Centre (May 2013) shows that it has 30.7% of units in A1 use, with 69.3% in non-retail use. Vacancy rates are currently at 23% of all units within the centre. Critically the proposal change of use from a *Sui Generis* use to D1 would not see the loss of an A1 use and there would be no worsening of the retail offer within this centre, which policy SH16 seeks to protect. So while the proposed use is not one of the preferred alternative uses identified in policy SH6 on balance the Council would have difficulty opposing the application on retail grounds and substantiating a refusal on the grounds that it would harm vitality and viability of the centre. Under policy SH16, exceptions can be made where a proposed use will extend the range of local services available, which the proposed D1 use would do.

In light of the above policy context there is no in principle policy objection to a community centre (Use Class D1) on the edge of this local centre. Policy CF2 directs community facilities serving a neighbourhood to a town or local centre site. However policies CF2 and CF14 preclude community uses or places of worship where these would result in an unacceptable impact on residential amenity, and/or where there will be an unacceptable transport impact – so highways safety and parking concerns also need to be considered.

Impact on residential amenity;-

The previous use as a 24-hour mini-cab office would have generated activity day and night, albeit at a lower level of intensity than the current proposed use.

The D&A statement states that the centre is intended to be open as early as 7am on weekdays, through to at least 8pm seven days a week. Friday lunchtime prayer has now been omitted, and the other uses throughout the week, which are a mixture of prayer/worship, education or community advice sessions would be expected to operate at a much lower level of intensity.

There are two residential flats immediately above the ground floor, these could potentially be harmed by the noise from the use. Information set out in the D&A is intended to demonstrate that sound proofing measures will be put in place to safeguard the amenity of residents above. It recommends that ceilings and walls be upgraded to provide insulation against sound. It is also stated that no amplified sound or music will be played during the centre at any time.

Environmental Health Officers have assessed the proposed use, as well as the proposed mitigation measures to improve sound insulation. It is felt that the use has the potential to cause noise nuisance, which may impact on the flats above, and it is not clear if the proposed mitigation measures will be sufficient to ensure residents above are protected from noise. While Environmental Health do not object to the application they do recommend a condition requiring the submission of a detailed scheme of sound insulation measures, if planning permission is granted.

Transportation impacts – parking and traffic

UDP policy TRN1 states that developments will be assessed as appropriate to their transport impact.

Policy TRN3 states that where a planning application would cause or worsen an unacceptable environmental impact from traffic generated it will be refused, including where the anticipated level of car generation/attraction is greater than the parking to be provided on site, and any on-street parking would cause unacceptable traffic management problems or road safety problems, where the capacity of the highway network is unable to cope with additional traffic or where the proposal would cause a significant increase in the number of journeys made by private car.

As discussed the previous application (12/1667) was initially reported to Committee with a recommendation to refuse on transportation grounds, with the additional parking impact being a major concern. How Officer's formed this view is revisited below.

Prior to the recommendation to refuse regular site visits carried out by your Officers had built up a picture of the number of visitors, how they are travelling, levels of cars visiting the site and on-street parking and traffic conditions, locally, during Friday lunchtime prayer. There was no evidence that the centre was being used outside of this time. The table below illustrates these observations.

Date site visited	Number of visitors	Number of vehicles	of	Modal split of vehicles
17/02/12	67	12		17.9%
10/08/12	121	26		21.4%
26/10/12	84	34		40.4%
02/11/12	108	12		11%

** SKPPRA have provided information reporting the use of the Centre for Friday lunchtime prayer on 16/11/12. It is reported that 47 people were observed attending, with some illegal parking evident.*

It was observed that the number of visitors to the centre for Friday lunchtime prayer, arriving by car was at times greater than the 17% modal split presented in the travel plan. The stretch of Windermere Avenue immediately in front of the parade of shops, extending as far as Allonby Gardens to the south and Thirlmere Gardens to the north experiences high levels of daytime parking under existing conditions. Ennerdale Gardens and Allonby Gardens, which are accessed via this stretch of Windermere Avenue also, experience high levels of daytime parking. It is likely that commuters and shoppers to the parade attribute to much of the high levels of parking on street along this stretch of Windermere Avenue. It has been observed that the demand for parking generated by the use of the centre for Friday lunchtime prayer is such that any on-street capacity to park is often taken up for some 120m north and south of the application site. It is also likely that this local saturation gives rise to the observed and reported inconsiderate parking which at times blocks private driveways or parks on double yellow lines near to junctions.

The relatively modest levels of use projected over the rest of the week are less cause for concern as numbers stated in the D&A suggest visitor numbers would typically be between 10 and 50 persons (maximum), with the largest attendance occurring on a Saturday morning when children's school would run. At this peak time, during the weekend one would expect there to be greater capacity to park on street along Windermere Avenue, and surrounding roads as spaces would not be occupied by commuter parking, which is what currently happens Monday to Friday. Historically it has always been the peak Friday lunchtime prayer that has caused most concern to Officer's and local residents.

Due to the lack of parking controls in the area, with the exception of Wembley Stadium Event Days commuters currently drive to South Kenton station and park along Windermere Avenue and surrounding roads, the same happens on the eastern side of the railway lines along Norval Road, Nathans Road and The Link, which is connected to Windermere Avenue by a well used pedestrian underpass. As discussed above Officers are aware of high levels of daytime parking in the locality as a direct consequence of commuters travel patterns. So it is clear that competition exists at the moment for parking spaces on-street, from residents, commuters and shoppers visiting Windermere Avenue local parade. The observed use of the centre for Friday lunchtime prayer, attracting visitors in large numbers at certain times undoubtedly leads to further competition to park on-street in the area, and this may worsen if the centre were allowed to operate for Friday lunchtime prayer.

Parking standards for D1 uses, namely places of worship are set out in UDP standard PS12, and although this is proposed as a community centre it will support a range of religious, social, educational and recreational activities. The religious worship aspect has been the biggest generator of visitors so parking impacts have been assessed accordingly. This standard states that 2 spaces for every 5 visitors (based on maximum capacity) should be provided. Using the maximum attendance figures of 80 persons that were anticipated by LMCRC then this would equate to a total of some 32 spaces. Also using the maximum attendance figures that were observed by Officer's of 121 persons then this would equate to some 48 spaces. This level and intensity of use is clearly problematic at peak times, with a proportion of the centre's visitors travelling by car, reliant on their ability to park on-street, and as is already known Windermere Avenue and surrounding streets, both sides of the railway already suffer from high levels of day time parking due to the competing pressures mentioned above. Attracting, potentially over 100 visitors to the centre at a set time, on a regular, weekly basis does have a significant impact in terms of congestion locally and parking, and this is raised as a significant problem by many local residents.

The trend that was observed clearly pointed towards an increase in users of the centre over the observed period, and there is a concern that there may be further growth in popularity for people attending for Friday lunchtime prayer if allowed to continue. This potential increase in popularity would be difficult to control, with the potential to attract even more cars to the area. Also the lack of a CPZ in the local area, save for stadium event days means there is no means of control to restrict visitor parking on surrounding streets. It should be noted that residents could request the introduction of a resident's only controlled parking zone (CPZ). This would prevent visitors to the centre from parking on-street without a valid parking permit.

Because of the way the centre was being used for Friday lunchtime prayer, and due to the increased popularity that had been observed your Officer's shared local residents concerns. These concerns related to the intensity of the use, number of visitors, the proportion arriving by car, and the impact this has locally in terms of the added pressure to park on-street, the associated congestion and the inconsiderate parking that resulted in blocking of private driveways, and illegal parking on yellow lines close to junctions. This culminated in an initial recommendation to refuse permission for application 12/1677.

The applicant responded by amending the application and withdrawing Friday lunchtime prayer from one of the proposed activities. As it transpired the application wasn't determined because of the applicants failure to correctly serve notice. However Members should note that the omission of Friday lunchtime prayer as one of the proposed uses is a significant change to the proposed use and the traffic and parking impacts have been revisited, and discussed below.

Current application (13/0166):-

To recap the site is located on the northern side of the junction of Windermere Avenue with Windermere Grove, at the southern end of the Windermere Avenue shopping parade. It benefits from rear access via a shared service road. South Kenton station is also immediately to the rear of the site.

It has low access to public transport (PTAL 1) even though there is close access to South Kenton station and bus service 223 which runs along Windermere Avenue.

There is unrestricted on-street parking available on both sides of Windermere Avenue. The road at this location is within the Wembley Stadium event day protective parking zone, as such parking is restricted to permit holders only on stadium event days. Generally Windermere Avenue has low levels of night time on-street parking.

More detail on the proposed use has now been provided. Of particular note is the applicants commitment to removing any element of Friday lunchtime prayer, as Officer's know this has previously generated a large number of visitors by car and the associated parking problems. This is a significant change, and a welcomed measure which will go some way to reducing the parking and traffic impacts associated.

A revised Travel Plan has been submitted, and by developing this as early as possible sustainable travel patterns can be established, lowering the impact of the centre. Included within the revised Travel Plan is baseline information of existing travel patterns and information of catchment areas. A travel survey (based on a sample of 75 visitors) has been undertaken which shows that 72% of visitors walked to the centre, 17% travelled by car, 3% cycled, 7% by public transport and 1% by moped. These results do not tally with the activity observed by your Officer's when it has been observed at times that the modal split of visitors by car exceeded the 17% survey result. However this was associated with the peak Friday lunchtime prayer, which has now been omitted from the proposal, and it is also to be expected that peoples methods of travel will change week to week.

The results of the survey also provide further clarity on how far users are travelling to site. There is a heavy concentration of visitors from the local area (within walking distance), with some travelling from further afield and outside of the Borough, but this is a minority of those surveyed. The applicants have substantiated this by providing further information of where visitors are travelling from. Demonstrating a large proportion of visitors from the local area and locations such as Windermere Avenue, Preston Road, Grasmere Avenue and Montpellier Rise, and streets on the western side of the railway linked to Windermere Avenue via the pedestrian underpass. This information points towards a concentration of local users, all within easy walking distance to site which will increase the likelihood of people arriving by means other than car.

Car parking allowances for the proposed D1 use should be assessed against UDP standard PS12. Accordingly the maximum parking allowance for a community centre is 1 space per 5 workers, plus parking for 5% of visitors (based on maximum attendance). As a comparison a place of worship requires two spaces for every five visitors. With the removal of Friday lunchtime prayer from the proposal your Transportation Officer's have assessed the proposed use under the standard for a community centre. This is considered to be reasonable as the centre will host religious, educational, and social activities and is not intended just to be a place of worship. It is stated that two staff are to be employed, and the breakdown of weekly activities suggests a peak of 30-50 visitors. Visitor numbers are expected to peak for Mon-Fri educational classes (4.15pm - 6.30pm) and at the weekends on Saturday and Sunday mornings outside of demand from commuter parking. But outside of these times the use will be more modest, attracting reduced numbers of visitors. Accordingly the proposed provision of two parking spaces at the rear will accord with adopted standards, and there is considered to be on street capacity to cater for 5% of visitor parking.

Critically the reduction in activity at the site that will follow from the removal of Friday lunchtime prayer, means overspill parking on residential streets is now far less of a concern. Your Transportation Officer's advise that with the reduced number of visitors, the lower levels of parking demand generated could comfortably be accommodated on-street along Windermere Avenue.

With this reduced level of activity then strictly speaking the use of the premises will fall below the threshold set by TfL for when a Travel Plan is to be required. Notwithstanding this one is provided and the Travel Plan's

aims and objectives are to promote non-car travel and mitigate the impacts of the centre's use which is welcomed from a sustainability and an amenity perspective. The aims and objectives set out to promote non-car modes of access, are with the aim of reducing the proportion of visitors travelling alone by car from 8% to 5% within 3 years.

Your Transportation Officer's have assessed the Travel Plan using TfL's ATTrBuTE programme and award it a PASS mark. Accordingly the implementation of this plan should be secured through either a s106 agreement or through condition, requiring implementation from commencement of use, the appointment of a dedicated Travel Plan co-ordinator, with a review to be carried out after 12 months.

It is highlighted that the gates into the rear of the site are too narrow at only 2.5m to allow access to two spaces. These should be widened to a minimum 4.2m, and a condition is recommended to secure this.

Five cycle parking spaces are proposed to the rear, these are acceptable and will help to encourage non-car travel to the site.

In summary the application and the traffic and parking impacts have been reconsidered following the removal of Friday lunchtime prayer from the proposal. The concerns that have been raised previously by your Officer's were primarily to do with this weekly event. Outside of this time the described uses throughout the rest of the week are more low key will have less of an impact. Clearly the commitment to addressing Officer, and local residents concerns by omitting Friday lunchtime prayer goes some way to making the proposed use acceptable on transportation grounds. Officer's accept there will still be an element of impact, we know that people will drive to site as long as there is no controlled parking zone in force on Windermere Avenue, this is inevitable, and with this there will be some additional traffic and parking. But your Officer's are now satisfied that the reduced level of use will attract visitors in more manageable numbers, and the capacity on-street in either direction of the parade will be able to accommodate more modest levels of additional on-street parking.

Transportation support the proposal subject to (i) a condition restricting the number of visitors at any one time to 50; (ii) securing the implementation of the Travel Plan and (iii) widening of the rear access gates to a minimum 4.2m. After further consideration a restrictive condition to limit the number of visitors at any one time is not considered to be necessary. Firstly the peak Friday lunchtime prayer has been omitted and transferred to a site on The Mall, Preston Hill, reducing the likelihood of this problematic use from re-occurring. The range of other uses proposed are more low key, and unlikely to attract visitors in unacceptably large numbers. Finally the size of the unit will also act as a passive control in limiting the number of visitors that can be accommodated.

Visual impact – shopfront appearance

It has been observed that the centre was operating with solid roller steel shutters down at all times, presenting a rather drab, uninviting appearance, which is to the detriment of this local centre. This approach fails to provide an active frontage, which is seen to be an important factor in contributing to the vitality and viability of a local centre.

This application provides an opportunity to secure improvements, and the applicants agree to make improvements to the shopfront in terms of introducing a form of window display and removing the existing solid shutters. They agree in principle to the imposing of a condition to secure this. A planning condition is accordingly recommended requiring the submission of these details within 1 month of the date of permission. With the imposition of this condition works to improve the shop fronts overall appearance in order to provide a degree of visual interest will be secured, and this will overcome the second reason for refusal that was originally recommended on 12/1667.

Overcrowding & safety of users

Though not strictly a material planning consideration of the observations that visitors to Friday prayer in the past exceeding 100 persons has lead Officer's to seek advice on the capacity of the building.

The Building Regulations 2000, Fire Safety, approved document B, Volume 2 – building other than dwellinghouses provides information on safe levels of occupancy.

Safe levels of occupancy are calculated by dividing the area of the room by a floor space factor, and for a meeting room (which is considered to reflect a place of worship/community centre) that factor is 1 sqm per person. Based on this the safe level of occupancy for the unit would appear to be 64 persons. The levels observed using the Centre for Friday lunchtime prayer significantly exceed these maximum occupancy levels, and such overcrowding presents a health & safety risk. Now with the removal of Friday lunchtime prayer, and with the projected visitor numbers throughout the week it is expected that visitor numbers will be at safe

levels.

Summary

Officers previous concerns regarding the scale and intensity of the use have been addressed by the changes that the applicants have made to their use of the premises, most notably the omission of Friday lunchtime prayer. Officers consider that the provided that it continues to be operated in this modified way the use of 128 Windermere Avenue as a cultural and community centre with an element of religious worship should not significantly affect residential amenity or local highway conditions. Whilst a use of this nature is rarely going to be impact free, with the omission of Friday lunchtime prayer the proposed level and intensity of use throughout the rest of the week appears acceptable in this local centre.

Officer's are recommending that permission be granted first for a temporary period of 1 year. This will allow the use of the centre once fully operational to be monitored in order to see if any unacceptable negative impacts related to traffic, parking or residential amenity become apparent. At the end of this temporary period the position can be reviewed as to whether or not the premises remains an appropriate location for the use.

This use will help meet the cultural needs of residents of Brent and subject to conditions set out in this report the proposed use of the premises as an Islamic Cultural and Education Community Centre, including an element of religious worship can be supported.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

National Planning Policy Framework 2012
LDF-Core Strategy 2010
Brent Unitary Development Plan 2004

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

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

LMCRC/PLAN/01
LMCRC/PLAN/02
Design & Access Statement
tps Travel Plan (Dec 2011)

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

(2) This permission shall be for a limited period of 1 year only from the date of permission (unless a further application has been submitted to and approved in writing by the Local Planning Authority) and:-

(a) the use hereby approved shall be discontinued.

Reason;

To enable the Local Planning Authority to review the position in the light of the potential impact

of this use.

- (3) Within 1 month of the date of permission further details of shopfront improvements shall be submitted to and approved in writing, such details shall include for (but not be limited to) the removal of the existing solid security grills and the installation of a shop front window display. The details approved shall be fully installed within 3 months of agreement and maintained at all times thereafter.

Reason: In order to preserve the character of the shopping area.

- (4) No peak Friday lunchtime prayer is permitted (between 12.00pm and 2.00pm), and the only prayer that shall take place at the premises shall be fully in accordance with the specified times as set out in the revised Design & Access Statement.

Reason; To minimise the impacts of the use on the surrounding area.

- (5) Activities within the premises shall only be permitted between 0700 - 2100 hours Mondays to Sundays, with the premises cleared within 30 minutes after these times.

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

- (6) No music, public address system or any other amplified sound shall be installed on the site which is audible at any boundary outside the curtilage of the premises.

Reason: To safeguard the amenities of the adjoining occupiers.

- (7) Within 1 month of the date of permission all existing redundant signage shall be removed from the premises.

Reason; In the interests of the visual amenities of the area.

- (8) Unless otherwise agreed in writing by the Local Planning Authority, no acts of worship or prayer or any other uses associated with the centre shall take place outside the building.

Reason: To protect the amenities of neighbouring occupiers.

- (9) Cycle parking shall be provided fully in accordance with the details set out on drawing LMCRC/PLAN/01 and available for use prior to the commencement of the use hereby approved.

Reason; To ensure satisfactory provision on site for cyclists.

- (10) Notwithstanding the plans hereby approved the rear vehicle access gates shall be installed with a minimum opening width of 4.2m, and maintained as such thereafter.

Reason; To ensure satisfactory vehicle access.

- (11) Upon commencement of the use hereby approved the applicants will comply strictly with measures endorsed in the Travel Plan (dated Dec 2011), unless otherwise agreed in writing by the Local Planning Authority. Such measures shall include but not be limited to;

(i) The appointment of a dedicated Travel Plan co-ordinator

Thereafter the Travel Plan shall be reviewed after a period of 12 months, and if a subsequent permission is granted to renew the permission beyond the initial 12 month temporary period thereafter be monitored and reviewed on a biennial basis one, three and five years after with a view to developing the Travel Plan. Such reviews shall include (but not be limited to) up to date travel surveys, review of targets for minimising car use and monitoring of those targets and associated measures to meet those targets

Reason: In order to promote sustainable transport measures and reduce on-street parking impact.

- (12) Within 1 month of the date of permission further details showing 2 appropriately laid out disabled parking spaces to the rear shall be submitted and approved in writing, and subsequently made available within 1 month of any agreement in writing. Thereafter the rear yard shall not be used for any purposes other than for its intended use as parking.

Reason; To ensure suitable disabled parking provision on site.

- (13) Within 1 month of the date of permission further details of the internal floor layout shall be submitted to and approved in writing, such details shall demonstrate how the multi-purpose use of the centre can be accommodated within the building envelope. Thereafter the use shall be carried out in accordance with these approved details.

- (14) Within 1 month of the date of permission further details of replacement fencing around the perimeter of the rear of the site shall be submitted to and approved in writing by the Local Planning Authority, and the approved works completed within 2 months thereafter.


Reason; In the interests of visual amenity.

INFORMATIVES:

- (1) The applicant is requested to inform patrons of the need for quietness when leaving the premises late at night. Should a nuisance arise action may become necessary under Section 58 of the Control of Pollution Act 1974.
- (2) Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any
- (a) illuminated fascia signs
 - (b) projecting box signs
 - (c) advertising signs
 - (d) hoardings

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

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	<p style="text-align: center;">Planning Committee 17 June 2013</p> <p style="text-align: center;">Report from the Director of Regeneration & Growth</p>
<p style="text-align: right;">Wards affected: All</p>	
<p>Appeals Decision Monitoring: 2012/2013</p>	

1.0 Summary

1.1 This report follows the previous review titled 'Appeals Decision Monitoring: 1 January 2012 – 31 December 2012' presented to Members on 13 February 2013; the report detailed the proposed structure for a more comprehensive review of appeal decisions. The additional analysis involves categorising reasons for refusal and recording whether the individual reasons were supported by the Planning Inspectorate. The purpose of this analysis is to provide the following outcomes:

- To help evaluate how saved Unitary Development Plan (UDP) policies and Council's supplementary guidance (SPGs and SPDs) are currently being used in determining planning applications and ensure that the Council's new development plan documents (DPDs) being developed through the Local Development Framework (LDF) process are usable, effective in terms of development management and can be successfully defended at Appeal;
- To identify areas where Appeal Statements and/or Officer Reports can be strengthened to further justify reasons for refusal;
- To consider whether a revised approach should be taken when assessing applications if it is identified that the Planning Inspectorate consistently allows appeals on a particular ground.

1.2 Over time, as more data is collated, it is anticipated that the value of the results produced by this more detailed review of appeal decisions will increase. The more detailed analysis carried out to date relates only to planning appeal decisions however it is the intention to extend this work to include enforcement appeal decisions.

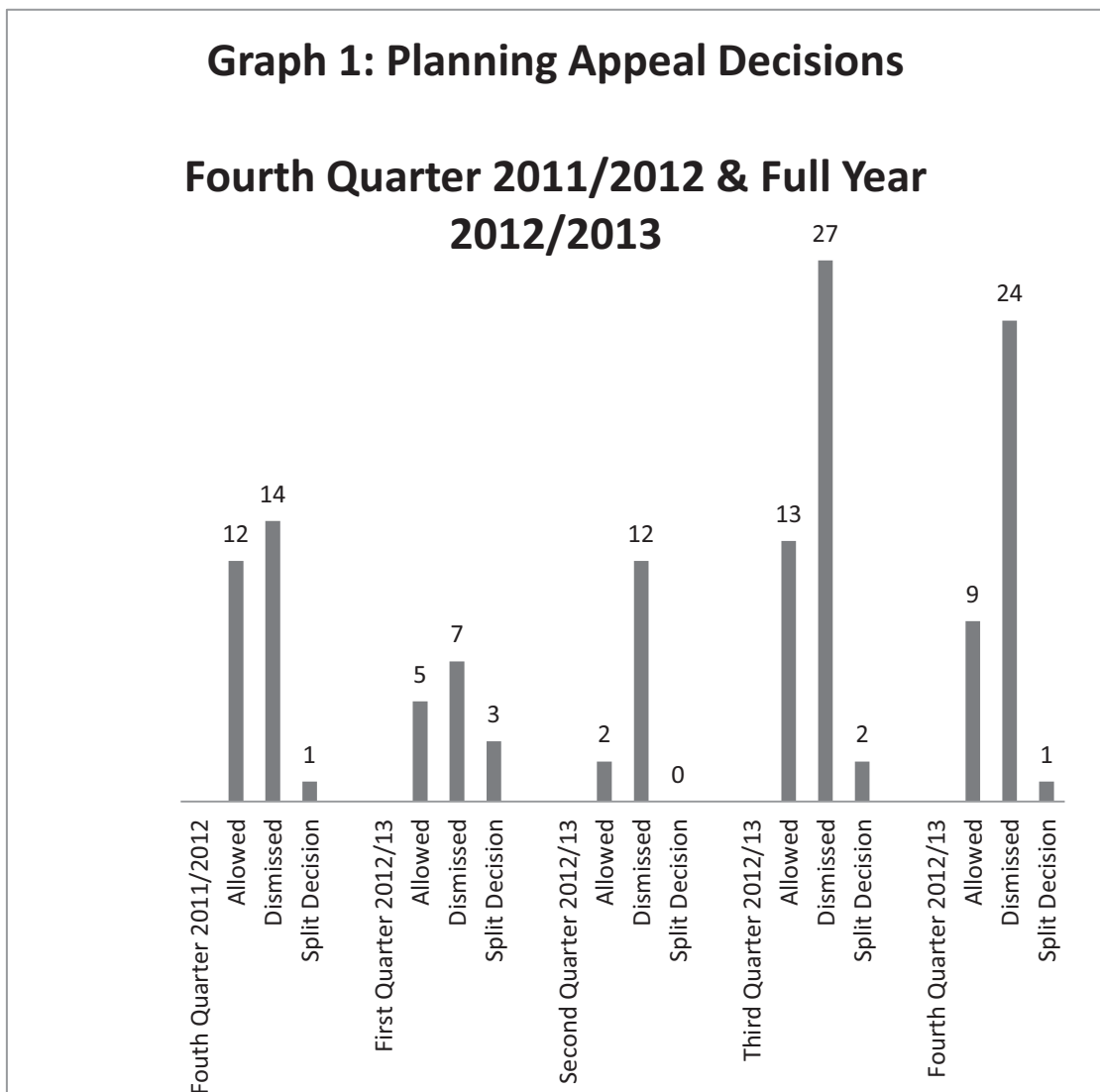
2.0 Recommendations

2.1 This report is a summary of appeals monitoring being undertaken and is for information only.

3.0 Background Information

General Overview of Planning Appeal Decisions in Fourth Quarter 2011/2012 & Full Year 2012/2013

- 3.1 Between 1 April 2012 and 31 March 2013 (full year 2012/2013), the Council determined a total of 3583 planning applications; of these applications, 83% were granted and 17% were refused. In the fourth quarter 2011/2012, a total of 776 planning applications; of these applications, 69% were granted and 31% were refused.
- 3.2 The graph below (Graph 1: Planning Appeal Decisions) shows the proportion of planning appeals which were 'Allowed', 'Dismissed' or where a 'Split Decision' has been issued. It should be noted that whilst the Planning Inspectorate has the authority to issue a 'Split Decision' (where part of the proposal is part allowed and part is dismissed) the Council is not able to issue this type of decision. In these cases, whilst the Council may have found part of the scheme acceptable, the entire proposal is refused.



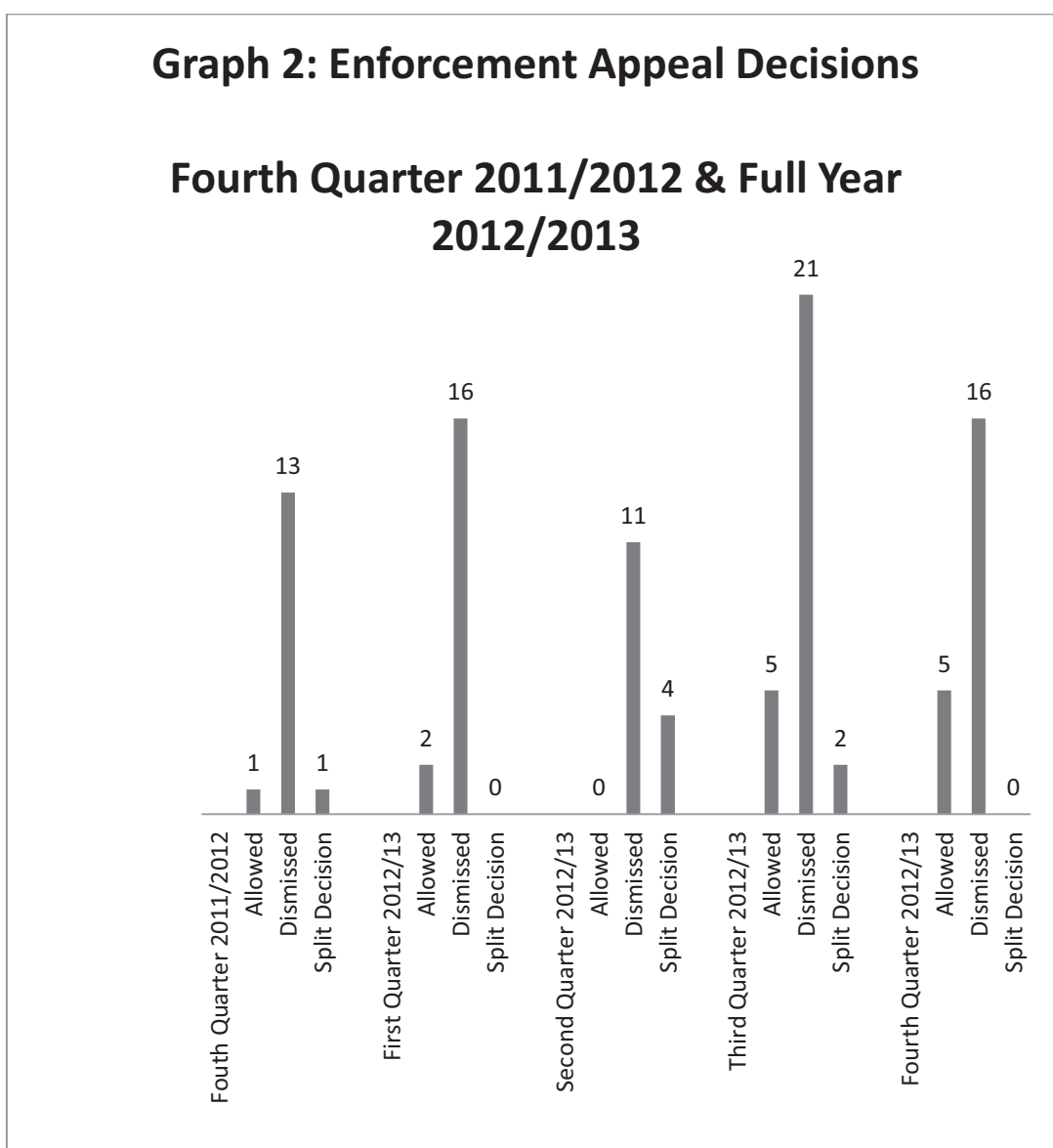
- 3.3 The information shows that the Council was successful in defending the significant majority of appeals across the period of analysis. In addition, the performance has improved over the two

most recent quarters with 64% of appeals dismissed in the third quarter of 2012/2013 and 71% dismissed in the fourth quarter of 2012/2013.

- 3.4 The overall number of appeal decisions in each quarter is likely to follow the general fluctuation in applications submitted throughout the year. As an example, 776 applications were determined in the fourth quarter of 2011/2012 (107 refused) compared to 903 applications determined in the first quarter 2012/2013 (129 refused). Given the timeframe for appeals, it should be noted that the Council's decision may fall in the preceding quarter to the Planning Inspectorate's decision.

General Overview of Enforcement Appeal Decisions in Fourth Quarter 2011/2012 & Full Year 2012/2013

- 3.5 Between 1 April 2012 and 31 March 2013 (full year 2012/2013), the Council issued 164 enforcement notices and 77 in the fourth quarter 2011/2012.



- 3.6 The graph above shows that the Council was successful in defending the majority of enforcement appeals across the period of analysis.

4.0 Further Analysis of Planning Appeal Decisions (Fourth Quarter 2011/2012 & Full Year 2012/2013)

4.1 Further analysis undertaken involves an assessment of reasons for refusal cited in the decision issued by the Council and recording whether the reasons are:

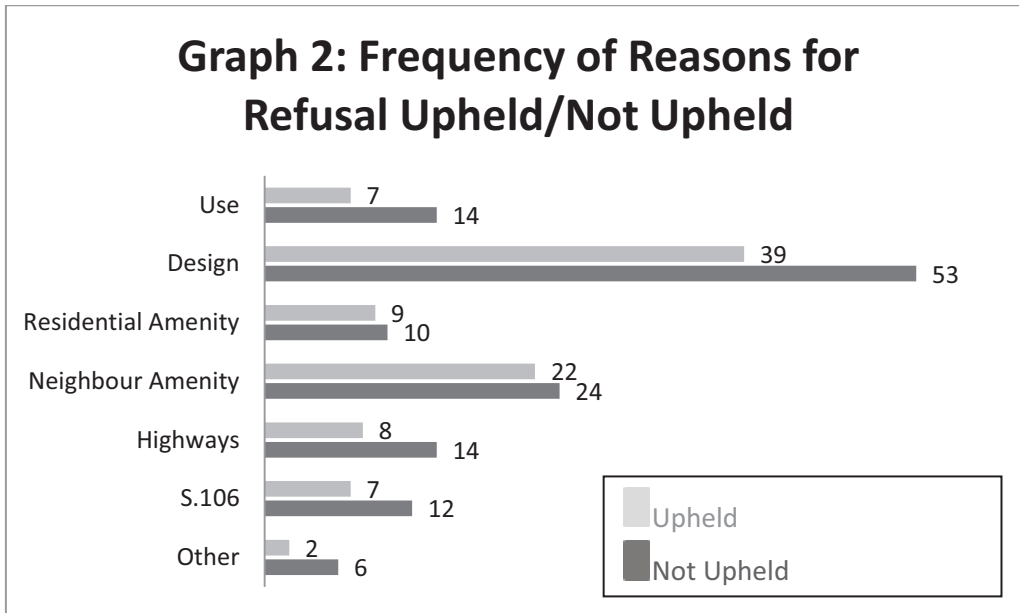
- 'Upheld' the Planning Inspectorate did not agree with the Council's decision
- 'Not Upheld' the Planning Inspectorate agreed with the Council's decision

4.2 It should be noted that in some cases, whilst the Planning Inspectorate has dismissed the appeal, not all reasons for refusal cited by the Council have been supported by the Planning Inspectorate. The reasons for refusal have been categorised as set out in the table below (Table 1: Categorisation of Reasons for Refusal)

Table 1: Categorising Reasons for Refusal

Use:	principle of use proposed i.e. whether the change of use in a Primary Shopping Area complies with our policy to protect A1 retail shopping frontages.
Design:	consideration of the height, bulk, use of materials etc. and the appropriateness in the local context.
Residential Amenity:	quality of accommodation provided for future occupiers including provision of external amenity space, internal space standards.
Neighbour Amenity:	reasons which have cited an impact on neighbouring occupiers. This may include noise nuisance, loss of light etc. from building works and other amenity impacts on neighbouring occupiers.
Highways:	includes parking, access and highway safety.
Section 106:	included in all cases where an obligation would be required; this generally is to accord with the Councils SPD: Planning Obligations.
Other:	includes reasons that don't fall into the above categories.

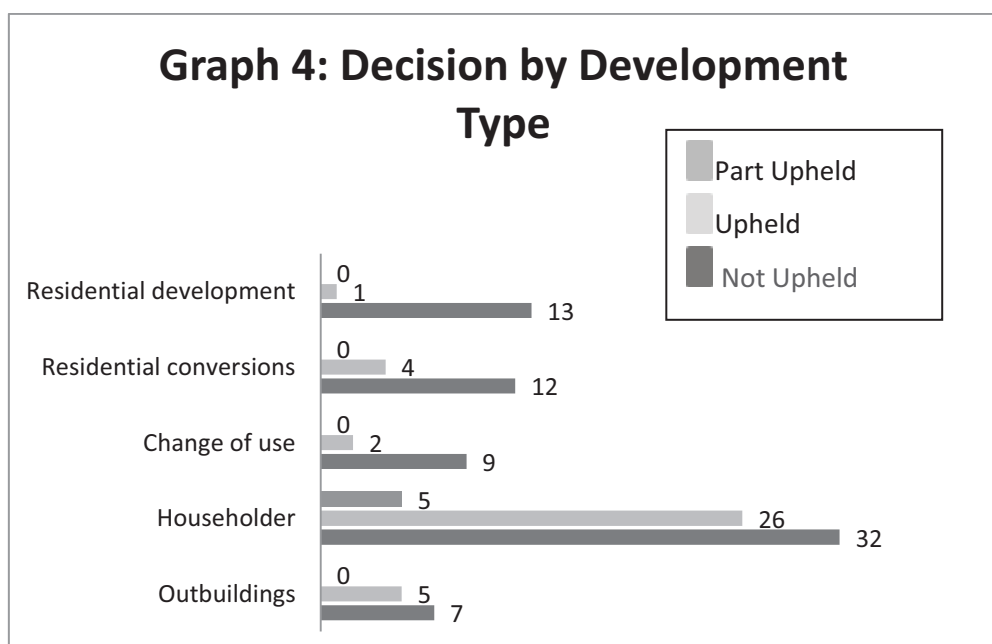
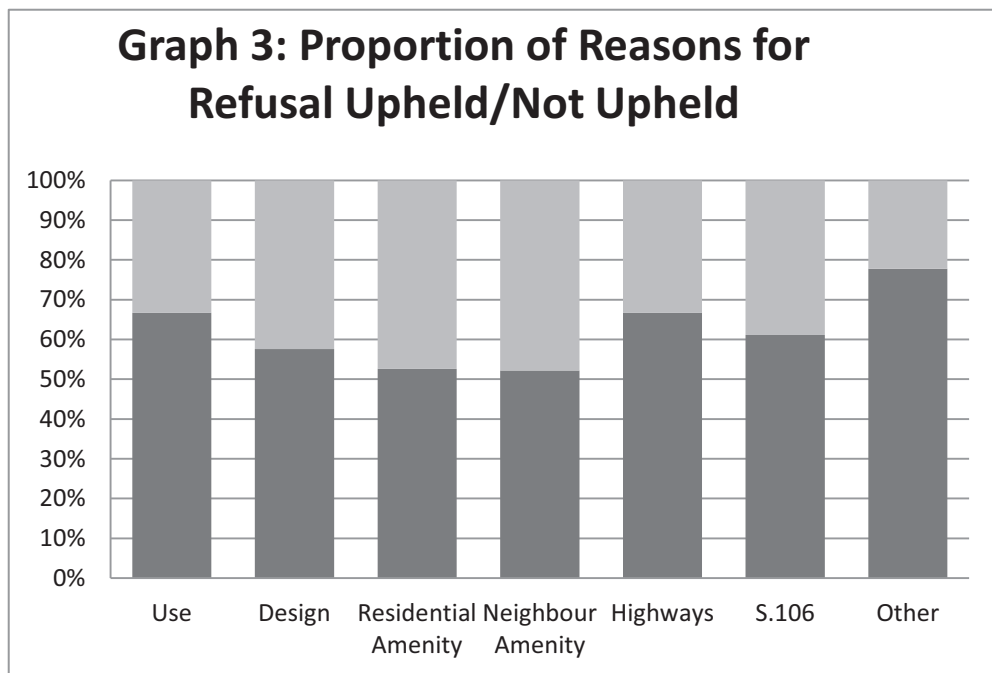
4.3 The frequency that each category of reason for refusal is cited is shown in Graph 2: Frequency Reasons for Refusal Upheld/Not Upheld; this provides an indication of how successful the Council has been in defending each category of reason for refusal at appeal.



4.4 The following key issues/patterns are identified:

- The Council’s decision to refuse an application on ‘Use’ was ‘Not Upheld’ by the Planning Inspectorate in 67% of cases (Graph 3: Proportion of Reasons for Refusal Upheld/Not Upheld). Many of these applications relate to proposals where there was a clear policy direction to refuse the application. For example, the application was for a non A1 use in a Primary Shopping Frontage.
- A ‘Design’ reason for refusal was ‘Not Upheld’ by the Planning Inspectorate in 53 cases and ‘Upheld’ in 39 cases (‘Not Upheld’ in 58% of cases). Given that ‘Design’ reasons are most frequently cited as a reason for refusal than the other categories, it is recommended that further analysis is carried out to help inform the development of new guidance and when producing DPDs.
- ‘Residential Amenity’ relates to the quality of accommodation being provided in a proposed development. Whilst it is noted that the Council has been successful in defending this reason in 53% of cases, it is anticipated that the new Mayor’s Housing Design Guide will provide additional support when refusing an application on these grounds.
- The data indicates that when refusing an application on the grounds of the impact on ‘Neighbouring Amenity’, the Council was successful in defending this reason in 52% of cases. A similar result was highlighted in the previous report and further work has identified that in some cases, in particular for side infill extensions to terraced properties, different views have been taken by the Planning Inspectorate when assessing residential amenity. Updated guidance will provide greater clarity on these points in addition to a review of the ‘Officer Report’ to provide further justification/explanation if refusing a proposal on these grounds.

- 'Highways' reasons cover a range of issues. The Council was successful in defending highways reasons for refusal in 64% of cases. In two cases where residential conversion schemes were refused due to the lack of capacity of on-street parking, the appellant provided more recent data which the Planning Inspectorate considered to hold sufficient weight to overcome the Council's concerns. This highlights the importance of keeping information/surveys up to date to support decisions.
- The reasons relating to 'Section 106' will become less frequently used with the introduction of the Council's Community Infrastructure Levy on 1 July 2013. It is suggested that this should be reviewed post introduction of CIL to identify if any new patterns are identified.



4.5 The general trends identified from the above analysis leads onto a need for more detailed work, including a further review of individual appeal decisions, to establish whether Appeal Statements and/or Officer Reports can be strengthened, policies should be reviewed and/or a revised approach should be taken when assessing applications.

4.6 In terms of where to focus further work, the information on the different types of appeal identifies that 'householder' applications and 'outbuildings' are those where there is the most variation are require further analysis. However, it should be noted that there is not one category of development where the Planning Inspectorate more allows a greater proportion of the appeals.

5.0 Conclusions

5.1 Following the previous report presented to Members, the additional data further supports the need to carry out further work in particular on outbuildings and householder extensions. An important part of the work on outbuildings will be incorporating analysis on Planning Enforcement appeal decisions. It will also be important that this work is extended to include the recent changes to permitted development rights which give the Council authority to refuse 'prior approval' for a residential extension on amenity grounds if there is an objection form a neighbouring property.

6.0 Legal Implications

6.1 In it anticipated that this work will help the Council when defending reasons for refusal at appeal.

7.0 Diversity Implications

7.1 It is not the intention to prevent development but to ensure that the works are appropriate in the local context.

8.0 Staffing/Accommodation Implications

8.1 This work may result in a reduction in planning appeals in the future which will reduce officer workload.

9.0 Environmental Implications

9.1 The aim of these documents is to ensure development is in compliance with the Councils adopted policy.

10.0 Background

10.1 Sourced from Brent's IT system - Acolaid

Contact Officers

Rachel McConnell, North Team Area Manager, Planning & Development 020 8937 5223

Andy Donald, Director of Regeneration & Growth

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Agenda Item 10

PLANNING & ENFORCEMENT APPEALS

DATE / YEAR May 2013

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

SPECIAL ITEMS

Appeals Decision Monitoring 2012/13	5/01
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Received ENFORCEMENT Appeals between 1-May-2013 and 31-May-2013

Planning Committee: 19 June, 2013

Application Number: E/09/0142 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 10/05/2013

Location: 6 The Paddocks, Wembley, HA9 9HE

Description:

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

("the unauthorised development")

Application Number: E/09/0792 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 14/05/2013

Location: 69 Salusbury Road, London, NW6 6NJ

Description:

The erection of a rear timber and plastic canopy and infill extension to the premises.

("The unauthorised development")

Application Number: E/10/0423 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 24/05/2013

Location: 2A Shaftesbury Avenue, Harrow, HA3 0QX

Description:

Without planning permission, the installation of hard surface and the erection of gates and fences to the front of the premises.

("the unauthorised development")

Application Number: E/10/0441 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 22/05/2013

Location: 44 Lancelot Crescent, Wembley, HA0 2AY

Description:

The erection of a building in rear garden of the premises.

("The unauthorised development")

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

Planning Committee: 19 June, 2013

Application Number: E/12/0057 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 10/05/2013

Location: Rear of 120B Brondesbury Park, Brondesbury, London, NW2 5JR (Also known

Description: as 2C Staverton Road, NW2 5HL)

Without planning permission, the erection of a dwelling in the rear garden of 120B Brondesbury Park with access on to Staverton Road

("The unauthorised development")

AND

The breach of Condition 1 of Inspector's decision dated 17/05/2007 (appeal reference APP/T5150/C/06/2022440), which required the demolition of the outbuilding extension in the rear garden of the premises within three months of the date of failure to submit a scheme for external rendering of the flank walls of the building and for planting on the boundary with 118 Brondesbury Park ("the scheme") within 3 months of the date of the appeal decision.

There is no record of the scheme being submitted to the Council. Even if the scheme was submitted to the Council, no appeal to the Secretary of State for non determination was made as required by condition 1, part ii.

("The unauthorised breach of condition")

Application Number: E/12/0321 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 03/05/2013

Location: 1 Mentmore Close, Harrow, HA3 0EA

Description:

Without planning permission, the partial removal of a front boundary wall and formation of hard surface to the front garden and the installation of replacement of uPVC windows to the front elevation of the premises.

("The unauthorised development")

Application Number: E/12/0655 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 13/05/2013

Location: 5 Queens Walk, London, NW9 8ES

Description:

Without planning permission, the construction of a dwelling.

("The unauthorised development")

Application Number: E/12/0791 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 17/05/2013

Location: 14 Lavender Avenue, London, NW9 8HD

Description:

Without planning permission, the unauthorised erection of a building used as residential accommodation.

("The unauthorised development")

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

Planning Committee: 19 June, 2013

Application Number: E/12/0814 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 16/05/2013

Location: 2 Melbury Road, Harrow, HA3 9RA

Description:

The change of use of the premises from the single dwellinghouse into two residential units of accommodation.

("The unauthorised change of use")

Application Number: E/13/0204 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 24/05/2013

Location: 271 Kenton Road, Harrow, HA3 0HQ

Description:

The erection of a building to rear garden of the premises used for residential purposes.

("The unauthorised development")

Application Number: E/13/0217 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 09/05/2013

Location: 4 Danethorpe Road, Wembley, HA0 4RQ

Description:

1. The erection of a building in the rear garden and its use for residential purposes;
2. The change of use of the premises from a dwelling house to use as seven units of residential accommodation (which six in main house and one in rear garden);
3. The erection of a hip to gable roof extension and a rear dormer extension

("The unauthorised development and change of use")

Application Number: E/13/0222 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 24/05/2013

Location: 90 Harrow Road, Wembley, HA9 6PL

Description:

The erection of a dwelling in rear garden of the premises

("The unauthorised development")

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

Planning Committee: 19-Jun-2013

Application Number: 12/0411 **PINSRefNo** A/12/2180124/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 30/05/2013

Location: 3 Manor Parade, Station Road, London, NW10 8TR

Proposal:

Retrospective application for use of ground floor to hot food take-away (Use Class A5)

Application Number: 12/1239 **PINSRefNo** X/12/2186321 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 23/05/2013

Location: 201 Wembley Hill Road, Wembley, HA9 8EL

Proposal:

Certificate of lawfulness for proposed hip to gable end roof extension, rear dormer window and two front rooflights to dwellinghouse

Application Number: 12/1631 **PINSRefNo** A/12/2187548 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 10/05/2013

Location: 319 & 319A Harrow Road, Wembley, HA9

Proposal:

Proposed installation of new shop front including internal and external alterations to remove the front access (to Harrow Road) for the upper floor flat and installation of roller-shutters, erection of single storey rear extension, erection of new external stairs from rear of site to upper floor flat and associated screening wall at first floor level, alterations to and replacement of part of external flue to rear, erection of front and rear rooflight and rear dormer window associated with loft conversion for upper floor flat

Application Number: 12/2787 **PINSRefNo** D/13/2194635 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 07/05/2013

Location: 5 Eychurst Close, London, NW2 7HP

Proposal:

Erection of single storey rear extension and installation of disabled access to front of dwellinghouse

Application Number: 13/0251 **PINSRefNo** D/13/2194935 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 07/05/2013

Location: 94 Ravenscroft Avenue, Wembley, HA9 9TG

Proposal:

Single storey rear extension to dwellinghouse

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Decisions on ENFORCEMENT Appeals between 1-May-2013 and 31-May-2013
 Planning Committee: 19 June, 2013

Application Number: E/08/0464 **PINSRefNo** C/12/2178431 **Team:** Southern Team

Appeal Decision: Appeal Allowed

Appeal Decision Date: 23/05/2013

Location: 31A-C Dyne Road, London, NW6 7XG

Proposal:

Without planning permission, the formation of a hard surface and the erection of a boundary wall to side of front garden at the premises.

("The unauthorised development")

Application Number: E/11/0315 **PINSRefNo** C/12/2189936&C/12/2189937&C/12/2189938 **Team:** Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 30/05/2013

Location: Flats 1-7, Catherine House, 616 High Road, Wembley, HA0 2ED

Proposal:

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

("The unauthorised change of use")

Application Number: E/11/0566 **PINSRefNo** C/12/2173850

Team: Southern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 08/05/2013

Location: Flats 1-5, 76 Donnington Road, London, NW10 3QU

Proposal:

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/11/0759 **PINSRefNo** C/12/2178850

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 14/05/2013

Location: 2 Dalmeny Close, Wembley, HA0 2EU

Proposal:

Without planning permission, the erection of a first floor rear in-fill flat roof extension to dwellinghouse.

("The unauthorised development")

Application Number: E/11/0760 **PINSRefNo** C/12/2178846

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 14/05/2013

Location: 4 Dalmeny Close, Wembley, HA0 2EU

Proposal:

Without planning permission, the erection of a first floor rear in-fill flat roof extension and single storey rear extension to premises ("The unauthorised development") and the change of use of premises into two self-contained units of accommodation ("The unauthorised change of use").

Decisions on ENFORCEMENT Appeals between 1-May-2013 and 31-May-2013
Planning Committee: 19 June, 2013

Application Number: E/12/0235 **PINSRefNo** C/12/2189969

Team: Northern Team

Appeal Decision: Appeal withdrawn

Appeal Decision Date: 24/05/2013

Location: 42 Sherrick Green Road, London, NW10 1LD

Proposal:

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

("the unauthorised change of use")

AND

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

("the unauthorised development")

AND

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

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

Application Number: E/12/0354 **PINSRefNo** C/12/2183769

Team: Southern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 07/05/2013

Location: 41A & B, Keslake Road, London, NW6

Proposal:

Without planning permission, the installation of new uPVC windows to the ground and first floors of the front and side elevations of the premises.

("The unauthorised development")

Application Number: E/12/0472 **PINSRefNo** C/13/2191527

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 29/05/2013

Location: 54 and 54 (A-G) Randall Avenue, London, NW2 7ST

Proposal:

Without planning permission, the change of use of the premises into 7 studio flats

("the unauthorised change of use")

Application Number: E/12/0523 **PINSRefNo** C/13/2194217

Team: Western Team

Appeal Decision: Appeal withdrawn

Appeal Decision Date: 08/05/2013

Location: 28 Pitfield Way, London, NW10 0PP

Proposal:

The erection of a building in the rear garden of the premises.

("The unauthorised development")

**ENFORCEMENT SELECTED appeal DECISIONS between
1-May-2013 and 31-May-2013**

Planning Committee: 19 June, 2013

Introduction

In order to keep Members fully informed of Enforcement Appeal decisions, copies of Inspector's decision letters concerning those cases where Enforcement action has been initiated and the appeal has been allowed or part allowed, are attached to the agenda. These include the following:

Our reference: E/08/0464	Appeal Decision Date: 23/05/2013
Team: Southern Team	Appeal Decision: Appeal Allowed

Location: 31A-C Dyne Road, London, NW6 7XG

Proposal:

Without planning permission, the formation of a hard surface and the erection of a boundary wall to side of front garden at the premises.

Background Information

Any persons wishing to inspect appeal decision letters not set out in full on the agenda should contact the Planning Service Technical Support Team, The Planning Service, Brent House, 349 High Road, Wembley, HA9 6BZ.

Chris Walker, Assistant Director - Planning and Development

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Appeal Decision

Site visit made on 14 May 2013

by Sara Morgan LLB (Hons) MA Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 May 2013

Appeal Ref: APP/T5150/C/12/2178431
31A-C Dyne Road, London NW6 7XG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr William Street against an enforcement notice issued by the Council of the London Borough of Brent.
 - The Council's reference is E/08/0464.
 - The notice was issued on 14 May 2012.
 - The breach of planning control as alleged in the notice is without planning permission, the formation of a hard surface and the erection of a boundary wall to side of front garden at the premises.
 - The requirements of the notice are:
 - STEP 1 Remove the unauthorised hard surface from the front garden area of the premises, dig/rip the land to a depth of 300 mm and remove all arisings to ensure that the surface material comprises only topsoil.
 - STEP 2 Turf over the land.
 - STEP 3 Replace any turf which is dead or dying within five years after this notice takes effect.
 - STEP 4 demolish the wall on the boundary with 33 Dyne Road to the front of the existing premises, and build a boundary wall across the entire front boundary using salvaged bricks to a height which is commensurate with original boundary walls in the street.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(d) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The enforcement notice is quashed.

Preliminary

2. On 7 May 2013 a letter was sent to the appellant and the Council inviting comments on whether the requirements set out in the enforcement notice exceeded what was necessary to remedy the breach of planning control set out in the notice. No comments were received from either party within the timescale set out in that letter.

The requirements of the notice

3. The appellant has not appealed on ground (f) (that the requirements of the notice are excessive). However, an enforcement notice once upheld forms the basis of criminal liability. It is therefore important that the requirements in notices fall within the powers provided in the 1990 Act.

4. Section 173(3) and (4) of the Town and Country Planning Act 1990 require an enforcement notice to specify the steps required to be taken in order to either (a) remedy the breach alleged in the notice by restoring the land to its condition before the breach took place; or (b) remedy any injury to amenity which has been caused by the breach. However, there is no statutory power to require the appellant to undertake works which would result in an improvement to the previous condition of the land before the breach took place.
5. The Council's statement says that it received complaints in June 2008 alleging "ongoing works to remove existing concrete hardstanding and install replacement tarmac in the front garden of the site". This indicates that the condition of the land before the breach of planning control alleged in the enforcement notice took place did not comprise an area of turf, but of some sort of hardstanding. Consequently the requirement in Step 1 of the notice, to dig/rip the land to a depth of 300 mm and remove all arisings, to ensure that the surface material comprises only topsoil, and the requirements in Steps 2 and 3, to turf over the land and to replace any turf which is dead or dying within five years, go beyond what would be required to restore the land to its condition before the breach took place, and would constitute an improvement to the land. Thus they exceed what is permitted by section 173.
6. Furthermore, Step 4 requires the building of a boundary wall "across the entire front boundary"; it is unclear whether this means the boundary between No 31 and No 33 or the boundary between the property and the back of the footway, or both. Whichever its meaning, it exceeds any requirement to remedy the breach as stated in the notice, because the breach of planning control described in the notice refers only to the *erection* of a boundary wall to the side of the front garden, and does not allege that a wall has been demolished.
7. For these reasons, the requirements in the notice exceed the statutory powers contained in section 173, and the notice is therefore invalid.
8. I have the power, under section 176(1) of the 1990 Act, to correct any defect in the enforcement notice if I am satisfied that the correction or variation will not cause any injustice to the appellant or the Council. If I corrected the requirements to require the land to be restored to its condition before the breach of planning control took place, it is not clear from the representations that the outcome would be what the Council intended when it issued the enforcement notice. Consequently, injustice could be caused to the Council.
9. For the reasons given above I conclude that the requirements of the enforcement notice do not accord with section 173 of the 1990 Act. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed. In these circumstances the appeal under ground (d) as set out in section 174(2) of the 1990 Act as amended does not fall to be considered.

Sara Morgan

INSPECTOR

Agenda Item 12

Agenda Item 03

Supplementary Information

Planning Committee on 19 June, 2013

Case No.

13/0794

Location	10 Rushout Avenue, Harrow, HA3 0AR
Description	Demolition of detached garage and erection of a detached four storey, four bedroom dwellinghouse including basement level, relocation of the vehicular crossover, formation of 1 off street parking space and associated landscaping in accordance with revised plans received 05/06/2013

Agenda Page Number(s): 15 to 26

Further representations have been received from the Council's Transportation Department who advise the existing crossover should be retained; this will allow for the retention of the street tree and trees to the south eastern boundary of the site.

It is therefore recommended that Condition 6 (re-instatement of a redundant crossover), Condition 9 (landscaping) and Condition 12 (cycle parking) are deleted and replaced with one revised, comprehensive condition as follows:

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

- (a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained, in particular the tree in the south-east corner of the site adjacent to the boundary with No. 12 Rushout Avenue;*
- (b) proposed means of enclosure (e.g. walls, fences) indicating materials and heights to include the boundary of No. 10 Rushout Avenue;*
- (c) screen planting along the west, east and south boundary to include the boundary with the garden of No. 10 Rushout Avenue;*
- (d) areas of hard landscape works including permeable paving and proposed materials including samples where necessary;*
- (e) details of the proposed arrangements for the maintenance of the landscape works;*
- (f) details of the proposed rear shed to accommodate the two cycle spaces, including materials, plans and elevations;*
- (g) the retention of the existing crossover to be maintained to the north of the site boundary with the existing street tree to be retained.*

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.

Recommendation: Remains approval subject to revised conditions and the satisfactory completion of a S106 legal agreement.

Agenda Item 04

Supplementary Information**Planning Committee on 19 June, 2013****Case No.**

13/1055

Location 117 Preston Hill, Harrow, HA3 9SN
 Description Demolition of detached garage and erection of a detached bungalow with one street parking space, and construction of new vehicular access and provision of 2 car parking spaces for No. 117 Preston Hill (revised description)

Agenda Page Number: 27**Members Site Visit**

Following on from the site visit members have sought clarification on the following:

What is happening to the lamppost on the frontage adjacent to the existing garage?

This lamppost will be retained and will not be affected by this application. The lamppost is located next to the existing crossover that serves the garage for No. 117 Preston Hill. This crossover will be retained and used by the bungalow to accommodate one off street parking space.

Is the tree in the frontage of No. 117 Preston Hill being retained?

Full details of landscaping within the frontage of both the main house at No. 117 Preston Hill and the new bungalow are recommended to be conditioned as part of any forthcoming planning consent. The tree that is located within the frontage of No. 117 Preston Hill is a considerable distance away from the proposed bungalow, and will therefore not need to be removed as a result of the bungalow being constructed within the application site.

What is the status of outbuilding with a large flue located in the neighbouring garden at No. 119 Preston Hill?

There is no large outbuilding within the application site. The outbuilding with the large flue is located within the neighbouring garden at No. 119 Preston Hill. As set out in the *Remarks* section of the Planning Committee report, an enforcement investigation was carried out in relation to the outbuilding and new boiler flue (LPA Ref: E/06/0803) where it was concluded that a breach of planning had not occurred. The enforcement case was closed on 2 September 2009.

Recommendation: Remains Approval subject to the completion of a satisfactory Section 106 Agreement

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Agenda Item 05

Supplementary Information**Planning Committee on 19 June, 2013****Case No.**

13/0891

Location 1A-C, 3 & 5A-D INC, Deerhurst Road & Shree Swaminarayan Temple, 220-222 Willesden Lane, Willesden, London, NW2
 Description The erection of a rear extension to the temple, the demolition of 1, 3, 5 Deerhurst Road and the erection of 14 care home units, 6 elderly and visitor accommodation units, and 14 self contained flats and two storey basement parking area with associated landscaping to the site

Agenda Page Number: 39

Members visited this site on 15 June 2013

Highways .

On Monday 17 June 2013, applicants submitted further information regarding Travel Plans and other Highway matters. This additional information does deal with certain relatively minor points namely:

- Car parking space "127", has now been re-orientated in order to be usable.
- All ramp gradients have now been specified as 1:10, which is also acceptable.

However, Officers consider that key, fundamental issues remain that justify the recommendation for refusal. These are:

- The results of a parking survey dated 16th June 2013 (Sunday after the site visit) revealed the impact of the existing use is very significant in terms of on-street car parking in the residential streets. Any additional development would worsen an already bad situation.
- The applicants have suggested the parking allocation be arranged via condition and have indicated that up to 21 car spaces may be allocated to the various residential, care home and sheltered housing uses. Officers are not of the view the matter can be addressed by condition. The matter of the number of parking spaces is a fundamental issue that requires resolution as part of a full assessment of the development as a whole. A condition cannot be enforced.
- The applicant has failed to relate the Travel Plan to baseline data and continues to refer to "possible targets" being set. This is not an approach that can be accepted.
- Changes between ramped and level sections in the proposed two storey basement remain unclear.

As a result of this additional information, reason for refusal 11 needs to be amended so as to read:

The proposed basement car park, by virtue of the insufficient vertical clearance height within the structure will have a detrimental impact on vehicular access to the facility contrary to Policy TRN22 of the UDP-2004. In the absence of details of gradients for some of the ramps within the car park, the proposed basement also fails to provide safe access for vehicles and pedestrians contrary to Policies TRN10 and TRN14 of the adopted Brent UDP 2004.

During the Members site visit, mention was made of unsafe parking having a detrimental impact on the London Cycle Network (LCN). For Members information the LCN has been superseded by the Cycle Superhighways Scheme (2009-2010). Though none of these run through Brent, a system of "quietways" will link to the Superhighways. Regardless of what the initiative might be called Highway Safety is an issue here and is discussed in the report.

Consultation: .

Two further objectors have been received and raise no new concerns.

Environmental Health Officers have raised concern over matters relating to Contaminated Land, Basement Car Park Ventilation, Sound Insulation and Air Quality. In the event of a resubmission or an appeal, Officers are satisfied these matters could be addressed by way of conditions.

Other Matters

During Members visit mention was made that in dismissing an appeal for a new house at the rear of No.66 Chatsworth Road (house at junction with Deerpark Road), the Secretary of State placed significant value on the character of the area. For clarity, the Inspector stated that:

"The appeal site lies within a well-established residential area that is characterised by substantial detached and semi-detached dwellings with generous mature gardens giving the area an attractive appearance and character. Corner plots with trees contribute to the quality of the area".

Although every case is, of course, determined on its own particular merits, the views of the Inspector do tend to support the Officer assessment in this current application.

Officers are of the view that reasons for refusal 1 and 7 should be combined to read as:

The proposed development, by reason of the design, overall size, siting, bulk, density, height, mass, scale, dominance of buildings across the site, proximity to side/rear boundaries and its prominence on the street would constitute an unacceptable form of development detracting from the character of the locality and relating poorly to surrounding forms of development. The proposal would thus result in a development that is to the detriment of the visual character and appearance of this area. The proposal constitutes an overdevelopment within this constrained plot. As a result, the proposal would be contrary to policies BE2, BE9, H15 and H12 of the adopted Brent Unitary

Development Plan 2004.

The applicant has provided an amended submission showing lifts to the residential scheme. The amendments do not change your Officers recommendation.

Recommendation: Remains Refusal, subject to amendments to reason 11 and the amalgamation of reasons 1 and 7.

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Agenda Item 07

Supplementary Information

Planning Committee on 19 June, 2013

Case No.

13/0471

Location	Land rear of 12-14 St Andrews Avenue, St Andrews Avenue, Wembley
Description	Erection of three two-storey terraced dwelling houses on land at the rear of 12-14 St. Andrews Avenue

Agenda Page Number: 65

Members visited the site on the 15 June 2013 and were met on site by a number of objectors and the agent. The site was viewed from the rear gardens of 12-14 St Andrews Avenue and from Lothian Close.

Consultation

At least one objector claimed that not everyone in Lothian Close had been consulted on the application. 44 consultation letters were sent out to local residents 11.04.2013 including all properties in Lothian Close.

Ownership

Following concerns raised by residents over the ownership of the roadway in Lothian Close members requested clarification on this issue. The applicant has always been aware that Lothian Close is un-adopted highway but appears to have been unaware that not all the highway was owned by Network Housing Association. A land registry check has confirmed that part of the road surface at the end of Lothian Close is owned by the owners of 19 Lothian Close and is in fact the parking space for this property. The proposed 'Grampian' condition is therefore requiring details of all agreements and works required to provide access to the site cannot be complied without as this would result in the displacing of number 19's car parking space. It is not apparent where this parking space could be re-provided within the current proposal.

Notice

It is a requirement prior to making a planning application that the applicant or their representative serve notice on all those with a freehold- or leasehold interest in the land. As the site boundary includes an area of grass at the end of Lothian Close not owned by the applicant they were required to serve notice on the owner of that land (Network Housing Association). Notice has not been served, instead the applicant has signed Certificate D which states that they have been unable to obtain details of the owner and have therefore advertised the proposal in the local press. However Certificate D can only be used where all reasonable steps have been taken to find out the names and addresses of everyone with a freehold interest or leasehold interest with at least 7 years left to run on any part of the land to which this application relates, but has been unable to do so. Since it was possible matter to undertake a land registry check to determine these interests it is not considered reasonable for the applicant to claim that all reasonable steps have been undertaken to establish the identity of the owners. The correct notices have therefore not been served. Furthermore Network Housing Association has contacted the case officer to express concern at the failure to serve notice.

Conclusion

The application should be deferred to allow the correct notices to be served and for the scheme to be redesigned in order to accommodate the re-provision of any existing parking spaces that would be displaced should agreement be reached with the relevant land owners.

Recommendation: Change recommendation from approval to deferral for the reasons set out above.

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Agenda Item 08

Supplementary Information**Planning Committee on 19 June, 2013****Case No.**

13/0166

Location 128 Windermere Avenue, Wembley, HA9 8RB
 Description Change of use of mini cab office (Sui Generis) to Islamic Culture and Education Community Centre (Use Class D1) (**Please note this is a re-submission following withdrawal of previous application Ref: 12/1667**).

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Members visited the site on 15 June 2013. A large number of supporters and objectors were present.

Many issues raised on site are covered in the main report so are not discussed again here.

Additional Issues raised:-

It was expressed by an objector that given officers are only proposing a one year temporary permission the applicant is unlikely to commit to the expenditure required by conditions requiring the replacement of the shop front and security shutters, a new boundary fence to the rear and improvements to the rear service yard.

Response:-

These improvement works are covered through condition 3 (shopfront works), condition 7 (removal of all existing redundant signage), condition 12 (rear service yard) and 14 (replacement boundary fencing). It is not considered that these works would be particularly onerous to comply with. The most significant work would be to the shop front, however this could be just the removal of the existing solid shutters and the installation of a new shopfront display behind the existing shopfront. The applicants have agreed to these conditions. The Council has powers to pursue enforcement action should the use continue without these conditions being complied with.

Additional representations received:-

Since the site visit four additional objections have been received. Three are from addresses on Nathans Road which is on the northern side of the railway with access to Windermere Avenue provided via the pedestrian underpass to the rear of the application site.

Objectors have expressed dissatisfaction that they were not included in the initial consultation exercise.**Response:-**

Widespread consultation was carried on this application, a total of 215 letters were sent to local residents. This consultation did not extend as far as properties on Nathans Road. In any event the closest of these addresses is approximately 370m away from site, sited towards the southern end of Nathans Road. Given this level of separation and the fact that a railway line divides the two sites Officer's do not consider that it was necessary to extend the consultation this far.

The Sudbury Court Residents Association, who represent residents of the Sudbury Court Estate and surrounding roads were consulted on the application and have responded.

What guarantees will be given that, if granted the premises will not be used as a mosque?**Response:-**

The main 'remarks' section of the Committee report sets out the range of uses that would be permitted, in the event of permission being granted. There is to be an element of religious activity, with five short (15-30 minute) prayer sessions each day excluding Friday lunchtime. Projected visitor numbers provided by the applicant indicate a low level of use during these times.

The busier Friday lunchtime prayer session, known as Zohar is excluded as a proposed activity.

The applicants have agreed to a condition (number 4) specifying no Friday lunchtime prayer. Alternative arrangements have been made and Friday prayer is now being carried out at a community centre at May Lane, The Mall. To control that no Friday lunchtime prayer is carried out at the premises in the future a restrictive condition is recommended - *see condition 4*.

Aside from the above the following are also raised in these representations;-

1. The proposed use is inappropriate in this local shopping parade, and will to the detriment of the parade.
2. The use will result in further parking problems and will cause traffic congestion in the local area.
3. The premises will not be used by local people.
4. There is no reason why specific faith groups should have specialist centres such as this where they can get advice on welfare or social issues, when such advice can be gained from Council One-Stop-Shops.

Recommendation: Remains approval

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